



DR. Rabi Nandan Prasad Singh

CONCEPT OF CHILD LABOUR WITH SOCIO ECONOMIC DEVELOPMENT

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(Rabi Nandan Prasad Singh)

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Chapter 1

Introduction

1.1 Introduction:

"Child is future of the nation". This is a well-known dictum. He is future generation of a country. The future of a country largely depends upon the quality of children today. How are they nursed? How are they treated by the society? What facilities are provided to them for their physical, mental, cultural, ethical and personality development? The development of children is the direct responsibility of every parent, the state and the society. The honour this responsibility by the parents, the state and the society are desirable for the mankind as a whole. The world has accepted its prime responsibility towards the child. It has accepted the 'Right to Live' as an inherent right or birth right. It has also accepted the "Right of Survival" as the right of development. Every child has the "Right to Live", the "Right of Affection" and the "Right of Security". The society is under obligation to make all necessary facilities for the proper, physical and mental growth of children. The birth right is to be provided irrespective of race, colour, sex, language, religion or ethnic bias. The world has accepted this right as the fundamental right of the child, the future citizen of the country. One remembers the words of Jean Jaques Rousseau, "Man is born free but everywhere he is in chains". Greater is the case of child who is dependent on his producer- the God and the parents. He is totally dependent for his survival, i.e., food, clothes, movement, physical care, protection against exploitation, threat of life and growth. Today a Welfare State owes responsibility of providing suitable environment for the proper development of a child. A parent directly owes responsibility from the day of birth to look after him for his physical, mental, moral, educational, spiritual and allied development.

Man from the "State of Nature" enjoys the "Natural Rights" from "Natural Justice". The source of "Natural Justice" is God or nature of some sense of rights and justice, free from Government's control. Natural Rights include right to liberty, right to property, right of self-preservation and right to preserve his life. The right to preserve his life, the basis of human existence, demands certain conditions maintained by the society or the state which are essential for the human ends.

Today the sense of right haunts the minds of the people of the world. Every class is conscious of right. The state has put rights of different groups of people; child, adolescent, adult and old into laws. Today we have assembled here to discuss "the Rights of the Child". This study primarily evaluates the economic rights of the Child against exploitation. Are economic rights of the Child sufficient? Have economic rights been preserved? Has Child been protected against exploitation? Has state fulfilled its responsibilities towards child in preserving childhood?

The Government of India in its National Policy for children has accepted that "the nation's children are supremely important assets". Their nurture and solicity are the responsibilities of the nation. The Government has accepted children's programme as a prominent part in national plan for the development of children, who would be the future human resources

power of the country. We know that the development of a country largely depends upon the efficient human resource power which in turn depends upon the quality of children managed and looked after by the parents, the state and nation.

It is further stated that equal opportunities for development of all children during the period of growth should be aimed at because this would serve the larger purpose of reducing inequality and ensuring social justice to all. As stated in the resolution on national policy for children the policy of the state shall be to provide adequate services to children both before and after birth and throughout the period of growth to ensure their full physical, mental and social development. It is further stated that the state shall progressively increase the scope of such services so that within a reasonable time, all children in the country enjoy optimum conditions for their balanced growth. In the young age a person should be protected against exploitation. It is the duty of the society to provide proper protection to children. The UNICEF in World Summit for Children in 1990 has stated:

"The children of the world are innocent, vulnerable and dependent. They are also curious, active and full of hope. Their time should be one of joy and peace of playing, learning and growing. Their future should be shaped in harmony and co-operation. Their lives should mature, as they broaden their perspectives and gain new experiences."¹

Defecting a different picture than what is should be as stated above, it has called for a detail action plan for protection and growth of children. They should be given education and training to build up a better manpower which is an asset of the society. If the society wants to thrive and prosper in proper way, it is the first and for most duty of the state to protect and develop the young generation. Unfortunately, the society has been cruelling towards children. The state has failed since long to protect children against exploitation and to provide such services which are essential for proper development of children. India is one country which, instead of protecting children, has allowed the children to be exploited day and night. Most of the children die of infant mortality. Many of them suffer due to poor health and unhygienic condition and absence of adequate medical care. Apart from it instead of going to primary school, they have to go to work place. Poverty forces them to earn bread even at the age of six or seven years. It is a mockery of the life that the young children become bread-earners because the parents and the society do not provide the basic requirements for their survival. The young boys and girls do not enjoy their childhood. They do not get proper facilities and environment to develop physically and mentally. The question arises who is responsible for this? Whoever may be responsible for it, the children of poor families have always been a subject of exploitation irrespective of the country, the stage of civilization, the growth of democracy and the acceptance of Welfare State as the principle.

It is true that the nation should look after 'the child' keeping in view the fact that not only the foundation of the nation depends on the child but the entire progress of the nation depends on healthy and proper development of the child. The developing countries are struggling hard for their existence, progress and all-round prosperity. A very important

¹ UNICEF, Rights of the Child, 1990, p.1.

factor there in is that the human material and the human resources depend on the way the nation looks after the children. In spite of poverty, ignorance, misery, disease, unemployment and every hardship we must take into consideration the fact that the children must be given an atmosphere and environment where they can grow as adults with proper growth, all round development and well-integrated personality so that they can lead a happy, healthy and useful life both as individuals and also as citizens, unless we do so, no number of efforts made for the development of the nation will be fruitful.

The history of mankind has depicted a black picture of exploitation of children by their protectors. Instead of protecting and developing children into grown up the protectors have abused children on various fronts leading to the abuse of their childhood. The practice of child labour has been strengthened gradually with the development of culture, civilization and industrialization. The growing modern industrial culture has necessitated employment of child as chimney boy in England as depicted by Charles Dickens. He attracted the attention of the entire world to the miseries of little Oliver. By asking for more, Oliver Twist had incurred the wrath of the masters of the workhouse. The miseries of child in India go unnoticed.

There is no Dickens around to champion their cause. Since those days the society has advanced on all fronts except cruelty to childhood. We are forced to think "What man has made of child". Though various international and national organizations like the UNO, the UNICEF, the ILO, the WHO and Indian Council of Child Welfare have constantly called for protecting the children. The world remembers the words of Jawahar Lal Nehru:

"Children, I think, all over India should have the first claim on us, because they represent the India of Tomorrow".

The abuse of child has become one of the most important social, economic and political problems in our industrial society. It has assumed serious proportions and has overtaken us with its manifold dimensions and repercussions affecting the growth and development of the young minds adversely and impairing the social fabric beyond repair. Child abuse, broadly speaking, means exploitation of children by those who are authority figures for their own selfish ends on the one hand and to the utter neglect, disadvantage and detriment on the other. They are forced to work in fields, hotels, restaurants, shops and other establishments under hard conditions, violating the provisions of various laws and prohibiting abuse and exploitation of children. Employment of children in the domestic and household jobs has assumed a menacing form. This hard reality presents before us a paradox that on one hand we proclaim that children are our national assets and hence it is our national obligation to provide them facilities and opportunities for their full development, and on the other hand at the same time allow them to be subjected to various kinds of exploitation and sufferings seriously impairing and obstructing the process of their growth and development to the utter disregard of various constitutional and legal provisions and moral commitment.

The term child abuse refers to economic, social, medical and legal exploitation. The United States has explained child abuse as 'an abuse or neglected child is one whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of his

parents or other persons responsible for his welfare."² According to this definition child abuse includes: physical punishment, physical abuse, hardwork, nutrition deprivation, emotional neglect, physical neglect, educational neglect, medical neglect, criminal abuse and sex abuse.

A child has been torched right from the beginning to work as a cow boy, a chimney boy, a domestic servant, a road- side tea-stall attendant, a mechanic attendant, a shoe shine boy, a beggar and what not. The society has been crueled towards child exploiting in most inhuman ways which presents shameful picture for the so-called developed society. The Royal Commission on Labour in India found that in many cities large number of young boys were employed for long hours. Workers as young as 5 years of age were found working without adequate meal, intervals or weekly rest days and 10 to 12 hours daily for sums as low as 2 annas in the case of those of tenderest year.³

Even after one and half decades the situation could not improve inspite of the enactment of the Employment of Children Act 1938. The Labour Investigation Committee in its report of 1946 remarked that one black spot of labour conditions in India was the illegal employment of children in certain industries. The observed that legislative measures relating to child employment met with little success in ameliorating conditions of work of child labour.⁴

The existence of child labour is a slur on a modern welfare state which seeks to promote the all-round development of its citizens. Children are the future hope of the society. They are like buds which need to be properly nursed and well taken care of so that they bloom fully and grow into able human beings and contribute their worth to the future development of the society. On the contrary, instead of being sent to schools and properly educated, they are made to work, it amounts to squeezing the bud before it blooms. It not only thwarts the development of children but of the society as well, since only able citizens can make an able society. Hence child labour has been regarded as an evil in India since time immemorial. In ancient India, it was the duty of the king to educate every boy and girl and parents could be punished for not sending their children to schools called Ashrams, which were really residential schools under a Guru (a learned sage). Child labour existed only in the form of child slaves who were purchased to do some 'low and dishonourable' work, Kautilya (4th century B C) considered it degrading to make children work on such jobs and hence prohibited the purchase and sale of children below 8 years.⁵

Child labour exists in every society- developed, developing or underdeveloped. It is only on the consideration of their working conditions that somewhere the child labour appears to be a stigma of civilized society. In all the developed countries the child labour exists in sizeable force. They are mostly employed in informal sectors though formal sectors in India are also employing them. Informal sectors provide greater shelter to child labour. Their percentages may differ from one town to the other, from one country to the other depending

² U.S. Deptt. of Health, Education and Welfare: Op.cit., p. XI.

³ The Royal Commission on Labour in India, Report, pp. 96-97.

⁴ The Labour Investigation Committee, Report, 1946, p.35.

⁵ Gupta, M. Child Labour: " A Harsh Reality", in Young Hands at Work- Child Labour in India (eds), Manju Gupta/ Klaus Voll, Atma Ram Sons, Kashmere Gate, Delhi-110006, 1987, p. 1.

on factors like the minimum age of seeking employment, system of compulsory education, socio- economic conditions of the people, availability of educational and training facilities and the policy of the state on employment of children. The Government of India has accepted child labour as an economic, social and environmental evil. Child labour cannot be prohibited in the present situation of over population, poverty, lack of facilities and resources and the general attitude of the parents. Like any other living organization, a child is basically a product of the environment around him.⁶ It applies correctly in India. In such situation it becomes desirable to look towards future prospect of a country facing such challenges posed by the practice of child labour.

The society seems less ashamed of child labour practice. It might have many achievements, but it has failed completely in discharging its responsibility towards the children. In the second half of the 20th century attention has been given towards the plight of child and child labour by various national and international organizations. Charter of Rights of Child Labour has been accepted by all progressive nations but the reality presents a shameful picture. They have to go for jobs for their livelihood in the same way. They are being exploited by their employers. Laws are there but only on paper. Most pinching or shameful factor is that child labour between 7-14 years of age is out of the scope of labour laws. The government has not taken care to cover them under law so as to regulate their service conditions, if child labour practice is to continue in the present conditions.

Child labour in India is a dilemma in the sense that while on the one hand it has genesis in the dire need of supplementing the meager family income of homes, on the other hand it involves aspects of exploitation of our children, that deprive them of opportunity for healthy and balanced growth.⁷ This problem is complex with demographic, social and economic implications. In families with high fertility and low income, children have to work out of economic necessity. Indeed, such a situation stimulates child labour due to the perceived economic value of children.⁸

Thus, while work in childhood is a social good, a national gain, the conditions under which children have to seek employment just for their survival is a social evil and national waste resulting in low levels of learning and poor preparation of adulthood.⁹ Elies Mandelivich has rightly depicted the picture of a vicious circle that exists between child labour and poverty in society, when he says, "On the one hand, child labour increases unemployment among adults and reduces their income and on the other, the unemployment and low wages of adults force them to put their children to work in order to boost the family income. Thus, child labour simultaneously increases and reduces the family income, but, as is clear, it reduces rather than increases that income."¹⁰

⁶ Government of India, Ministry of Labour, Report of the Committee on Child Labour, 1979, p.1.

⁷ M.R.Ahmad, "Law and Child Labour", paper presented in the Seminar on Problems of Child Labour organized by NIPCCO, Lucknow from June 30 to July 2, 1983.

⁸ UNICEF, " An Analysis of the situation of Children in India," 1948, p. 93.

⁹ K.V. Iyer, Legislative Measures for Protection of Children," Social Welfare, Vol. XV, No.3, June 1968, p. 13.

¹⁰ Elies Mandelievich (Ed), "Children at Work, " ILO, Geneva, 1979, p.6.

1.2 Purpose of the Study:

Every study has some purpose, implicit or explicit. The purposes of the study help the researcher in selecting the field study, the issues involved in study and the area of study. It helps in verifying the hypothesis drawn in the actual life. It is the purpose of the study which directs the researcher in right way.

The child labour practice, though a traditional practice, has attracted the attention of every people, Particularly the intellectuals, the statesmen, the social workers and the government. The continued physical and mental exploitation of child labour when began to affect adversely the mental and physical growth of millions of children, the practice has been criticized widely. The world never realized seriously that the practice of child labour would prove detrimental for the present young generation. The exploited lives of millions of children would ruin not only the future of them rather that would prove much harmful for the future citizens of the country. The child labour practice has different degrees, ways and consequences in different areas. Though apparently it seems to be a general phenomenon but in particular in different areas their socio-economic conditions are different with different problems. One can see the difference between rural and urban areas and again between religious and non-religious areas. Urban and religious places are full of runaway boys, orphans and working children with their parents' permission.

Gaya town, an old religious place, in full of child labour working in various occupations. They serve in various occupations to meet the needs of the pilgrim, the tourists and other citizens of the town. The researcher, who often visits Gaya, has been moved by the pitiable life of the child labour. Once I saw the inhuman treatment by the tea-stall- owner towards a child labour. The mercilessly treatment of the tea-stall- owners may be held as the main scene which forced me to study the life of child labour and the various allied matters. Many researches and new inventions are the results of the personal feelings attached with a particular event of life. Such events are pin pricks for an educationist that become the purpose of the study. This study has double purpose, Firstly, to study the life of child labour at Gaya. Secondly, to submit a doctoral thesis for the Degree of Doctor of philosophy. Let this purpose of research be a turning point of the so-called civilized society. Let the society realize that it is the responsibility of all men of the society to protect child labour rather than to exploit them.

1.3 Scope of the Study:

Child labour is engaged in large number of occupations which may be grouped as formal and informal sectors. The term informal sector as first used by Leotj Jart in 1958 has been further enlarged by ILO which has been defined as "to consist of small- scale units engaged in the production and distribution of goods and services with the primary objective of generating employment and incomes to their participants notwithstanding the constraints on capital, both physical and human, and know how."¹¹

¹¹ ILO, *The Urban Informal Sector in Developing Countries*, Geneva, 1981, p. 17.

Such a definition of the term "informal sector" would also seem to provide the justification for focusing employment and development policies on this sector. It emphasizes the significance of urban population growth to the emergence of the informal sector.

The study confines to the employment of children at Gaya, a place of ancient historical and religious importance. Gaya and Bodh Gaya are well known to the whole world for the origin of Buddhism and the place of spiritual and religious worships in Hinduism. Thousands of people come every year from far of places of the country and abroad. Buddhists from various Bodh countries come every year to worship Lord Buddha. Hindus come in thousands to offer 'Pind Dan'. Thus, throughout the whole year Gaya attracts people in large number.

The various services for pilgrims are offered for their stay, religious functions and other requirements. The services are for various categories of people and with different pocket capacity are provided by the traders, the businessmen, the transporters, the hotel men and other persons engaged therein. Thus, Gaya is a place which provides employment in larger number including child labour. Child labour is common in the tea stalls, the roadside hotels, workshops and garages, shoe-shine, domestic attendants and various other works. They are serving to the people for Gaya and pilgrims under most inhuman working conditions. They are subject to every abuse economic, social, psychological and mental.

Their pitiable lives have attracted me to study the quality of life of child labour engaged at Gaya, their rights and the protection of rights against exploitation and the general development of such child labour. Thus, this study has confined its scope within the municipal jurisdiction of Gaya town.

1.4 Methodology of Research:

This is an empirical study of the rights, life, working conditions, living conditions, education and the families for development of child working within the municipal jurisdiction of Gaya town in informal sectors, such as domestic works, hotel, workshops, tea stalls, shoe-shine, tailoring shops, cycle mart, shops, hawkers and some other small miscellaneous works. In this study a questionnaire was prepared covering various aspects of child labour covering 400 in number. On the basis of the questionnaire prepared in consultation with the supervisor, the statements were collected from 400 child labour working in different occupations.

