Chapter One
Child Labour and Child Rights Issues among Katkaris & Bhils: The Brick Kiln and Sugarcane Cutting Labourers

1.1) **Introduction:**

The social problem of child labour and rights has been researched by Economists, Anthropologists, Social Work experts, legal experts as well as Sociologist world over. The International Labour Organization (ILO) and UNICEF have published few reports on the issue of child labour and child rights.

Sociological studies by Breman Jan & Das Arvind (2000), Breman Jan (1996), Tribhuwan Robin & Patil Jayshree (2008), Shende Sadashive (2011), Tribhuwan Robin & Rgnahild Andreaison(2003) although have conducted research studies on various labourers belonging to informal sector such as the sugarcane cutters, brick kiln workers, hawkers, salt pan workers, stone quarry works etc. very few studies have made reference of the child labour and rights issues. In fact there are hardly any studies on the child labour and child rights issues among the Katkari brick kiln labourers and Bhil sugarcane cutters. The Katkaris who work as labourers at the brick kilns and sugarcane cutters migrate seasonally to their respective places of destination for survival.


The above mentioned studies reviewed by the researcher indicate and are substantially evident to prove that the child labour and rights issues of the Bhil children whose parents work as sugarcane cutters as well the children of Katkari brick kiln labourers have not been researched. After reviewing secondary literature a pilot study was conducted by the researcher to assess the gaps in the existing Sociological research on the target population. Fifty respondents from each tribe were informally interviewed during the pilot study. Besides the parents, children involved in labour were too interviewed, including contractors, Sugar School and Bhonga School teachers and NGO representatives working for the Bhils and Katkaris.

Informal interactions with the brick-kiln Katkari workers and Bhil sugarcane cutters as well as other respondents during the pilot study, supported by review of literature put forth following facts to the notice of the researcher about the labourers of both the informal sectors. These facts are:

1) **Seasonal Migration** – Both, the Katkari brick kiln and Bhil sugarcane cutting labourers are seasonal migrants.

2) **Economic, Food and Debt Crisis** – Both groups are victims of economic, food and debt crisis.

3) **Landless or marginal farmers** – Majority of these families are landless or marginal farmers. Although landlessness has been identified as one of the key push factors that is responsible for pushing both the Katkaris as well as Bhils into brick making and sugarcane cutting labour. It was observed that some Katkaris do own cultivating land, the quality of which is poor. In the case of Bhils it was observed that although 71% of them own land, it was revealed through in depth interviews that the land owned is divided among three to four brothers and hence the agriculture produce shared by three to four families is hardly sufficient for 2 to 3 months. In their study Bhatia Arun and Tribhuwan Robin (2004) conducted in Nandurbar revealed that the food grains produced by the Bhils are hardly enough for 2 to 4 month. This certainly indicates that the meager share of cultivable land, and agriculture produce that is shared by 3 to 4 families is insufficient and hence push the victims to the place of destiny.

4) **Unskilled Labourers** – They are unskilled labourers.
5) **High Illiteracy Rate** – Illiteracy rate among the parents is high and very high among the women in particular.

6) **High rate of unemployment in their place of origin** – There are no jobs in their native place and hence seasonal migration.

7) **Push Factors** – Poverty, bonded labour, landless status, poor housing, unemployment, illiteracy, unskilled labour, food, economic and debt crisis push them to seasonally migrate to brick kilns and sugar cane fields with their children to work as labourers for long hours day in and day out for very less salaries. *Kharchi* (Weekly expenses) and *Uchal* (loan) are two powerful pull factors take them to the sugarcane factories and brick kilns. Brick kiln owners and mukadams are like banks for them. In fact they are like ATM machines for the labourers.

8) **Heavy Work Targets** – Yet another feature observed among the Katkari brick kiln workers and Bhil sugarcane cutters was, the heavy work load targets given them either daily, weekly or monthly forces them to work for long hours, along with their children. For example, one Katkari family is expected to make 1,00,000 bricks a month. The cost of one brick is Rs. 4/- , hence the owner gets Rs. 4,00,000/- per family, per month. However in return they get only Rs. 3000/- to 5,000/- per month as kharchi. If the target is completed, they get the desired amount.

9) **Economic Exploitation** – This brings us to another feature of these families and that is they are worse victims of economic exploitation. They are exploited by the brick kiln owners as well as the contractors and Mukadams of sugar mills. In fact, when they return back to their villages to work as agricultural and daily wage labourers even there they are exploited by their employers. For example, the Katkaris are given two meals comprising of rice and dal and 20 to 40 rupees a day. They work for 10 to 12 hours a day. Besides this they get rice grains i.e. 30 to 40 kg for two months per family.

10) **Temporary and Weak houses with few belongings** – Last, but not least feature of the brick kiln and sugarcane cutters is the condition of their houses back home. Their houses are small having an area of 150 to 250 sq. ft. Given below is a brief description of their houses.
a. **Katkari House** – A small house with a thatched roof, walls made up of karvi sticks smeared with clay and cow dung. The floor is earth, smeared with cow dung. The house is usually without a plinth. There are few vessels, clothes, bed sheets and a hearth in the house. A family of Katkaris can make and break these temporary houses within one day’s time. The doors are small and the roof is low. The shape of the house is squarish. The area of the house varies from 150 to 200 sq. ft.

b. **Bhil House** – The shape of a Bhil house is rectangular. The area of a typical Bhil house varies from 250 to 1500 sq. ft. The walls are however made up of bamboos; the roof is a thatched one. The floor is of earth, smeared with cow dung. More or less Bhil houses of sugarcane cutters are with less belongings and temporary in nature. These houses are better off as compared to the houses of Katkari brick kiln workers. Both the groups live in worse houses while at work. The Katkaris live in very small houses thatched with rice sheaves and the walls form arranged bricks. The Bhils on the other hand live in peculiar huts made up of bamboo sheets called Khopis. They live at the work site for a period of 6 to 8 months.

**1.2) The Child Labour – Child Rights : A Conceptual Model**

Informal interviews with Katkaris working at the brick kilns and Bhils working as sugarcane cutters, the contractors, the owners, NGOs and Activists working for these groups etc. during the pilot study and after conducting review of literature helped the researcher to develop a conceptual model and the hypothesis of the study. The model was tested and proved by collecting, analyzing and interpreting primary data.

Before getting into understanding the research problem and review of literature, it is appropriate at this juncture to discuss the conceptual model developed on the basis of facts collected during the pilot study and after reviewing secondary literature.
1.2.1) Tribals belonging to Unorganized Labour Sector:

**Salient Features of Informal/Unorganized Sector**

The term unorganized sector is also termed as informal sector by certain social scientists. Given below are salient features of the concept.

In an overview of unorganized labour by Press Information Bureau (18th September 2001) Government of India, classification of unorganized workers and characteristics of unorganized labour have been given, which are as follows.

**Classification of Workers**

Unorganized workers may be categorized under the following four broad heads, in terms of:

- Occupation
- Nature of employment
- Specially distressed categories, and
- Service categories
Small and marginal farmers, landless agricultural labourers, sharecroppers, fishermen, those engaged in animal husbandry, in beedi rolling, beedi labeling and beedi packing, building and other construction workers, leather workers, weavers, artisans, salt workers, workers in brick kiln and stone quarries, workers in saw mills, oil mills etc. may come in the first category.

Attached agricultural labourers come under the second category.

Toddy tappers, scavengers, carriers of head loads, drivers of animal driven vehicles, loaders and unloaders, belong to the especially distressed category. Midwives, domestic workers, fishermen and women, barbers, vegetable and fruit vendor, newspaper vendors etc. come under the service category. (Tribhuwan Robin & Patil Jayshree; 2009:22)

Some of the other categories of labourers and workers that are included by the researcher in this category are:

1. Farm house maids
2. Small and marginal farmers
3. Farm house watchmen
4. Brick kiln labourers
5. Sugarcane cutters
6. Daily wage labourers
7. Tendu leaf gatherers
8. Gatherers of minor forest produce
9. Toddy tappers
10. Mauha liquor sellers
11. Tribal artisans
12. Mango and chickoo grove workers
13. PWD and forest labourers working for contractors
14. Herders
15. Fuel wood sellers etc.
1) **Katkaris- the brick kiln labourers -**

According to the All India Brick Kilns and Tile Manufacturers’ Federation, there are around 50,000 brick kilns in India. Taking a conservative estimate of five members per family, a staggering figure of 25 million is obtained as those dependent on brick sector for their livelihood, a third of which are likely to be children. (Panjiar Smita, 2007:33). Tribhuwan Robin (2004) has stated that, out of the 45 tribes in Maharashtra Katkari is the poorest, backward and most needy tribe in the state. Despite of 63 years of independence the members of this tribe are below the poverty line, landless, jobless, victims of poverty, debt, food crisis and social stigma. The rate of illiteracy is very high among the Katkaris and so among women. The bench mark survey conducted by the TRTI (2001) states that the illiteracy of Katkaris in Maharashtra T.S.P area is 83.62, with 89 % among males and 78.30 % among females. Tomar YPS and Tribhuwan Robin (2004) in their book captioned ‘Development of Primitive Tribes in Maharashtra’ have shown that the illiteracy percentage of Katkaris studied in two villages was 97.13%, with 91.66% among males and 90 % among females. Tribhuwan Robin (2010) in his report captioned, ‘Human Development Indicators among Scheduled Tribes of Maharashtra’ has stated the illiteracy percentage of Katkaris as 83.62%.

Given above is just a brief socio- economic and educational profile of the Katkaris, but the fact remains that despite of their hardship and insecurity they are forced to become victims of economic exploitation at the hands of scruples brick kiln owners.

2) **Bhils- the Sugarcane cutters -**

A study commissioned by Janarth, Aurangabad based NGO, estimates that about 6,50,000 labourers migrate from central Western Maharashtra for sugarcane cutting each year. Of these around 2,00,000 are children in the age group of 6 to 14.

Out of the 45 tribes 3 to 4 tribes are known for working as sugarcane cutting labourers. These tribes are Bhils, Pawaras, Thakars, Mavchis and
Koknis. Bhils and Pawaras work as sugarcane cutting labourers the most, followed by the Thakars of Kannad Block in Aurangabad. These families are mostly landless, marginal farmers and daily wage labourers. Thus, poor families belonging to the above tribes are forced to take up sugarcane cutting labour. Bhils are the most poorest of the above mentioned groups. According to TRTI’S benchmark survey (2001) 91% of the Bhils are below the poverty line.

1.2.2) Push Factors:

The model conceptually designed under the able guidance of Dr. Robin Tribhuwan, an eminent anthropologist, and my research supervisor, further reveals that the Katkaris brick kiln labourers and the Bhil sugarcane cutters and pushed into seasonal migration due to following push factors. These push factors are:

1) Poverty
2) Landless and / or marginal farmer’s status
3) Economic, food and debt crisis
4) Heavy interest on loan
5) Unemployment
6) Temporary and poor housing
7) Unskilled Labour
8) Illiteracy
9) Social and Economic Insecurity
10) Absence of Economic Assets

The above mentioned factors push the Katkaris and Bhils to migrate seasonally and hook them into bonded labour. Kharchi (Weekly expenses) and Uchal (loan) are two powerful pull factors that attract them to the sugarcane factories and brick kilns. Brick kiln owners and mukadams are like banks for them.
1.2.3) Bonded Labour -

The bonded labour system refers to the relationship between a creditor and a debtor who obtains loan owing to the economic compulsions confronting his day to day life and agrees to abide by the terms dictated by the creditor. The important term of the agreement is that the debtor agrees to mortgage his services of any or all members of his family, for a specified or unspecified period.

In the case of brick kilns and sugarcane cutters i.e. the Katkaris and Bhils have been observed to be made to mortgage their service of any and all members of the family till they repay the loan borrowed with interest from the brick kiln owners and sugarcane cutting Mukadams. It was observed that both the Katkaris and Bhils get hooked into bonded labour for two to six generations, till they repay the loans with interest. The Government and NGOs must seriously look into this issue in order to free them out of bonded labour.

1.2.4) Heavy Workload Targets and Less Adult Manpower in the Family -

It was observed that heavy workload targets (daily, weekly, monthly) and lack of adult manpower in the family including poor socio-economic background forces the parents to push children in labour. The concept of child labour and its various forms have been discussed in the review of literature.

Thus, jobs like collecting sugarcane and tying them into bundles, carrying the bundle to the bullock cart or truck, loading and unloading is done by children between the age group 10-15years. Children between the age 16 – 18 years are involved in cutting cane. Similarly the Katkari children between age 8 – 15 carry bricks help parents in loading and unloading. Those between the age group 16 – 18 get trained to handle almost all labour jobs related to manufacturing of bricks when they become adults, they manage to show for their nuclear families. Once the children are hooked into child labour they are deprived of their rights.
1.2.5) Child Rights -

The concept of freedom, Neo-liberalism, human rights, democracy and the freedom to express oneself has brought about drastic change in Western societies in particular regarding the rights of a child. Issues of child exploitation, labour, child rights are taken very seriously in the West. In a country like India, although there are laws to safeguard the interests of children, the level of awareness regarding child rights is very low among poor, illiterate and ignorant people. Hence their children are deprived of following child rights.

1) Right to family environment: Adoption and other non-institutional services.
2) Right to parental care: Custody and Guardianship
3) Right against economic exploitation: Child Labour
4) Right to protection against sexual abuse and exploitation
5) Juvenile Justice
6) Right to Development:
   i. Elementary Education – the right of every child
   ii. Right to play and recreation
7) Right to Survival:
   i. Right to Health
   ii. Rights of unborn child and rights during early childhood
   iii. Rights during early childhood
   iv. Rights of the Child and working mothers
   v. Children’s Right to Shelter/housing

To sum up the Katkari brick kiln and Bhil sugarcane cutting labourers are pushed or forced into seasonal migration due to major ten push factors, which hook them into bonded labour. The daily, weekly and monthly targets of bonded labour, bestowed upon the creditor on the debtor and the lack of adult man power in the family forces the parents to push into child labour, further deprives the children of their rights.

The facts presented in data chapters have proved this model correct, by supporting the same with qualitative and quantitative data. It is argued that using this model, social scientists can study child labour and child rights issues of other unorganized labour sectors.
1.3) **Review of Literature:**

1.3.1) **Introduction** -

The purpose of review of literature is threefold.

1) It places on record general and discipline specific literature on the research problem selected by the researcher.

2) It contributes in exploring research gaps in the existing knowledge.

3) It guides collection of empirical facts (data) and contributes in developing hypothesis and set of research questions.

The review of literature done by the researcher with regard to the present study is grouped into two categories namely: a) General review of literature, b) Sociological literature.

**A. General Review of Literature:**

In this category, references of general writers, social thinkers and social scientists other than sociologists are made. The reflections of these scientists on the concept of migration, seasonal migration, bonded labour, child, child labour, child rights, awareness of child rights, informal sector, cultural issues of child rights and child labour and the issues of sugarcane cutters and brick kiln labourers is made. This section also discusses policy issues regarding child labour and child rights among tribal communities.

**B. Theoretical Framework:**

In this section the theoretical framework and structural model related to research problem is discussed. Based on the analytical reflections on the research reported in above two categories hypothesis have been developed. Given this background, the first part of the general review of literature present the concept of child, child labour and child work.

**A. General Review of Literature:**

Tribes are “scheduled” under Article 342 of the Indian Constitution. These scheduled tribes are the tribal communities or groups within these communities that are listed in each State/Union territory separately under the

The Constitution of India incorporates several special provisions for the promotion of educational and economic interests of scheduled tribes are their protection from injustice and exploitation. The Tribal Sub-Plan strategy is the vehicle for this. This initiative was adopted at the start of the Fifth Five Year Plan, (1975-1979). The Ministry of Tribal Affairs was formed in October 1999 to take care of scheduled tribes. At around the same time, the Ministry of Social Justice and Empowerment was formed to assist Scheduled Castes (Tribhuwan Robin & Sherry Karen; 2004).

I. Profile of Tribals in India -

According to Anthropological Survey of India, there are 750 tribal groups having a population of 843 lakhs (84 million), which amounts to 8.15 % to the total population of the country according to the 2001 census. The State of Maharashtra ranks second in the country after Madhya Pradesh as regards the size of tribal population is concerned. Out of the 750 tribal groups, the Government of India, Ministry of Tribal Affairs has classified 75 groups as PVTGs. Recently the Government of India, Ministry of Tribal Affairs has used another term for PVTGs and i.e. Particularly Vulnerable Tribal Groups (PVTGs). This change has been done considering the discriminatory term Primitive Tribal Groups, as it does not fit into the International Human Rights concept. In Maharashtra there are three PVTGs, namely the Katkaris, Kolams and Madias. The focus of the study is on Katkaris – The Brick Kiln Workers and another major tribe from North-western Maharashtra called Bhils – the sugar cane cutting tribe. Table No. 1 reveals the population of the tribals in the country.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>State/Union Territory</th>
<th>Population</th>
<th>Percentage of tribal population</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State/Union Territory</td>
<td>Total</td>
<td>Tribal</td>
</tr>
<tr>
<td>I) States</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Andhra Pradesh</td>
<td>762.10</td>
<td>50.24</td>
</tr>
<tr>
<td>2.</td>
<td>Arunachal Pradesh</td>
<td>10.98</td>
<td>7.05</td>
</tr>
<tr>
<td>3.</td>
<td>Assam</td>
<td>266.55</td>
<td>33.09</td>
</tr>
<tr>
<td>4.</td>
<td>Bihar</td>
<td>829.98</td>
<td>7.58</td>
</tr>
<tr>
<td>5.</td>
<td>Chhattisgarh</td>
<td>208.34</td>
<td>66.17</td>
</tr>
<tr>
<td>6.</td>
<td>Delhi</td>
<td>138.51</td>
<td>--</td>
</tr>
</tbody>
</table>

Table No. 1.1
State-wise Total & Tribal Population of India (Figures in thousand)
7. Goa & 13.48 & 0.01 & 0.07  
8. Gujarat & 506.71 & 74.81 & 14.76  
9. Haryana & 211.44 & -- & --  
10. Himachal Pradesh & 60.78 & 2.45 & 4.03  
12. Jharkhand & 269.46 & 70.87 & 26.30  
13. Karnataka & 528.51 & 34.64 & 6.55  
14. Kerala & 318.41 & 3.64 & 1.14  
15. Madhya Pradesh & 603.48 & 122.34 & 20.27  
16. Maharashtra & 968.79 & 85.77 & 8.85  
17. Manipur & 21.67 & 7.41 & 34.19  
18. Meghalaya & 23.19 & 19.93 & 85.94  
19. Mizoram & 8.89 & 8.39 & 94.38  
20. Nagaland & 19.90 & 17.74 & 89.15  
21. Orissa & 368.05 & 81.45 & 22.13  
22. Punjab & 243.59 & -- & --  
23. Rajasthan & 565.07 & 70.98 & 12.56  
24. Sikkim & 5.41 & 1.11 & 20.52  
25. Tamil Nadu & 624.06 & 6.51 & 1.04  
27. Uttar Pradesh & 1661.98 & 1.08 & 0.06  
28. Uttaranchal & 84.89 & 2.56 & 3.01  
29. West Bengal & 801.76 & 44.07 & 5.50  

II) Union Territories- 
1. Andaman & Nichobar & 3.56 & 0.30 & 8.43  
2. Chandigarh & 9.01 & -- & --  
3. Dadra & Nagar Haveli & 2.20 & 1.37 & 62.27  
4. Diu and Daman & 1.58 & 0.14 & 8.86  
5. Lakshadweep & 0.61 & 0.57 & 93.44  
6. Pondicherry & 9.74 & -- & --  

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of Tribe</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Andh</td>
<td>231871</td>
</tr>
<tr>
<td>2.</td>
<td>Baiga</td>
<td>546</td>
</tr>
</tbody>
</table>
(Source: Census of India, 2001)

It is evident from the Table No. 1.1 that the tribal population of Maharashtra is second largest tribal population after the State of Madhya Pradesh.