The subjects (child labour) were asked to answer the questions freely and frankly. They were assisted by their parents or the present employer or the researcher in explaining the questions. On the basis of reply the questions were filled up which gave firsthand information. The information collected through the field work forms the basic sources of information for this study. In order to have further information the cross-section of the people were also interviewed by the researcher. It helped to check validity of the firsthand information. Research work particularly of this type has certain limitations because of hesitation among the subjects who conceal some truths out of the fear or suspicion. The approach of discount has to be kept in mind in such study solely based on field work.

There is dearth of published documents about life of the child labour working at Gaya town. This may be the first attempt to study the quality of life of child labour, their problems, consequences and the prospects of life. Well, there are studies in different towns and countries but the local environmental differences result to a greater extent the different ways of life, the attitude and their future prospects. As a researcher every precaution has been taken to reach near to the actual position about the quality of life of child labour, the degree of abuses and exploitation, the protection they receive by the law and the facilities provided by the parents and the society.

The fundamental questions that come up in one's mind are: Are children the foundation stone of our future society or regarded as mere source of family income? If yes (in first proposition), are they getting proper work environment to grow? If yes (in second proposition), are they getting proper work environment and opportunity to work? How far we have become conscious of the rights of the child? How are the lives of the working children? How do we treat them? How far the state and the society been able to protect them against exploitation? How much facilities have been provided for their proper development of lives? How much could we advance in right direction since our national and international efforts?

There are some of the questions facing us today. For this study the hypothesis framed are:

- a. Rights of the child are accepted and properly implemented.
- b. Children get proper environment for their growth.
- c. Child labour practice has been prohibited.

or

- d. Child labour practice has been regulated.

or

- e. Child labour practice needs more attention for greater protection.
- f. Future plans are enough for curtailment of child labour practice.

1.5 Plan of Work:

The whole thesis has been divided into various chapters. Each chapter has again been divided into different heads. These divisions of the thesis and chapters facilitate the presentation properly under different heads. The first chapter presents introduction which contains the life of child labour, duties and responsibilities of state, the society and the parents towards children, the purpose of the study, the scope of the study, methodology of work, hypothesis and plan of work.

Chapter two contains the profile of Gaya town in the history of Gaya, religious and historical importance, population of Gaya town, ethnic composition, occupational structure and language spoken.

Chapter three discussed rights of the child-economic rights, social rights, right to health and right to education.

In chapter four sociological background of the child labour has been discussed. It contains child labour its causes, extent and intensity. It also contains division of child labour on caste and religion, age, occupation and working length. The family background has also been discussed which consists of size of the family, members of the family, earning members of the family and rural- urban conditions of the child labour.

The service conditions of child labour have been discussed in chapter five. It contains nature of jobs, pay and other facilities, working hours, working conditions, leave with wages and social security.

Chapter six deals with economic and social lives of child labour, relationship between child labour and masters and treatment by authority and public.

Chapter seven presents the future of child labour. It contains efforts of the international organizations and National Organizations, the steps taken by Government of India and the future prospects of child labour.

Chapter eight presents summary and conclusion of the study.

Chapter 2

A Profile of Gaya Town

2.1 History of Gaya:

Gaya is a place well known to the people of various religions, particularly the Hinduism and Buddhism. It is one of famous pilgrim centres in India, located in southern Bihar, the southern segment of the middle Gangatic plain. It stresses from 200 40' to 240 55' N latitudes and from 840 55' E to 850 120 55' E longitude. It is bounded by the Dhadhar basin on the east, by the Morhar basin on the west and by the Lilagan- Hohane basin on the south. To the north lies the vast stretch of a still lower alluvial plain formed by the Jamuna, the Phalgu, the Paimar and the Panchanan River systems. Gaya is situated on 240 37' N latitude and 8501' E longitude.¹²

Gaya town is well connected by road and rail to different parts of the country. It is connected with Patna, the capital of Bihar, with 92km. both by road and rail. It is also directly connected with new Delhi, the capital of India, with various important cities on the way. To east it is connected directly by road and rail with Calcutta, the capital of West Bengal and a great city of trade and business in eastern part of the country. Thus, from communication point of view any tourist and pilgrim can come to this city comfortably.

Gaya is regarded as a sacred place by the Hindus and the Buddhists alike. Hindus generated Buddha as the ninth incarnations (AVATARA) of Lord Vishnu, Bodhi-druma of Bodh-Gaya forms one of the holy vedis of the Gaya pilgrimage.¹³

The ancient town of Gaya was situated in the Ander Gaya area with the site of Vishnupad as its nucleus. All the roads and streets lead to this religious site of paramount importance. This is the core of the ancient settled part of Gaya.

The city of Gaya is one of the oldest existing cities of the world and has been enjoying a unique place in the cultural history of India.¹⁴ There are strong grounds to believe that this town was originally founded by the primitive VARATYAB, the ASURAB, the KOLAS, etc. the earliest inhabitants of the Gaya region who had distinct religious and cultures of their own. It may be noted that, near Brahmayoni and Pretsila 'signas of Kola civilization are still apparent'.

¹² "A Geographical Analysis of the Population Dynamics of the cities of Magadh Main" unpublished Ph.D. thesis of Magadh University, Bodh Gaya.

¹³ Singhal, G.D "Cultural Evolution of Gaya- the Vishnu Dharm's in Thakur V. and Mishra, "The Cultural Heritages of India." concept publishers, Delhi, p. 84. PINDAS offering of rice balls to the ancestors and sacred rites.

¹⁴ Choudhary, P.C. Raj, Bihar District Gazetteers, Bharati Bhawan, Patna, 1957, p. 168

Most parts of the ANDAR (Inner) Gaya (Old Gaya) are built over the 4th or 5th Stratum.¹⁵ Spirit worship became prevalent which was destined to go down centuries before Buddha's religion found a specific recognition among the inhabitants.¹⁶

From Gaya MAHATAMYA or Gaya-culogium (VAYU PURANA, ch 105-112) it may be learnt that the "pancha-Krosi Gaya- Kshatra", having Gaya (Vishnupad) as its centre, contained 53 villages in prosperous condition.

The cult of Gaya-SRADDHA is originated in the pre-Aryan ancestor worship and popular demonolatry.¹⁷ The PINDA DAN cult was originally practiced by the VRATYAS and the ASURAS of the Gaya-region and which was incorporated in and further elaborated by the Brahman-cult.

Vaishnavism was prevalent even before the 6th century B.C. "the form of worship of Trivikram-Vamana-Vishnu was the worship of his divine foot-print. Some erudite scholars are of opinion that Vishnupad at Gaya existed even before the time of Yaskacharya (600 B.C.) and also Buddha."¹⁸ The origin of the system of "Charan-Puja" may be traced back to the primitive mode of ancestor worship. Representations of 'Nandi Padas' have been found in some ancient 'Purana', Coins and religious seals.¹⁹ The Buddhist (Mahayanist School) borrowed the conception and practice of the foot-print-worship of their master from the Hindus who also, in their turn, had misappropriated this trait from the pre-Aryan aborigines.²⁰

During the life time of Buddha Gaya was acknowledged to be superior to others in point of sanctity which may be known from the archaic Pali-writing 'YASMA CHA LOKE GAYA MAWATTARA.'²¹

This ancient town was blessed with the august visit of Lord Buddha. He went to the Gaya Sirsa-Hill (present name Brahmayoni) to deliver his famous 'Fire Sermon' and also to the Gaya Tank (Brahma-kund) lying at the foot of Pretasila hill to subdue the demon, 'Suchiloma'.

The district of Gaya was created in 1865 A.D. out of the portions of the old districts of Ramgarh and Bihar, having Gaya town as its headquarters. The Gaya Municipality was established in May, 1865. Before the creation of the present municipal town of Gaya, it was known as *perganah* Gaya. Before the publication of the present survey map (1914-15) of the Gaya town, an earlier map of the town is assumed to have been prepared to serve the purpose of Gaya municipality at the time of its foundation in May 1865.

¹⁵ Journal of the Bihar Research Society, Patna Vol. XI, Part-3, 1954.

¹⁶ Choudhary P.C.Roy, op.cit.p 23.

¹⁷ Malley, S.s., "Gaya Sradhha and Gayawals", JASB, 1903, Vol. LXXIII No.3 p. 1-11.

¹⁸ Gayaswal, K.P., "Vaishanava Worship and Buddhism", in *India Antiquary* p. 84.

¹⁹ Banerjee J.N., *Development of Hindu Geography*, pp. 199-201.

²⁰ Barna, B.M. *Gaya and Bodh Gaya*, Part- pp. 43-45, Part-II, pp. 62-64.

²¹ Ghosa Budha, *Papemcha Sudani*, "Siamese Edition, Part-I, p. 147.

The town of Gaya, consists of two parts: one of the residences of the priests, which properly is called Gaya, and the other the residence of lawyers and trades-men, which was originally called Alahabad, but having been very much enlarged and ornamented by Mr. Law, it is now called Sahebganj.²²

The older part of Gaya (for Inner Gaya) contains the Vishnupad Temple, Surya kund, and other holy vedic (sacred sites). where 'PINDAS' are offered by lakhs of pilgrims every year from all parts of the Hindu universe, coming at Gaya for performing the Gaya SRADHA. In this part one may observe narrow and encroached lanes flanked by high buildings with overhanging CHAJAS' built of old and small sized 'GADAHIA' bricks.

The northern part of the old Gaya is comparatively a new town known as 'SAHIBGANJ' owing to the fact that, during the time of the early subjection and settlement of the British over Bengal including Gaya town in 1765, the European Gentlemen and officers (SAHIBSO) used to live in this part of the town which was in possession of "Tikari Raj'. Here, the old Gaya Jail was situated. Mr Seton and Mr. Law (1784-1885) the meritorious collectors of Gaya, in the last part of the 18th century, made several works of improvements and ornamentations of this new town. The big gate in northern part of the town in the chowk area (near the Muhammadan's aarai or inn, built during the Mugal period) houses at Ramna, created the (Gola-Pathal' in 1789 near the Pilgrim-Hospital (1867). This monolith of the Maurya period was brought from the village Bakran near Bodh- Gaya and the same had been taken back to Bodh Gaya a few years ago. Dr. Grierson, Collector of Gaya built up the beautiful 'Grierson well' within the compound of the collectorate building in the beginning of the current century. The public library was established in 1856. This new town is the centre of trade and business and contains Government courts and offices, Municipal and District Board Buildings, Dak Bunglow, pilgrim and Elgin Hospitals, Veterinary Hospital etc.

The present municipal limites cover an area of 11.75 sq. miles. In 1931 it covered an area of 8.75 sq. miles. Since the year 1943, the expansion has begun towards the northern and western directions. In the last several decades, the area and population of Gaya town have been increasing due to expansion of industry and trade, Railway and administration, and influx of refugees from Bengal and Punjab after the partition of India. The town, earlier comprised of 10 wards, now consists of 32 wards.

The Joint Water Works, constituted in 1911, is looking after the pipe water supply of the cit. The underground pucca drains of the town was constructed in the year 1911. Electricity in number. Gaya was first connected with Railway in 1876 by Patna-Gaya line. The Kiul-Gaya line was constructed in 1895 and Grand chord line 1900.

Gaya Improvement Trust was established in November, 1956 and is successfully doing many useful works to ameliorate the various conditions of the town for the immense course.

²² Buchanan, Francis "An Account of the Gaya District of Bihar and Patna, "Bihar and Orissa Research Society, Calcutta, p.94

2.2 Religious and Historical Importance:

Gaya is important both from the view of religious and history. Historically this place is known to the whole world for Buddha religion. Lord Buddha got the spiritual light at Bodh-Gaya. His religious sermon spread far and wide beyond India and it attracts thousands of Buddhists from all over the world all through the year. Lord Buddha and his Buddhism is tagged with Gaya and Bodh Gaya. It became so important that the word Bodh has been tagged with Gaya. Thus, Gaya has the proud privilege of being place of origin of Buddhism. Lord Gautam Buddha after travelling many places came to this place where he got the spiritual knowledge. Bodh Gaya is such a place where visitors feel sense of peace and mental satisfaction. It is a place where one gets the glimps of eternal peace and ultimate reality of life and this worldly mankind.

For Hindus, Gaya has special religious importance. There is strong belief that after death of the departed souls travel from this place to the heaven. One has not seen whether this religious strong sentiment is a reality or myth, but it has such strong religious sentiment that travels in the blood of Hindus. This religious sentiment attracts Hindus to this place for offering 'PINDAS' to the departed parents. Thus, Gaya has special importance for Hindus.

Gaya has always been acknowledged as a place with full sanctity which is known from writings in Pali. A long description about the people, the culture, the religious and the environment is available in Pali script. No description in Pali presents a long history of Gaya and Bodh Gaya with strong religious base with mutual cooperation and fellow feelings. Along with the religious importance Gaya has also become important historically because of ancient empires around it. It has always provided good base for the better administration of the area by various empires beginning from the Muslim period and then to British period. The construction of G.T. Road by Shershah and its subsequent maintenance has always put Gaya historically in the limelight. This hilly region has always been an attractive force to Emperors for locating their military and administrative camps nearby. The location of the administrative and military camps has always been adding importance to this place.

During the British region this place came in easy contact by construction of railway lines in three dimensions. East, North and West. The availability of easy transportation facility both by railways and roads has helped in development of the town. The British Government and now after independence, the Government of India has further developed this place by converting railway line into the Grand Chord. The introduction of faster railway trains through Gaya has helped in the expansion of tourism.

The location of military camp has further added administrative importance to this place. The military base at Gaya helps the administration in better administration of this area. In education the Gaya has the privilege of having the Head Quarters of Magadh University. This has facilitated in expansion of higher education in this area. The opening of medical college has further added the academic importance of Gaya.

Gaya has not been able to provide and attract the entrepreneurs much. This is because of the non-availability of good natural resources except the mountain for stone chips industries and the Phalgu for supply of sand to building construction industry. These two industries

are helpful for construction industries. Thousands of workers including children work in these two industries. Gaya has advantage of having cotton Textile factory small in size. This factory has able to provide jobs to local people and to produce cotton goods for common consumer's needs. The attached two maps of Gaya and Bodh Gaya show the geographical location, the religious spots and historical sites.

Picture

2.3 Population -Its Growth etc:

Gaya, like other towns of the state, has been ever expanding around it with the normal growth of population. This town has expended at a greater rate because of its religious and historical importance. An expanding town has many virtues and vices. The virtues are aspiring but the vices can be minimized by proper administrative and developmental steps. A place like Gaya with high religious attachment attracts people for offering religious rights. Gaya has the advantage of being centre of two religious- Hinduism and Buddhism. The two religions attract people from India and abroad. This attraction of pilgrims is another factor for the growth of town and its population.

The expansion of Indian Railways through Gaya, connecting East, West, South and North, has further resulted into concentration of thousands of railway employees and their families. Gaya junction is another important factor for the expansion of the town, the population, the market, the transportation and other necessary amenities. In recent decades opening of Magadh University at Bodh Gaya, Medical College at Gaya and establishment of ministry camp have further resulted into faster growth of the town and its inhabitants.

The implementation of various development schemes under five-year plans has in return accelerated in concentration of more population in this old religious town. The expansion has been towards all sides. Gradually, Gaya and Bodh Gaya have been connected by construction of houses between these two places. Geographically the municipal area of Gaya has increased to 11.75 sq. miles spread over in 32 wards.

The growth of population of Gaya town has been shown in table No. 1 during 1931-1991.

Table No. 2.1: Growth of population of Gaya Town during 1931-1991

Year	Total population	Growth rate	Density
1931	88005	-	11.30
1951	131700	51.1%	18.19
1961	151705	11.5%	21.36
1971	179826	19.2%	25.29
1981	247075	34.7%	34.74
1991	29220	17.8%	5.36

Source: Census reports for the relevant years.

The table gives a clear picture of increasing population of Gaya Town at a faster rate. Within two decades (1931-51) the population had increased by 51.1%. In subsequent decades the percentage had an upward trend except during 1971-81 when there was a fast increase in population by 37.2%.

Thus shows a gradual upward trend of population growth. During last decade (1981-91) the population has increased by 17.8%. A clear view of ward-wise growth of population of Gaya town presents an expanding picture as shown in table No.2.2

Table No. 2.2: Ward-wise Growth of population in Gaya Town, 1961-1981

Ward No.	Population	Population	Differences
1	24435	43252	+77.00
2	9301	12399	+33.33
3	15918	18009	+13.14
4	36910	61004	+65.28
5	5257	5107	-2.35
6	8111	15021	+85.19
7	5682	6210	+9.29
8	8630	36832	+326.79
9	19825	18139	-8.50
10	17036	31101	+82.56
Total	150105	277074	+64.6%

Source: Census reports for 1961-1981.