II. Profile of Tribals in Maharashtra

Now we shall see what tribes are found in the State of Maharashtra, what are their names, what their population is and what is their decadal growth from 1981 census, as would be revealed by table number 1.2 and table number 1.3 respectively.
<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of Tribe</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Barda</td>
<td>10293 9100 320</td>
</tr>
<tr>
<td>4.</td>
<td>Bavacha, Bamcha</td>
<td>336 436 97</td>
</tr>
<tr>
<td>5.</td>
<td>Bhaina</td>
<td>1293 1696 235</td>
</tr>
<tr>
<td>6.</td>
<td>Bharia Bhumia, Bhuihar, Bhumia, Pando</td>
<td>1022 2240 608</td>
</tr>
<tr>
<td>7.</td>
<td>Bhattra</td>
<td>124 1102 129</td>
</tr>
<tr>
<td>8.</td>
<td>Bhil, Bhil Garasia, Dholi Bhil,Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Todi Bhil, Bhagalio, Bhilala Pawra, Vasava, Vasave</td>
<td>993074 1344554 1818792</td>
</tr>
<tr>
<td>9.</td>
<td>Bhunjia</td>
<td>1940 2807 2193</td>
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<tr>
<td>10.</td>
<td>Binjhwar</td>
<td>6216 7479 8156</td>
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<tr>
<td>11.</td>
<td>Birhul, Birhor</td>
<td>212 1003 40</td>
</tr>
<tr>
<td>12.</td>
<td>Omitted</td>
<td>179 549</td>
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<tr>
<td>13.</td>
<td>Dhanka, Tadvi, Tetaria, Valvi</td>
<td>55880 62110 45741</td>
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<tr>
<td>14.</td>
<td>Dhanwar</td>
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<td>15.</td>
<td>Dhodia</td>
<td>10980 14866 9636</td>
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<tr>
<td>16.</td>
<td>Dubla, Talavia, Halpati</td>
<td>16019 21168 17017</td>
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<td>17.</td>
<td>Gamit, Gama, Gavit, Pavachi, Pavdi</td>
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<td>18.</td>
<td>Gond, Rajgond, Arakh, Arrakh, Agario, Asur Bedi Maria, Boda Maria, Bhatok, Bhimma, Bhuta, Koilabhuta, Koilabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dora, Kaiki, Gatta, Gatti, Gaita, Gond Gowari Hill Mario, Kandaro Kalanga, Khatola, Koitar, Koya, Khirwo, Khirwara, Kucha Maria, Kucheki Maria, Madia, Maria, Mong, Mannewar, Moghya, Mogia, Monghya, Mudo, Muria, Nagarchi, Naikpod, Nagwanshi, Ojha, Faj, Sonjhari, Jhareka, Thotia, Thotya, Wade Maria, Wade Maria</td>
<td>1162735 1442986 1554894</td>
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<td>19.</td>
<td>Halba, Halbi</td>
<td>242819 278378 297923</td>
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<td>20.</td>
<td>Kamar</td>
<td>5940 7489 4209</td>
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<td>Kathodi, Katkari, Dhor Kathodi, Dhor Kathkari, Son Kathodi, Son Katkari</td>
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<td>22.</td>
<td>Kawar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri</td>
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<tr>
<td>23.</td>
<td>Khairwar</td>
<td>2344 2680 819</td>
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<td>24.</td>
<td>Kharia</td>
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<td>25.</td>
<td>Kokna, Kokni, Kukna</td>
<td>352932 463585 571916</td>
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<td>26.</td>
<td>Kol</td>
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<td>27.</td>
<td>Kolam, Mannervarlu</td>
<td>118073 147843 173646</td>
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<td>28.</td>
<td>Koli Dhor, Tokre Koli, Kolcha, Kolgha</td>
<td>77435 117091 170656</td>
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<td>29.</td>
<td>Koli Mahadev, Dongar Koli</td>
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<td>30.</td>
<td>Koli Malhar</td>
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<td>31.</td>
<td>Kondh, Khond, Kandh</td>
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<td>32.</td>
<td>Korku, Bopchi, Mouasi, Nihal, Nahul, Bondhi, Bondy</td>
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<td>33.</td>
<td>Koya, Bhine Koya, Rajkoya</td>
<td>441 564 241</td>
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<td>34.</td>
<td>Nagesia, Nagasia</td>
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<td>35.</td>
<td>Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Moto Nayaka, Nana Nayaka</td>
<td></td>
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<td>36.</td>
<td>Oraon, Dhangad</td>
<td></td>
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<tr>
<td>37.</td>
<td>Pardhan, Pathari, Saroti</td>
<td></td>
</tr>
<tr>
<td>38.</td>
<td>Pardhi; Advichinchor, Phans Pardhi, Phanse Pardhi, Langoli Pardhi, Bahelia, Bahellia, Chita Pardhi, Shikari, Takankar, Takia</td>
<td></td>
</tr>
<tr>
<td>39.</td>
<td>Parja</td>
<td></td>
</tr>
<tr>
<td>40.</td>
<td>Patelia</td>
<td></td>
</tr>
<tr>
<td>41.</td>
<td>Pomla</td>
<td></td>
</tr>
<tr>
<td>42.</td>
<td>Rathawa</td>
<td></td>
</tr>
<tr>
<td>43.</td>
<td>Sawar, Sawara</td>
<td></td>
</tr>
<tr>
<td>44.</td>
<td>Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur, Ma Thakar</td>
<td></td>
</tr>
<tr>
<td>45.</td>
<td>Omitted</td>
<td></td>
</tr>
<tr>
<td>46.</td>
<td>Varli</td>
<td></td>
</tr>
<tr>
<td>47.</td>
<td>Vitolia, Kotvalia, Barodia</td>
<td></td>
</tr>
<tr>
<td>48.</td>
<td>Unclassified</td>
<td></td>
</tr>
</tbody>
</table>


The decadal growth of tribals in Maharashtra is given in table number 1.3.

### Table No.1.3
The Decadal Growth of Tribals In Maharashtra

<table>
<thead>
<tr>
<th>Census Year</th>
<th>State’s Total Population (lakh)</th>
<th>Tribal Population (lakh)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>504.12</td>
<td>38.41</td>
<td>7.62</td>
</tr>
<tr>
<td>1981</td>
<td>627.84</td>
<td>57.72</td>
<td>9.19</td>
</tr>
<tr>
<td>1991</td>
<td>789.37</td>
<td>73.18</td>
<td>9.27</td>
</tr>
<tr>
<td>2001</td>
<td>968.79</td>
<td>85.77</td>
<td>8.85</td>
</tr>
</tbody>
</table>

Source: Census of India 1971 to 2001

### III. Socio-economic, educational and health status of tribals in Maharashtra

Studies by various social scientists and TRTI, Pune have unveiled the socio-economic, educational and health status of the tribals in Maharashtra. Given below are extracts of the above-mentioned studies.

**Economic Status**: Nadeem Hasnain (1987: 19), in his book captioned, ‘Tribal India Today’ has classified the economic life of tribals in India as follows:

1. Food gathering and hunting tribes
2. Tribes engaged in hilly cultivation
3. Tribe engaged in cultivation on plain lands
4. Simple artesian tribes
5. Pastoral tribes
6. Tribes living as folk artists
7. Agricultural and non-agricultural labourers
8. Tribes engaged in private and government service or trade.

In Maharashtra all the above categories are found except pastoral tribes.

Majority of tribes however are small-scale cultivators who are engaged in cultivation for period of six months i.e. from May to October. From November to April they get into daily wage, agriculture labour, brick kiln work, sugar cane cutting, saltpan workers, PWD etc. jobs. According to TRTI, Pune Bench Mark Survey, 1996-97, on an average 90% of the tribals living in the Tribal Sub-Plan (TSP) area is below the poverty line. Table No. 1.4 presents ITDP-wise BPL status of tribals in Maharashtra. Furthermore, table no. 1.5 presents BPL status as per a survey conducted by District Rural Development Agency, (DRDA), 1980. According to DRDA statistics the average BPL percentage of tribals in Maharashtra is 91.11%. A comparative look at both the figures reveals that a very high percentage of tribals in Maharashtra are Below the Poverty Line.

Table No.1.4

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>I.T.D.P.</th>
<th>S.T. Families</th>
<th>Percentage of families below poverty line</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>Below Poverty Line</td>
</tr>
<tr>
<td>1.</td>
<td>Thane (Dahanu)</td>
<td>66447</td>
<td>59595</td>
</tr>
<tr>
<td>2.</td>
<td>Thane (Jawhar)</td>
<td>46556</td>
<td>40939</td>
</tr>
<tr>
<td>3.</td>
<td>Thane (Shahapur)</td>
<td>22260</td>
<td>19743</td>
</tr>
<tr>
<td>4.</td>
<td>Raigad (Pen)</td>
<td>9929</td>
<td>9396</td>
</tr>
<tr>
<td>5.</td>
<td>Nashik (Kalwan)</td>
<td>40446</td>
<td>36717</td>
</tr>
<tr>
<td>6.</td>
<td>Nashik (Trimbak)</td>
<td>58019</td>
<td>52776</td>
</tr>
<tr>
<td>7.</td>
<td>Dhule (Taloda)</td>
<td>69622</td>
<td>66305</td>
</tr>
<tr>
<td>8.</td>
<td>Dhule (Nandurbar)</td>
<td>91588</td>
<td>83496</td>
</tr>
<tr>
<td>9.</td>
<td>Jalgaon (Yawal)</td>
<td>5935</td>
<td>5479</td>
</tr>
<tr>
<td>10.</td>
<td>Ahmednagar (Rajur)</td>
<td>13208</td>
<td>11486</td>
</tr>
<tr>
<td>11.</td>
<td>Pune (Ghodegaon)</td>
<td>14340</td>
<td>12042</td>
</tr>
<tr>
<td>12.</td>
<td>Nanded (Kinwat)</td>
<td>20288</td>
<td>17837</td>
</tr>
</tbody>
</table>
As evident from table number 1.4, Nandurbar, Raigad and Gadchiroli districts show highest BPL percentage. Table number 1.5 presents district-wise BPL status of ST families in the state of Maharashtra as per DRDA survey conducted in 1980. In the DRDA survey (1980) it is seen that, the figures of four districts namely Sindhudurg, Kolhapur, Nanded and Chandrapur have not reported while the figures of some districts have given jointly/ together e.g. statistics of Dhule & Nandurbar, Aurangabad & Jalna districts have given together. It is evident from the table number 6 that maximum number i.e. 97.99 % BPL ST families were found in Satara district followed by Nagpur 82.52 percent.

Table No. 1.5
District-wise Total Scheduled Tribe Families below Poverty Line as per D.R.D.A.Survey (1980)
<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>District</th>
<th>Total Rural</th>
<th>Below Poverty Line</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td>Sangli</td>
<td>2,499</td>
<td>1,852</td>
<td>74.11</td>
</tr>
<tr>
<td>13.</td>
<td>Solapur</td>
<td>6,832</td>
<td>3,419</td>
<td>50.04</td>
</tr>
<tr>
<td>14.</td>
<td>Kolhapur</td>
<td>4,507</td>
<td>*</td>
<td>--</td>
</tr>
<tr>
<td>15.</td>
<td>Aurangabad</td>
<td>13,324</td>
<td>7,003</td>
<td>52.56</td>
</tr>
<tr>
<td>16.</td>
<td>Jalna</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Parbhani</td>
<td>13,702</td>
<td>3,453</td>
<td>25.20</td>
</tr>
<tr>
<td>18.</td>
<td>Hingoli</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Nanded</td>
<td>2,252</td>
<td>*</td>
<td>--</td>
</tr>
<tr>
<td>20.</td>
<td>Beed</td>
<td>29,609</td>
<td>10,939</td>
<td>36.94</td>
</tr>
<tr>
<td>21.</td>
<td>Osmanabad</td>
<td>8,137</td>
<td>2,676</td>
<td>32.88</td>
</tr>
<tr>
<td>22.</td>
<td>Latur</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Buldhana</td>
<td>12,071</td>
<td>5,035</td>
<td>41.71</td>
</tr>
<tr>
<td>24.</td>
<td>Akola</td>
<td>20,264</td>
<td>13,808</td>
<td>68.14</td>
</tr>
<tr>
<td>25.</td>
<td>Washim</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>Amravati</td>
<td>39,570</td>
<td>20,977</td>
<td>53.01</td>
</tr>
<tr>
<td>27.</td>
<td>Yavatmal</td>
<td>71,232</td>
<td>52,070</td>
<td>73.09</td>
</tr>
<tr>
<td>28.</td>
<td>Nagpur</td>
<td>25,241</td>
<td>20,830</td>
<td>82.52</td>
</tr>
<tr>
<td>29.</td>
<td>Wardha</td>
<td>37,434</td>
<td>17,424</td>
<td>46.54</td>
</tr>
<tr>
<td>30.</td>
<td>Bhandara</td>
<td>54,751</td>
<td>43,274</td>
<td>79.04</td>
</tr>
<tr>
<td>31.</td>
<td>Gondia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32.</td>
<td>Gadchiroli</td>
<td>1,01,832</td>
<td>59,440</td>
<td>58.37</td>
</tr>
<tr>
<td>33.</td>
<td>Chandrapur</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td><strong>Total for State</strong></td>
<td><strong>9,79,817</strong></td>
<td><strong>6,24,521</strong></td>
<td><strong>63.73</strong></td>
<td></td>
</tr>
</tbody>
</table>

(Source :D.R.D.A.Survey 1980, *Not reported)

**Educational Status-**

It is well-known that Maharashtra is industrially and commercially a very advanced state in India. Large numbers of industries are being set-up in the backward regions in private and public sectors due to package schemes of incentives offered by Government. The industrialization and urbanization in Maharashtra is taking place very speedily with its effect on the rural population in all the spheres of life. The percentage of urban population to total population was 38.89 in the year 1991. It may around 45 in the year 1995. There has been a large scale migration from rural to urban areas for employment and in this whirlpool; the tribal population has been caught unaware. Their efforts to stick to their deep-rooted traditional value system, their customs, their religious practices have pulled them further down leaving an ever increasing gap between the tribals and non-tribals. In the initial stages of economic development (say up to 5th Plan), the tribal community has not joined the mainstream of society in real
sense and were, therefore, left behind in the process of development. This is also true in respect of educational status. Overall literacy percentage in the State is about 64.87%, while it is only 36.77% among the Scheduled Tribes as per 1991 census. It is also pertinent to note that literacy rate among the males for the general population is 76.56% and that of females is 52.32%, whereas it is only 24.08% for females and 49.08% for males in the Scheduled Tribe communities. Thus there is a very wide gap so far as the literacy percentage among the tribals and non-tribals is concerned (Jain N.S. & Tribhuwan R.D, 1996:81-82).

In their book captioned, “Mirage of Health and Development”, (1996:149), Dr. Jain and Dr. Tribhuwan, have mentioned the educational status of Bhils and Pawras of Lakkadkot Village of Shahada Block. According to this study, out of 512 Bhil respondents, 471 i.e. 92% were illiterate, 8 i.e. 1.5% studied up to only pre-primary school, 12 i.e 2.34% studied up to primary school, 16 i.e. 3.3% studied up to secondary school, 3 i.e 0.6% studied up to higher secondary school while only 1 i.e. 0.19% was graduate. High illiteracy, low level of income, and ignorance among Bhils has certainly become a barrier for educators in rendering health and educational services. In their report captioned, “Malnutrition Realed deaths of Tribal Children in Nandurbar District”, Bhatia Arun and Tribhuwan Robin (2002:11), states that percentage of illiteracy in women was 94.4% and in the husbands 82.5%.

In their report captioned, “Dying Children”, Bhatia Arun and Tribhuwan Robin (2002:17), have revealed the educational status of the Katkari studied. They stated that 92% of mothers of deceased children were illiterate. Further, same report revealed that 76% of the fathers of deceased children were illiterate.

In their book captioned, “Mirage of Health and Development” Jain N.S. and Tribhuwan Robin, (1996:257), have revealed that the data on educational status of Korku women pictured out that almost 82.6% of the Korku women within the age range of 15-45 years were illiterates, while 11.8% studied up to 4th grade, 2.48% studied from 5th to 7th grade and 2.48% from 8th to 10th grade and very unfortunately not a single soul out of 160 women interviewed was found to have studied above 10th grade. This is an indication of the level of illiteracy among Korku women.
It is however, interesting to note that in the year 1990, the study was conducted by UNICEF revealed that the illiteracy level of eligible women was 88.8% in Dharni and 92.6% in Achalpur blocks of Amaravati district and 64.0 % and 75 % in their husbands, respectively are illiterate and the large majority of the rest of the women and their husbands have had not more than a primary education.

Above statistics regarding the educational status of both tribal men and women presents a gloomy picture of the tribals in Maharashtra. There is a lot that needs to be done to elevate the status of tribal men, women and children.

Health & Nutritional Status

Malnutrition:

Studies by TRTI, 2000 revealed that 92 % of children below the age 5 years were malnourished while 70 % of women between the ages 15 to 45 years.

The table given below is taken from the report ‘Dying Children” (2002:Vol.2) by TRTI, Pune to understand the malnourishment status of tribal children. The study was conducted in Thane district. It is evident from the table given below that 92 % of the siblings of the deceased children were malnourished; of these 55 % were suffering from severe malnourishment.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Gradations</th>
<th>No. of children</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Normal</td>
<td>2</td>
<td>8 %</td>
</tr>
<tr>
<td>2.</td>
<td>Grade I- Mild malnutrition (body weight b/w 70% to 80% of the expected weight for age)</td>
<td>1</td>
<td>4 %</td>
</tr>
<tr>
<td>3.</td>
<td>Grade II- Moderate malnutrition</td>
<td>9</td>
<td>33 %</td>
</tr>
<tr>
<td>4.</td>
<td>Grade III - Severe malnutrition (Body wt. 50% to 60%)</td>
<td>7</td>
<td>26 %</td>
</tr>
<tr>
<td>5.</td>
<td>Grade IV - Severe malnutrition (Body wt. below 50%)</td>
<td>8</td>
<td>29 %</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
<td><strong>100 %</strong></td>
</tr>
</tbody>
</table>

The table given below reflects tribe-wise status of deceased children during the period of April to August 2002. It is evident from the given table that maximum number i.e. 15 (58 %) of deceased children belongs to Katkari Tribe. Katkari is one of the Particularly Vulnerable Tribe (i.e. primitive tribe) of Maharashtra and even after 64 years of Independence Katkaris eat rats and bandicoots. Their poverty and unawareness makes them and their children more vulnerable and push them into vicious circle of bonded labour.
Tribe-wise status of deceased children in Khanevali PHC during the period
April to August 2002

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Tribe</th>
<th>Males</th>
<th>Females</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Katkari</td>
<td>8</td>
<td>7</td>
<td>15 (58 %)</td>
</tr>
<tr>
<td>2.</td>
<td>Malhar Koli</td>
<td>4</td>
<td>1</td>
<td>5 (19 %)</td>
</tr>
<tr>
<td>3.</td>
<td>Warli</td>
<td>6</td>
<td>--</td>
<td>6 (23 %)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>18 (68%)</td>
<td>8 (32%)</td>
<td>26 (100%)</td>
</tr>
</tbody>
</table>

The table given below depicts the percentage of malnourished tribal children in the selected villages in Thane district. The study was conducted by TRTI, Pune during period of 1st September to 31st August 2002.

**Percentage of Malnourished Tribal Children In The Selected Villages In Thane District**

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Village</th>
<th>Children under 5 population in settlement</th>
<th>Total no. of children measured</th>
<th>No. of under-nourished children</th>
<th>Percentage of under-nourished children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Katkari pada of Ambiste Budruk</td>
<td>28</td>
<td>14</td>
<td>13</td>
<td>93 %</td>
</tr>
<tr>
<td>2.</td>
<td>Warli pada of Palsai</td>
<td>33</td>
<td>17</td>
<td>17</td>
<td>100 %</td>
</tr>
<tr>
<td>3.</td>
<td>Murabi pada of Vasuri Budruk</td>
<td>30</td>
<td>15</td>
<td>15</td>
<td>100 %</td>
</tr>
<tr>
<td>4.</td>
<td>Neheroli</td>
<td>202</td>
<td>101</td>
<td>87</td>
<td>85 %</td>
</tr>
<tr>
<td>5.</td>
<td>Sadkecha pada of Gandhre</td>
<td>54</td>
<td>27</td>
<td>14</td>
<td>93 %</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>347</td>
<td>164</td>
<td>148</td>
<td>90.2%</td>
</tr>
</tbody>
</table>

*(Report by TRTI: The truth about malnutrition deaths, Vol. 3, report no. 10 of 2002)*

**Malnutrition among the Bhils of Nandurbar:**

The nutritional status of the 136 siblings of the deceased children is given in the table below. It is evident from the table, 76.5 % of the siblings were malnourished. Of these 40 % was suffering from severe malnourishment. These conclusions are derived from actual weight for age measurements taken by TRTI, (Pune) staff during the survey (TRTI, Pune; 5/2002). The study was conducted in Nandurbar district.

**Degree of malnourishment in 136 siblings of the deceased children in Nandurbar district**

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Gradations</th>
<th>No. of children</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Normal</td>
<td>32</td>
<td>23.5</td>
</tr>
<tr>
<td>2.</td>
<td>Grade I- Mild malnutrition (body weight b/w 70% to 80% of the expected weight for age)</td>
<td>24</td>
<td>17.6</td>
</tr>
<tr>
<td>3.</td>
<td>Grade II- Moderate malnutrition</td>
<td>38</td>
<td>28.0</td>
</tr>
<tr>
<td>4.</td>
<td>Grade III – Severe malnutrition (Body wt. 50% to 60%)</td>
<td>17</td>
<td>12.5</td>
</tr>
<tr>
<td>5.</td>
<td>Grade IV – Severe malnutrition (Body wt. below 50%)</td>
<td>25</td>
<td>18.4</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>136</td>
<td>100 %</td>
</tr>
</tbody>
</table>

*(Source: TRTI, Pune, 2002)*
Health and nutrition related other indicators were also covered in the same report. Some important indicators relevant for the study such as land holding size, food availability, diets during pregnancy, place of delivery etc. are given below.

**Land holding size:**

Land holding status of the tribal families is given in the table below. It is evident from the table that 72% of the families owned land less than 3 acres of which 40% were landless or owned less than 1 acre. The rent for tenants was as high as 50% of the produce.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Land Holding</th>
<th>Families</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Landless</td>
<td>35</td>
<td>24.47</td>
</tr>
<tr>
<td>2</td>
<td>Landless but cultivating as tenants</td>
<td>4</td>
<td>02.80</td>
</tr>
<tr>
<td>3</td>
<td>0 – 1 acres</td>
<td>17</td>
<td>11.80</td>
</tr>
<tr>
<td>4</td>
<td>1 – 3 acres</td>
<td>46</td>
<td>32.17</td>
</tr>
<tr>
<td>5</td>
<td>3 – 5 acres</td>
<td>27</td>
<td>18.88</td>
</tr>
<tr>
<td>6</td>
<td>5 – 10 acres</td>
<td>6</td>
<td>04.20</td>
</tr>
<tr>
<td>7</td>
<td>10 and above</td>
<td>8</td>
<td>05.60</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>143</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

(Source: TRTI, Pune, 6/5/2002)

**Food availability:**

The table given below indicates the number of months of food availability from their own land. It is evident from the table that out of 143 families, 123 (86%) were food deficit. 78% of the households had a food deficit from their own farms. These figures tell story of great poverty. Employment opportunities in these remote areas are limited especially for work that is assured or of a reasonable duration. The highly exploitative rent for tenanted land (50% of the produce) is an indication of the absence of employment opportunities.

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Months of food availability</th>
<th>No. of families</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0 to 2 months</td>
<td>4+39 (landless)</td>
<td>35</td>
</tr>
<tr>
<td>2</td>
<td>2 to 4 months</td>
<td>29</td>
<td>24</td>
</tr>
<tr>
<td>3</td>
<td>4 to 6 months</td>
<td>23</td>
<td>19</td>
</tr>
<tr>
<td>4</td>
<td>6 to 8 months</td>
<td>19</td>
<td>15</td>
</tr>
<tr>
<td>5</td>
<td>8 to 10 months</td>
<td>08</td>
<td>06</td>
</tr>
<tr>
<td>6</td>
<td>More than 10</td>
<td>01</td>
<td>01</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>123</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

(Source: TRTI, Pune, 2002)
Nutritional Supplement from ICDS:

Out of 143 tribal families, it was observed that 112 i.e. 78.33 % women received nutrition supplement from Anganwadi while 30 i.e. 20.98% women did not receive any nutrition supplement from Anganwadi.

Special Nutritious Diet taken during Pregnancy:

Out of 143 women, 123 (86.01) stated that they had not taken special diet during pregnancy. 19 (13.29%) of the women stated that had taken special nutritious food such as dry coconut, peanuts, fruit, and chicken etc. during pregnancy, while one woman did not respond.

T.T. injections during pregnancy:

Out of 143 women, 114 i.e. 79.73 % of the women responded that they took T.T. injections during pregnancy while 28 i.e. 19.58 % stated that they did not take T.T. injections during pregnancy. One woman did not respond.

Place of Delivery:

It was observed that out of 143 women, 142 i.e. 99.31 % of the women delivered at home.

Personnel who conducted delivery:

In the same study, it was found that out of 143 women, 136 i.e. 95 % and 5 i.e.3.52 % of the women responded that their deliveries were conducted by traditional female (Huvakari) and male birth attendants respectively in their houses. Only one delivery was conducted by an ANM. This is because the traditional birth attendants observe the birth rituals. Secondly, according to some tribal women, the traditional birth attendants are more accessible, arrive in time are available at all times of the night also and therefore more preferable.

Some of the main findings of the report “Malnutrition Related Deaths of Tribal Children in Nandurbar district” (2002), by TRTI, Pune are as follows:

1) Based on the nutritional status of the siblings of the deceased children it would be true to say that over 75 % of the deaths were malnutrition related.
2) In six villages where the official death figures given by the District Health Officer were tested it was found that 57% of the deaths were unreported.

3) The fact that the Employment Guarantee Scheme is not answering the employment needs of the tribals is evident from the fact that they continue to migrate to Gujarat to work under harsh conditions.

4) Health cover has been poor. 45% of the mothers of deceased children did not have a medical check during pregnancy.

5) 21% of the mothers of deceased children did not receive any nutritional supplement during pregnancy under the ICDS even though the villages were covered by the scheme.

6) 20% of the mothers of deceased children were not protected against tetanus. Similarly iron tablets did not reach 20% of the women.

7) 99% of the births were at home in spite of the Government scheme to motivate women to go to health centers. Motivation for institutional deliveries has failed.

8) In 35% of the cases the Primary Health Center staff did not visit the household after the death of the child.

**Social Status:**

The table given below is taken from the report ‘Dying Children” (2002:Vol.2) by TRTI, Pune to understand the status of ration-card holders. The study was conducted in Thane district.

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Status</th>
<th>No. of Families</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. of BPL Card holders</td>
<td>24</td>
<td>96%</td>
</tr>
<tr>
<td>2</td>
<td>Non-BPL card holders</td>
<td>01</td>
<td>4%</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>25</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Reasons stated by tribals for not lifting ration from the fair price shop during March-August 2002.

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Reasons</th>
<th>No. of Families</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lack of cash during rainy season</td>
<td>24</td>
<td>96%</td>
</tr>
<tr>
<td>2</td>
<td>Did not state anything</td>
<td>01</td>
<td>04%</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>25</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

(‘Dying Children” (2002:Vol.2) by TRTI, Pune)
Loan taken by the 25 families

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Status</th>
<th>No. of Families</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Families that took loan during 2002</td>
<td>17</td>
<td>68 %</td>
</tr>
<tr>
<td>2</td>
<td>Families did not take loan</td>
<td>8</td>
<td>32 %</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>25</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

('Dying Children” (2002:Vol.2) by TRTI, Pune)

Note: This table Reveals that 68% of the families had debt, mostly taken from brick kiln owners. This money is taken in the month of May., for food and other basic necessities, up till October. It is paid back to the brick kiln owner by working as labourers till the amount is recovered.

Reasons for taking loan

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Reasons</th>
<th>No. of Families</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Food &amp; essential basic needs</td>
<td>16</td>
<td>94 %</td>
</tr>
<tr>
<td>2</td>
<td>Son’s sickness &amp; food for the family</td>
<td>01</td>
<td>06 %</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>17</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

('Dying Children” (2002:Vol.2) by TRTI, Pune)

Land holding status of tribal families studied

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Land Holding</th>
<th>No. of Families</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Landless</td>
<td>21</td>
<td>84 %</td>
</tr>
<tr>
<td>2</td>
<td>Landless but cultivating as tenants</td>
<td>1</td>
<td>04 %</td>
</tr>
<tr>
<td>3</td>
<td>0 – 1 acres</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>1 – 3 acres</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>3 – 5 acres</td>
<td>3</td>
<td>12 %</td>
</tr>
<tr>
<td>6</td>
<td>5 – 10 acres</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>10 and above</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>25</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

('Dying Children” (2002:Vol.2) by TRTI, Pune)

Occupational Status of the families surveyed

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Occupation</th>
<th>No. of Families</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cultivators and labourers</td>
<td>04</td>
<td>16 %</td>
</tr>
<tr>
<td>2</td>
<td>Farm and brick kiln labourers</td>
<td>21</td>
<td>84 %</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>25</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

('Dying Children” (2002:Vol.2) by TRTI, Pune)

Possession of Live Stock

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Live stock</th>
<th>No. of Families</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bulls</td>
<td>1</td>
<td>4 %</td>
</tr>
<tr>
<td>2</td>
<td>Cows</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>Buffaloes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>Goats</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>Sheep</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Poultry birds</td>
<td>6</td>
<td>24 %</td>
</tr>
<tr>
<td>7</td>
<td>No live stock at all</td>
<td>18</td>
<td>72 %</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>25</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

('Dying Children” (2002:Vol.2) by TRTI, Pune)
Development Status of Sugarcane cutting & Brick-making migrant labourers:

From the above facts it is evident that the social, economic, educational, health, nutritional and political status of the general tribes and those involved in informal sector and more precisely in sugar cane cutting and brick making profession is totally different and projects a wide gap between both the groups. In Maharashtra predominantly found tribes working in these two sectors are the Bhils & Katkaris.

The issue of child rights and child labour among the Bhils (Sugarcane cutters) and among the Katkaris (brick kiln workers) is multi-faceted and is linked with several factors such as:

- Economic background of the migrants
- Educational background of the migrants
- Social background of the migrants
- Health & nutritional status of the migrants
- Migration types and patterns
- Factors that force / push them into seasonal migration
- Factors that force / push them into bonded labour
- Factors that push their children in labour enculturation process.
- Why their children take up jobs as child labourers?
- What rights are the children of sugar cane cutters (the Bhils) and brick kiln workers (the Katkaris) are deprived of?
- What is the level of awareness among the parents regarding child rights and child labour?
- What steps has Government and NGOs taken to tackle the issue of child labour and child rights among the Bhils (Sugar cane cutters) and Katkaris (Brick kiln workers).
IV. Theoretical Framework -

A. What is Migration?

The concept of migration is as old as human civilizations. Migration is a process through which people move from one place of residence to another. The change in residence results in redistribution of population, both at its origin and at the destination. People migrate on account of economic, social, political, marital, educational and religious reasons. An integral feature of demographic transformation is migration. The process of migration changes the size and structure of population. It affects both the places of origin and destination, of migrants. Migratory movements are considered as physical events shaped by environmental forces. Migratory movements are caused due to pressure on land because of rapid growth of population, decline in the rural industries and handicrafts, lack of employment and livelihood etc. Thus, migration is one of the dynamic constituents of population change and a vital component of development. (Tripathy S.N, 2005:24)

War, prosecution, climatic changes and economic forces have been principal movers of the people. Internal migration refers to the movements, which results in a change of usual place of residence. It may consist of the crossing of village or town boundary as a minimum condition for qualifying the movement as integral migration. (Tripathy S.N, 2005:1)

Some social scientists have analyzed migration in terms of psychological difference between movers and non-movers. Some have attempted to illustrate movements in terms of individual migrant’s revealed ‘reasons’. Some have highlighted on socio-economic and structural characteristics of different areas, and others have discussed on geographical or natural resource factors. Indeed, conceptualizing migration is a complex process, which includes four crucial elements – space, residence, and time and activity changes (Tripathy S.N.2006; 2).
Migration may be classified on the basis of ‘duration of stay’. Labourers may move ‘permanently’ or for a prolonged period. They may move for a short period. (Tripathy S.N. 2006; 2).

If the labourers move for a short duration with the intention to return to his place of usual residence, it is known as ‘circular migrants’ or ‘turnover migrants’ or short-term period. (Tripathy S.N. 2006; 2).

An important group of circular migrants consist of ‘seasonal migrants’ those who combine activities in several places according to seasonal labour requirements and availability of seasonal work opportunities. (Tripathy S.N. 2006; 2).

B. General Terms or Concepts of Migration:

It is customary to study migration with respect to 1) Internal migration and 2) International migration. Internal migration is the migration of persons within a country, while international migration refers to the movement of people from one country to another. In their book captioned “Principles of Population Studies” (1978), Bhende Asha & Kanitkar Tara have discussed some important concepts or terms of migration which are given below.

- **Migration**: The United Nations Multilingual Demographic Dictionary defined migration as follows: “Migration is a form of geographical mobility or spatial mobility between one geographical unit and another, generally involving a change in residence from the place of origin or place of departure to the place of destination or place of arrival. Such migration is called permanent migration and should be distinguished from other forms of movement which do not involve a permanent change of residence.”

- **Immigration and Emigration**: The terms immigration and emigration refer respectively to movement into or out of a particular territory, and are used only in connection with international migration. Thus migrants leaving India to settle down in the United States are immigrants for the United States and emigrants from India.
• **In-migration and Out migration:** In-migration refers to movement into a particular area, while out-migration refers to movement out of a particular area, both referring to movements within a country, that is, internal migration. Thus migrants who come from Tamil Nadu to Maharashtra are considered to be in-migrants for Maharashtra and out-migrants for Tamil Nadu. Each move is either immigration or an in-migration with respect to the place of origin or departure.

• **Migratory Movement:** This term is used for that section of population movements which is due to migration.

• **Place of Origin or Place of Departure and Place of Destination or Place of Arrival:** The place from which a move is made is the place of origin or departure. The place of arrival or the place of destination refers to the place at which a move terminates.

• **Gross and Net Migration:** The total of the arrivals of immigrants and in-migrants and departures of emigrants and out-migrants is known as gross migration or the volume of migration. Net migration is the difference between the total number of persons who arrive and the total number of persons who leave. This is also referred to as the balance of migration.

• **Migration Streams:** The phrase ‘migration stream’ refers to the total number of moves made during a given migration interval which have a common area of origin and a common area of destination. In practice, it refers to a body of migrants having a common area of origin and a common area of destination.

**C. Definitions of Migration:**

• Everett Lee: Permanent or semi-permanent change of residence. No restriction is placed upon the distance of the move or upon the voluntary or involuntary nature of the act and no distinction is made between external and internal migration. Thus, a move across the hall from one apartment to another is counted as just as much an act of migration as a move from Bombay, India to Cedar, Iowa.
• Tripathy S.N. & Das C. : Migration may be the phenomenon of the flow of the people over shorter or longer distances from one origin to a destination either for temporary or permanent settlement.

• Migration may be defined as a physical transition of an individual or a group from one society to another, this moves learning one social setting and entering a different one.

• Winberg (1961) : Winberg defines migration as the change of place permanently or temporarily for an appreciable duration as in case of seasonal labourers.

• Mangalam (1968) : According to Mangalam migration is relatively permanent moving away of a collectivity, called migrants, from one geographical region to another, related by decision making on the part of the migrants on the basis of hierarchically ordered set of valued ends and resulting changes in the interactional systems of the migrants.

D. Seasonal Migration:

The booming Indian economy has provided tremendous opportunities of growth for the top 20 per cent of its population, but those at the bottom have been further marginalized. This has given rise to many new challenges that need to be continuously grappled with. One such challenge is the rising trend of “distress seasonal migration” - tens of millions of families being forced to leave their homes and villages for several months every year, to head for locations near and far, in search of livelihood. In these migrations families are also forced to take their children along. All evidence indicates that the number of children below 14 years of age may already be of the order of 9 million (Panjiar Smita, 2007).

In her book captioned, “Locked Homes Empty Schools” (2007) Panjiar Smita has given some facts which are relevant to this study are as follows:
Distress Seasonal Migration: An Emerging Phenomenon

Distress Seasonal Migration has been attributed as much to uneven development (National Commission on Rural Labour – NCRL – 1991) as to caste and social structure. Large scale distress seasonal migrations were triggered off in the late 60s by persistent drought in rainfall-deficit regions of the country. This coincided with the creation of irrigation facilities and commercial agriculture in surplus areas, resulting in high labour demand during specific seasons. Urbanization and infrastructure development in recent decades have also proved catalytic, with employers constantly and persistently reaching out for the unending supply of cheap labour from remote, impoverished pockets.