The table is an indicator of the growth of population ward-wise during the years 1961-81 except wards 5 and 9. In nutshell there has been a fast increase of population in Gaya town.

During the decade 1981-91 wards had been rearranged. The number of wards has increased from 10 to 32. Therefore, in 1991 the analysis of ward-wise increase in population is not possible.

However, the total population of the town as shown in Table No.1 further uncovers some facts. During 1961-91, the total population of Gaya Town increased by nearly double (192.6%).

The figures of the table supplement the previous table in order to show the growth of population. In 1981 the population had increased by 64.4% in comparison to 1961. Though the rate of growth is lower than All India figure yet, that reflects upon the people and their outlook towards the urban life.

A study of population is incomplete without the study of sex relationship. This has been shown in Table No.2.3.

Table No. 2.3: Sex Ratios of population in 1991

(Number of females per 1000 men)

Place	Male	Female
India	1000	
Bihar	1000	92
Gaya District	1000	966
Gaya Town	1000	850

Source: - Census Report of 1991.

The sex ration of India, Bihar, Gaya District and Gaya town have been shown here. It is surprise to note that Gaya town has a different sex ratio in comparison to Gaya district, Bihar and India. In Gaya town there are 850 females for every 1000 males. The number of females per thousand males in Gaya town is much lower than Gaya district, Bihar and All India level. This is an indication of local socio- economic conditions and the way of life. Mostly males working at Gaya live alone leaving their families in rural areas. This is also an indicator of the fact that jobs for females are not much available. Any way such an unbalanced sex ratio, a consequence of many factors, may have adverse effects on the society, the culture, the way of life and a source of social and moral evils.

The total population of any area consists of people of various age groups of these age groups the working age groups are considered economically important. However, the age groups are not static. Age groups are like time and one who was child becomes adult and an adult become old. It is a continuous change of some entry into one age group and other coming out of particular age group. On the basis of the census report the population of Gaya town has been divided into different age groups more into males and females.

Table No. 2.4: Percentage of Different Age Groups of population of Gaya Town, 1981.

1981 Census

Total population of Gaya town-2, 47075-100%

1981 Census Total population of Gaya town-2, 47075-100%		
Age groups	Male % of total population	Female % of total population
0-4	6.97%	6.77%
5-14	14.96%	13.20%
15-34	16.96%	14.65%

1981 Census Total population of Gaya town-2, 47075-100%		
Age groups	Male % of total population	Female % of total population
35-59	11.67%	9.20%
over 60	2.76%	2.85%
Total	53.31%	46.67%

Source: - Census Report of the year, 1981.

The figure of the table are indicators of the comparative population (males and females) into different age groups. This study concerns more with the age group of 514 years because this age group provides child labour. This age groups have a slight sex ratio of less female child (13.20%) in comparison to the male child (14.96%).

2.4 Ethic Composition:

Man is a single species and all types of human beings can interbreed. Nearly all societies exhibit ethnic diversity, especially in their private and large cities. Studies of ethnic diversity within cities throw considerable light on the complex structures of the cities.²³ The caste hierarchy is still a factor in determining the social status of persons. The study of community and caste structure reveals their close relationship with the occupational structure e.g., the BANIAS and MARWARIS are traditionally businessmen, whereas KOIRIS and KURMIS are agriculturists.²⁴

The composition of schedule castes and schedule tribes during 1981-91 at Gaya has been presented below: -

Table No. 2.5: Schedule Castes and Schedule Tribes at Gaya Town (1981-91)

Year	Schedule Castes		Total	Schedule Tribes		Total
	Male	Female		Male	Female	
1981	12275	11051	23326	122	78	200
	(4.97%)	(4.52%)	(9.49%)	(0.05%)	(0.03%)	(0.08%)

²³ Agarwal, S.N., "India's Population Problems, Tata Mac Grow Hill, New Delhi, 1977, pp. 2-3.

²⁴ Ram L.N., A Study in Regional Geography- The Subernrekha Basin in Bihar, Anu unpublished Ph.D. Thesis, Patna University, Patna, p. 244.

Year	Schedule Castes		Total	Schedule Tribes		Total
	Male	Female		Male	Female	
1991	14729	12902	27631	195	117	312
	(5.05%)	(4.42%)	(9.48%)	(0.06%)	(0.04%)	(0.10%)

Source: Census Reports for the year, 1981-91.

During last decade (1981-91) though the percentage of schedule castes has remained same but the actual number has increased corresponding to the general increase in total population of Gaya Town. Amongst them, the number and percentage of males have an edge over females.

The percentage of schedule tribes has increased slightly. Similarly, males and females have increased respectively. They have not been attracted much towards the town in comparison to the schedule castes.

2.5 Population by Community:

As for many other aspects of population, there have been few systematic studies of the geography of region. This partly results from inadequacy of data, which are difficult to obtain than for most other demographics of a population as it influences various types of demographic behavior.

But during the last census decade of 1991, there was no enumeration on 'religious data', perhaps to minimize the community feelings prevailing in the society. Yet, the main religions which are followed by the people of Gaya are Hinduism, Islam, Christianity, Buddhism, Jainism etc. The analysis of different census data of the preceding decades revealed the tendency of the growth of non-Hindu population faster than the Hindu population.²⁵

2.6 The Literacy Rate:

The literacy rate is another barometer of the social conditions, the sources of job and the way of living. The test of literacy is the ability of person to read and write understanding in any language. Literacy growth has been considered as an essential prerequisite for the growth of any society. A comparative picture of literacy growth of India, Bihar, Gaya District and Gaya town has been presented in Table No. 2.6.

²⁵ Sharma, Ram Nath and Sharma R.K., 'Demography and Population problems', Rajbans Prakashan Mandir, Meerut, 1983, p. 127.

Table No. 2.6: Literacy Rate in India, Bihar, Gaya District and Gaya Town in 1991

Place	Percentage of Literacy in 1991
India	52.11
Bihar	38.54
Gaya District	35.70
Gaya Town	60.80

Source: Census Reports for the year, 1991.

The growth of literacy in India has a checkered record with great diversion between the rural and urban areas and again between small towns and the cities. The literacy rate is directly linked with the growth rate of an area, the educational facilities, outlook of the people and the society. The state of Bihar, according to Census of 1991 has the lowest literacy rate of 38.54% almost at par with Rajasthan state. The literacy percentage of Bihar (38.54%) is no doubt an improvement over 1981 having 32.03% but in comparison to an All-India Average Literacy rate of 52.11%, Bihar lacks much. This is a matter of concern for all of us. Arthur Salj defines it as that: "Specific activity with a market value which an individual continually pursues for the purpose of obtaining a steady flow of income."²⁶

Discussing importance of occupation in life, Alfa M. Edward has stated:

"Occupation is perhaps the most important social characteristics influencing man's life."²⁷

In view of G.S. Gosal the occupation often reflects a variety of cultural traits of the workers, especially in a country like India, where "cultural scorings" have strong bearing on what a person is to do for earning livelihood. This is why the study of working force gains added significance. The study of occupational structure holds immense significance as it reveals- (a) whether a region's economy is agricultural, industrial or semi-industrial, (b) its level of economic development and (c) the direction which the entire process of planning a country could follow.²⁸ The total working population of Gaya is engaged in different works- primary as well as tertiary. Actually, "that occupation is now no more monotonous rather it has been converted into poly-morphous one."²⁹

²⁶ Arthur salj "Occupations theory and History" in Encyclopedic of Social Science, " Macmillan Company, New York, 1944, Vol. XI, p. 424.

²⁷ Alba, M Edward, Preface to Comparative Occupation Statistics for the United States, 1876 to 1940 as cited by D.J. Boque, Principles of Demography', John Wiley, New York, p. 252.

²⁸ Gosal, G.S., Occupational structure of Punjab's Rural population The Indian Geographical Journal, Vol. 40, No.1, 1965.

²⁹ Ibid.

The occupational structure of people of Gaya Town has been presented in Table No. 2.7.

Table No. 2.7: Occupational structure of People of Gaya Town

1981	1991
Cultivation 2815 (1.13%)	2932 (1.00%)
Agricultural Labour 2767 (1.71%)	3297 (1.13%)
Household Industries and manufacturing 3707 (1.50%)	6296 (2.16%)
Others 49869 (20.10%)	52675 (18.08%)
Total Population- 277075 (100%)	291220 (100%)

Source: Census Hand Book, 1981 and Census Report for 1991.

The occupational structure during 1981-91 does not give fast changing trend. In cultivation the percentage of people engaged has slightly decreased as agricultural land has been corned into residential areas. The percentage of agricultural labour has slightly increased. The percentage of people engaged in household, industry and manufacturing has increased in this period from 1.50% to 2.16%, an increase by 0.66%. Gaya has not much scope for industry and manufacturing jobs- therefore more people are engaged in household works which consists of child labour. Number of people engaged in other works have decreased from 20.18% in 1981 to 18.08% in 1991. This shows shrinking of job opportunity at Gaya.

2.7 Language Spoken:

Language are chief determinants of nations, that they are a source of common tradition and sentiment, a source of cultural unity far more powerful than race, with which they may have no close affinity. Language is universal to mankind, but it is also one of the most significant differentials. Magahi or Magadhi dialect (including Hindi) is the main vernacular spoken by more than 50% of the population of the cities. Urdu is the second major spoken language of the cities. Maithili, Punjabi, English are also spoken by some persons. A few people also speak Bhojpuri.

Chapter 3

Rights of the Child

3.1 Introduction:

A child is the highest, latest and greatest conscious form of mankind of the universe. A child is the most innocent and helpless human nature incapable of protecting himself and enforcing of even the confirmed legal rights. This class of children has drawn the attention of the people, the state and various bodies toward its exploitation. The stories of exploitation are so painful and inhuman in nature that it is a shameful matter for the conscious educated, advanced and advancing nations.

Discussing the challenges and rights of the child Dr. P. Koteswar Rao had observed in a seminar at Bangalore in 1990 that:

"Children as a class constitute the weakest, the most vulnerable and the defenseless section of the human society. They are always at the mercy of their superiors in age even for sheer survival. Primarily, they are protected not by human laws but by the sure operation of natural laws by which the parents are governed, namely, inherent in exhaustive love and kindness, and the general human instinct of consideration for the totally helpless creatures. However, the incompetence and weakness of the parents, necessitates and imposes social intervention and obligation and state and international responsibility for the survival, progress and happiness of the children. If psychological disorders, erosion of social cohesion and looseness or snapping of marital bonds prompt state interference for the welfare of children in the affluent countries, in addition to the tendencies towards such social phenomena, the economic stark realities of penury and misery of the faceless mass of parents in the developing countries like India demand special recognition of superior international and national constitutional and legal status and protection of the children because of their tender age, delicate physique, flowering mental faculties and high potentialities for greater personal development and achievement. " ³⁰

It is the realization of the value of healthy and strong children to the nations, the world bodies today have shown readiness to talk about the rights of the child and to shoulder the responsibility in case of neglect of children by the parents.

To protect children from inhuman treatment and exploitation, the world has talked about their rights. Various rights, which may be termed as Economic Rights, Educational Rights and Rights to Health, have been accepted by the society and the state. These legal rights aim at the protection of this weakest and helpless section of the society which is fully dependent on other sections of the people. But this section of society, children class, rightly has been

³⁰ P. Koteswar Rao, Paper presented on Seminar on Rights of child New Horizons and New Challenges, " organized by UNICEF and National Law School of India, Bangalore, September 1990, pp. 1-2.

called as the future citizen of the society. The future of the society and its development fully depend upon the care taken of child at present. If the society fails to take care of them during childhood and young age- the society is making a blunder inviting dark future. Therefore, it is in the interest of the society and the state itself to take necessary action, legal and non-legal, for the protection of the children and their all-round growth. It is in this light the present society talks about the Rights of the child.

3.2 Economic Rights of the Child:

A child, like other human beings, enjoys certain rights as 'Rights to Live' and 'Right of Self Preservation' drawn from the Human Rights or the Birth Right. The human/ birth rights is enjoyed by all, irrespective of sex, class, age, colour, race, religion or any other basis.

The sources of economic rights of the child emerged from ancient age when the society felt pity on misuse of child hood and exploitation of children. The social thinkers and reformers felt that a child must get economic protection. Providing economic protection to children was accepted as the responsibility of an individual, the presents and the society at large. If poor parents are unable to provide basic economic needs to their children, it becomes the duty of the society to provide basic economic facility. It was in this concept that in ancient age the society provided economic security to children by opening the 'Poor House' the 'orphan House' the 'Alm House', the 'Work House' and 'the Foster Care'. Though the environs of those houses were disgraceful and the economic protection was poor, however, that was the beginning of an age providing economic protection to children.

The social philosophers of USA came forward to discuss the problems of child and labour, who were leading measurable lives as beggared, picketers, shoe-shine boys, domestic servants, cow-boys, chimney-boys and members of the criminal groups. They prepared a number of principles for protection of children called as children' Charters of Rights. Some of these are applicable for child labour which are presented below:³¹

- a. For every child, spiritual and moral training to help him to stand firm under the prisoners of life.
- b. For every child, a home and that love and security which a home provides and for that child who must receive foster care, the nearest substitute for his own home.
- c. For every child from birth through adolescence, promotion of health and instruction and a health programme, wholesome physical and mental recreation with teachers and leaders adequately trained.
- d. For every child a school which is safe from hazards, sanitary, properly equipped, lighted and ventilated. For younger children's necessary schools and kindergartens to supplement home care.
- e. For every child such teaching and training as will prepare him for successful parenthood, home making and the right of citizenship and for parents supplementary training to fit him to deal wisely with the problem of parenthood.

³¹ K.K. Jacob, *Methods and Fields of Social Work in Asia*, Asia Publishing House, Bombay, 1965, pp. 116-118.

- f. For every child education for safety and protection against accident to which modern conditions subject him and those to which he is directly exposed and those which through loss of maiming of his parents affect him indirectly.
- g. For every child the right to grow up in a family with an adequate standard of living and the security of a stable income as the surest safeguard against social handicaps.
- h. For every child, protection against labour that stunts growth, either physical or mental, that limits education, that deprives children of right of comradeship, of play and of joy.
- i. For every rural child, as satisfactory schooling and health services as for the city child and an extension to rural families of social, recreational and cultural facilities.
- j. To make everywhere available these minimum protections of the health and welfare of children.

The above rights, directly or indirectly, aim to protect economic interest of the child labour. The economic interest may be considered as the essential base for physical and mental growth. Thanks to the social thinkers for framing the Childrens' Charter of Rights which are applicable for the whole world.

3.3 Uno and Economic Right of the Child:

At the international level the United Nations have adopted the Universal Declaration of Fundamental Human Rights of the Children and have requested the member-states to adopt it in their constitution. The United Nations Organisation in its Preamble has accepted in Principle: "..... mankind owes to the Child the best it has to give. It puts obligation on every man to provide best conditions for survival and development of the child."

The Principles of the UNO concerned with the Child have been given below: -

- **Principle-1:** The child shall enjoy all the rights set forth in this Declaration. All children without any exception whatsoever, shall be entitled to these rights without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.
- **Principle-2:** The child shall enjoy special protection, and shall be given opportunities and facilities by law and by other means, to enable him to develop physically, mentally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.
- **Principle-3:** The child shall enjoy the benefits of social security. The child shall have the right to adequate nutrition, housing, recreation and medical services.
- **Principle-4:** The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages.
- **Principle-5:** The child shall in all circumstances be among the first to receive protection and relief.
- **Principle-6:** The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic in any form. The child shall not be admitted to employment before an appropriate minimum age. He shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

The UNOs principal No. 1 calls for equal treatment without discrimination between children on colour, sex, religion, political or social consideration. Principle No. 2 gives legislative protection against physical, mental, spiritual and social exploitation. Principle No. 4 grants benefits of social security, education, nutrition, housing, recreation and medical services, principal No. 4 entitles every child to have education which would help in their development. Principle No. 5 calls for giving protection and relief, first to child in any circumstances. And principal No. 6 prohibits employment of a child before an appropriate minimum age, prohibits employment in certain occupation hazardous to health. Thus, these seven principles together form the ground for economic security to the children.

The UNO has adopted a long concept about the responsibility of the parents, the society and the state. A born child constituting a significant unarticulated helpless class of human beings requires special protection. The 'Right to Life' has been accepted as the Fundamental Rights of every person. No one can take away the life of a person. The parents have no rights to force life for the pleasure, when they cannot take care of that life. So, when the parents have given birth to a child it becomes their prime duty to provide protection and proper maintenance. Similarly, a child is a citizen of the country and therefore, he enjoys rights of a citizen i.e., 'Right to Life' vides this argument it becomes duty of the society and the state to provide protection and proper maintenance. Thus, the right to given birth colerates with the right of life and the duty to provide protection. It is on this argument the Universal Declaration of Fundamental Human Rights have been accepted.

3.4 Universal Declaration of Fundamental Human Rights:

The fundamental human rights accepted by the UNO under a declaration contain the following articles:

Article-2: Rights of a child to be maintained by the State and International Committee. Every child born in this world is guaranteed the right to be maintained at the expense of the state in which he or she is born and by the international committee, provided:

- a. The child is born to the parents who are below the poverty line of that state: or
- b. The child has no parents; or
- c. Whose parents are unable for other reasons to take care; or
- d. Whose parents illiterated or abandoned or seriously neglected the child.

Article-5: Duty of every state to protect and maintain the children

Every state has a duty and shall direct its policy for the total protection of all the children against destitution and shall provide food, clothing, shelter, health and education for all the needy and neglected children.

Articles-6: Children's Home

Every state shall establish sufficient number of children's Houses to nurture and bring up all the destitute and neglected children.

Articles-7: Ministry of Children's Welfare

Every state has to establish a separate Ministry -Ministry of Children's Protection and Welfare under the direct control of the executive head of the Government.

Article-11: National Constitutional Guarantee of Children's Fundamental Human Rights

All the member states shall incorporate the Fundamental mental Human Rights of the children in a separate part of the Constitution.

Article-12: International Court of Children's Human Justice

- a. An International Court of Children's Human Justice is to be established.
- b. It shall have jurisdiction to try all cases of violation of fundamental Human Rights of the Children belonging to any member state.
- c. Any person or organization in the world can move the court with sufficient proof of its real concern.
- d. The member states are bound by the judgements of the I C C H J.

The articles provide basis for economic rights of the child as well as these lay direct responsibility on the parents. In a democratic society the Welfare States are also under accepted responsibility for protection and maintenance of children which is the weaker, youngest and helpless section of the society. No State can ignore or sever its prime responsibility towards the child who would be the future young citizen of the same country.

Let the State adopt every possible step for protecting fully against all odds and for full development of physical, mental, cultural and spiritual growth of the children.

United Nations have been always active in protection of child including all human beings. In 1959 a ten point 'Declaration on the Rights of the Child' was adopted. But there are gaps and inconsistencies as observed by S.C. Bhatia in his book 'Children in India'.³²

It was in response to the need felt that on 20th November 1989 a Convention was adopted for providing greater welfare to children in 1990s and onwards. It recognizes three basic facts namely -

- a. Children have special human rights which adults do not have,
- b. the human rights standards in relation to children are higher than those of adults, and
- c. that many of these rights casts' obligation as much on parents themselves as on the state and the society.

³² S.C. Bhatia, Children in India, p.22

3.5 I L O and Economic Rights:

The need of providing economic rights and protection has been felt by the members of the I L O. The Declaration of Philadelphia of 1944 contains the principles: - "All human beings, irrespective of race, creed and sex, have the right to preserve both their material wellbeing and thus spiritual development in conditions of freedom and dignity, of economic security and equal opportunity." This principle forms the basis of economic rights of Child accepted by 150 member- nations of the I L O. Numerous Conventions and Recommendations of the I L O aim at providing economic protection for children.

3.6 World Summit for Children, 1990:

The world Summit for Children was held to discuss challenges facing the world children, the task before us in regard to children and to find out possible solutions for better tomorrow for these children. It was on 30th September 1990, the World Declaration on the Survival Protection and Development of Children was accepted by the member nations of the UNO. The Summit has accepted the challenge in these words:³³

Each day countless children around the world are exposed to dangers that hamper their growth and development. They suffer immensely as casualties of war and violence, as victims of racial discrimination, apartheid, aggression foreign occupation and annexation, as refugees and displaced children, forced to abandon their homes and their roofs, as disabled, or as victims of neglect, cruelty and exploitation.

Each day, millions of children suffer from the scourge of poverty and economic crisis - from hunger and homelessness, from epidemics and illiteracy, from degradation of the environment. They suffer from the grave effects of the problems of external indebtedness and also from the lack of sustained and sustainable growth in many developing countries, particularly the least developed ones.

Each day 40,000 children die from malnutrition and disease including acquired immunodeficiency syndrome (AIDS) from the lack of clean water and inadequate sanitation and from the effects of the drug problem.

Exposing the challenge facing the world, the World Summit had confessed the need that: All children must be given the chance to find their identify and realize their worth in a safe and supportive environment through families and other care givers committed to their welfare. They must be prepared for responsible life in a free society.

They must be prepared for responsible life in a free society. They should, from their early years be encouraged to participate in the cultural life of their early years be encouraged to participate in the cultural life of their societies.³⁴

³³ UNICEF, Rights of the Child, 1991, p. 1

³⁴ Ibid, pp, 3-4

The members felt that economic conditions would continue to influence greatly the fate of children, especially in developing nations. For then it is urgently necessary to ensure or reactivate sustained and sustainable economic growth and development in all countries. The World Summit has made the following commitment for better future of the children.³⁵

The well-being of children requires political action at the highest level. We are determined to take that action.

We ourselves make a solemn commitment to give high priority to the rights of children, to their survival and to their protection and development. This will also ensure the well-being of all societies.

We have agreed that we will act together, in international co-operation, as well as in our respective countries. We now commit ourselves to the following 10-point programme to protect the rights of children and to improve their lives.

We will work to promote earliest possible ratification and implementation of the Convention on the Rights of the Child Programmes to encourage information about children's rights should be launched worldwide taking into account the distinct cultural and social values in different countries.

We will work for a solid effort of national and international action to enhance children's health, to promote pre-natal care and to lower infant and child mortality in all countries and among all peoples. We will promote the provision of clean water in all communities for all their children, as well as universal access to sanitation.

We will work for optimal growth and development in childhood, through measures to eradicate hunger, malnutrition and famine, and thus to relieve millions of children of tragic sufferings in a world that has the means to feed all its citizens.

We will work to strengthen the role and status of women. We will promote responsible planning of family size, child spacing, breastfeeding and safe motherhood.

We will work for respect for the role of the family in providing for children and will support the efforts of parents, other care given and communities to nurture and care for children from the earliest stages of childhood through adolescence. We also recognize the special needs of children who are separated from their families.

We will work for programmes that reduce illiteracy and provide educational opportunities for all children, irrespective of their background and gender, that prepare children for productive employment and lifelong learning opportunities i.e., through vocational training and that enable children to grow to adulthood within a supportive and nurturing cultural and social context.

³⁵ Ibid, pp, 4-7

We will work to ameliorate the plight of millions of children who live under especially difficult circumstances- as victims of apartheid and foreign occupation, orphans and street children and children of migrant workers, the displaced children and victims of natural and man-made disasters, the disabled and the abused the socially disadvantaged and the exploited. Refugees children must be helped to find new roots in life. We will work for special protection of the working child and for the abolition of illegal child labour. We will do our best to ensure that children are not drawn into becoming victims of the scourge of illicit drugs.

We will work carefully to protect children from the scourge of war and to take measures to prevent further armed conflicts, in order to give children everywhere a peaceful and secure future. We will promote the value of peace, understanding and dialogue in the education of children. The essential needs of children and families must be protected even in times of war and in violence ridden area. We ask that periods of tranquility and special relief corridors be observed for the benefit of children, where war and violence are still taking place

We will work for common measures for the protection of the environment, at all levels, so that all children can enjoy a safer and healthier future.

We will work for a global attack on poverty, which would have immediate benefits for children's welfare. The vulnerability and special needs of the children of the developing countries, and in particular the least developed ones, deserve priority. But growth and development need promotion in all States, through national action and international co-operation. That calls for transfers of appropriate additional resources to developing countries as well as improved terms of trade, further trade liberalization and measures for debt relief. It also implies structural adjustments that promote world economic growth, particularly in developing countries, while ensuring the well- being of the most vulnerable sectors of the populations, in particular the children.

3.7 Social Rights of the Child:

In the society, characterized by sharp and wide socio-economic inequality, there is phenomenon of growing concern for the rights of the child. The growing concern can be under stood in two different senses. Firstly, it signifies the emergency of a new notion of justice that centers around the interests of the child citizen. Secondly, it relates to a legal technique that have assumed great importance as a means of securing certain cherished interests in the modern societies.

Accepting the interest of the society for ever, greater importance has been given towards care of child. The health and prosperity of a nation can be truly reflected by the degree of care of health, education, culture and other development of personality. Long back Jawahar Lal Nehru had observed that 'children should have the first claim on us.'

This is more necessary in case of children belonging to the under privilege and backward sections of society where they are often drafted into the economic processes of the family ignoring their vital needs of physical and mental development.

Neglect and denial of the facility and opportunities for physical and mental development forced by the socio-economic circumstances constitute the violation of the basic human rights to a full life. Today the world is anxious for protection and development of the child. This consciousness has called for the social rights of children. The social rights can be broadly defined in terms of highest attainable standard of health and mental service, the educational facilities and the benefits derived there from and the recreational activities for development of personality. The social rights for this study have been confined in two- the 'Rights of Education and the 'Right of Health'. These two rights have been separately discussed.

3.8 Right to Education:

For balance growth of a man-physical and mental necessities must be provided. Mental growth is as much necessary as the physical growth. It is only the mental growth which can enrich the quality of man, enhance the intellectual growth of the society and in turn the economic growth too. Though 'Equity as an objective of economic development has gained ground in developed and developing countries, yet in our society even by close of 20th century the children are without childhood and without education. In India a child, and particularly the girl child, is discriminated against right from the beginning of their lives. Children in India form the more significant chunk of undercare population.

In a welfare state the responsibilities lies on the state, the society and the parents for educational growth. The advanced countries, which care members on UNO, accepting deterioration in conditions of children on 20th November, 1959, had adopted the declaration of the Rights of the Child which contains: "The child is entitled to receive education which shall be free and compulsory in the elementary stage. He shall be given an education which will promote his general culture and enable him on the basis of equal opportunity to develop abilities, his individual judgment and his sense of moral and social responsibility and to become a useful member of the society"³⁶

The best interests of the child shall be the guiding principle of those responsible for his education and guidance, that responsibility lies in the first place with the parents.

The child shall have full opportunity for play and recreation which should be directed to the same purpose as education, societies and public authorities shall endeavour to promote the enjoyment of this right.³⁷

Even prior of that the world had accepted the 'Human Rights' which bestow right to grow and develop educationally, spiritually and morally. One should get suitable environs to develop his personality and life. 'Children's charter of Right's also contains provisions about education:

³⁶ Declaration of the Rights of the Child, adopted by the U.N. General Assembly on 20th November, 1959, Principal No. 7 (In all there are 10 principles in the declaration).

³⁷ Ibid.

X. For every child an education which through the discovery and development of his individual abilities, prepares him for life; and through training and vocational guidance prepares him for a living which will yield him the maximum of satisfaction.

XI. For every child such teaching and training as will prepare him for successful parenthood, home making, and the right of citizenship and for parents supplementary training to fit him to deal wisely with the problems of parenthood.

XII. For every child education for safety and protection against accidents to which modern conditions subject him and those to which he is directly exposed and those which through loss or maiming of his parents affect him indirectly.

XIII. For every child who is blind, deaf, crippled or otherwise physically handicapped and for the child who is mentally handicapped such measures as will discover and diagnose his handicap provide care and treatment and so train him that he may become an asset to society rather than a liability. Express of these services should be borne publicly where they cannot be privately met.

The educational right flows from preamble of the UNO, 'mankind owes to the child the best it has to give'. It puts obligation on every parent to give best education to every child for his all-round development of personality, ability, efficiency and morale. The declaration of Rights of the child (Principles 2,5,6 and 7) presented earlier contains educational rights of the child and child labour. The society is morally responsible for providing educational facilities to the child in its own interest.

The UNICEFs has also accepted this responsibility in Articles on the Rights of the child: -

Article-6:every child has the inherent right to life..... survival and development....."

Article-7: Right of every child to a standard of living adequate for the child for physical, mental, spiritual, moral and social development."

The words "development" and "mental" development" refer to educational facilities for mental, moral and spiritual development of a child.

In 1980s the UNO again gave attention towards greater protection for development of children. There have been complains of many countries regarding violation of human rights particularly in case of children. Consequently, the United Nations General Assembly adopted a Convention on the Rights of a Child on 20th November 1989. The November 1989 Convention consists of a preamble and 54 articles-two of such articulates contain the Educational Rights of Children. The Convention has laid down the following:

1.States parties recognizes the right of the child to education, a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) encourage the development of different forms of secondary education, including general and vocational education,³⁸ make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

States parties shall take all appropriate measures to ensure that the school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

2. States parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching method. In this regard, particular account shall be taken of the needs of developing countries.

Since formal education in the age group of 6-14 years which is regarded as primary education, creates the base for educational advancement and economic development, the national goal of all developing countries is to make primary education universal and mandatory. In India, the demand for free and compulsory primary education was put forward in 1981, however, it was the post War plan of Educational Development (1944) known as the Sargent Plan which put forth proposed for free and compulsory basic education in age group of 6-14 years over a period of 40 years (1944-84).³⁹

Accepting the Right to Education of Child the constitution of India under Article 45 contains provision for free and compulsory education. The Article says: - "The state shall endeavour to provide within a period of ten years from the commencement of this constitution for the free and compulsory education for all children until they complete the age of fourteen years."

³⁸ One should not be amazed to read the provision of secondary vocational education for children because for purposes of the U.N. Convention of 20th Nov. 1989, a child means any human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier." (Article 1 of the Convention).

³⁹ Mohd. Muzamil, "Economic Issues in Educational Rights of children," Seminar organized by Indian Society of Labour Economics and Department of Social Work, Lucknow University, Lucknow, August 30, 1990, p.3.

Since then, the centre and states in India have adopted New Education Policy and programmes for eradication of illiteracy with emphasis on primary education. The centre recommended the states to have an act on the model of the Delhi Primary Education Act, 1960. Further on the basis of recommendations of the Education Commission (1964-66) the Government of India adopted the National Policy for children in 1974 which contains 15 policy measures for educational uplift of the children. The Policy laid down:

"The States shall take steps to provide free and compulsory education for all children upto the age of 14 for which a time- bond programme will be drawn up with the availability of resources. Special efforts will be made to reduce the prevailing wastages and stagnation in school particularly in the case of girls and children of weaker sections of society.

The programme of informal education for pre-school children from each section will also be taken up..... Children who are not able to take full advantage of formal school education shall be provided other forms of education suited to their requirements." ⁴⁰

The Educational Policy has laid down equal opportunities for development of education for our children. The policy aims to assure proper mental and social development of children by putting obligation on state government for (a) assistance to voluntary agencies for non-formal education for children in age group of 9-14 years, (b) assistance to voluntary agencies for providing free school education to children in age group of 3-6 years and (c) Navodaya Vidyalaya scheme for providing opportunities to be talented children for full development of their potential. Thus, today the states have accepted the right to education to children for mental and social development of children.

The Government of India has constantly been alive towards free and compulsory education for children. Under the Directive Principle the Policy of Universalization of the system of elementary education to all children up to 14 years of age has provided. But this objective could not be achieved, a fact accepted by the sixth plan. Not even 50% of children in age group of 11-14 years could be covered.⁴¹

The progress of primary education is slow. More opening of elementary schools does not help much. The school environs, without proper facilities, hungry children and social constraints are on the way. A half-fed child, half naked child and absence of educational facilities cannot help avail the benefits of education.⁴² The need and priority of free primary education has evoked divergent opinions, however, cannot deny that the free universal education is a long-term objective for which the immediate requirement of development cannot wait.⁴³

⁴⁰ Government of India, National Policy for Children, 22 August, 1974, Policy and Measures, No. (iv) and (v).

⁴¹ The Govt. of India, Sixth Plan, p. 353.

⁴² L.Sinha, 'Economic and Educational Rights of the Child Labour and the political Legacy', 32nd conference of I.S.L. Economic, Dec. 1990.

⁴³ Mohd. Muzammil, Education and Economic Development, Main stream, Vol. 17, No.21, January 9, 1980.

3.9 Right to Health:

Life of the man is exposed to various risks, right from birth to death. The risks to health of a man, more particularly the infant and children, are matters of concern for every nation. The fast industrialization, urbanization, environmental deterioration particularly due to pollution of air, water and environment around are exposing to risks the standard of health of every people. Children, who are physically weak and delicate, are more exposed to these risks, unhygienic conditions and presence of germs of various diseases.