Migrant populations overwhelmingly belong to Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Class (OBC) categories. They comprise landless and land poor who possess the least amount of assets, skills or education. Studies reveal that the majority of the migrant labourers in states like Rajasthan, Karnataka, Gujarat, Andhra Pradesh, Tamil Nadu and Maharashtra are from the most marginalized sections of society (also see Srivastava, 2005).

Definition of a Migrant Worker

A migrant worker has been defined under Article 2 of the International Convention on the protection of the rights of all migrant workers and members of their families, as a worker who is to be engaged or has been engaged in a remunerated activity in a state of which he or she is not a national. Further, members of the family has been defined under Article 4 as persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable bilateral or multilateral agreements between the States concerned.
In the instant case, the migrants, studied migrated within the same district. The question of inter-state migration therefore does not apply herein.

✧ Sectors that Attract Migrant Labour

Many industrial and agro-industrial sectors, like brick making, salt manufacture, sugar-cane harvesting, stone quarrying, construction, fisheries, plantation, and rice mills and so on, run largely on migrant labour. A high incidence of migrant labour is also found in the agriculture sector. Industrial migrations are for long periods of six to eight months and take place once a year. Agricultural migrations are for shorter durations of a few weeks and take place several times a year for operations such as sowing, harvesting and transplantation. Almost all major states appear to be affected by migration, although to varying degrees. The agriculturally and industrially developed states are likely to be the net receiving states for migrant labour, while the less developed states the net sending ones. Likewise there is also substantial intra state migration taking place.

✧ Categorizing Seasonal Migration

Migrations can be categorized according to various parameters:

- Nature of industry / work
  
  Partially organized / unorganized
  
  Agricultural / industrial / agro industrial

- Duration of Migration
  
  Short (4 – 8 weeks) / long (6 – 8 months) / round the year

- Distance of migration
  
  Intra district / inter district / interstate

- Destination of migration
  
  Intra rural
  
  Rural – urban peripheries
Rural – urban centers

- Who migrates
  Male migration / family migration / child migration

- Purpose of migration
  For accumulation / for survival

✧ Defining ‘Distress Seasonal Migration’

It is important to distinguish migrations for accumulation from those for survival or those that occur because of distress. While the former are by choice, usually undertaken by able-bodied males of the family, involve basic negotiation ability on the part of the migrants, and enable investment in asset creation, the latter fail to display any of the above characteristics. Three elements which appear to characterize distress seasonal migration are:

1) A lack of alternatives in sending areas which forces entire families, including children, to migrate in search of work, and pushes children into hazardous labour and the vicious migration cycle.

2) Work which is based on debt bondedness, generates little or no surplus for the labourer at the end of the season, and is merely for survival.

3) Work which involves large scale violation of labour laws and child rights.

✧ The Causes of Migration

There are pull & push factors which causes distress migration.

A major push factors which triggers distress migration include;

1) The lack of livelihood options in rain fed areas, in various parts of the country, particularly after the monsoon (kharif) crop.

2) The consequent indebtedness and food insecurity forces large numbers to migrate in search of work.
3) The reasons vary from place to place, but stem from persistent drought, land and environmental degradation, salinity ingress in coastal areas, displacement due to large scale mining, mega dams, heavy industry etc.

4) Inter-regional disparity, variations in development policy also play a role.

**Pull factors** include:

1) High seasonal demand for manual labour in agriculturally advantaged areas, as well as labour intensive industries such as salt manufacture, brick making, sugarcane harvesting, stone-quarrying etc.

2) These sectors are characterized by predominance of manual processes, seasonality, and remoteness, work done out in the open and contract labour.

**Types & Patterns of Migration**

In her book captioned ‘Locked Homes Empty Schools’ Smita Panjiar, has mentioned patterns and types of migration.

Agriculture based migrations are of short duration. - may takes place several times a year making 4 – 8 week trips for sowing, harvesting, transplantation. There are variations in pattern depending on the crop. Migrations are usually short distance and highly scattered.

Long Duration Migration – Industrial, agro-industrial and related migrations, such as brick-making salt manufacture, tile making, fisheries-based, sugarcane –harvesting, work at rice mills etc., have single cycle of 6 to 8 months per year.

Round the year Migration – migration periods for those living in extreme poverty may become longer; also employers often try to retain some labour round the year. Many migrant families are forced from one type of work to another to clear accumulated debt. The stone quarries in parts of Maharashtra and U.P have begun to operate round the year. They have installed technology to pump water out from the quarries during the
monsoon. Thus, more and more families who migrate for stone quarrying are not returning to their villages, and settling down at the work sites. They can no longer be called ‘Seasonal Migrants’ as there is no seasonality in this work anymore.

Seasonal Migration: Some Theoretical Perspectives

There have been numerous studies on the migration of poor in India, but most of these are concerned with rural-urban migration, concentrating on the demographic and social characteristics of urban migrants or on case studies of individual migrants in the city slums. This urban focus has led to the relative neglect of the role of agriculture: not much attention has been devoted to intra-rural seasonal migration although there has been an increasing demand for seasonal labour in rural areas where Green Revolution has been implemented. In India, for example, increasing numbers of people migrate reasonably short distances to harvest crops, dig irrigation canals or engage themselves in other agricultural activities before returning to their villages. In her study Rensje Teerink has focused on labour migration (i.e. not on migration of more affluent classes of castes). It is necessary to define the concept of seasonal labour migration, circulation, return migration, wage-labour migration, sojourner movements etc. Breman has pointed out that it is only appropriate to use the term ‘circulation’ when there is a persistent, continuous return to the place of origin for a short while or a longer period (1990:48). The term ‘return migration’ seems more suitable when the period of time between settlement and departure is longer than a year. (As quoted in Rensje Teerink, 1996:214). In her study Teerink has opted for the term ‘seasonal migration’ or ‘circulation’ as defined by Mitchell (1985:30): “...the process in which people periodically leave their permanent residence in search of employment at places too far away to enable them to commute daily, stay at these labour centers for extensive periods and then return to their homes”, with ‘extensive periods’ here lasting up to eight months. Seasonal labour migration can be distinguished from regular migration by the fact that it does not alter the
long term distribution of the people because all seasonal migrants will eventually return to their home areas (Chapman & Prothero:1975:39). The concept of ‘seasonal migration’ or ‘circulation’ is particularly useful when we deal with groups of people who are involved in a process of wage labour for which they are forced to leave their home areas on a regular basis, especially when entire household, consisting of men, women and children, are affected. As Breman has stressed in his recent study that, ‘Circular mobility accompanies the labour strategy of an entire household and cannot be reduced only to the behaviour of an individual. The price demanded by circulation is the detachment, for a longer or a shorter time, of one or more working members of the household (Breman, 1990:51)’.

E. Migration in Maharashtra

Maharashtra being the most developed State in India is a hub of migration. It provides a dynamic environment for migration for both inter and intra state. Interstate migrations are mostly semi permanent or permanent in nature, whereas intrastate migrations are seasonal in nature. Seasonal employment provides livelihood to millions of poor in the state, especially in rural areas. People from socio-economically deprived categories and resource poor regions migrate to those with intensive agriculture or other labour opportunities. In the destination areas, migrants work in cultivation, mining, quarrying and construction for low wages. Migration therefore plays a very important part of the livelihood strategies of the rural poor. (Wadikar J. & Das M., 2004)

Seasonal migration is a norm in Maharashtra. It has long history of labour mobility and labour migration. There are basically two categories of seasonal migrants. The first category consists of regular seasonal migrants who travel for work during the non-agricultural season. The second category consists of small and medium farmers who migrate to support their livelihoods as a consequence of agro-ecological crisis in the areas they live in. Though the percentage of regular seasonal labour is usually more in the state due to vagaries of the monsoons, lack of adequate infrastructure in terms of irrigation is one of the main reasons
for the number of migrants from the second category to be on the rise. Irrespective of these considerations, migrations acts as a compensating mechanism to reduce the disadvantageous position of the poor. (Wadikar J. & Das M., 2004)

The sugar factories in western Maharashtra, the brick kilns in Thane district, quarries in Ratnagiri and various construction sites form the centers of seasonal migrations. People from under-developed areas who are prone to calamities and lack employment opportunities outside the agricultural season, prefer migration. Usually, labourers migrate with their families. Women and children constitute a high proportion of the migrant population. The motive behind migrating with the family is obviously more employment. According to statistics, Maharashtra occupies the third place in India in the use of child labour. They contribute significantly to the income of households. Migration often involves longer working hours, poor living and working conditions and poor access to basic facilities like access to education, health, food contribution system, etc. (Wadikar J. & Das M., 2004).

F. The Migrant Labourers

It has been recognized that seasonal migration is an accepted option in the normal livelihood strategies of the rural poor. For the sugarcane cutters, migration started as a strategy to cope with the worsening situation of dry-land agriculture created by drought, crop failure and poor terms of trade. Sugarcane cutting is labour intensive activity requiring very high levels of physical stamina and energy. (Wadikar J. & Das M., 2004).

The sugarcane crushing season is operational from November to April / May. During this six-month period, people from central Maharashtra and Marathwada region, migrate to the lush sugarcane belt. A large majority of labourers come from Beed, Jalgaon, Ahmednagar, Nashik, Jalna, Parbhani, Aurangabad and Latur districts, all in Marathwada region except Ahmednagar, Jalgaon and Nashik. Those families normally belong to the poorest strata of the society and are
mostly landless or marginal farmers. Scarcity of resources and debt burden accompanied with dry spells of monsoon force people from these areas to migrate to nearby districts. (Wadikar J. & Das M., 2004).

A recent survey of the sending villages indicates that 20% of migrating families belong to the Maratha community while the remaining 80% include groups from the Other Backward Castes (OBC), Scheduled Castes (SC) and Scheduled Tribes (ST) covering the Vanjaris, Bhills, Dhangars, Bouddhas, Matangs, Gujjars and a few Muslims (Dhamankar Mona;2005:2). These labourers come through contractors/ agents, popularly known as Mukadams appointed by the factory management system. Contractors / Agents bring labourers in tolis or groups. Each toli consists of 30 to 100 labourers. The factory management makes advance payments to these agents, who in turn give advances to the labourers. The agents get a commission from the wages of the labourers. (Wadikar J. & Das M., 2004).

The advance amount is offset against their labour. If they are unable to pay off the advance money in a season, they have to go in for employment for another season. It is a vicious cycle. (Wadikar J. & Das M., 2004).

According to the Office of the Sugar Commissioner, the cyclical, seasonal migrations of sugarcane labourers started in 1960 when the first cooperative sugar factories were established. The system of contracting labor is the same for cooperative and private factories. Generally, adult couples migrate leaving older people behind to look after the land and cattle, if any. Older children (>14 yrs) though not part of the sugarcane cutting labor unit accompany their parents to the fields everyday while those between 6 to 14 yrs old are brought along to be looked after by the younger siblings. At present, around 500,000 to 700,000 laborers migrate with approx.200,000 children in the 6 to 12 age group.

S.N. Tripathy conducted a study in Kalahandi, Bolangir and Malkangiri districts of Orissa, which are drought prone, tribal dominated and backward districts of the State. The research study was conducted to study ‘dynamics of tribal migration’. An analysis of primary data
collected from 300 tribal migrant and 150 non-migrant households brings into light the following findings:

1. 50% of the migrant households and 60% of non-migrant households are in the family size of 3-4 members. The family size of the non-migrant household is higher than the migrant households.

2. 66% of the sample migrant households reported their marital status as “married”.

3. It is revealed from the study that 65% of the households were migrated through contractors.

4. A high percentage (55.97) of tribal has migrated to outside the state.

5. Tribal migrants in the age group of 20 – 40 (61.36%) constitute a sizeable portion of the total migrant workmen.

6. The different tribal groups who have migrated are Mundas (31.82%), Kandhs (27.98%), Santhals (14.35%) and Koyas (6.10%).

7. Agriculture is the main occupation of the migrant households at their place of origin.

8. There is extremely high rate of dropout among the children of the tribal migrant households.

9. Educationally the children of non-migrant household are better than the migrant households.

10. Moneylenders do provide the maximum percentage of loans to the migrant households.

11. More the 53% of migrant households reported the annual remittance in the range of Rs.1000 to 2000 only.

12. More than 45% of migrant households’ annual income has been in the range of Rs. 15000 to Rs. 20000. The level of income of the migrant household is better than the non-migrant households.

13. The standard of living migrant household is better than the non-migrant households.
14. Compared to the non-migrant households the “non-consumption” expenditure of the migrant households is better. Therefore, the migrant households enjoy comparatively higher living standard.

15. A significant percentage is diverted towards loan payment by the migrant households, which has adverse affect on their living standard and keep them in the vicious circle of poverty.

16. The important reasons of migration are poverty, search for livelihood and compelled by advance taken.

17. Poor sanitation, unhygienic environment long hours of work are the important problems reported by the migration workmen.

18. 62% of migrant households have reported that they perform 8 to 11+ hours at work in a day.

In their book captioned, “Down and Out” (2000), Breman Jan & Das Arvind, has given some facts which are relevant to this study are as follows:

• An initial study, started in 1977, into their coming and mode of employment throughout the campaign, showed that the majority of the 50,000 men, women and children had been recruited from the neighboring State of Maharashtra.

• Ten years later, a repeat survey showed that the army of workers had doubled in the meantime.

• At the end of 1980s, it could be stated with reasonable certainty that seasonal migrants mobilized for the sugarcane harvest in South Gujarat totaled 1,50,000. Today their numbers are even greater.

• It is a fact that some 20 years ago the inflow of migrant labour began to increase strongly. The workers are almost all Adivasi and Dalit (Tribal & Scheduled Caste) peasants from the eastern hills bordering Maharashtra.

• The need to earn more cash on the one hand and the increasing pressure of population - particularly due to the felling of forests which
had provided many sorts of subsidiary income - on the other hand, have caused an increasing outflow of labour to the plains of south Gujarat. The mass - but nevertheless temporary and cyclical - migration starts immediately after the monsoon.

- In ‘normal’ years these migrant workers come in groups of 10 to 15 men and women around the time for harvesting various crops in order, to satisfy their needs for money. They bring their own food for the duration of their stay.

The migrants go directly go their addresses where they have been before and old contacts send them on to possible new employers. They do not migrate for an indefinite time but for a few weeks only, until the grain brought with them is exhausted. The gang then returns home, to make the same journey again somewhat later in the season.

Arrangements made long beforehand and sometimes sealed with a cash advance, contribute to the fairly tight rhythm that characterizes seasonal migration.

G. Theory of Migration:

**Everett Lee’s Conceptual Framework for Migration Analysis -**

In their book captioned Principles of Population Studies (1978), Bhende Asha and Kanitkar Tara had discussed the Everett Lee’s conceptual framework for Migration. Everett Lee has conceptualized the factors associated with the decision to migrate and the process of migration into the following four categories. 1) Factors associated with the area of origin; 2) Factors associated with the area of destination; 3) Intervening Obstacles; 4) Personal factors.

Lee elaborates all these four categories by pointing out that, in each area, there are numerous factors which act to drive away the people from the area, or to hold the people in the area or to attract the people to it. In this respect, there are significant differences between the factors associated with the area of origin and those associated with the area of destination. Migration may take place after both these are weighed.
Usually, however, a person has better and more realistic knowledge about the place of origin, while his knowledge about the place of destination is somewhat superficial and inexact. Intervening obstacles also have to be overcome before migration finally takes place. These include distance and transportation. Technological advances, however, have lessened their importance in modern times. Finally, the personal factors are of the utmost importance because, instead of the actual factors associated with the place of origin and/or destination, the individual’s perception of these factors is found to influence the actual act of migration. Individual differences, too, play their part, as some persons are generally resistant to change of any kind, specially, to a change of residence, while others are eager for such a change. Lee is therefore, of the opinion that the decision to migrate is never completely rational, and hence it follows that it is always possible to come across exceptions to any type of generalization about migration.

Another point to take into consideration in this connection is that not all migrants migrate as a result of their own decision; for example, children have generally to go along with their parents, and wives accompany or follow their husbands. Such type of migration is known as sequential migration.

Lee has further attempted to formulate several hypotheses within his conceptual framework regarding the four types of factors associated with migration, which incorporate the push and pull factors both at the place of origin and the place of destination. These hypotheses cover the volume of migration, the development of streams and counter-streams of migration, the characteristics of the migrants, for explaining why some people migrate and others do not. The hypotheses may be listed as follows:

**Volume of Migration:**

1) The volume of migration within a given territory varies with the degree of areas included in that territory;

2) The volume of migration varies with the diversity of the people;
3) The volume of migration is related to the difficulty of surmounting the intervening variables;

4) The volume of migration varies with fluctuations in the economy;

5) Unless severe checks are imposed, both the volume and the rate of migration tend to increase with time;

6) The volume and the rate of migration vary with the state of progress in a country or area.

**Streams and Counter-streams of Migration:**

1) Migration tends to take place largely within well-defined streams;

2) For every major migration stream, a counter-stream also develops;

3) The efficiency of the stream (ratio of stream to counter stream or the net redistribution of population affected by the opposite flow) is high if major factors in the development of a migration stream are minus factors at origin;

4) The efficiency of the stream and the counter-stream of migration tend to be low if the place of origin and the place of destination are similar;

5) The efficiency of migration streams will be high if the intervening obstacles are great;

6) The deficiency of the migration stream varies with economic conditions, being high in prosperous times and low in times of depression.

**Characteristics of Migrants:**

1) Migration is selective;

2) Migrants responding primarily to plus factors at destination tend to be positively selected;

3) Migrants responding primarily to minus factors at origin tend to be negatively selected; or where the minus factors are overwhelmingly for the entire population group they may no be selected by at all for migration;
4) When all migrants are considered to be together, selection for migration tends to be bimodal;

5) The degree of positive selection increases with the difficulties posed by the intervening obstacles;

6) The heightened propensity to migrate at certain stages of the life cycle is important in the selection of migrants;

7) The characteristics of migrants tend to be intermediate between the characteristics of the population of the place of origin and of the population of the place of destination.

**Push and Pull Factors in Migration:**

This traditional approach to the motivation for migration takes, as a starting point, the differences between the characteristics of the two places, namely, the place of origin and the place of destination. Researchers have attempted to determine whether people migrated because the circumstances prevailing at the place of origin pushed them out or whether they were lured by the attractive conditions in the new place. Among the various push factors operating at the place of origin may be included in the following: high natural rate of population growth creating population pressure on the existing resources; exhaustion of natural resources; droughts, floods and natural calamities, such as earthquakes and famines; and acute social, religious and political conflicts compelling people to migrate to other places for reasons of safety. The following may be included as the pull factors: establishment of new industries with the provision of new opportunities for gainful employment; facilities for higher education in cities; pleasant climatic conditions, etc.

It is obvious that the push-pull approach has been useful in listing the several factors which affect migratory movements and has several times offered convincing explanations of migratory phenomena. It is also apparent that, in most cases, migrations occurs not because of either push
or pull factors alone but as a result of the combined effect of both (Bhende & Kanitkar, 1978).