Children are exposed to risks contained in socio- economic conditions, living pattern towards health standard, unawareness about preventive measures and non- availability of health care facilities. Children health has become a social anxiety because of poor food, ill born child, malnutrition, unhygienic housing conditions, various killer disease like khesra, polio, jaundice and tetanus. The denial of facilities for proper physical development of children is a denial of the human rights. Children have the right to protection against all forms of mental and physical violence, disablement and exploitation. They have the right to protection from disease which may result into mental and physical disorder. Recently Mr. Justice K. Ramaswami of Supreme Court in a judgement has accepted the right to health for every member of society as host minimal entitlements to social justice, not just under the Indian Constitution but also under international instrument of human rights binding upon all civilizations. Mr. Justice had held the right to health as the departmental human right under Universal Declaration of Human Rights (Article 22-28) and international covenant on Economic Social and Cultural Rights. He further held that in the light of socio-economic justice enshrined in our constitution held in fundamental human rights. In his judgement Mr. Justice has observed that and by ' health is signified not just absence of diseases or infirmity' but a 'state of complete physical, mental and social well beings.'⁴⁴

Though, Mr Justice K. Ramaswami in his judgement of a case between Calcutta Electric Supply Corporation Vs Subhash Chandra Bose 1992 has referred to industrial workers but in wider sense the condition of the judgement regarding right to health as social right or human right is equally applicable in case of children. The declaration of human rights demands steps by the civilized countries to ensure the proper development steps by children, free from diseases and complete physically and mentally wellbeing for better mankind. The world today must recognize and assure this basic human right of mankind that is the Right to Health. The society needs to be enlightened on health needs of children through mass media. No nation can grow with ill and diseases mankind. No society can flourish without proper health standard of the people. This is necessary in under developed countries in particularly for poor families which are unable to have been two meals a day. Will the nation and the state come forward to respond towards basic human rights of mankind? If not, they are inviting a dark future for themselves. No excuse or any explanation for failure of protection against physical risks and disease would help in survival of the society and the nation.

⁴⁴ Supreme Court, Electricity Supply Corporation Vs Subhash Chandra Bose, Supreme Court case, 1992 published in the Time of India, New Delhi, March 31, 1992.

The "Children' Charter of Rights" contains several clauses accepting right to health. These are: -

V. For every child, health protection from birth through adolescence including periodical health examination and where needed, care of specialists and hospital treatment, regular dental examination and care of the teeth, protective and preventive measure against communicable diseases, the issuing of pure food, pure milk and pure water.

VI. For every child from birth through adolescence, promotion of health and instruction and a health programme, wholesome physical and mental recreation.

Similar acceptance of obligation towards protection of children by the UNO had resulted into 'Declaration of the Rights of the Child' in 1959. This declaration contains specific principles regarding health of the children: -

Principle-2: The child shall enjoy special protection, and shall be given opportunities and families, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.

Principle-4: The child shall enjoy the benefits of special security. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle-5: The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

The U N O, declaration had a wide impact awakening the member- nations towards health obligation for the children.

The UNICEF's Articles on Rights of the Child also contains: -

Articles-27: States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent (s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

Article-32: 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end and having regard to the relevant provisions of other international instruments. States Parties shall in particular:

- (a) Provide for a minimum age or minimum age for admission to employment.
- (b) Provide for appropriate regulation of the hours and conditions of employment.
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

The I L O from very beginning has been conscious of the need of greater protection of children. A large number of Conventions and Recommendations have been adopted for protection of health standard of the children. The specific Conventions are:

Convention No.	Convention
5	Minimum Age (Industry), 1919
7	Minimum Age (Sea), 1928
10	Minimum Age (Agriculture), 1921
16	Medical Examination of young persons, 1921
33	Minimum Age (Non-Industry), 1932
73	Medical Examination of young persons (Sea Farers), 1946
77	Medical Examination of young persons (Industry), 1941
78	Medical Examination of young persons (non-Industry), 1946
79	Night work of Young Person (Non-Industry), 1946
90	Night work of Young Person (Non-Industry), 1948

The long list of conventions attempts to cover up health protection- a primary need of infants and children. Many conventions and recommendations have been adopted by the member-nations providing protection to the child labour.

The General assembly of the United Nations on 20th November 1989 had adopted Convention as the Rights of the Child. The General Assembly realizing that "the child, by reason of his physical and mental immaturity, needs special safeguards and care," had adopted⁴⁵ :-

⁴⁵ UNICEF, Rights of the Child 1991, p. 54-59

Concept of Child Labour with Socio Economic Development

Articles-26: State Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

Articles-27: 1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parents (s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

Articles-31: State Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

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

States Parties shall take legislative administrative social and educational measures to ensure the implementation of the present article. To this end and having regard to the relevant provisions of other international instruments. States Parties shall in particular-

(a) Provide for a minimum age or minimum wages for admission to employment.

(b) Provide for appropriate regulation of the hours and conditions of employment.

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present articles.

Article-33: States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties and to prevent the use of children in the illicit production and trafficking of such substances.

Article-36: States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of the sale of or traffic in children for any purpose or in any form. The provisions of these Articles prove the self realisation of the responsibilities by the states towards the child. Let this self-realization be base for better health standard of the children.

At the World Summit for Children in September 1990, the delegates of the countries, accepting the change of the children affected by neglect, cruelty and exploitation, had made firm commitment for a solid effort of national and international action to enhance children's health.

The World Summit prepared a plan of action including child health. The provision contains⁴⁶ :-

Preventable childhood diseases- such as measles, Poliotetanus, tuberculosis, whooping cough and diphtheria, against which there are effective vaccine, and diarrheas diseases, pneumonia and other acute respiratory infections that can be prevented or effectively treated through relatively low-cost remedies- are currently responsible for the great majority of the world's 14 million deaths of children under 5 years and disability of millions more every year. Effective action can and must be taken to combat these diseases by strengthening primary health care and basic health services in all countries.

10. Besides these readily preventable or treatable disease and some others, such as malaria, which have proved more difficult to combat, children today are faced with the new species of the acquired immunodeficiency syndrome (AIDS) pandemic. In the most seriously affected countries HIV/AIDS threatens to offset the gains of child survival programmes. It is already a major drain on limited public health resources needed to support other priority health services. The consequences of HIV/AIDs go well beyond the suffering and death of the infected child and include risks and stigmas' that affect parents and siblings and the tragedy of 'AIDS orphans'. There is an urgent need to ensure that programmes for the prevention and treatment of AIDS including research on possible vaccines and cures that can be applicable in all countries and situations and massive information and education campaigns, receive a high priority for both national action and international co-operation.

A major factor affecting the health of children as well as adults is the availability of clean water and safe sanitation. They are not only essential for human health and wellbeing but also contribute greatly to the emancipation of women from the drudgery that has a pernicious impact on children, especially girls. Progress in child health is unlikely to be sustained if one third of the developing world's children remain without access to clean drinking water and half of them without adequate sanitary facilities.

Based on the experience of the past decade, including the many innovations in simple, low-cost techniques and technologies to provide clean water and safe sanitary facilities in rural areas and urban shanty towns, it is now desirable as well as feasible, though concerted national action and international co-operation, to aim at providing all the world's children with universal access to safe drinking water and sanitary means of excreta disposal by the year 2000. An important related benefit of universal access to water sanitation combined with health education will be the control of many waters borne disease, among them elimination of guinea- worm disease (dracunculiasis), which currently afflicts some 10 million children in parts of Africa and Asia.

13. Hunger and about half of their different forms contribute to about half of the deaths of young children. More than 20 million children suffer from severe malnutrition, 150 million are underweight and 250 million women suffer from nutritional anaemia Improved nutrition requires (a) adequate household food security, (b) healthy environment and control of

⁴⁶ UNICEF, op. cit., p.13-16.

infections and (c) adequate maternal and child care. With the right policies, appropriate institutional arrangements and political priority, the world is now in a position to feed all the world's children and to overcome the worst forms of malnutrition, i.e. drastically to reduce diseases that contribute to malnutrition, to have protein energy malnutrition, virtually to eliminate vitamin A deficiency and iodine deficiency disorders and to reduce nutritional anaemia significantly.

For the young child and the pregnant women, provision of adequate food during pregnancy and lactation, promotion, protection and support of breastfeeding and complementary feeding practices, including frequent feeding growth monitoring with appropriate follow up actions, and nutritional surveillance are the most essential needs. As the child grows older, and for the adult population as a whole, and adequate diet is an obvious human priority. Meeting the need requires employment and income-generating opportunities, disseminate of knowledge and attribution. These are key actions within broader national strategies to combat hunger and malnutrition.

The member-nations have made firm commitments for full protection of children health and one feels relieved that the future health standard of children would improve.

Chapter 4

Sociological Background of Child Labour

4.1 Definition of Child Labour:

We the citizens of the democratic and welfare states of the world have to decide who is a child and a child labour. It is primarily a discussion for ascertaining the age which could be based on physical and mental standard to decide the maximum age of child. Well, the growth of every child is influenced by the economic and living conditions and geographical environment of the place. However, the U N O, the UNICEF, the ILO and our Government have to take a decision as who is a child and what should be the maximum age to consider one as a child.

The Convention stipulates in the very first Article that all persons under 18 are to be treated as children. Interestingly the Article grants the discretion to individual countries to determine by law whether childhood should cease at 12 years or 14 years or 16 years or whatever age they find appropriate. A member country ratifying the Convention can in one stroke deny the benefits of the same to a large section of the largest group by passing a law stating that a child is one below the age of 12 or 14 or 16 as the case may be.

The I L O Convention of 1973 (No. 1, 3, 8) says that the minimum age for children for admission to employment is 14 years and should be raised progressively to a level consistent with fullest physical and mental development.

This issue has been for a long time the point of discussion amongst the intellectuals, the statesmen and the social workers. The Fundamental Rights (Art 24) in India guarantees:

"No child labour below the age of 14 years shall be employed to work in any factory or mines or engage in other hazardous employments."

This Fundamental Right allows the employment of child below 14 years in non-hazardous employment. Does it look nice for India and the Government to allow employment of child below 14 years in domestic work, tea stalls, road- side hotels, shoe-shine and other non-hazardous work? The question arises: What is the age that may be considered as tender age within which a child should not be asked to work? The Directive Principle of State Policy in India (Article 39e) contains: "..... the tender age of children is not abused.....". This naturally prohibits employments of child in any job or work. Further the Directive Principle says in Article 39f that ".....Childhood and youth are protected against exploitation and against moral and material abandoond". Thus, here a question arises as what is the age determining the childhood and during the childhood no work should be taken from children.?

Discussing the concept of child and child labour, Stein, Emanuel and Davis, Jerome in their book "Labour Problems in America" have given definition of child labour as:

"..... any work by children that interference with their full physical development their opportunities for a desirable mind of education or their needed recreations."⁴⁷

Another definition has been given by R.K. Maheshwari, M.Karunakaran and M.A. Gupta which says that:

"Child labour as any work done by the children in order to economically benefit their families or themselves directly or indirectly, at the cost of their physical, mental and social development."⁴⁸

On the basis of the study the experts have drawn a possible working definition of child labour. They have defined child labour as:

"Any activity done by children which either contributes to productions, gives adult free time, facilitates the work of others or substitutes for the employment of others".⁴⁹

There is a general concern on 14 years of age as the cut point for determining child and child labour. It is on the basis of this age cut point that our Census Reports also have grouped child between the age of 0-14 years.

If one goes into the history of child labour legislation, he finds a history of exploitation.⁵⁰ The Factories Act, 1881 defined child as a person below 12 years, and minimum age of employment was fixed at 7 years. It was raised to 9 years by Factories Act, 1891. The Factories Act, 1922 declared a person as child below the age of 15 years. The Factories Act, 1934 fixed minimum age of employment at 12 years and finally the Factories Act, 1948 fixed the age of employment at 14 years.

The Factories Act 1948 says in Sec. 2 (c) that " a child means a person who has not completed his fifteenth years of age." The Mines Act, 1952, says in sec (2e) that "a child means a person who has not completed his fifteenth year." A child has been defined as " a person who is under the age of fifteen years' Sec 2 by Children (Pledging of Labour) Act, 1933. The Employment of Children Act, 1938 in Sec 3 says" No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railways." Thus, one finds a consensus on 14 years of age as the age of employment.

⁴⁷ Stein, Emanuel and Davis, Jerome, Labour Problems in America, pp. 112-113.

⁴⁸ Quoted from Ravi Niwas Singh, "Child Labour", paper presented at 32nd Conference of Indian Society of Labour Economics, Bhubneshwar, December 1990, p.2.

⁴⁹ Gay Standing and Gerry Redgers, Child Labour Poverty and Under-development, ILO, 1981, p. 95.

⁵⁰ N.N. Kaul, India and the ILO, p. 47-49.

4.2 Causes of Child Labour Practice:

The prevalence of child labour of a considerable percentage of total labour force has been viewed by different social scientists and economists in different ways. Accepting the prevalence of child labour as a consequence of the present socio- economic environment around him,⁵¹ they have been pained by flagging, fettering, and torturing of child to work under various odds alongwith the ill treatment with the youngest generation of the society by the adults. The reformists and the statesmen have forced the government to examine in detail the causes leading to and the problems arising out of employment of children. Since then, various committees and commissions have been appointed in different nations and by the international organisations to examine the socio-economic conditions under which child labour practice has become a regular practice.

In reports of various committees and commissions one finds stresses on different points leading to employment of child. Of these cause the economic cause appears to be the most common cause forcing child to become a member of the labour force. Attempts have been made here to find out the causes of child labour with particular reference to Gaya Town.

4.2.1 Poor Economic Conditions:

Most of the working children belong to poor, landless and semi-landless families whose income is inadequate to meet even the bare family needs. In India where than 37% of people live below the poverty line, any addition in the earning member is considered economically helpful irrespective of the amount earned by the youngest earner. Out of 400 child labour interviewed in this study, a large number of them have accepted economic factor as the main factor responsible for acceptance of employment by them. Out of 400 child labourers interviewed, 88 (22.0%) are engaged in domestic works where they get food and shelter also. The employment of child labour in domestic work has double advantages';

- a. they get food and shelter, relieving the family from the burden of meeting food and shelter needs, and
- b. they get even small amount as monthly remuneration which adds to the total income of the family.

A child labour is considered as economically boon as he adds to the total income of the family. This convinces that child labour exists in inverse relation to the degree of economic advancement of a society and country. In developing countries every child provides two extra hands to work and an additional income for the family. Thus, a child labour directly helps the family in easing the poverty situation and reaping the economic hardship.⁵²

Gaya is surrounded by rural villages dominantly of schedule castes and schedule tribes. The area is hilly with barren lands. Therefore, agricultural land is not so prosperous to provides employment to the local people. The absence of industry in and around Gaya except stone

⁵¹ Ministry of Labour, India Committee on Child Labour, Report, 1979, p. 1.

⁵² S. C. Bhatia, Children in India, p. 14.

breaking and a small cotton factory, also comes in way of employment opportunity. Adding these two factored together the net result is the higher degree of poverty than the average poverty rate of the country. The rural poverty stricken families are landless labour, small and minor farmers, migrant labour, schedule castes and schedule tribes, the household with female heads in lower castes Hindus. These families are the sources of child labour market at Gaya. These children are illiterate which further laughs on their fate. An illiterate labour starts a work as manual labour or as fresher's which lowers his income level. Poverty has tendency to continue for long and this one find when a child labour of a poor family has to be contented with lower payment, cash or kind or both.

4.2.2 Illiteracy:

Literacy and the degree of literacy determine the quality and efficiency of labour productivity and earning capacity. Higher the literacy rate higher shall be the earning rate, Literacy determines the life style of the people. People know how to utilize time, energy and money for fair return, economically or non-economically. The style of life is related with the attitude of life, thinking, activities and outlook. Education has the highest value for man, his style of life and his attitude towards life.

Illiteracy is a curse more for poor people. A poor parent is unable to send his child or children to school. He is not in a position to meet the educational expenditure. Even if education is free, a child of poor father is unable to take advantage of free education. A hungry child cannot grasp the class teaching. The physical weakness affects the mental fitness enough to avail the fruits of free education. Apart from it the economic hardship may be a cause of heavy dropout from class. The percentages of drop outs are higher at the middle and high school stages because the children are asked to help their father or family in family work or to serve somewhere else. This is evident from Table No. 10. The children are not sent to school for a brighter future. The hope of bright future is uncertain when the present is so dark.

The poor parents, illiterate and ignorant, have not been able to realize that their little sacrifice might bring bright future to their children. They believe in 'Karm' than in education and be contemptuous of book learning in contrast to the present school going. Apparently, illiteracy may be a cause but actually it is the poor economic conditions which forces them to think in terms of immediate economic gains by sending their children on work than to postponed for a few years. Therefore, the economic reason has wide stressed evil effects for continuity of poor payment and illiteracy of children of poor families.