Reventain’s laws of migration restated by Everett Lee in 1956. To him, the forces exerting an influence on migrant perceptions into ‘push’ and ‘pull’ factors. The former are negative factors, which force migrants to leave origin areas, while the latter are ‘positive’ factors attracting migrants to destination areas. (Tripathy S.N. 2005:27)

As discussed in the conceptual model, researcher has identified certain key push factors namely poverty, landlessness, economic and food crisis, indebtedness, unemployment, temporary housing conditions, unskilled labour, illiteracy, victims of social and economic insecurity as well as three pull factors namely Kharchi i.e. weekly expenses, Uchal i.e. loan and labour guarantee that forced the Katkari brick kiln labourers and Bhil sugarcane cutters into seasonal migration. Their poor socio-economic conditions and status of financial insecurity further forces their children who migrate to the place of destination into domestic and commercial child labour. This further deprives their children of their rights. Thus, the children get deprived from all the rights and their young parents spend their early adulthood as victims of economic exploitation, bonded labour indebtedness, hardships etc. at the worksites.

The concept of seasonal migration is most usually associated with agriculture labour and daily wage labour. It often involves change in residence for a short or reasonably long period. Though migrant labourers are found everywhere in the world, India has probably more migrant workers than any other Asian countries. These are involved mainly in the harvesting of plantation crops such as tea, cotton, rice and sugarcane (Lahiri:1984). Seasonal Migration is not a new phenomenon and is observed throughout India (Kasar: 1992). In Maharashtra, there are some 1.5 lakhs migrants from poor peasants and labourers families in dry districts who work from six to eight months a year for cutting and hauling sugarcane in the irrigated belts (Omvedt:1981).
Breman Jan, 1979, stated that the type of seasonal migration that takes place in and around sugar factories is mostly bound with capitalist development. He narrated the socio-economic life of workers including the role of mukadams, recruitment of workers, wages, working conditions, working hours and nature of exploitation etc. He found that the seasonal migration among the Bhils is spread over the areas of North Gujarat to Narmada. The labourers from Khandesh region of Maharashtra also migrate seasonally to the sugar factories in South Gujarat.

Jugale (1997), in his book entitled, “Employment Wages and Industrial Relations” explored two aspects namely: 1) most of the recruitments were made through contractors. 2) No provision of holiday, leave facilities were made available to the seasonal workers.

Salve (1991), emphasized the economic and socio-cultural life of migrant cane cutters in Kolhapur district, in the state of Maharashtra. He further analyzed the conditions at work places and focused on every day problems extensively.

Kasar (1992), in his study brought out that the cooperative sugar industry has significant contribution in the gross annual income and income of migrant household indicating beneficial effects of seasonal migration on the economy of migrant farm labourers in Maharashtra.

Deshpande (2008), in her study captioned, “Health and Nutritional Status of seasonal Migrants” has studied three aspects namely physical, reproductive and mental healthcare practices.

In his study captioned, “Migration and Development : A Sociological Study of Migrant Sugarcane Cutters in Kolhapur district”, Kendre Balaji (2009) studied problems and development issues of following castes: Maratha, Gujar, Kumbhar, Nhavi, Vanjari, Dhangar, Telang, Hatkar, Lamani, Chambhar, Bhil, Mang, Mahar, Kasab (Muslim). Kendre Balaji however, has not studied child labour and child rights issues of sugarcane cutters. Similarly Bajpai Asha (2003),(2006) too has not studied child rights and child labour issues of children of sugarcane cutters and Brick kiln workers. Bokil Milind (2006) highlighted the
problems of Katkaris at the brick kilns, but he too did not touch the subject. Hence the present subject is original in its kind.

H. Bonded labour:

The Concept - The ‘bonded labour system’ refers to the relationship between a creditor and a debtor who obtains loan owing to the economic compulsions confronting his day-to-day life and agrees to abide by the terms dictated by the creditor. The important term of the agreement is that the debtor agrees to mortgage his services of any or all the members of his family, for a specified or unspecified period. The relationship built on an agreement is on such unequal terms that while for every labour or service, there must be fair remuneration equivalent to the price of labour in the market, under the bonded labour system; the service is rendered for the debt or in lieu of the interest accruing to the debt. The debtor either works without receiving any remuneration or if at all there is any remuneration it is much less than the minimum wage (notified under a Minimum Wages Act) or the prevailing rate of market wage.

The 1976 Bonded Labour (Abolition) Act defines ‘bonded labour system’ as the system of forced labour under which a debtor enters into an agreement with the creditor that he would render service to him either by himself or through any member of his family or any person dependent on him, for a specified or unspecified period, either without wages or for nominal wages, in consideration of loan or any other economic consideration obtained by him or any of his ascendants, or in pursuance of any social obligation, or in pursuance of any obligation devolving on him by succession.

The ‘bonded labour’ has been defined by the National Commission on Labour as ‘labour, which remains in bondage for a specific period for the debt incurred’. The Commissioner for Scheduled Castes and Scheduled Tribes explained the term-bonded labour in its 24th Report as ‘persons who are forced to work for the creditors for the loan incurred either without wage or on nominal wage’. (Sharma, 1990:52)
The ‘bonded labour’ is different from ‘contract labour’ employed in industries, mines, plantations and docks, etc. The contract labour includes workers who are not directly recruited by the establishment, whose names do not appear on pay roll, and who are not paid wages directly by the employer. In theory, the contract labourers in India are covered by the Factory Act, 1948, the Mines Act, 1952, the Plantations Labour Act, 1951, the Dock Workers Act, 1948 so as to give them benefits as are admissible to labour directly employed. However, the advantages of employing both bonded labour and contract labour are the same: i) the labour is engaged at the lower cost, ii) the employers have not to extend the fringe benefits to the workers, and iii) the employers are not under any obligation of providing welfare and security measures to the workers as stipulated in various Acts.

I. Karl Marx on Labour and Capitalism

One cannot by pass the views on Karl Marx on labour and capitalism. Marx’s most important book, “Capital (Vol -1)” was published in 1867 and the rest two volumes were completed by his associate Engles after the death of Marx. In Capital, Marx argued that man’s labour power becomes a commodity. The wage labourer sells his labour to the owner of the land, factories and instruments of labour.

Marx also pointed out that the worker spends one part of the day covering the cost of maintaining himself and his family (wages), while the other part of the day he works without remuneration, creating for the capitalist, “surplus – value”, the source of profit, the source of wealth of the capitalist class. The doctrine of “surplus value” is the central theme of Marx’s economic theory. Marx again argued that the capital created by the labour of the worker, crushes the worker, ruining small proprietors and creating an army of unemployed persons.

Marx’s economic theory justifies the economic exploitation of the Katkari brick kiln labourers whose labour is exploited by the owner (capitalist) to gain surplus value (source of wealth). A Katkari joint family makes 1,00,000 bricks a month. The owner sells these bricks for 5 lakh
rupees and pays the joint family a sum of Rs. 3000/- to 5000/- per month as “kharchi” (monthly expenses). The brick kiln owner extracts maximum labour. The workers (Katkaris) sell their labour power. In doing so the owner gets “surplus value” – the source of profit, the source of wealth.

As rightly argued by Marx, the capital created through the labour of the Katkaris, in this case, crushes them and creates unemployment. This research further reveals, that both the Katkaris and Bhil migrant labourers get hooked into indebtedness, bonded labour because of key push factors such as poverty, unemployment, illiteracy, lidadlessness, marginal farmer’s statu, unskilled labour, economic and hunger crisis, poor housing and the Uchal (loan), Kharchi (expenses) and labour guarantee (pull factors).

Breman’s work among the various occupational groups of South Gujarat, especially in the unorganized labour sector, throws light on the impact of global capitalism.

J. Labour and Global Capitalism

It was Breman Jan who brought with him the experience of both the deprivation suffered by the working class in Europe till the Second World War as well as the dynamics of the prosperous social democratic society and the welfare state created then. His contribution of the knowledge he had gathered during more than a decade of field work among the labourers of South Gujarat:

• The transformation of the Kaliparaj black skinned;
• Hali bonded into Halpatis;
• The changing forms of bondage;
• Attachement and other forms of employment;
• Altering forms of self perceptions among untouchables, from traditional untouchables through the Gandhian Harijan (Child of God) to Dalit (oppressed). Since then much has happened to labourers not only in the rural milieu but also in the urban setting.
From one, the wall that is supposed to divide urban and rural, formal and informal, organized and unorganized labour has been shown up to have nothing more than an illusion. This duality was questioned by Breman Jan and others and was demonstrated as being false; there is in fact a continuam between these various forms of labour in social, economic as well as political context.

His book captioned, “Down and Out” with Das Arvind (2000), looks at the conditions of workers in the formal sector in and around Surat, in South Gujarat, which was the site of Breman’s research reported in “Footloose Labour” (1996) and out breaks the world of Indian labour.

Presenting text and snapshots from the lives of labourers – in villages, on the move and at work sites – the book engages with the experience of laboring in different industries – textile, sugar, brick making and construction. He has thrown light on new theoretical insights such as distress seasonal migration, struggles and hardships of labourers for survival, gender, oldage and division of labour, labour and inequalities in an Indian village, labour and globalization living, socio-economic and working conditions of migrant labourers both in rural and urban areas.

He is of the view that, as the tides of globalization and privatization sweep across the world, it sometimes appears as if the labourer has been abitratated from public discourse. The processes of contractualization and casulaization push workers out from the so called formal sector to largely non-unionised informal sector. Hence millions of labourers languish in squalor, poverty and misery.

The Katakari brick kiln labourers and Bhil sugarcane cutters – the target population of the present study is no exception to the rule. Thus far no Sociological study has been conducted on these groups, hence it has been undertaken.

K. Concept and definition of a child
The concept and definition of a child varies from one nation of another. In this section of chapter one an attempt has been made to throw light on the definition and the concepts of a child.

Definitions of Child:

Scientific progress in the fields of anthropology, biology, medicine, psychology and social research during the past hundred years has changed the attitude of society towards the child. He no longer is treated as an adult person only smaller in stature but as a human being with his own different rhythm of life and with his own laws of biological and mental growth. We are aware that the child is following drives, social forces and motivations which are basically different from those which govern adult behaviour.”(Friedlander W.A., 1955:327)

According to Oxford Dictionary of Sociology, the term child can be used to mean either an offspring or someone who has not reached full economic and jural status as an adult in a society.

Age limits are formal reflections of society’s judgment about the evolution of children’s capacities and responsibilities. Age limits differ from activity to activity and from country to country. According to Census of India, “persons below the age of fourteen are children”. (Bajpai Asha, 2003:2)

According to Article 1, of the United Nations Convention on the Rights of the child 1989, “a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.” The Article thus grants the discretion to individual countries to determine by law whether childhood should cease at 12, 14, 16 or whatever age they find appropriate. In India the age at which a person ceases to be a child varies in different laws.

The age of the child is different according to the definitions given under various legislations. There is also an admixture of other terms such as juvenile; minor; adolescent and youth and hence, it becomes very
difficult to define a child. This is because age criteria vary across different systems or different cultures. (Shinganapure Vijay; 2007:18)

Some of these legislations where definitions of child differ are as follows:

1) The Plantation Labour Act, 1951 in 1986 amendment defines a child is an adolescent who has completed 14 years and not 18 years of age.

2) The Merchant Shipping (Amendment) Act, 1984 defined adolescent, as a person who has completed 14 years but not 18 years and a child is a person who has not completed 14 years of age.

3) As per Children (Pledging of Labour) Act, 1933 a child is a person who is under the age of 15 years.

4) Minimum Wages Act, 1948, defined the child is a person who has not completed his 14 years of age as amended in 1986.

5) According to the Beedi and Cigar Workers Act, 1966, the age of children is fixed below 14 years as per 1986 amendment.

6) Shops and Establishment Act, 1966 - Different age is specified by the different States in this act, the prescribe minimum age of the child is 14 years in States of Andhra Pradesh, Haryana, Tamilnadu, Pondichery, Kerla, Punjab, Himachal Pradesh, Meghalaya, Delhi and Chandigarh while the prescribed minimum age is 12 years in the States of Bihar, Gujrat, Jammu & Kashmir, Karnataka, Madhya Pradesh, Goa, Diu & Daman. According to the Act mentioned the minimum age is 15 years only in the State of Maharashtra.

7) The Indian Factories Act 1948 defined a child, who has not completed his 15 years of age.

8) Child Labour (Prohibition & Regulation) Act, 1986 – defined child as a person who has not completed 14 years of age. The minimum age is reduced from 15 to 14 years and do not include the children working in agriculture and family establishment, except the children working on construction sites, this prohibits the employment of children in certain occupations (Shinganapure Vijay; 2007:19).
The various stages of childhood, which have been recognized, are the prenatal, the post-natal, infant, the pre-school and the school stage. According to the Committee for the Preparation of a Program for Children (1968) (GoI, Dept. of Social Welfare) there are five stages in the growth of the child: 1) conception to birth, 2) infancy (0-1 year), 3) pre-school from 1 – 3 years, 4) pre-school 3 to 6 years, and 5) primary school stage from 6 to 16 years. (Madan G.R., 1967:93)

L. Poverty:

Poverty is one of the major factor which is responsible for the migration of Bhil Sugarcane cutters and Katkari Brick kiln labourers, therefore it is necessary to discuss the concept of Poverty at this juncture. Concepts given by various social Sociologists have been discussed here.

Poverty and richness are relative terms. The poverty line in any given society is determines by the customs and mode of living. The poverty line in India is not at the same point as in the USA or UK. As defined by Gillin and Gillin “Poverty is that condition in which a person, either because of inadequate income or unwise expenditures, does not maintain a scale of living high enough to provide for his physical and mental efficiency and to enable him and his natural dependents to function usefully according to the standards of the society of which he is a member.” (Madan G.R, 2009).

Poverty is a situation that gives rise to a feeling of a discrepancy between what one has and what one “should have”. What one should have is an internal construct; hence each person’s felling and experience of poverty is individual and unique. But the feeling of ‘powerlessness’ and ‘resourcelessness’ is possessed by all poor people. Berstein Henry (1992) has identified the following dimensions of poverty:

- Lack of livelihood strategies
- Inaccessibility to resources (money, land, credit)
- Feeling of insecurity and frustrations
- Inability to maintain and develop social relations with others as a consequence of lack of resources.
Harrington (1958:83) defined poverty with reference to ‘deprivation’. According to him, poverty is the deprivation of those minimal levels of food, health, housing, education, and recreation which are compatible with the contemporary technology, beliefs and values of a particular society. Rein (1968:16) identifies three elements in Poverty: subsistence, inequality and externality. Subsistence emphasizes the provisions of sufficient resources to maintain health and working capacity in the sense of survival, and capacity to maintain physical efficiency. Inequality compares the lot of individuals at the bottom layer of stratified income levels with that of the more privileged people in the same society. Their deprivation is relative. Externality focuses on the social consequences of poverty for the rest of society, apart from the impact on the poor themselves (Ahuja Ram; 2007:30).

Sociologically speaking, the poor are caught up in vicious circles. Being poor means poor neighborhood, which means being unable to send children to schools, which means not only the poor themselves but their children too will have low-paying jobs or no jobs at all, which means being doomed to remain poor forever. Also being poor means eating poor food, which means having poor health, which in turn means being handicapped or too weak to handle the heavy manual work, which also means accepting low-paid work, which leads to remaining poor forever. Thus, each circle begins and ends with being poor. No wonder, Sociologists, like Thomas Gladwin (1967:76-77) give more importance to ‘inequality’ or the social concept of poverty. (Ahuja Ram; 2007:31).

K. **Child Labour:**

**Some Important Concepts related to Child Labour**

It is necessary to look into some important concepts related to child labour. (As coated in Siddiqui M.I, 2003).

1) **Work** -

“Work is the application of human energy to things; which application converts, maintains, or adds value to the workers, the thing
worked on, and the system in which the work is performed” (Wallman, 1979).

The Census of India (1981:2) as cited in Shinganapure V (2007:110), defines “work as participation in any economically productive activity may be physical or mental in nature.”

2) Child Work –

A distinction should be made between child work and child labour. Some of the social scientists have made distinction between child work and child labour. “Work can be a gradual initiation into adulthood and a positive element in a child’s development” (Fyfe, 1989). Activities of a child not at the cost of leisure, play and education and as a part of socialization as per the norms of the society, devoid of exploitation, mental or physical, tantamount to work.

Child does certain household activities in the initial phase of childhood, such as, fetching things for parents, minding younger siblings and assisting in household chores, all these are a part of socialization and hence child work. These activities are not directly or indirectly related to employment in economic sense. These are essential for child’s physical and mental growth and also for socialization. The element of exploitation is not there. (Siddiqui M.I; 2003:10)

3) Child Labour –

Child Labour practice is a worldwide phenomenon. Definition of child labour is not uniform all over the world. However, the working child, who is below the age of 14 and who is paid either in cash or kind, is normally considered as a child labour.

According to International Labour Organization, 1983, “child Labour includes children prematurely leading adult lives, working long hours for low wages, under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful education and training opportunities that could open up for them a better future.”
According to Homer Falks, Chairman of the United Nations Child Labour Commission, “Any work by children that interferes with their full physical development and their opportunities for desirable minimum level of education or their needed recreation is child labour.” (Labour Investigation Committee Main report, 1946)

UNICEF has made comprehensive efforts in formulating the whole concept of child labour, which are as follows:

- Starting full-time work at too early an age.
- Working for longer duration of time within or outside the family and unable to attend the school.
- Inadequate remuneration for working.
- Too many responsibilities at too early of an age as in the domestic situation where children below the age of ten years may have to look after their young siblings for a whole year, thereby preventing from school attendance.

According to Encyclopedia of Social Science, “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”.


According to V.V. Giri, Former President of India, “The term child labour is commonly interpreted in two different ways – the first, as an economic practice and secondly, as social evil. In the first context, it signifies employment of children in gainful occupation with a view to adding income of children to that of the family. It is in second context that the term child labour is generally used. It is necessary to take into account the character of the job in which children are engaged, the hazards to which they are exposed and opportunities of development which they have been denied.”
The Factory Act of 1948 clearly states that, any person below the age of 15 years either under compulsion or voluntarily work in an organized or unorganized sector is termed as child labour.

According to Government of Andhra Pradesh, children who are not going to school are child labourers. (Yashmanthan, Issue I, April-June, 2005)

Thus, child labour is basically physical, mental and social abuse of childhood.

**Characteristics of Child Labour:**

Child labour detracts from the other essential activities for children, such as, education, play and leisure, and hence involves an element of exploitation. It essentially entails deprivations of their rights to health or education or just to childhood (ILO, 1992). Child labour has the following characteristics:

- Working too young
- Working long hours
- Working under strain – physical, social or psychological
- Working conditions unhealthy
- Working for little pay
- Working with little stimulation
- Subject to intimidation (ILO, 1992)

**Classification of Child Labour:**

Child Labour can be broadly classified into the following categories:

- Child labour covered by legislation,
- Child labour falling outside the legislative framework,
- Agriculture and allied activities, and
4) Hazardous Work –

The term ‘hazardous work’, in case of children means not only tangible threats to physical health and safety, an in the case of adults, but also implies impairment of their social, moral and psychological development.

Any activity of a child while in employment which affects physical development, cognitive development, and emotional development, social and moral development is hazardous work. There are two types of work hazards – physical work hazards and psychosocial work hazards. Physical work hazards are those “work” in which children engaged in a place where their lives in immediate “peril” (Bequele & Myers, 1995) Psychosocial work hazards are those which adversely affect psychologically and socially. It has been observed that a child worker may develop the following problems due to psychosocial factors:

1. Withdrawal
2. Regressive behaviour
3. Premature aging
4. Depression
5. Inferior Status identity
6. Resistance (Bequele & Myers, 1995)

5) Subcontracting –

Decentralization of production units has led to the concept of subcontracting. A firm supplying a large quantity may assign specific quantity to each small production unit is known as subcontracting.

A firm subcontract work to the production units in villages, homes and other small workshops. In such cases child labour is used as these
unit shave informal settings. Footwear, garment, embroidery, furniture and handicrafts industries, in the developing world, often subcontract work to villages, homes and small workshops (U.S. Dept. of labour, 1994). The most prevalent of subcontracting is home-based production, especially in Asia and Latin America. Child Labour is generally used in such subcontract work in the form of either family labour or labour on piece rate.

6) Bonded Labour –

The ‘bonded labour system’ refers to the relationship between a creditor and a debtor who obtains loan owing to the economic compulsions confronting his day-to day life and agrees to abide by the terms dictated by the creditor. The important term of the agreement is that the debtor agrees to mortgage his services of any or all the members of his family, for a specified or unspecified period. The relationship built on an agreement is on such unequal terms that while for every labour or service, there must be fair remuneration equivalent to the price of labour in the market, under the bonded labour system; the service is rendered for the debt or in lieu of the interest accruing to the debt. The debtor either works without receiving any remuneration or if at all there is any remuneration it is much less than the minimum wage (notified under a Minimum Wages Act) or the prevailing rate of market wage.

The 1976 Bonded Labour (Abolition) Act defines ‘bonded labour system’ as the system of forced labour under which a debtor enters into an agreement with the creditor that he would render service to him either by himself or through any member of his family or any person dependent on him, for a specified or unspecified period, either without wages or for nominal wages, in consideration of loan or any other economic consideration obtained by him or any of his ascendants, or in pursuance of any social obligation, or in pursuance of any obligation devolving on him by succession.
The ‘bonded labour’ has been defined by the National Commission on Labour as ‘labour, which remains in bondage for a specific period for the debt incurred’. The Commissioner for Scheduled Castes and Scheduled Tribes explained the term-bonded labour in its 24th Report as ‘persons who are forced to work for the creditors for the loan incurred either without wage or on nominal wage’. (Sharma, 1990:52)

The UN recognizes ‘debt-bondage’ or bonded labour as a modern form of slavery (UN, 1956). “Debt bondage occurs when a person needing a ‘loan’ and having no security to offer, pledges his/her labour, or that of some one under his / her control, as a security for the loan.” (US Dept. of Labour, 1994 as cited in Siddiqui M.I., 2008:12).

7) Contract Labour –

The ‘bonded labour’ is different from ‘contract labour’ employed in industries, mines, plantations and docks, etc. The contract labour includes workers who are not directly recruited by the establishment, whose names do not appear on pay roll, and who are not paid wages directly by the employer. In theory, the contract labourers in India are covered by the Factory Act, 1948, the Mines Act, 1952, the Plantations Labour Act, 1951, the Dock Workers Act, 1948 so as to give them benefits as are admissible to labour directly employed. However, the advantages of employing both bonded labour and contract labour are the same: i) the labour is engaged at the lower cost, ii) the employers have not to extend the fringe benefits to the workers, and iii) the employers are not under any obligation of providing welfare and security measures to the workers as stipulated in various Acts.

8) Forced Labour –

It is another type of labour system observed in India and some other countries. If any laborer is forced or coerced to work against his/her wishes, with or without payment, is called forced labour. The societies characterized by their caste system have the problem of forced labour especially in India. (Siddiqui M.I. 2008:13)
9) **Wage Labour -**

When a worker, be an adult or a child, is hired by the employer on some wage rate mutually agreed upon whether lower or higher the statutory minimum wage is wage labour. The mode of payment way varies from daily payment to weekly or monthly. Wage labour is generally on time basis, and not according to the mount of work to be done. The employment in household, construction and formal sector generally follows the system of wage labour. (Siddiqui M.I., 2008:13)

Child wage labour is essentially exploitative as children are invariably paid low wages than adults. Sometimes young children work as part of a family group n wage employment basis. (Rodgers & Standing, 1981). This practice is quite common among the agricultural sector of development countries. (Siddiqui M.I., 2008:13-14)

10) **Formal Sector -**

Formal Sector is essentially an urban concept as industries and firms duly registered and licensed falling under the purview of Companies Act, Industries Act and other acts such as labour, environment, etc. are generally in the urban sector due to infrastructure facilities. (Siddiqui M.I., 2008:14)

11) **Informal Sector -**

The informal sector is an urban phenomenon and has specific roles, which are linked to traditional and family organizations. Activities in the sector are an updated representation of the primitive accumulation process in the urban centers. Access to factors of production and technology is determined by social relations and heritage, and family and friendship more than by the market system and prices.” (Aboagye & Gozo, 1986)

12) **Worst Forms of Child Labour**

ILO has given the concept of the worst forms of child labour for immediate abolition and elimination of the 87th session of the
International Labour Conference. It says that “the worst forms of child labour” comprises:

1) all forms of slavery or practices similar to slavery; such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom;

2) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

3) the use, procuring or offering a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

4) work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of children (ILO, 1990).

**Child labourers: The Facts**

One out of six children in the world today is involved in child labour, doing work that is damaging to his or her mental, physical and emotional development.

These children work in a variety of industries, and in many parts of the world. The vast majorities are in the agricultural sector, where they may be exposed to dangerous chemicals and equipment. Others are street children, peddling or running errands to earn a living. Some are domestic workers, prostitutes, or factory workers. All are children who have no fair chance of a real childhood, an education, or a better life.

Children work because their survival and that of their families depend on it. Child labour persists even where it has been declared illegal, and is frequently surrounded by a wall of silence, indifference, and apathy.

But that wall is beginning to crumble. While the total elimination of child labour is a long-term goal in many countries, certain forms of child labour must be confronted immediately. An ILO study has shown for the first time that the economic benefits of eliminating child labour will be nearly seven times greater
than the costs. This does not include the incalculable social and human benefits of eliminating the practice: nearly three-quarters of working children are engaged in what the world recognizes as the worst forms of child labour, including trafficking, armed conflict, slavery, sexual exploitation and hazardous work. The effective abolition of child labour is one of the most urgent challenges of our time.

*Key Statistics of Child Labour by ILO:*

- 246 million children are child labourers.
- 73 million working children are less than 10 years old.
- No country is immune: there are 2.5 million working children in the developed economies, and another 2.5 million in transition economies.
- Every year, 22000 children die in work-related accidents.
- The largest number of working children – 127 million – age 14 and under is in the Asia-Pacific region.
- Sub-Saharan Africa has the largest proportion of working children: nearly one-third of children age 14 and under (48 million children).
- Most children work in the informal sector, without legal or regulatory protection:
  - 70% in agriculture, commercial hunting and fishing or forestry;
  - 8% in manufacturing;
  - 8% in wholesale and retail trade, restaurants and hotels;
  - 7% in community, social and personal service, such as domestic work.
- 8.4 million Children are trapped in slavery, trafficking, debt bondage, prostitution, pornography and other illicit activities.
  - 1.2 million Of these children have been trafficked.

Some of the important causes and consequences of child labour are given by V. V. Giri National Labour Institute, New Delhi are as follow: (As quoted in survey
report conducted by an NGO, Ganpatrao Nimbalkar Smruti Mukti Ashram, Latur)

**Causes of Child Labour:**

- Tradition of tolerating children working in the pretext of learning the family skill
- Non availability of schools
- Non accessibility to schools
- Discrimination against children belonging to different economic and social background
- Absence of universalisation of compulsory primary education
- Unattractive method of imparting education
- Lack of social responsibility towards schooling of children
- Non-implementation of minimum wages
- Illiteracy of parents
- Ignorance of the parents about the adverse consequences of Child labour
- Parents disenchantment towards education
- Unemployment of the adults in the family
- Infirmity of parents
- Physical and / or mental disability of parents
- Death of parents
- Ineffective enforcement of child labour laws
- Lack of political will
- Unequal distribution of resources
- Social inequality
- Economic inequality
- Social discrimination
- Lack of social concern
• Lack of determination
• Among elected representatives of PRIs (Panchayati Raj Institutions) to end this practice

Consequences of Child Labour:

• Stunted growth of future generation
• Inability to harness human resources
• Inability to contribute to development
• Inability to benefit from development
• Citizens with accumulated frustration
• Citizens with accumulated anger
• Adult unemployment
• Depreciation in wages
• Perpetuation of poverty
• Persistence of child labour
• Perpetuation of social inequality
• Perpetuation of economic inequality
• Increased abuse of children
• Increased illiteracy
• Ignorant populace
• Citizens with inferiority complex
• Malnourished citizens
• Sick citizens
• Political instability
• Early morbidity of citizens
• Physical deformity of citizens
• Mental deformity
Perpetuation of ill treatment

Inter-generational phenomenon of child labour

Increased bottlenecks in the development process

Wasted human resources

Wasted human talents and skills

Scientists, artists and persons of eminence lost to child labour

Causes of Child Labour: A Case Study

According to a survey conducted by an NGO, GNSMA (Ganpatrao Nimbalkar Smruti Mukti Ashram, Latur) on the situation of child labour in Nilanga & Latur talukas, for District Collector Office, Latur, causes of child labour are as below:

- Poverty, inequality, ignorance and oppression are the main causes of child labour.

- The economy in the area is based on subsistence dry land farming which is seasonal in nature. The agriculture is completely dependent on the vagaries of monsoon and the rainfall is scanty. The area lacks irrigation. The secondary and tertiary sectors are undeveloped. Hence no diversification of occupations. Almost entire population is, therefore, dependent on agriculture and allied activities for income. Due to surplus labour and single kharip crop pattern, there are no work opportunities available locally for a vast majority of the population. The agricultural labourers have to scout around mainly in the nearest towns for work for 6 – 7 months in a year.

- To avoid starvation, therefore, the families send children for work. The children get work easily, because it is easier and convenient for the employer to extract much more work in return of much to small wages. The children are innocent and obedient. It is easy to control them and extract work. Thus, the economic compulsions deprive the children not only of education but a happy childhood.

- Social inequality, lack of knowledge and loss of faith in the education is another reason for wide spread incidence of child labour. It is a known fact
that the caste based hierarchical social structure has deliberately kept the poor and the lowest in the hierarchy away from education. Even for personal or family level decision – making, the rural folks depend upon village influential such as village head or elderly who are essentially part of the rural elite. Such a person often influences these decisions to maintain their selfish interests. For instance, if a family wants to send a child for high school outside the village, the family head consults the village influential, who advises, “Why do you want to send the child to high school? Will that make him a Collector? No need to spend money on his education which will be waste because it is so difficult to get jobs, can’t you see? Send him for work (at my place) from tomorrow.

- Obviously, poor illiterate families lack knowledge about the facilities programs and schemes that are available for the education of their children. Secondly, there has been so much increase in the number of educated unemployed that a poor illiterate man feels it to be better to send the child for work who will start earning money. He finds it pointless to spend money on the child’s education who even after receiving education will roam around jobless and will refuse to work in farms.

- Children cannot form their unions to fight for their rights. That encourages the people who employ the child labour.

The same survey brought to the light the following facts about the child labourers:

1) It was generally observed that the proportion of Child labourers was very high among scheduled castes-tribes, nomadic tribes, other backward castes and Muslims as compared to non-Brahmins upper castes.

2) The child labourers belonged mainly to the families of bonded labourers, agriculture labourers, marginal farmers, artisans.

3) The child labourers were those children who either never went to school or those who were taken out of school even while at the primary level schooling.
4) There were no fixed hours of work for child labourers they normally worked for 12 to 14 hours and at times up to 16 hours.

5) The child labourers were engaged in occupations such as farm work own, cattle mending, baby-sitting, domestic work and construction work.

6) The child labourers were always abused both verbally and physically.

7) In case of some child labourers the parents send them to work forcibly.

8) The child labourers who were working continuously were deprived of personal and private life, social and cultural activities.

9) They did not have benefits such as weekly holiday or monthly holiday. If they remained absent due to illness or for other reason their wages for absent days are deducted from their remuneration or else they themselves must arrange a replacement.

10) In towns the child labourers are found mostly in hotels, motels, workshops or garages etc.

L. Child Rights

It is evident that legislation is one of the main weapons of empowerment of children. Legislation reflects the commitment of the State to promote an ideal and progressive value system. The notion of duty also applies to the State. The Constitution of India, the fundamental law of the country, came into effect on 26\textsuperscript{th} January 1950. It provides protective umbrella for the rights of the children. These rights include-

- Right to equality (Article 14)

- Right to freedom including the freedom of speech and expressions (Art.19 (1) (9))

- Personal liberty, right to due process of law (Art. 21)

- Religious, cultural, educational rights (Art.29)

- Right to Constitutional remedies (Art.32)
1. **Right To Parental Care: (Custody & Guardianship)**

The legal relationship of parent and child is composed of rights and duties. Parents have parental rights by virtue of being natural guardians of their children.

During the British period, the courts developed the law of guardianship. The Guardians and Wards Act (GWA) was passed in 1980 and conferred on the district courts the power of appointing guardians of minor children belonging to any community.

A guardian is thus a person who has rights and duties with respect to the care and control of minor’s person or property. Guardianship includes the right to make decisions about the minor’s upbringing, disposal of his / her property etc. ‘Care’, the word used in defining guardian, indicates looking after in a wider sense than ‘custody’ which is simply ‘Physical keeping’. Custody is thus the right to the physical presence of the child. It includes the right to take day-to-day decisions regarding the child’s education, medical treatment, and general movement. Custody can only be of the person of the minor but not of its property.

The law of guardianship and custody of minors is governed by:

- The Guardians and Wards Act 1890
- The Hindu Minority and Guardianship Act 1956, and the unmodified Muslim law of custody and guardianship.
- The personal laws of Hindus, Parsis and Christians, which lay down the principles relating to the custody and guardianship of children during matrimonial proceedings.

The Guardian & Wards Act, 1890 (GWA)

It is a complete code defining the rights and remedies of guardians and wards.

- All matters relating to guardianship, their rights and obligation, the provisions of the Act regulate the removal and replacement of the guardian, and remedies available to the wards.
This Act applies to all minor children of any caste and creed, though in appointing or declaring a person’s guardian of the minor, the court will take into consideration the personal law of minor.

The Guardians and wards Act deals with the guardian of the person and property of the minors.

Once a certified guardian is appointed or declared, the powers of natural or testamentary guardian under the personal law stands suspended. But, if the personal law is not in conflict with any provision of the Act, the proposal law will apply.

Under Section 20 of GWA, the relationship between a guardian and the ward is fiduciary relationship. This means guardians cannot profit from their guardianship and must act only with the ward’s welfare in mind.

There are two types of guardians: of the minor’s property.

- A guardian of a minor person is expected to take custody of the minor and is obliged to provide financial support, healthcare, and education.

- Guardians of property have an obligation to deal with the minor’s property as if it were his/her own and can act to protect or enhance the property. Guardians of the property appointed by the court cannot mortgage, transfer, or dispose of immovable property, or lease it without prior approval from the court.

Section 7 (1) lays down the cardinal rule in the matter of guardianship and custody of children. In considering what will be for the welfare of the minor, the following factors have been mentioned all of which are contained in Sec. 17(2):

- Age of the minor
- Sex of the minor
- Religion of the minor
- The character and capacity of proposed guardian
- Nearness of kin to minor
✓ Wishes, if any, of the deceased
✓ Any existing or previous relations of the proposed guardian with the minor or his property; and
✓ If the minor is old enough to form an intelligent preference, the court may consider that preference

The Hindu Minority and Guardianship Act, 1956 (HMGA):

❖ Under this Act, the father is the natural guardian of the person and property of legitimate children and after him the guardianship vests in the mother (sec.6). The Supreme Court has now made the mother also the natural guardian.

❖ Under the Act mother is the natural guardian of her illegitimate children and after her death, the putative father is the natural guardian.

❖ Under the Act, both the parents have been given power of appointing testamentary guardians.

❖ A Hindu father cannot appoint a guardian of his minor illegitimate children, even when he is entitled to act as their natural guardian.

❖ The guardianship of a minor girl comes to an end on her marriage and it cannot be revised even if she becomes a widow during her minority. In that event, the guardianship would belong to the nearest ‘sapinda’ (near kinsmen) of her husband.

❖ Qualifications regarding natural guardians-

❖ The provision to Section 6 lays down that the custody of a minor who has not completed the age of five years shall ordinarily be with the mother; and

❖ Section 3(1) lays down that in the appointment or declaration of any person as guardian of a Hindu minor by a court, the welfare of the minor shall be the paramount consideration.

2. Right against Economic Exploitation – Child Labour

The Constitution of India has lay down that no child under the age of fourteen years shall be employed in any mine or engaged in any other
hazardous employment (Article 24) and any contravention of this provision shall be an offence punishable in accordance with law. The directive principles of state policy in Article 39 (e) provide 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 under suited to their age of strength. Article 39 (f) directs that the 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 moral and material abandonment. It has been made a duty of the State to raise the level of nutrition and the standard of living and to improve public health.

The Factories Act, 1881

- Minimum age (seven years);
- Successive employment (employment in two factories on the same day) prohibited;
- Duration of employment (working hours not to exceed nine hours a day and least four holidays to be given in a month)
- Factories employing one hundred or more persons were covered by this Act.

The Factories Act 1881 was revised in 1891 with respect to the following matters:

- Minimum age – (increased to nine years)
- Hours of work – (maximum seven hours per day, with prohibition of work at night between 8pm and 5am)

The Mines Act, 1901

This Act prohibited employment of children under 12 years of age.

The Factories Act, 1911

This Act provides:

- Work between 7 pm and 5.30am prohibited;
◊ Work in certain dangerous processes, prohibited;

◊ Certificate of age and fitness required

The Factory (Amendment) Act, 1922

To implement the ILO Convention (No.5) 1919, the amendment provided for changes such as:

◊ Minimum age – (fifteen years in general);

◊ Working hours (maximum six hours, and also an interval of half an hour if children are employed for more than five-and a half hours);

◊ Establishment employing twenty or more persons with mechanical processes was covered under this Act with power vested in the local government to exclude the applications of provisions to premises employing ten or more persons.

◊ Prohibition of employment of children below eighteen and women in certain processes;

◊ Provision for medical certificate and also certificate of reexamination for continuing work.

The Indian Mines Act, 1923

This Act raised the minimum age for employment from twelve to thirteen years.

The Factories (Amendment) Act, 1926

This Act imposed certain penalties on the parents and guardians for allowing their children to work in two separate factories on the same day.