4.2.3 Ignorance of the Parents:

Due to poverty and illiteracy mostly, parents are ignorance about various schemes for the protection and advancement of children. They are ignorant about the free education facilities provided by the state. Some of them know about these but they are ignorant yet to realize that education and other welfare facilities not only open several channels for enhancing the quality of life, but also pay the high dividend materially and mentally. A little sacrifice of hardship would change the life of the children. Had this fact been realized by the parents they would have been able to take advantage of the various protective and creative schemes

of the government as well as the future labour parties. Gandhiji in his Labour Philosophy had clearly held ignorance and unawareness of potentialities among the workers as the root causes of their exploitation and the present pitiable life. Ignorance is a vice which brings various vices surrounding an individual for making the life pitiable and hard.

4.2.4 Death of Any One of Parents/ Orphan:

Premature death is a result of poor living standard, low income, poor medical services and unhygienic living conditions. Poor workers both in urban and rural areas are the subjects of above factors which affect adversely their lives, longevity of life, health standard and also the working efficiency. Further fast industrialization with inadequate protection of workers against hazardous works, occupational diseases and death by accidents are causes of early death or invalidity of bread earners. In case both father and mother expire, the children become orphan. When father or mother expires, they have to share family responsibility.

The family responsibility becomes heavy in case of early death of father. That compels the young children to earn for their livelihood and other members of the family.

Indian workers have not been fully covered by social security provision. Till now only industrial workers in organized sectors have been covered under various social security schemes. But majority of workers are out of such social security measures. Recently a few states have started old age pension available only to those crossed 60 or 65 years and have no one to support. Such states have old age pension schemes with very limited scope, leaving large number of poor workers without any social security benefits. Such a situation compels the children to act as bread earners for their survival.

Orphans are those who have lost their parents or who are abandoned by their parents. The life of orphans is more pitiable than those who have parents. Orphans are the evils of the society, its rigid customs, the social crimes and the fear of religious rights. Those orphans have to work whatever the condition may be for their survival. One finds such orphans begging on streets, shining shoes, serving on tea stalls, sweeping the railway compartments, roistering on railway platforms and working in team of pick-pocketers. The society looks day and night these orphans engaged in all sorts of desirable and undesirable works. In England in 1961 the poor Law had allowed the employment of pauper children as apprentice in a trade. Since then, the employers began to employ batches of children for cleaning the chimney which could be done only by child slicking to top of the chimney with the help of rope. England and Englishmen call themselves most civilized at the cost of these chimney boys. Gaya town is flooded with child labour either orphan or whose father has died recently as shown in Table No. 10. They fulfill a fair percentage of demand for labour force particularly in certain occupations where they are considered more suitable than the adults.

4.2.5 Tradition O Engage Children in Family Occupation:

In lower- and middle-income groups the family occupations have long tradition in India. One finds a direct relationship between occupation and caste. Rather various castes are named in accordance with the type of profession/ occupations for example, carpentry by carpenter caste, iron work by Lohar caste, gold work by Sonar caste and so on.

By tradition a father trains his children from young age. There has been no institution to train them in their family occupation. It was family functioning as institution to train the youngsters. In process of training the children work with the adults of the family. This process of training does not allow them to go for schooling for general education.

In India the development of caste and preservation of ancient cultural traditions are the results of family occupations, generation after generation. The young generations are trained in the art of the craft. Some crafts limit the scope of learning outside. In rural and urban areas children work in various occupations and industries like carpet weaving, match box making, tailoring, printing, agriculture, mechanics, cattle keeping etc. This conventional engagement of children is no doubt productive but indirectly withholds the possibility of better future.

4.2.6 Children as Cheap Labour:

The employers, as profit seekers, prefer to employ children because they are cheap in comparison to the adults. A child can be quickly trained and suitably adjusted in certain works in contrast to the adults.⁵³ Adults take longer time in adjustment.

Every employer is conscious of the labour cost, which is an important part of the total cost of production of goods and services. Children as cheap labour help the employer in keeping labour cost low which in turn enhances their competitive power in the product market.

Children are preferred in disguise form as apprentice. The Apprentice law are reliable. Such apprentices are asked to work with the adults and for longer period on the plea that they are learning a trade/ skill. This plea gives a strong hold to the employer in taking excuse for employing children.

Further, children are cheap and are paid low wage on the plea that they are less efficient, less hardy and less productive than the adults. It is acceptable to everybody that a child's capacity to work is comparatively lower and therefore, they are paid low wages. This is more common practice. In informal sectors many industrial units are surviving because of cheap child labour as for example the carpet and match box industries. Thus, child labour is a boon for the employer from various considerations discussed above.

4.2.7 Child as A Convenient and Uncomplaining Labour Force:

A child is illiterate, unconscious and unaware about his rights and legislative protections. He does not know how to complain, where to complain and when to complain. A child by nature is more accommodative, less reactioning and unchallenging. Every employer prefers to have such labour who is stable pain takers, submissive and long tolerant. Industrial units employing children face no industrial dispute and no industrial unrest.

⁵³ S. Murty, "Child Labour in Unorganised Sector A case study of Ujjain city", Indian Journal of Labour Economics, Vol. 33, No.4, Oct- December 1990, p. 282.

Children work under all odds without expression of dissatisfaction on their face. Children and their parents prefer to keep quiet than to complain on various grounds to the management because the parents know about their economic helplessness. The parents know that employment of children is against the law and they are the violators of law. If they complain their children may lose job. They may be thrown on the road to look after some alternative way of survival.

The employers knowingly employ the children because of their economic helplessness. They take advantage of this situation.

4.2.8 Domestic Child Labour- a Hope for Bright Future:

Numerous poor parents, who are little literate and conscious about future of their children, prefer to send their children to work as domestic servants in good families. Their preference for sending the children to work as domestic servant is based on four factors:

- a. It lessens the economic burden of the family house master meets the basic needs as food, shelter, clothes and medical facilities;
- b. A child shall live in a cultured family which would help in adoption of good culture gradually.
- c. The parents hope that the house-master would help in getting a good job in some offices.

The study of child labour at Gaya has shown that 22% working children engaged in domestic house have above considerations. They hope that when they would become adult, they would get in suitable employment in office through the help of the present home-master.

4.2.9 Force to have Self Dependent Life:

The economic and social conditions force many children to run away from the home. Some run away because of cruel treatment by their drunken fathers. Some run away due to ill treatment by step mothers. Some run away because of starvation. The life of runaway children is full of miseries, pains and dark future.

People hesitate in employing such children in their house because they do not know where-about of such children. Many do not agree to trust upon them. Many do not want to keep them due to fear of getting involvement in some unwanted case. Therefore, finding a job for such run-away boys in domestic works is difficult.

Such boys in due course do not prefer to get a job or to accept a job as domestic servant. They feel it as a bonded labour or a place with greater control, heavy work, longer duration of work and at times ill treatment by house-master. Such children have developed liking for independent life.

They prefer to do some jobs on railway station, bus stand, tea stalls and roadside hotels. They do not prefer to go back to their parents because past incidence discourage such decisions.

4.2.10 Easy Entry and Less Competition for Job:

Labour market has become more competitive limiting the easy entry. Quantitatively as unemployment is widespread, the competition has increased among the job seekers. Qualitatively with the advancement of science and technology the entry into different jobs has now less scope because of higher education and trade. This situation however does not apply in case of child labour market. Children are engaged as fresher's or raw- hands. The employers know that they are recruiting raw hands and therefore, the recruitment of raw hand child labour is easy. They enter into labour market mostly in informal sectors without any precondition. Secondly, the jobs in which children are employed are less competitive.

Adults do not want to work in jobs where child is preferred. Therefore, children enter into labour market easily and get jobs without facing competition. This has directly or indirectly helped in drawing a child labour towards labour market. One does not find a child labour market even at the local level like that of local labour market for adults. The absence of local child labour market may be a reason for absence of competition among the child labour. They enter into jobs quietly and without any competition. The possibility of getting job has even been increasing because due to various reasons the house-masters/ housewives prefer to have domestic child labour. The tea stall and roadside hotel owner's welcome child labour. The small workshops and tailor shop owners also prefer child labour. The parents of child labour take advantage of easy entry of the children in job. And this may be a reason for attraction of child labour to informal sectors.

4.2.11 Long Social Permission:

Every country has some social traditions depending upon the traditional outlook towards the family members. In a religious dominated society, the controllers of the society have enjoyed upper hand. In India the Brahmins have always enjoyed upper hand in controlling the social conditions. In our society there has been no social restriction on employment of a child. In Hinduism the shudras, the fourth and lowest category of people in the society, were asked to serve the people of other three categories. Whatever the age maybe it was never considered wise to send the children of shudras to school. This have been a very strong social tradition permitting the child labour system from ancient days in India.⁵⁴

4.2.12 Ineffective Labour Legislation:

In the modern society the welfare states, realizing the exploitation of the child, have enacted various legislations prohibiting employment of children below 14 years of age in certain industries. This would have restricted the old practice of employing child labour in factories, mines and other hazardous jobs. But the Acts have not been yet implemented fully and strictly. The loose or ineffective administration of labour law is an important cause of child labour system.

⁵⁴ Sudama Singh and Maya Sinha, The problems of Child Labour, Indian Journal of Labour Economics, Vol. 33, No.4, October- December 1990, p. 273.

Inaugurating the First South Asian Consultation on Child Labour at New Delhi on July 12, 1992, the Chief Justice of India, Justice P. N. Bhagat with observed: "It is a great tragedy that government do not realize inhumanity they are perpetuating. These children lead in helpless and hopeless life, with lost eyesight and sunken cheeks, hunger has taken away life from them. The law prohibits any child below the age of 14 years to work. But is it enforced?

Most laws on child labour are merely on paper Implementation is almost nil. They dare not protest." ⁵⁵

Mr. Justice further questioned- Don't they have the sane aspiration as other? Have they no right to partake the fruits of freedom and liberty? Has society given anything to them? Who will give answer to these questions?

The discussions on causes for child labour practice reveal that the child workers at Gaya have started their career as earners on certain factors. In course of survey, they expressed the reasons for commencing their career as worker which has been presented in Table No. 4.1 A.

Table No. 4.1: A Factors responsible for commencement of career as child labour

Sr. No.	Factors	Number	Percentage
1.	Economic Factor	176	44.0%
2.	To earn own livelihood	58	14.5%
3.	Ophan/Death of single parent	34	8.5%\$
4.	Not interested in education	82	20.5%
5.	Ill habituated father	16	4.0%
6.	Other factor (tradition to engage in family occupation, step mother's treatment)	34	8.5%

The table shows that economic factor alone the forced 176 (44%) child workers to start to accept some jobs. The next group of children not interested in education consisting of 82 (20.5%) workers have joined the different jobs. There are 58 (14.5%) workers who prefer to earn own livelihood and to have independent life. In the fourth place there are two categories of worker 1) orphans or whose single parent has died consisting of 34 (8.5%) and (2) other factors such as family occupation and step mother treatment consisting of 34 (8.5%) workers and the last group of 16 (4%) workers have joined jobs due to ill habituated father. Thus, majority of child workers have started their career due to economic factors or death of father/ mother or orphan or independent life.

⁵⁵ The Times of India, New Delhi, July 13, 1992, p. 16.

In concluding the presence of child labour practice one can say that it is the outcome of the socio- economic conditions in every country. The degree of socio and economic conditions may be different but this problem has a combine effect on the present situation. Political legacy further adds to this cause.⁵⁶ Though the welfare states have shown anxiety on child labour and have accepted the practice as a shame but at the sometime the statesmen in the Parliament have accepted rights of child, accepted the constitutional responsibility for protection of child labour and framed various laws yet this evil practice continues even by the close of the 20th century. The increasing magnitude of the problem has become alarming. No nation and the state can fight and solve this socio- economic problem unless we make a determination to stop the child labour practice whatever difficulties may come in way. There is definitely absence of determination among the statesmen and the people.

Rather there is no dirty of people who are taking advantage of situation by employing child labour in greater number and even in prohibited occupations. It is really a matter of shame for the so called democratic, socialist, reformist, developed and cultured society.

4.3 Division of Child Labour on Religions and Castes:

4.3.1 Child Labour on Religion Basis:

India is a country of various religions and castes. Every religion consists of different castes and sub-castes. The traditional religious arrangement has strong hold even by the end of the 20th century when people of the world have realized that such religions is same. There may be differences of approach, explanation and thinking.

Yet, we find that religious consideration does influence to a greater extent the attitude and behaviour of the people towards others. The history of tee society is full of such incidences which may be treated as black spots in the history of the mankind.

India and Indians suffer strong religious sentiments and caste considerations. In Hinduism and Islam there is relationship between the castes and the sub- castes on the one hand and the profession on the other hand, as for example, carpenters are Barhai, Blacksmiths are Lohar, Dhunia from some Muslims etc. Traditionally, relationship between the caste and a particular profession continued from generation to generation. In Hinduism there are four broad divisions like Brahmine, Kshatriyas, Vaishays and shudras- performing separate profession and services. However, with the industrial revolution, expansion of education and changing socio- economic occupational considerations, the old relationship between castes and professions has become loose. People are working in different professions irrespective of their castes and religions as in Bata India Company. However, as the socio structure is still based on religion and castes, therefore, it seems desirable to study the child labourers working at Gaya and their social- religious background.

⁵⁶ L. Singh and R.C. Singh, Rural Labour Woes: The Political Legacy. The Indian Journal of Labour Economics, Vol. XXXIII No. 1, April 1990 p. 94.

The population of Gaya consists of three religions Hindus, Christians and Muslims. The child workers belong to these three religions. Table No. 8 presents the distribution of child labour on the basis of religion.

Table No.4.2: Distribution of Child Labour on Religion

Sr. No.	Religion	Number	Percentage
1.	Hindu	314	78.5%
2.	Christian	2	0.5%
3.	Islam	84	21%
	Total	400	100%

The table shows that 78.5% of the child labourers belongs to hindu religion, the Muslims are 21% and Christians are 0.5%. There is no sikh child at Gaya. Thus, Hindu child labour represents nearly four- fifth of the total child labour force at Gaya.

4.3.2 Child Labour on Caste Basis:

Child labour force has been divided into various castes present at Gaya. The child labour Gaya come from near about villages and that also reflects on the socio- economic conditions of different castes living around Gaya.

The table No. 4.3 has taken Muslims as a whole whereas the Hindus have been divided in different castes. The Schedule Tribes have been taken together. The Christians have been included in miscellaneous category.

Table No. 4.3 Distribution of Child Labour on Caste

Sr. No.	Caste	Number	Percentage
1.	S.T.	2	5.0%
2.	Kurmi	76	19.0%
3.	Kahar	62	15.5%\$
4.	Dusadh	50	12.5%
5.	Chamar	25	6.25%
6.	Teli	11	2.75%
7.	Momin and other Muslims	84	21.0%
8.	Lohar	19	4.75%
9.	Yadav	18	4.5%
10.	Upper castes	14	3.5%
11.	Miscellaneous	21	5.25%
	Total	400	100%

Among the hindus, Kumari child labour represents 19% of the total labour force suryed. Next to it comes Kahar child labour with 15.5%, then Dusadh child labour with 12.5% then Chamar child labour is having 6.25% and Lohar child having 4.75%. The lowest percentage (2.75%) of child labour belongs to Teli caste.

Shecule castes child labour represents 5% and Muslims in total represent 21%. The child labour belonging to upper castes consists of 3.5%. And the miscellaneous group of child labour covers 5.25% of the total child labour force surveyed.

The caste structure of child labour at Gaya is a symbol of labour force participation rate in this area. The participation rate of child labour may be sinchronising with the labour force, the families sending children and their economic background. Many of these castes belong to Shudras according to Hindu mythology. These castes have not been able to change the traditional professional trend. The reasons may be different in different areas. The one important point of the study is the presence of child labour from upper castes, a factor adverse to the earlier trend. This structure of child labour force working at Gaya may further flash interesting findings in contrast to the present occupations.

4.4 Division of Child Labour on Education Basis and Living Areas:

4.4.1 Education Amongst Child Labour:

The educational rights of child contained in the Declaration of the Rights of Child by U N O in 1959 and again on November 20, 1989 under convention on the Rights of Child have accepted that "education and guidance to children are responsibilities of the parents in first place. The society is also under responsibility for providing full opportunity to children for their development'. Yet, even this prime responsibility towards children has not been fulfilled by their parents and the society. The poor children are deprived of their opportunity for a better future. This truth affects adversely the whole future life of the child particularly the child labour.

The extent of education amongst the child labour under study has been surveyed. The findings have been shown in Table No. 4.4.

Table No. 4.4: Distribution of Child Labour of Education

Educational Standard	Number	Percentage
A. Illiterate	248	62.0%
B. Literate	152	38.0%
(i) Up to 3rd standard	44	11.0%
(ii) 4th standard	36	9.0%
(iii) 5th standard	24	6.0%
(iv) 6th standard	35	8.75%
(v) 7th standard	13	3.25%
Total	400	100%

The surveyed child labour force at Gaya has been divided into two groups illiterate and literate. Further the literate group has been sub- divided into five categories: (1) upto 3rd standard, (2) 4th standard (3) 5th standard (4) standard (5) 7th standard. There was no one who could cross the seventh standard of school.

There were 248 illiterate working children covering 62% of the total child labour force under study. The rest (38%) 152 children are educated as shown in the Table 10. Out of 152 literate working children, there were 44 (11%) children who got education upto third standard, 36 (9%) upto fourth standard, 24 (6%) upto fifth standard, 35(8.75%) upto sixth standard and 13 (3.25%) upto seventh standard. This reflects the gradual increasing number of drops outs as they go to the higher standards. Finally, they could not cross the middle standards of the education. Thus, on the whole one finds that out of the child labour surveyed the percentage of illiterate child labour is a high as 62%, i.e., to say a little less than 2/3 of working children at Gaya are illiterate.

4.4.2 Rural Urban Living Areas:

The child labour force consists of children coming from rural and urban areas. With the advancement of industries and urbanization some areas may be called as semi-urban in nature. All these three areas are living areas of child labour though their nature of occupation may be different. Further the environmental factors of these three living areas are definitely different affecting accordingly the life, thinking and attitude of the child labour.

The different living areas and the conditions present around these areas have for reaching impacts on their present and future lives. It has a close relationship with the family background of the child labour. Therefore, it seems desirable to know how many child labourers are living in these areas.

On the basis of survey, the child labour and the living areas have been shown in Table No. 4.5.

Table No. 4.5: Distribution of Child Labour on the basis of living Areas

Living Areas	Number	Percentage
Urban	72	18.0%
Rural	219	54.75%
Semi-urban	109	27.25%
Total	400	100.00%

From the table it appears that most of the working children 219 in number (54.75%) are living in rural areas followed by semi- urban area with 109 working children (27.25%), and lastly only 72 working children (18%) live in urban area. Thus, majority of child labour force lives in semi and rural areas. The rural background has a far-reaching impact on the lives of the child labour. However, it is a good sign. A fair number of child labourers (27.25%) previously in rural areas now live in semi- urban areas. This change in the place of living areas might provide better opportunity to learn and earn.

Yet, the basic rural background might not allow them to advance equally to those who live in urban areas. The sociological, psychological and environmental factors of the rural areas do come in way of life lowering the pace of advancement.

4.5 Division of Child Labour on Age, Occupation and Working Length:

It is interesting to note that the child labour force in Gaya town has been of different age groups engaged in different occupation and for different working periods. The different age groups show at what age group children have been working. Various occupations in which the child labourers engaged show the easy occupations providing opportunities to a child for employment. The various working lengths are indicators of the period and practice of child labour for a considerable period of time. Let us have a detail and close look on the age groups, the occupations and the working length.

4.5.1 Age Groups of Child Labour:

In the study the working children are between 6-14 years of age. The upper limit of age, 14 years, has been accepted commonly as the maximum age of a child. In this study also children upto 14 years have been taken into account. The low level at which a child labour begins to work at Gaya town has been detected as 6 years. Therefore, this study of child labour has been distributed between different groups such as 6-8 years, 9-10 years, 11-12 years and 13-14 years. The child labour force distributed on age basis has been shown in Table No. 4.6.

Table No. 4.6: Distribution of Child Labour on Age

Sr. No.	Age group	Number	Percentage
1.	6-8 years	22	5.5%
2.	9-10 years	76	19.0%
3.	11-12 years	120	30.0%
4.	13-14 years	182	45.5%
	Total	400	100%

The table shows the number of child labourers and percentage in different age groups. In the age group of 6-8 years there are 22 child labourers constituting 5.5%. The next age group of 9-10 years consists of 76 child labourers forming 19% of the total child labour force.

The third age group of 11-12 years consists of 120 children forming 30% and last group of 13-14 years consists of 182 child labourers forming 45.5%. Thus, as the age group advances the number of children also increases. This establishes a relationship between the age groups and the number of working children. This relationship is based upon age group of children engaged by the parents or to engage them in family occupation or to send them for job for adding to the family income or many children prefer to work than to attend schools. Commonly in poor and backward families after certain age the children are expected to add to the income of the family directly or indirectly.

Even if they are employed somewhere without any remuneration, the family feels relieved from the maintenance responsibility of the child. Thus, higher the age group, higher is the percentage of child labour. This is clear when children are in age group of 13-14 years, this group alone consists of nearly half of the total child labour force.

4.5.2 Occupational Structure of Child Labour:

The sample survey of the working children of Gaya has shown the engagement of child labour in certain occupations which have been categorized in 10 different occupations.

The occupational structure of child labour has been presented on the basis of 400 surveyed children. They have been engaged in 10 broad categories of jobs identified during the field work. These jobs are: (1) domestic work, (2) stone- crushing, loading and unloading, (3) workshops and garages, repairing motors scooters and auto, (4) tea stalls and roadside hotels, (5) shoe-shine, (6) tailoring shops, (7) cycle marts repairing and assisting (8) shops, (9) Hawkers and vendors, and (10) miscellaneous works (transportation, construction works, blacksmith work, porter etc.)

The selection of occupation by the child labour is based on several considerations. It is worth valuable to look into various considerations operating in selection of occupations. The study of this issue again has uncovered many interesting facts.

There is no definite relationship between castes and occupations regulating child labour in Gaya town. Boys and girls of different castes work on different occupations. The selection of occupations is based on various considerations such as the availability of job, the attitude of child labour towards job, the service conditions of different jobs, the prospects of earning and advancement, the closeness with the relatives and neighbours and the freedom of different jobs/ security in different jobs.

The availability of job for the child labour is a strong factor determining occupational structure. How much jobs are available of a particular nature and in a particular area? The types of job available is not scientific and well known, knowledge of jobs available is also an important factor determining the occupational structure of child labour.

The parents of child labour do not like to get their children engaged in far off areas. They like to see their children often which gives them psychological and humanitarian satisfaction. Similarly, they like to get engaged their child in good families where they could live, learn and get training properly. The family consideration of the prospective employer is an important factor determining the occupational structure.

The attitude of child labour towards job, though not scientific and matured, yet it decides the occupational structure. Many of them develop a particular aptitude towards work because of the family tradition or his friend's attitude or the environmental factor, for example, many child workers prefer to work in workshop, cycle mart and tailoring shops where they may start as unskilled workers but in due course, they would learn skill and may be known as semi-smilled labour.

The desire to work as a mechanic right from the beginning of the working life may be because of some inherent or adopted attitude. That attitude automatically reflects in selection of a particular occupation.

On the other hand, some prefer to work as domestic servants which give them security of earning, security of food, shelter and other care. Living in a particular family, educated and advanced, may be helpful in inculcating better attitude. Some of them work as domestic servants in hope of having a government or semi-government or other jobs in due course. They feel hopefully that their employers would help in securing permanent service.

There is third group of child labour which prefers to work as independent labour such as hawker, vendors and shopkeepers. They do not want to get themselves controlled by the employer losing their liberty to work. Such boys and girls do develop independent working habits suitable to different jobs. The timing of such jobs like hawkers and vendors are different beginning from morning with a break in noon and again up to late in evening.

One finds shoe shine boys, hawkers and vendors working independently with small capital which might have been provided by the parent or borrowed from someone. This category of child labour is a self-employed category earning livelihood during the age when they should have gone to school.

The fourth category of child labour consists of those who are working along with their parents or other adults in stone breaking and crushing, transportation, construction work, porters etc. Many of them work as members of the team which works on contract jobs. The family profession or group profession has different nature and pleasure, mostly engaged in contracts job. In such jobs they carry less load or assist the team mates and thereby maintain their independent existence.

The third and fourth categories of child labour have some similarities as well as differences. Both of them are independent and self-employed. But the third category of child labour functions individually whereas the fourth category functions in a group of workers.

The occupational structure is closely related with the service conditions. There is no law to regulate the service conditions of these 10 categories of occupations under study. The service conditions of child labour are unregulated by law but controlled by the employers. The employers enjoy the prerogatives of determination the service conditions. It is a matter of concern for the statesmen of a socialist country like India to let the child labour remaining uncontrolled. Even by the end of the 20th century the Government of India accepts child labour as a necessary evil to be tolerated.

The government should have taken steps for protection child labour against exploitation and preserving their interest by labour legislation. Unfortunately, the governments, central and states, have not passed any law except the Employment of Children Act, 1938. In such situation the service conditions available to them, as decided unilaterally by the employers, do attract child labour towards different jobs. Individual bargaining is the soul method in determination of wage and other service conditions. In practice the child labour always yields to the decisions of their employers.

The service conditions definitely differ in different jobs. In domestic works they get food, clothes, shelter and some payment in cash. They also have some social security facilities like medical care and other financial and non-financial assistance during needs. There is some sort of job security. In workshops, garages, cycle marts and tailoring shops the payment is made only in cash. In few places they do get accommodation with the master, such as in case of cycle marts and tailoring shops. In tea stalls and road side hotels the child labour gets food, shelter and clothes but occasionally. They do have other food privileges like snacks and tea. The shoe shine boys, hawkers and vendors and the self-employed categories of child labour do not have the guarantee of earning. Mostly they live on railway platforms, but stands and on streets. Child labour employed in transportation, construction work and stone crushing have somewhere partially shared accommodation. As they work on contract basis, therefore, the terms of contract are decided either unilaterally by the employer or jointly by the employer and the workers. It is the condition of service which may not be considered as an influencing factor in deciding occupational structure. The other factors discussed earlier such as availability of jobs and attitude of child labour towards job are more forceful factors.

The prospects of earning at present and advancement in future are very dominating factors in selection of an occupation. Child labour, being immature, though not in a position to access prospect and advancement but their parents do consider this factor. This is the factor why some prefer to accept jobs in workshops, garages, tailoring and cycle marts. They feel after getting mechanical training in repairing and servicing motor, auto, and bicycle that they would become skilled workers. As a skilled worker they may earn higher remuneration or may start their own workshop. There is another category of child labour which prefers to work as domestic servants completely with a view to get better food and living conditions. Such jobs are accepted for better built up of health, better manner of living and other normal customs which could be acceptable in lower grade government / semi Government/official houses with an assurance of employment in offices.

There is third category of child labour, with some enterprising spirit, with strong feeling to earn more by hard work and risk taking in business like tea stalls, hawkers and shops. This is definitely something which a person possesses by birth. Such child labour has always been seen as prosperous in life because of entrepreneurship skill.

The selection of job by child labour also depends upon the closeness with their relatives and neighbours. They are carried by their relatives and neighbours from villages to towns who take care of them at the work places. The contact with their relatives and neighbours also decides the occupation. One may find adult labour carrying child labour to urban areas where they search jobs near about the workplaces. In offering a job to an unknown child labour in the present context is considered unsafe by the house masters. However, they engage only those children who have been brought by a person known to them. Therefore, the contact with adult labour in determination of occupation of the child labour plays greater role in selection of occupation by the child labour. Secondly, these relatives and neighbours function as communicators between the house master and the parent of the child labour. They also carry them from a village to urban areas and vice versa. This gives a chance of guardianship to the relatives/ neighbours under whom a child labour works. In some cases, the relative/ neighbours employ the child labour in same job and same workplace where they work. This further provides guarded training and future buildup of the child labour.

Nature of job including the freedom from work (leisure hour) is another important factor. Man by nature likes freedom (leisure) from work. A job of round the clock, like domestic services, is disliked by many. Therefore, parents of child labour prefer to have a job other than domestic works. Similarly, the working period in tea stalls, cycle marts, workshop and shops are so longer that hardly give leisure time. For the boys to relax leisure is essential in every work in order to get time for relaxation and recovery from fatigue.

The security of job is also not less important though it may not be considered of much importance in case of child labour. However, there are some child workers and their parents who dislike frequent change of master. They prefer to work for a considerable year under one master if other things are good.

This really raises the questions of whether there is job security or not? This has another benefit in shape of learning a particular skill or work, for example, mechanic, electrician, cycle mart, and tailoring. They can start an independent work or can work as semi-skill labour which may have the sense of job security.

The occupational structure show in table no. 13 is based on the surveyed child labourers. It has nothing to do with any law or a developed system in society. Further child labour has been engaged even in jobs prohibited by the Factories Act. Though such cases are few at Gaya but in general one finds an occupational structure of child labour in violation of the prohibitory labour laws.

Presently, there is general pressure towards child labour engaged in carpets and match industries where child labour should not be engaged because of health hazards. At Gaya they are engaged in stone breaking, crushing and loading and unloading. Anyway, the child labour system has been allowed to exist even against law and our constitutional provision. The present occupational structure has been presented in Table No. 4.7.

Table No. 4.7: Distribution of Child Labour on Occupation

Sr. No.	Occupation	Number	Percentage
1.	Domestic	88	22.0%
2.	Stone crushing	9	2.25%
3.	Workshops & Garages	49	12.25%
4.	Tea stalls/ Hotels	80	20.0%
5.	Shoe shine	12	3.0%
6.	Tailoring shops	18	4.5%
7.	Cycle marts	29	7.25%
8.	Shops	42	10.5%
9.	Howkers & vendors	32	8.0%
10	Miscellaneous sand transportation, construction work. porter etc.	41	10.25%
	Total	400	100%

The occupational structure presented above shows a trend of occupations acceptable by them. The two important occupations alone provide jobs to 42% of the child labour. There are domestic workers engaging 22% and tea stall/ roadside hotels engaging 20% of the child labour. These are the two most popular occupations for the child labour. The third place in occupation comes of workshop and garages with 12.25%.

Next to it comes the shops engaging 10.5%, hawkers and vendors employing 8%, cycle mart engaging 7.25%, tailoring shops having 4.5%, shoe shine boys cover 3% and stone crushing industry engages 2.25%. The miscellaneous category of works engages 10.25% of the total child labour at Gaya.

If one looks from the angle of nature of work the findings reflect on the choice of work. Domestic works have been accepted by 22% with its own virtue and vices. Similarly, tea stalls and road side hote, jobs are acceptable to 20% of the child labour force. Occupations with some skill (workshop, garages, tailoring and cycle mart) have together engaged 24% of the child labour surveyed.

Occupations with freedom (self-employment) have engaged 21.5% of the total surveyed child labour working in shops, hawkers, vendors and shoe shine. The contract occupation like stone breaking and crushing, transportation, porters, construction work, which are hard in nature, have engaged only 12.5%. This further shows the attitude of the parents towards jobs for their sons/ daughters. Considering the tender age of the child they prefer to have an occupation easy in nature and better in pay perks. Domestic works, tea stalls and roadside hotels are considered easy jobs.

They consider better pay perks in road side hotels and shops with full meal, accommodation, clothing and other care. The pay perks in shape of food, clothes and accommodation are essential for the physical growth of a child. It is correct to say that had those child labour been not engaged in domestic works, tea stalls, and road side hotels, they would have been starved or ill fed adversely affecting their physical growth. Most of the parents with these considerations prefer to send their children in these jobs.

Children with craft interest or parents preferring craft work do send their child to those occupations like workshops, garages, tailoring shops and cycle marts. They have choice for becoming a skilled labour. This has been reflected in table no. 13 engaging 24% of the total child labour surveyed. This is the highest group of child labour in a particular nature of work. Self-occupations have been preferred by 21.5% child labour which also shows a strong preference for self-employment giving freedom of work.

The smallest category of child labour (12.5%) has preferred hard work particularly because of working in a group of workers of on contract job working with their relative/ neighbor in a group of workers. Such jobs like stone crushing, porter, transportation, and construction work are hard works as they have to carry heavy loads which is not permissible in consideration of their age groups. There are jobs prohibiting from carrying heavy load by workers of tender age groups. This occupational structure and nature of occupation is the outcome of the field work at Gaya which may not give a uniform picture but this is what has been drawn in a particular working environment present at Gaya.

4.5.3 Length of Working Period:

The child workers have been found working for different working length at Gaya. The child labour practice itself has a limited duration in the life of any child. It may start at any year of childhood but it will come to an end as soon as one completes 14 years of age.

According to the laws, the definition and the concept a child after completing 14 years of age ceases to be a child. Thus, actual length of working period of a child shall be the age at which he starts to work up to 14 years of age.

The researcher on the basis of survey of 400 child workers has drawn table no. 14. It shows the actual length of working period of child labour. The period has been divided into 5 groups such as less than a year, between 1-2 years, 2-3 years, 4-5 years and 5 years and above. The distribution by length of working period has been shown in Table No. 4.8.