The Indian Ports (Amendment) Act, 1931

This Act laid down twelve years as the minimum age that could be prescribed for handling goods in ports. The report of the Royal Commission on Labour (1931) had an impact on legislation pertaining to child labour during the period between 1931 and 1949.

The Tea Districts’ (Emigration Labour) Act, 1932
This Act was passed to check migration of labourers to districts in Assam. It provided that no under-age child is employed or allowed to migrate unless the child was accompanied by his or her parents or adults on whom the child was dependent.

Children (Pledging of Labour) Act, 1933

This Act prohibited pledging of children, i.e. taking of advances by parents and guardians in return for bonds, pledging the labour of their children – a system akin to the bonded labour system.

The Royal Commission noticed this practice of pledging of labour of children in areas such as Amritsar, Ahmedabad, Madras etc. and in carpet and beedi factories. The children in these situations were found to be working under extremely unsatisfactory conditions.

The Factories (Amendment) Act, 1934

This Act had elaborate provisions for regulating the employment of children of various age-groups in the factories, such as:

- Employment of children between twelve and fifteen years was generally prohibited in certain areas.
- Employment of children under 12 and 15 years restricted to five hours a day in other areas;
- For employment of children between fifteen and seventeen years, certain restrictions were imposed.

The Mines (Amendment) Act, 1935

This also introduced divisions of children according to age groups and the position which emerged was as follows:

- Employment of children less than fifteen years in mines was prohibited.
- Underground employment was permitted only on production of certificate of physical fitness granted by a qualified medical practitioner for persons between fifteen and seventeen years.
diamond Working time restricted to a maximum of ten hours a day and fifty four hours a week for work above the ground and nine hours a day for work underground.

The Employment of Children Act, 1938

This Act was passed to implement the Convention adopted by the twenty-third session of ILO (1937) which inserted a special article on India:

diamond Children under the age of thirteen years shall not be employed or work in the transport of passengers, or goods, or mails, by rail, or in handling of goods at docks, quays, or wharves but excluding transport by hand. Children under the age of fifteen years shall not be employed or work in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority.

This Act:

diamond Prohibited employment of children under fifteen years in occupations connected with transportation of goods, passengers, and, mails, or in the railways;

diamond Raised the minimum age of handling goods on docks from twelve to fourteen years;

diamond Provided for the requirement of a certificate of age.

The Factories Act, 1948

This Act raised minimum age for employment in factories to fourteen years.

Employment of Children (Amendment) Act, 1949

This Act raised the minimum age to fourteen years for employment in establishments governed by the Act.

Employment of Children (Amendment) Act, 1951

As a result of ILO Convention relating to night work of young persons, this Act prohibited the employment of children between fifteen and
seventeen years at night in the railways and ports and also provided for requirement of maintaining a register for children under seventeen years.

The Plantation Labour Act, 1951

This Act prohibited the employment of children under twelve years in plantations.

The Mines Act 1952

This Act prohibited the employment of children less than fifteen years in mines. The Act stipulates two conditions for underground work:

- Requirement to have completed sixteen years of age; and
- Requirement to obtain a certificate of physical fitness from a surgeon.

The Factories (Amendment) Act, 1954

This included prohibition of employment of persons under seventeen years at night (‘night’ was defined as a period of twelve consecutive hours which included hours between 10pm and 7am).

The Merchant Shipping Act, 1958

This prohibits children under fifteen to be engaged to work in any capacity in any ship except in certain specified cases.

The Motor Transport Workers Act, 1961

This Act prohibits the employment of children less than fifteen years in any motor transport undertaking.

The Apprentices Act, 1961

This Act prohibits the apprenticeship / training of a person less than fourteen years.

The Beedi and Cigar Workers (conditions of employment) Act, 1966

This Act Prohibits:

- The employment of children under fourteen years in any industrial premises manufacturing beedies and cigars.
 Persons between fourteen and eighteen years from working at night between 7pm and 6am

Employment of Children (Amendment) Act, 1978

This Act prohibited employment of a child below fifteen years in occupations in railway premises such as cinder picking or clearing of ash pit or building operations, in catering establishments and in any other work which is carried on in close proximity to or between the railway lines.

The Child Labour (Prohibition & Regulation) Act, 1986


Significant Provisions of the CLPRA:

The preamble to the Act states that it is an act to prohibit the employment of any person who has not completed his fourteenth year of age in occupations and processes set forth in Part A and Part B of the Schedule of the Act.

The Act thus classifies all establishments in any two categories.

- Those in which employment of child labour is prohibited, and
- Those in which the working conditions of child labour shall be regulated.

Penalties under the Act:

The penalties under this Act are relatively more stringent than the earlier Acts and violating the provisions relating to child labour in certain other Acts results in a penalty under this Act (CLPRA 1986, section 15).

- Whoever employs any child or permits any child to work in any hazardous employment shall be punishable with imprisonment for a
term which shall not be less than three months but which may extend to one year, or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees, or with both for repeated offence. The punishment is imprisonment for a term which shall not be less than six months but which may extend to two years.

- For failing to give notice to the inspector as required by section 9 or failing to maintain a register as required by section 11, or making any false entry in the register, or failing to display an abstract of section 3, or failing to comply with any other provisions of this act or rules, the punishment is imprisonment which may extend to ten thousand rupees or both.

**Positive features of the CLPRA:**

- It increases and makes more stringent the penalties for employing child labour in violation of the law for factories, mines, merchant shipping and motor transport [Section 15(1) & (2)].

- It defines ‘family’ and thereby makes it more explicit thus precluding the possibility of its abuse.

- It empowers the union government to bring into force provisions that regulate conditions of work of children in non-hazardous employment and also empowers state government to make rules for further regulations. It provides the machinery i.e. the child labour technical advisory committee, for adding to the list of occupations and processes in which the employment of the child labour is prohibited. (This was not possible in the employment of children act 1938).

- It permits any person besides a police officer or inspector to file a complaint against anyone employing or permitting a child below fourteen in the prohibited occupation as processes.

- It makes the display of section 3 & 4 of CLPRA a mandatory requirement for the railway administration, the port authority and the occupier.
Although the Constitution of India has made several provisions to protect the interests of children who are victims of child labour there are several tribal children in the country who are not aware of these provisions are made for them. Further, the tribal migrants who are the part of unorganized labour are worst victims, child labour and domestic work.

3. **Right to Protection against Sexual Abuse and Exploitation**

Child sexual abuse and exploitation is not new, the extent of the problem is – children are sold, rented out, and sexually abused by adults everywhere. There is no uniformly accepted definition of ‘Child abuse’. There have been a number of definitions of the phrase ‘child sexual abuse’.

Child Sexual Abuse (CSA) has been defined as any kind of physical or mental violation of a child with sexual intent usually by a person who is in a position of trust or power vis-a-vis the child. CSA is also defined as any sexual behavior directed at a person under sixteen, without informed consent.

The Standing Committee on Sexually Abused Children has defined Child Sexual Abuse as: ‘Any child below the age of consent may be deemed to have been sexually abused when a sexually mature person has by design or by neglect of their usual societal or specific responsibilities in relation to the child engaged or permitted engagement of that child in activity of a sexual nature, which is intended to lead to the sexual gratification of the sexually mature person.

At present there is no comprehensive law on child sexual abuse. The Constitution of India contains provision for the protection of children. Under the Constitution, it is the duty of the State to secure that children of tender age are not abused and forced by economic necessity to enter vocations unsuited to their age and strength [Article 39 (e)] and to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity [Article 39(f)].

According to Article 23 of the Constitution, trafficking women for immoral purposes is prohibited.
In India, legal intervention is presently in the form of investigations which start with registration of offences under the earlier Juvenile Justice Act 1986 or the present Juvenile Justice (Care & Protection of Children) Act, 2000 or the Indian Penal Code or the Prevention of Immoral Traffic Act 1956 (Amended in 1986).


J J Act 1986 was enacted to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent children.

Under the Juvenile Justice Act 1986, a prostitute’s child was automatically a neglected child. The magistrate had the power to segregate the prostitute from her child and place the child in a corrective institution. Besides, under the Act, while males above eighteen years were considered adults, the age was reduced to 16 years for females.

The Juvenile Welfare Boards generally were not equipped to deal with cases of child sexual abuse.

The Observation Homes could not provide special care and treatment for such victimized children.

**Juvenile Justice (Care & Protection of Children) Act, 2000**

Since the Juvenile Justice Act 1986 has been replaced by the Juvenile Justice (Care & Protection of Children) Act, 2000, such children are now being produced before the child Welfare Committees that have replaced the Juvenile Welfare Boards. In practice, at present, it appears that there has been a change only in the nomenclatures. The actual functioning of the earlier Boards and present committees remain almost the same.

**Indian Penal Code:**

There is, at present, neither a comprehensive law nor a policy to deal with child sexual abuse. The Indian Penal Code deals with the sexual abuse of children in the form of rape.

- Section 375 defines rape.
Section 376 of Indian Penal Code provides for the punishment of rape which shall not be less than seven years but which may be for a term that may extend to ten years, unless the woman raped is his own wife and is not under twelve years of age, in which case, he shall be punished with imprisonment for a term which may extend to two years or with fine or both.

The other provisions of IPC, which are invoked, are related to unnatural practices like section 377. This is generally invoked when boy children are sexually abused.

Sections 366(A) and 366(B) relate to export and import of girls for prostitution. Under Sections 366-A and 366-B, the girl should be below eighteen years and she should be intentionally induced by the accused to go from any place or to any act that is likely to force her into prostitution.

The Prevention of Immoral Traffic Act, 1986 (PITA)

Under Section 8, children, both boys and girls, are given protection from sexual abuse. There are also provisions against brothel keepers and keeping minor girls. Discretionary powers have been given to magistrates for interim placement of children who are housed in institutions.

4. **Juvenile Justice**

The vast majority of the children are impoverished. This has given rise to children in especially difficult circumstances (CEDC) who are vulnerable, marginalized, destitute and neglected, and are quite frequently deprived of their basic rights to family care, protection, shelter, food, health and education. According to an estimate, there are around 340 million deprived children in India. Among the vulnerable groups of children, India has the largest population of street children in the world. At least 18 million children live or work on the streets of India (Bajpai Asha, 2003:277).

Delinquency – It is any act, course of conduct, or situation, which might be brought before the court and adjudicated whether in fact it comes to be treated there, or by some other resources or indeed remain untreated. The
juvenile delinquent or a child in conflict with law, is thus a person who has been adjudicated as such by a court of proper jurisdiction though he may be no different, at any rate, up and until the time of court contact and adjudication, from masses of children who are not delinquents. Juvenile delinquency is an act or omission by a child or young fantasy, which is punishable by law under the legal system.

Studies indicate that juvenile delinquency is a result of the interaction of contextual, individual and situational factors. Some of these factors within a family are:

- Living with criminal parents,
- Harsh discipline,
- Physical abuse and neglect,
- Poor family management practices,
- Low level of parent involvement with the child,
- High levels of family conflict,
- Parental attitudes favorable to violence, and
- Separation from family

After independence many of the States developed their separate Acts whereas the centrally governed States (Union territories) were covered under the Central Children Act 1960. Hence there was a need for a uniform legislation for the entire country.

**The Juvenile Justice Act 1986:**

The Juvenile Justice Act 1986 replaced the Children’s Acts, formerly in operation in the states and the Union Territories. It came into force in 1987 on a uniform basis for the whole country. The preamble of the Juvenile Justice Act 1986 states that the Act is to provide for the care, protection, treatment, development and rehabilitation of neglected and delinquent juveniles and adjudication of certain matters relating to disposition of delinquent juveniles.
Under the J J Act 1986, juvenile means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years. The juveniles are further classified into neglected juveniles and delinquent juveniles. A neglected juvenile is a very wide term and includes a juvenile who is found begging or who lives in a brothel or with a prostitute, or who leads an immoral life, or a juvenile who is being abused or there is a possibility that in future he may be abused for immoral purposes. A delinquent juvenile is one who has committed an offence under any law of the land and comes in conflict with law. The Juvenile Welfare Board deals the neglected juvenile whereas the delinquent juveniles are brought before the juvenile court.

The Act has provided for the classification and separation of delinquents on the basis of their age, the kind of their delinquency, and the nature of their offences committed by them. The four types of institutions for under this Act are Observation Homes, Juvenile Homes, Special Homes, After-care Homes.

The Juvenile Justice (Care and Protection of Children) Act 2000:

The preamble of this Act states that it is an Act to consolidate the law relating to juveniles in conflict with the law and children in need of care and protection, by providing for proper care, protection, and treatment, by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through their various established institutions under this enactment.

In this Act, ‘Juvenile’ or ‘child’ means a person who has not completed eighteenth year of age whereas the ‘juvenile in conflict with law’ means a person who is alleged to have committed an offence. Thus there are two distinct categories of children under this Act: 1) ‘juvenile’ for children in conflict with law and 2) ‘child’ for children in need of care and protection.

Significant Changes Brought about by the Juvenile Justice Act 2000

The Juvenile Justice Act 2000 has brought in some significant changes in an attempt to make the system more child-friendly, these are as follows:
The Act defines a child as a person who has not completed eighteen years of age. There is now no discrimination in ages between boys and girls and the age conforms to the CRC.

Use of distinct terms such as ‘juvenile’ for children in conflict with law and ‘child’ for children in need of care and protection has been introduced.

Juvenile Justice Board is to replace juvenile courts and Child Welfare Committees to replace the existing Juvenile Welfare Boards.

The Juvenile Justice Act 2000 empowers the Board to give a child in adoption.

The Juvenile Justice Act 2000 requires that the child’s consent be taken into account before the adoption is completed.

The new J J Act allows parents to adopt a child of the same sex irrespective of the number of living biological sons or daughters.

Rehabilitation and social integration of a child is an important part of the Act.

Non-institutional services are provided as alternatives to institutionalization.

Non-governmental organizations have been involved in the Act.

There is a provision for juveniles being placed under the change of special juvenile police unit.

The Act provides for reception, classification, and pre-trial detention of juveniles.

New dispositional alternatives such as group counseling and community service have been provided to the Juvenile Justice Boards.

There are provisions for children’s home or shelter home for children in need of care and protection.

Provision for monitoring and evaluation of children’s home and shelter homes by the Central and State governments have been incorporated.
• Restoration of child to the family is now considered as prime objective of any children’s home or shelter home.

5. **Right to Development:**

   The Right to Development includes two rights namely – Elementary Education – the right of every child and right to play and recreation.

   **i) Elementary Education – The Right of Every Child**

   Right to education of every child is clearly a human right. Education is important as it enables the child:

   • To develop and realize her/his full potential as a human being
   • To develop the ability to think, question and judge independently
   • To develop a sense of self-respect, dignity, and self confidence
   • To develop and internalize a sense of moral values and critical judgment.
   • To learn to love and respect fellow human beings and nature
   • To develop civic sense, citizenship, and values of participatory democracy
   • To enable decision making

   The first experiment of making primary education compulsory took place in 1893 when the ruler of state of Baroda, Maharaj Sayajirao Gaekwad, introduced compulsory education in the Amreli division of his state. In 1918 with the efforts of Vithalbhai Patel, Bombay passed a Primary Education Act permitting municipalities to introduce compulsory education in their areas. Within a few years, other provinces also passed laws aimed at compulsory education. By the early 1930s, the principle of compulsory education was written into state law.

   After independence, the Constitution of India, in Article 45, made compulsory education a matter of national policy. The constitution, in Article 45, lays down as a directive principle that every child up to the age of 14 shall receive free and compulsory education. Article 29 of the Constitution provides the right to admission to educational institutes (receiving state aids) without discrimination on the basis of religion, race, caste and language.
In November 2001, the Loksabha passed Ninety-third Amendment Bill. The significant provisions of this Amendment are:

- The amendment makes education a fundamental right for children in the age group 6 to 14 years.
- The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.
- It shall be the fundamental duty of the parents and guardians to provide opportunities for education to their children or, as the case may be wards between the age of six and fourteen.

This amendment has made the right to free and compulsory education for the children a fundamental right. The State is now under the legal obligation to provide free and compulsory education to all children between 6 to 14 years of age.

ii) Right to Play and Recreation:

The Convention on the Rights of the Child guarantees the right to play and recreational activities to all children. The Convention on the Rights of the Child in Article 31 acknowledges the importance of play and recreation. The article recognizes the right of the child to engage in play and recreational activities appropriate for the age of the child.

Play is a fundamental to all aspects of child development and is a key component in preserving community and culture, in the broadest sense. Play is valuable in children’s physical exercise and growth and in their development of motor skills. Children playing together present rich opportunities for social, moral and emotional development and hence for the development of their personality and their ability to handle stress and conflict. Therefore, specialists in children’s play theory see play as fundamental to human development.

6. Right to Survival:

The Right to Survival of a child includes:

- Access to health care services for children in emergency situation and for prevention of disease, through the existing health care network;
• Providing Shelter;
• Providing nutritional facilities for children in need of care and protection; and
• Providing an identity.

i) Right to Health –

In 1946, the World Health Organization (WHO) defined health in its Constitution as ‘a state of complete physical, mental and social well being and not merely the absence of disease or infirmity’. The right to health is solidly embedded in international human rights law.

The Convention on the rights of the Child1989 addresses the issue of health in Articles 24 and 27. Article 24 says that the state parties recognize the right of the child to the enjoyment of the highest attainable standard of health and shall take appropriate measures to combat disease and malnutrition through the provision of adequate nutritious food, clean drinking water, and health care. Article 27 of the CRC says that in case of need, the State parties shall provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing (Bajpai Asha, 2003;376). The concept of nutrition rights originated in the context of the Convention on the Rights of the Child (CRC) and was developed by the United Nations Children’s Fund (UNICEF) which defined nutrition rights as the combination of access to food, health, and necessary care. These three components are necessary to guarantee adequate nutrition to children (Bajpai Asha, 2003;377).

The Constitution of India provides in Articles 39 (e) and (f) that the State shall, in particular, direct its policy towards securing the health of the children. Unfortunately, in the Constitution of India, health is not a fundamental right of citizens and, therefore, cannot be justifiable in courts. The provision of health care is contained in the directive principles and it is a duty of the State to raise the nutrition and the standard of living and to improve public health.

ii) Rights of Unborn Child and Rights during Early Childhood

Femicide, which includes female infanticide, sex-selective abortion, sex selection of embryos and other methods of averting the natural formation of a
female foetus (sperm selection), takes place every day in every corner of this country. According to the 1991 census the overall sex ratio of the country was 929 women per 1000 men. This sex ratio is becoming more skewed day by day.

There are provisions under the Indian Penal Code 1860 for foeticide and infanticide. Amniocentesis or sex-selective abortion is a crime under the Indian Penal Code (IPC). The IPC lays down stringent penalties if miscarriage is caused without the consent of the woman. The Prenatal Diagnostic Techniques (Regulation and Prevention of misuse) Act 1994 is aimed at banning selective abortions of females. The Medical Termination of Pregnancy Act 1971 permits termination of pregnancies before twenty weeks under certain circumstances.

The Medical Termination of Pregnancy Bill 2000 (MTP 2000): The MTP bill 2000, was approved by the Parliament of India to amend the MTP Act, 1971. Complications of unsafe and illegal abortions in India remain a major factor in high rates of maternal mortality. The MTP Act, 1971, legalized the termination of pregnancy on various socio-medical grounds. The amended Act is aimed at eliminating abortions by untrained persons and in unhygienic conditions, thus reducing maternal morbidity and mortality.

iii) Rights during Early Childhood:

Registration of Birth: This is another right of the child immediately after birth. Under Article 7 of the Convention on the rights of the Child, the child shall be registered immediately after birth and shall have a name and the right to acquire a nationality. The registration of Births and Deaths Act 1969 provides for the regulation of registration of births in India. It has been made the duty of the following persons to give the information to the registrar of births orally or in writings (Section 8):

- In respect of births in house, by the head of the household and in his/her absence the oldest adult male member;
- In respect of the birth in a hospital, health centre, maternity or nursing home etc., the medical officer in-charge;
- In respect of births in a jail, the jailor in charge;
• In respect of birth in a hostel, boarding house, lodging house, or public place, the person in charge;

• In respect of any new born child deserted in a public place, the headman of the village or the officer in charge of the police station;

• In respect of the births in plantation (section9), the superintendent of the plantation.

**Immunization:**

The series of immunization known as DPT can prevent diphtheria, pertussis (whooping cough), and tetanus, but these three diseases still kill 6,00,000 children and afflict million of others every year in developing countries. Immunization also consists of one dose of BCG, three doses of OPV, and one dose of measles vaccinations to be given to infants.

India launched its Expanded Immunization Programme (EPI) in 1978-79. This was changed to Universal Immunization Programme (UPI) with the support of the UNICEF, the World Health Organization (WHO) and the Indian Academy of Pediatrics (IAP) with the objective of increasing the coverage levels by districts, improving the quality of services, and achieving self sufficiency in vaccine production as well as indigenous manufacture of cold chain equipment. Fixed-day drives of Pulse Polio Immunization (PPI) cover a maximum of 127 million children on single day sessions twice a year.

**Nutrition:**

The World Health Assembly, on 21 May 1981, adopted an International Code of Marketing of Breast Milk Substitutes for the proper nutrition and health of world’s children. The aim of code is to contribute to the provision of safe and adequate nutrition for infants by the protection and promotion of breastfeeding and by ensuring the proper use of breast milk substitutes. India was a signatory to this International Code and the Government of India responded through the ministry of health by adopting the ‘Indian National Code for Protection and Promotion of Breastfeeding’ in 1983.

The Infant foods, Breast Milk Substitutes and Feeding Bottles Act 1992 (IMS Act 1992) sought to provide for the prohibition of advertisements,
incentives, donation, and promotion of artificial milk-food substitutes and to promote, protect, and support breastfeeding (Bajpai Asha;2003:403).

**The Maternity Benefit Act 1961** – The Maternity Benefit Act 1961 prohibits employment of women in any establishment for a period before and after childbirth, and provides for payment of maternity benefits to them. The Act provides that a woman (who has actually worked for a period of not less than eighty days immediately preceding the date of her expected delivery) shall be entitled to maternity benefit for a period not exceeding three months [section 5(3)]. This obviously restricts exclusive breastfeeding to a period ranging from six weeks at worst to ten weeks at best, since most women would prefer to take some part of the leave before childbirth.

Under Section 10 of the Maternity Benefit Act 1961 a woman is also entitled to an additional period of leave with wages up to a maximum of one month if she is suffering from illness arising out of pregnancy, delivery, premature birth, or miscarriage. This clause is intended to safeguard the mother’s health but cannot be used to extend the period of breastfeeding.

Section 11 provides for two nursing breaks of fifteen minutes duration each in the course of the mother’s working day. If the crèche is not attached to the workplace she can take not less than five or not more than fifteen minutes time for travel.

**Day care and Crèche Facilities:** The provision for crèche for children of working mothers is obligatory under certain labour laws in the organized sector. Laws with reference to crèches exist primarily in relation to the organized sector. The factories Act 1948, the Mines Act 1950, and the Plantations Act 1951 make it obligatory for the employer to provide crèches for children aged 0-6 years wherever more than a stipulated minimum of women are employed in factories, mines and plantations.

**Laws in the Unorganized Sector:** There are 120 million women in the unorganized sector needing childcare support, as a majority of young children are unsupervised or are cared by older siblings. In the unorganized sector, the Contract Labour Act 1970 and the Interstate Migrant Workers Act 1980, this is an
upgraded version of the former, as well as the Bidi and Cigar Workers Act 1966 attempt to legislate for the provision of crèches.

These laws follow the same pattern in relation to crèches as in the case of factories, mines and plantations, laying down a minimum number of women to be employed for the rules to become operative, though this is extremely impractical in the case of industries such as construction and quarrying for which the former are intended against home-based workers in the latter case.

iv) Children’s Right to Shelter/Housing:

Housing as a living impulse creates roots entailing security. Article 21 of the Constitution of India deals with the right to life and includes the right to housing and shelter. The right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessaries of life such as adequate nutrition, clothing and shelter over the head, and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commoningling with fellow human beings.

The government has given a low priority to provision for shelter as reflected in the declining direct public investment on housing in the successive five-year plans, from 16 percent in the first to 1.5 per cent of the outlay in the seventh plan. Children are the worst affected because of lack of housing policy.

India is also a signatory to the Universal Declaration of Human Rights 1948 and the International Covenant on Economic, Social, and Cultural Rights 1966, which declare and establish housing as a universally recognized fundamental human right. In spite of these proclaimed stands, the Indian Government is yet to recognize the right to housing as a fundamental right.

M) Content and Intent of CRC (Child rights Convention)

The United Nations child Rights convention (CRC) is considered to be the most powerful legal instrument for the recognition and protection of children’s human rights (Brewster Dan 2 : 160). It has 54 articles in all A convention is an agreement between countries to obey the same laws. When a government ratifies a convention, it means that it agrees to obey the law written in that convention. The basic provisions of the convention are in three categories namely.
• Protection (Protecting children from harm)

• Provision (Providing what children need to live and develop)

• Participation (engaging children in their world)

Some of the important provisions of CRC include the following (note that these are summary statements)

Article 1: Definition of a child
A child is recognized as a person under 18, unless national law recognize the age of majority earlier.

Article 5: Parental guidance and the child’s evolving capacities.
The state must respect the rights and responsibilities of parents and the extended family to provide guidance for the child that is appropriate to his or her evolving capacities.

Article 6: Survival and development
Every child has the inherent right to life and the state has an obligation to ensure the child’s survival and development.

Article 9: Separation from parents
The child has right to live with her or his own parents, unless this is deemed to be incompatible, with child’s best interests.

Article 19: Protection from abuse and neglect.
The State shall protect the child from all forms of maltreatment by parents or other responsible for the care of the child and establish appropriate social programs for the prevention of abuse and the treatment of victims.

Article 24: Health and Health Services.
The child has a right to the highest standard of health and medical care attainable.

Article 27: Standard of Living
Every child has the right to a standard of adequate for his or her physical, mental, spiritual, moral and social development. Parents have the primary responsibility to ensure that the child has an adequate standard of living.

Article 28: Education
The child has a right to education and the state’s duty is to ensure that education is free and compulsory
Article 31 : Leisure, Recreation and cultural
The child has the right to leisure, play and participation in cultural and artistic activities.

Article 32 : Child Labour
The child has right to be protected from work that threatens his or her own health, education or development. The state shall set minimum ages for employment and regulate working conditions.

Article 34 : Sexual exploitation
The state shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.

Article 35 : Sale, Trafficking and Abduction

It is the state’s obligation to make every effort to prevent the sale, trafficking and abduction of children.

Some of the other articles of CRC are:

Article 3: Best Interests of the child
All actions concerning the child shall take full account of his or her interests. The state shall provide the child with adequate care when parents or others charged with that responsibility fail to do so.

Article 12 : The child’s opinion
The child has right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child.

Article 13 : Freedom of Expression
The child has the right to express his or her views, obtain information, make ideas or information known.

Article 14 : Freedom of Thought, Conscience and religion
The state shall respect the child’s freedom of thought, conscience and religion, subject to appropriate parental guidance.

Article 15 : Freedom of Association.
Children have the right to meet with others and join or form associations.

Article 16 : Protection of Privacy
Children have the right to protection from interference with privacy, family home and correspondence and from libel or slander.

Article 19 : Protection from abuse and neglect.

The state shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child.

All the 54 articles of CRC throw light on protection, provision and participation of children. India is part of the convention and therefore has the responsibility to look into every article of CRC and see that it is practically enforced in the form of laws, rules and regulations to safe guard and protect the interest of every child in India. The question that haunts the mind of a researcher is that what ever is planned at the international level, which includes CRS, how effective it is in India.

1.4) Statement of the Problem :

All the 54 articles of the United Nations child rights convention bestow an important legal responsibility on the member states & nations that have signed to agree and obey the laws concerning the rights of every child in their respective nation. Even the achievement of Millennium Development Goals (MDG) is yet another responsibility best on the member nations. In fact there is a very close relationship between achieving MDG goals & child rights.

The research problem of this study revolves around the push factors such as extreme poverty, landless status, debt, food and economic crisis that hook sugar cane cutters & brick kiln labourers into bonded labour and lack of adult man power among the Katkari brick kiln and Bhil sugar cane cutting labourers, forces them to involve their children into labour. There by depriving the child of educational physical, mental, emotional & social development.

Before getting into the statistics on Bhil sugar cane cutters and Katkari brick kiln labourers. Let us take a quick glance at same relevant statistics of India & Maharashtra.

According to 2001 census, the total population of India is 1,028.61 million and Maharashtra’s population is 96.88 million. The total Scheduled Caste
population in India is 166.64 million (16.2%) while in Maharashtra it is 9.88 million (10.2%).

The total tribal population of India is 84.46 million (8.2%), while the total tribal population for Maharashtra is 8.58 million (8.9%). The sex ratio of India is 933 females per 1000 males, while for Maharashtra it is 922 females per 1000 males. The child sex ratio for India is 927 girls per 1000 boys, and for Maharashtra it is 913 girls per 1000 boys. Child sex ratio for tribals in Maharashtra according 2001 census is 965 girls per 1000 boys for the age range 0-6 years. The State Census 2001 states that the highest child sex ratio is 990 girls per 1000 boys in Nandurbar district, while the lowest is 859 girls per 1000 boys in Kolhapur district.

The percentage of child population in Maharashtra as per 2001 Census for the age group (0-6) is 14.1%. It is highest in Nandurbar is 17.6% and lowest in Mumbai in 10.2%. The percentage of marginal workers among the scheduled tribes in Maharashtra is 23.1%, where as the percentage of agricultural labourers is 26.3% in Maharashtra. Further more the percentage of other workers in the state of Maharashtra as per 2001 census is 42.4%, while it 37.3% among the scheduled castes & 17.5% among the scheduled tribes.

**Seasonal migration among the Thakars of Ambala Village: A Case Study**

1. **Aim of the case study:**

   To unveil the poverty stricken back ground, indebt, economic and hunger crisis, bonded labour, child labour and child rights issues among the Thakars of Ambala, sugar cane cutters, who migrates seasonally to Sangamner, Ahemednagar and other districts.

2. **Back ground of the case:**

   Ambala village, is geographically located in Kannad block of Aurangabad district, in the state of Maharashtra, India. The village is pre-dominently in habited by the Thakars, who migrated from Thane and Nasik regions. In fact the Thakars of Ambala told us that their tribes men have migrated to Nandgaon in Nasik district, Chalgaoon in Jalgaon and Khultabad and Soyegaon blocks in Aurangabad district. There are 38
Thakur sugarcane cutters’ hamlets in Kannad, Soyegaon and Kannad blocks. Some of their major clans are: Shid, Agivle, Ughade, Gavande, Mengal, Madhe, Pathve, Khadke, Gangul, Pokale And Aghan.

There are 160 houses in Ambala village all belonging to the Thakars. The total population as revealed by the school teachers is around 2000.

- Salient features of the socio-economic background of the Thakars of Ambala village are:
  
i) The entire village is inhabited by the Thakars.
  
ii) All the 160 families residing there are below poverty line.
  
iii) Over 95% of the families are debtors, sugar cane cutters and bonded labourers.
  
iv) Each family owes Rs.20,000/- to 25,000/- debt, per year excluding interest taxed by the middle men (Mukadams).
  
v) Economic, hunger and debt crisis forces them into bonded labour; hence they are pushed into seasonal migration.
  
vi) Bonded labour and lack of adult man power hooks their children into child labour, both domestic and commercial.
  
vii) Poverty, seasonal migration and bonded labour of parents deprive their children of their rights.
  
viii) On an average, if two adults work for 20 days a month for 8 months, they get Rs.42,000/- but most of the times lesser than this, as jobs are not available for the entire 8 months. From this amount they have to pay nearly 30,000/- debt with interest. The other remaining amount is spent on the family at the place of destination. The family is hardly left with any cash, when they go back to (Ambala) their place of origin.
  
ix) They are hence forced to borrow a loan of Rs.20,000/- to 30,000/- to survive at the place of their origin (Ambala).
  
x) Mr. X, a male, Thakar, married, having four children, borrowed a loan of 40,000/- from a Mukardam, for a year. He was charged to 18,000/- interest for one year for the amount of Rs.40,000/-. Besides this
58,000/- Mr. x had a balance of Rs.10,000/- to be paid for last year. This meant Mr. x had a debt of Rs.68,000/- in all. He and his wife worked for 8 months get Rs.40,000/- which went back to Mukardam. They still had to pay an interest for the remaining 28,000/- plus another 30,000/- they borrowed when they went back to Ambala. Mr.x, his wife and children are hooked into seasonal migration, due to poverty, economic, food and debt crisis. They have become bonded labourers, as a result of which their 3 children do not attend school. They are deprived of their rights. The children are left at the mercy of nature in the “khopis” small huts made up of bamboo mats.

Like Mr. X, nearly 95% of the Thakar sugar cane culters and seasonal migrates from Ambala village face the same problem as Mr.x. The illiterate Thakars are not aware of how the middlemen and contractors charge heavy interest and manipulate records to see that they are confused and work as bonded labourers.

The school teacher told us that if a Thakar sugar cane cutter refuses to pay the money back to the contractors he is threatened. They scare him of sending him to jail, police station or sometimes threaten of murdering him. The villagers told us, they ask for young daughters if payment is not done.

3. **Plight of children:**

As a impact of seasonal migration, bonded labour, debt, hunger and economic crisis, their children suffer following problems:

i) They are forced to leave the school, to migrate with their parents.

ii) They are forced to do house hold work, take care of the young ones, take care of the bulls, goats and chicken. Help the parents in picking up sugar cane, making bundles and transporting them to the bullock-carts, trucks or tractors. Those ones between 15 to 17 years of age work as labourers and get money for the family.

iii) They become victims of snake bites, scorpion stings, bronchitis, fever, diarrhea, etc in the place of destination.
iv) They become victims of malnutrition

Gambhir R.D and Gujar Sumedh (2008) in their study captioned “Study of seasonal migration and its impact on the Nutritional status of children” reported that children of sugarcane migrant labourers were malnourished at the place of destination.

v) The children do not get attention and care of parents.

vi) They are deprived of food, shelter and clothes.

vii) They don’t attend school. The Sakhar Shalas are of no use to them as they are located near sugar mills. The children are with their parents in the fields.

viii) According to the school teacher of Ambala hamlet, 90% of the students drop out from the school during October to May, due to seasonal migration.

ix) During the months of June to September the school is full, but the children cannot cope up with the syllabus nor studies.

4. Concluding remarks:

Taking into account the socio-economic, educational, food crisis and indebt crisis back ground of the Thakar sugar cane culters, the bonded labourers and seasonal migrates, it can be concluded that Seasonal migration among the Thakars is largely due to push factors such as:

- Poverty
- Illiteracy
- Food, debt, economic crisis.
- Unskilled labour.
- Marginal land holding/landless status.

This pushes the parents into bonded labour. Lack of adult manpower in the family bonded labour, and work targets, hook children into child labour and deprives them of their rights.

1.5) Hypothesis:
Based on the pilot study, actual fieldwork among the target population and review of literature following hypotheses were tested and proved.

1) Extreme poverty, unemployment, landlessness, economic, food and debt crisis, temporary and poor housing, heavy interests on loans, illiteracy, bonded labour, social and economic insecurity, lack of economic assets and unskilled labour status at the place of origin push the Katkari brick kiln labourers and Bhil sugarcane cutters to the kilns and sugarcane fields.

2) Assured *Kharchi* - the weekly expenses, *Uchal*- the loan and employment guarantee at the kilns and sugarcane fields pull the Katkaris and Bhils to the place of destination.

3) Push and the pull factors hook the parents into bonded labour.

4) Poor socio-economic background of the parents, heavy workload targets (i.e. daily, weekly and monthly) and less adult manpower in the family hook children into child labour and deprives them of their rights.

5) Awareness of child rights among the Katkari brick kiln labourers and Bhil sugarcane cutters is absent.

### 1.6) Objectives of the Study:

1) To study the socio-economic and living conditions of sugar-cane cutting Bhil laborers and brick kiln Katkari workers of Nandurbar and Raigad Districts respectively.

2) To explore the process and patterns of seasonal migration and among the Bhils and Katkaris.

3) To assess the impact of socio-economic and environmental conditions of the brick kiln workers and sugar-cane cutters on the physical, mental, social, educational and economic growth of their children.

4) To study the impact of seasonal migration and bonded labor on the rights of their children.

5) To understand the factors that give rise to child labor among the brick-kiln and sugar-cane cutting laborers.
6) To document the level of awareness among Bhils & Katkari laborers regarding constitutional provisions, policies, laws and rights of their children.

7) To study the various Government Programs implemented for these communities and their children at the place of origin and destination.

8) To develop a conceptual model on the issue of child labour and rights among the unorganized tribal labourers.

9) To suggest an action plan for the development of children of brick-kiln and sugar cane cutting tribes and their children.

1.7) **Significance of the Study:**

Studies by social scientists and more particularly Economists and Social workers are available in abundance on informal sector and allied issues. Among the Sociologists other than Jan Breman’s book captioned, “Footloose Labor” (1996), and “Down and Out: Laboring under Global Capitalism” (2000), there are hardly any Sociological studies on informal sector. One of the latest studies by Smita and Prashant Panjiar (2007), highlights the struggle and problems faced by the sugar-cane cutters and brick kiln workers due to migration. However, there are no studies on child rights and child labor among children of brick kiln workers and sugar cane cutters. Hence the findings reported in this study are significant.

This study will certainly give rise to new Sociological theoretical insights. The conceptual model evolved in this study has been proved with the help of statistical data as well as qualitative data presented in the form of case studies. With the help of present model social scientists will be able to study child labour and rights issues among migrant labourers working in other occupational categories of unorganized labour sector. Further, comparative studies on various occupational groups of migrant labourers among the Indian tribes, caste groups and nomadic communities can be carried out so as to test the model. The conceptual model is hence both theoretical as well as methodological contribution.
At the practical level the study will contribute in developing action plans and programs for the welfare and appropriate policies for the development and empowerment of the brick kiln workers and sugar-cane cutters.

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