Table No. 4.8: Distribution of child labour by length of working period

Sr. No.	Length of working period	Number	Percentage
1.	Less than 1 year	78	19.5%
2.	1 to 2 years	113	28.25%
3.	2 to 3 years	131	32.75%
4.	4 to 5 years	46	11.5%
5.	5 years and above	32	8.0%
	Total	400	100%

The table shows that 78 (19.5%) children have worked for less than 1 year. Out of 400 child labourers, 113 (28.25%) children have been working up to 2 years. Children working up to 3 years were 131 consisting of 32.72%. The next working length up to 5 years covers 46 (11.5%) child workers. Only 32 children (8%) have been working more than 5 years.

The table establishes some relationship between the length of working period and of children with their percentages. The highest percentage of child labour (32.75%) has been engaged for 3 years. The next position comes of 28.25% working children for 2 years. The third group of 19.5% child labourers have been working less than 1 year.

The fourth group of child labourers consisting of 11.5% have worked up to 5 years. And the last group of 8% child labour has worked more than 5 years.

One can establish a relationship between the length of working period and the percentage of child labour. But there is frequent mobility of child labour. Very few of them stay at a place for longer period. Even in course of investigation it has been reported that the child labour had been mobile because of certain factors such as no or very poor wage, inadequate food given to the child labour, ill treatment of child labour by the masters and the transfer of the house masters. In some cases, child workers were called back by the parents on some pretext. This leads to frequent mobility of child labour from rural to urban and back.

It could not be ascertained how many times a child labour changes the occupation and the master. There is a tendency to change the master from one to another in a hope to get a good master/ house lady in order to have better comforts, more wages and better treatment. In some cases, as the age grows the parents refer to get the occupation changed for a brighter future. More specifically the study shows that at the young age child labour is employed as domestic servant.

They stay there for one or two years building their health and learning to adjust in new environment. In household works they are benefitted both by having better food, better shelter and better environment. When they grow in two years, they prefer to change the job where they could earn more, such as, they join cycle mart, workshops, garages, tailoring shops and roadside hotels. The frequent changes in occupation result in shorter length of working period not in total but in different occupations. Some of them have accepted that they have changed their occupations and place of work 3 to 4 times in order to fetch a good fortune. Thus, whatever the reasons maybe it is now clear that child labour stays for a shorter period at a particular place or in a particular occupation.

Many children drop out from school at the pre or primary level. The schooling for a few years delay in joining as a child labour force. This is also a cause for shorter length of working period. The children with some schooling hopes to have a better job than the educated children.

On an average one finds that three years is the optimum length of working period of the child labour under the study. But the three years should not be taken as the total length of working period because of frequent mobility and break in continuity of work. Further it is also an indicator that very few child workers have a tendency to stay more than 5 years at a place or in particular occupation.

4.6 Family Background:

The family background is a major part of sociological background of any study of this nature. The family background presents a family environment in which a child is born, nursed and developed. A child, when lives in particular environment for nearly a decade since birth, inculcates the family culture. The family environment affects the child day and night. He breathes in the family which has own inner environment based on the economic, educational, cultural and living conditions.

The modern sociologists have attached greater importance to the family background in the development of a child. The family background consists of the size of the family, the number of brothers and sisters, the number of earners, the number of dependents and the relationship between the members of the family. The total earning of family, the job satisfaction of the earners and the education of the family members- each of these factors play own role. Even these factors do change sometimes affecting accordingly the family background. At times even external factors influencing the internal factors do bring changes in the family. The sociologists, therefore, in the modern age consider the total environment present in and around the family influencing children deserving tender age. An attempt has been made to look into the family background of the child labour surveyed in this study.

4.6.1 Size of the Family:

Size of the family has a long effect upon the family members and their future prospects in life. The world prefers to have small size of the family against the traditional outlook and religious sentiments. The traditional outlook was based on the God's blessings behind every new birth. There was a strong sentiment that the supreme power which gives birth would also feed. Any step against the God's blessings would invite curse. That sentiment resulted into big size of the family even economically unwise. In the 20th century people have suffered much because of the traditional outlook forcing them to lead lives in poverty, acute scarcity and miseries. Man has to find out its own way of life according to the source available. Man wants to live a happy, comfortable and pleasant life. The new desire to have a better life demands a small size of family. It is in this context that the Government of India's population policy favours five units of the family-husband, wife and three children. There is further change in this policy reducing the size of the family from five units to four units. The world is witnessing faster growth of population in which India is on the highest side even crossing China, one of the most thickly populated country of the world. Out all economic efforts, natural resources and better planning would fail in face of the present rate of faster growth of population. Unless we become conscious of this truth the society and the family should not expect to have a better future. It is in this background the size of family, the number of dependents, number of earners and the relationship between them have been studied in this sub-chapter. The table No. 4.9 presents the size of the family and their percentage. The size of the family has been divided into five categories (1) alone, (2) 2 to 4 members, (3) 5 to 6 members, (4) 7 to 8 members, (5) 9 and above members as shown in Table below.

Table No. 4.9: Size of the Family of Child Labour at Gaya Town

Sr. No.	Size of the Family	No. of family members	Percentage
1.	Alone	21	5.25%
2.	2 to 4	95	23.75%
3.	5 and 6	156	39.0%
4.	7 and 8	102	25.5%
5.	9 and above	26	6.5%
	Total	400	100%

The table shows that 39% of the families belong to family of 5 to 6 members. Next to it comes 25.5% of families having 7 to 8 members. In the third place 23.7% of families having 2 to 4 members. The biggest size of the family with 9 and above member consists of 6.5% families. Orphan children cover 5.25% of total working children. The most common size which may be called as average size of the family according to this study consists of 5 to 6 members. This may be considered as a satisfactory position of the child labour families considering their rural background, illiteracy, and traditional, religious and social outlook. This reflects a changing mind towards the smaller size of the family which might be result of the mass medico regarding population control.

It is pathetic to find (5.25%) orphans' children in the society. This shows that premature death of parents forces such children to live in miseries and misfortune.

4.6.2 Members of the Family Alive:

For the growth of any child the presence of the parents is important from many angles. Apart from the economic consideration, a child is in need of love, affection and care of the parents. Both father and mother have separate as well as joint role in development of a child. The mother's role is of prime importance during the early part of the childhood. It is the mother who takes care every moment of the child. It is the mother's affection which plays a role in proper care of the child during few months of the beginning of life. That gradually, say later on, by the father who gives fatherly treatment to the kidies. It is the father who tries to bring up the child according to his desire. The mother prepares food and takes care within the courtyard of the house. On the other hand, the father takes care outside the house. Though this is not a scientific division of role yet this role by father and mother has been world accepted role in development of a child. For a child the survival of the parent is an important part but there are some most unfortunates to lose either one of them or even both of them. Orphans are most unfortunate with a dark future- none to protect economically, socially and psychologically. The society turns its face considering them as unfortunate. There are many authors who have depicted the picture of such unfortunate orphans living a miserable life.

In this study the child labour force surveyed had been enquired about their parents present. The picture arrived through field work has been presented in Table No. 4.10.

Table No. 4.10: Present position of parents of Child Labour at Gaya Town

Sr. No.	Present position	Number	Percentage
1.	Only father alive	87	21.7%
2.	Only mother alive	104	26.0%
3.	Both alive	188	47.0%
4.	Both dead	21	5.25%
	Total	400	100%

Out of 400 working children surveyed, 21 are orphans covering 5.25%. There are 87 child labourers covering 21.75% whose fathers are alive alone. Mother of only 104 (26%) working children are alive. There are 188 (47.0%) working children whose parents are alive. This table uncovers a few factors regarding the parents and their longevity of lives. Nearly 5.25% of child labour is orphan which shows that there are some parents who died prematurely either because of poverty, disease or accidents. Secondly, the longevity of female is comparatively longer than the father. The father has to work hard for earning livelihood. The poor fathers with ill diet and heavy work load fail to survive for long. The major causes for early death of the father of the labour class are acute poverty, poor standard of living, diseases and mental depression. Mothers probably with less strain and less hard work do survive for some more years than their husbands. Thirdly, a bit less than half of parents of the child labour does survive.

In spite of the presence of parents of 74% working children, the children have to work. On the other hand, there are child labourers covering 47.75% who have to work in spite of the presence of at least mother or father. This reflects upon the factors forcing the parents to send their children to work. On the whole the orphans (5.25%) have no option but to work for their livelihood, whereas the rest (84.7%) child labourers have to work even in the presence of their both/ single parents.

4.6.3 Number of Earners and Dependents:

In every family there are some earning members and the rest are dependents. The earning members may be called as assets for his family. The earning members depend upon the family background which consists of the size of family, the economic conditions of the family the trend of education and the social background. There are some families which prefer to send children for education though their economic conditions are not strong.

The parents undertake greater economic hardship for building career of the children. On the other hand, the economically poor families have no option than to force the children to earn their livelihood. In such case the number of earners may be higher than the dependents.

In a family the elders, those who have crossed the age of earning, also become dependents. In poor families because of poor living standard, poor health standard and poor working efficiency people even under working age groups become dependents on the family. Therefore, there is no accepted rule as who shall be the earners and dependents. Practically it varies from family to family. In any way in poor families more earning number of earners adds to the family income. And therefore, normally in poor families the number of earners is higher than the number of dependents.

During survey the number of earners and dependents have been assessed, as shown in Table No. 4.11.

Table No. 4.11: Number of Earners and Dependents in Child Labour Families

Sr. No.	Number of Earners (Percent)	Number of dependents (percent)
1.	21 (5.25%)	–
2.	62 (15.5%)	33 (8.0%)
3.	120 (30.0%)	36 (9.5%)
4.	76 (19.0%)	26 (6.5%)
5.	20 (5.0%)	6 (1.5%)
Total	299 (74.75%)	101 (25.25%)

The table is an indicator of employment trend in the families of child labour force under study. The different sizes of the families as shown in table No. 4.8 can be compared with Table No. 11. The comparison of the two tables uncovers certain findings. In the smallest size of the family (2-4 members) the relationship between the number of earners and dependents is roughly 2:1.

In the next high size of family (5-6 members) the relationship is 3:1, in the next big families (7-8 members) relationship is again roughly 3:1 and in the biggest size of the family (9 and above members) the relationship is again roughly 3:1. Thus, we find except the smallest size of family, in all cases the relationship is roughly the same i.e. to say out of four, three are earners and one is dependent. So, the study arrives at the conclusion that smaller the size of the family, less is the rate of earners ($\frac{2}{3}$) and higher the rate of dependent ($\frac{1}{3}$) in comparison to other sizes of the families having $\frac{3}{4}$ earners and $\frac{1}{4}$ dependents.

Chapter 5

Service Conditions

5.1 Determination of Service Conditions:

For a seller of labour the service conditions are of prime importance. A seller always looks towards the rewards in return he would receive. The reward may be termed as service conditions which determine the living standard and the outlook of the persons concerned.

It is the economic factor based on the service conditions, in the words of Karl Marx under the Doctrine of Economic Determinisms, the whole life of the working man, his attitude, his thinking, his philosophy towards life and the nation are determined.

The service condition is also a factor leading to the division of labour or the selection of job by the labour sellers. This may be called as an automatic instrument driving people towards different occupations. Naturally the services conditions, present in different occupations, act as a attractor leading to the selection of job.

The above concept is not applicable in a free, competitive and opportunity full society. However, in the present society there is no free and full opportunity of job because of various personnel policies including the job reservation policy. In a so called socialist and democratic society any job reservation policy does not allow freedom of occupation.

It converts the 'free labour market' into a 'reserve labour market' at least to a considerable extent. The Indian labour market is of similar type where the labour market is imperfect either because of the economic limitations in education facility and lastly but not the least the reservation policy in education/ institutions as well as in recruitment. In spite of these limitations the service conditions do play an important role in distribution of labour force towards different jobs. It is in presence of these limitations this study attempts to have a glance over the service conditions of child labour employed at Gaya town.

The service conditions of the child labour are still unwritten and unregulated. These are determined, amended or altered mostly unilaterally by the employers. The employers still enjoy the prerogatives deciding the services conditions of the child labour even by close of the 20th century. However, in recent decades some changes have come up. One finds a nominal negotiation between the parent of the child labour and the employer.

This negotiation may be called as individual bargaining. Though among the two the employers are definitely on the stronger platform but the desire to have a child labour for any considerations forces them to have informal negotiations deciding some conditions of job. This new trend is visible in different ways in different jobs. This difference is present because of greater demand for child labour, the lesser cost of child labour, the nature of job and the desirability of having a job on the part of the child labour.

In domestic works before a child labour joins a job there is a simple, direct and informal negotiation between the house master/house lady and the parent of the child labour. In a domestic work some conditions of services are well accepted conditions such as food, clothes and accommodation. Apart from that monthly remuneration is bargained. The necessity of both the sides, knowledge and experiences of domestic works and the age of the child labour do play important role in determination of monthly wage.

In jobs of skill nature (workshop, garages, tailoring, and cycle mart) the services conditions are, no doubt, again determined by simple negotiation. Work plays important role. The child workers are mostly unskilled, therefore, joining such types of jobs may be called as 'learning and earning'. In other words, they may be called as "apprentice" where normally one is paid just to meet maintenance cost. Yet, one may find a similar concept applicable in determination of the service conditions. In such case the master of the work shop/ garage/ tailoring/ cycle mart has upper hand. The parents agree to the service conditions decided by the masters knowing fully that they are being paid less compared to the jobs with the hope that their children would learn a particular skill in due course. Therefore, one may find a much similarity between the services conditions of an apprentice in a factory and be child labour in workshop / garages/ tailoring and cycle mart.

Those, self-employed, are free men. The question of service conditions for them does not arise as work according to their own nature of work, convenience and linking. However, they are not too free as it appears. They have to work in their own profession work in competition with the others. In an occupation like shoe shine, shop, hawkers and vendors they have to work according to the market demand or the market time. The service conditions are not there but working conditions are there like working period and working conditions. For example, the shops must be opened and closed according to the practice of the area in which it is located. The shopping hours are longer beginning from the early morning to the late evening even upto 9 or 10 P.M. The child workers are mostly employed in small shops which are unregulated and remain open for longer period in comparison to the good shops. Similarly shoe shine boys, hawkers and porters have their own timing according to the availability of customers for example morning hours are the best hours for the shoe shine boys. The hawkers and porters have own timing either according to the general shopping hours, loading and unloading of goods at the railway station, bus stand and market.

The last group of child labour is employee in constrict works. The terms of contract are now a days mostly determined jointly in stone breaking and stone crushing, bricks manufacturing, sand transportation, house construction etc. The team or individual bargain with the master determining the terms of contracts of the terms of work.

The above discussions one finds that the service conditions of the child labour are determined by the two parties in which many factors play important role. In most cases the employers enjoy upper hand and a child labour, due to need of job and the weak bargaining power, has to accept the terms accordingly. But it should not be inferred that the child labour or their parents do not enjoy bargaining power. Atleast in domestic works the demand for the child labour in high income families is so strong that they prefer to yield before the demand of the parents rather than to force their services. In many cases house masters willingly accept the terms of child labour because of their prime need or because of knowing

the parent of the child labour or a guardian which gives service guarantee. People today hesitate to employ even an unknown child labour for fear of any fraud, cheating and undesirable social evils. Children have been frequently trained by the gangsters through whom many crimes are conducted. Therefore, having a guaranteed child labour is always a plus point for the child labour in determination of the service conditions. A similar trend prevails in workshop/garages/ cycle mart/ tailoring where the masters prefer guaranteed child so that in case of any theft of tools or other mismanagement some action could be taken through the parents/ guardians. The present social environment has become so unreliable that many employer/ house masters hesitate from employing orphan or unknown child or unguaranteed child. The orphans find much difficulty in securing a job because of the fear of faith in an unidentified child. Therefore, mostly orphans, if unidentified, have no option but to live on railway platform and bus stand where they adopt job of porter, hawker and shoe shine. Under these considerations the child labour working conditions are unregulated and unmodified. Thus, the service conditions of child labour under survey have been drawn on the basis of the field work.

5.2 Nature of Jobs:

For the child labour the nature of job is an important factor from various angles such as the legislative limitations, the tender age, the occupational hazards and their adverse impacts on the life of the child labour. These factors in a few jobs are very common such as, domestic works, tea stalls, shoe-shine, road side hotels, workshops, shops, cycle marts and hawkers.

Amongst these jobs the first two are most popular jobs considering the light nature of work and comparatively better service conditions. The conditions leading to the selection of jobs for the child labour by the parents have been discussed in details in chapter IV (Table No. 13). This study shows that the two most important occupations alone provide jobs to 42% of the child labour. The domestic works engage 22% of the child labourer and the tea stalls and road side hotels engage 20% of the child labourer. Occupations of skilled nature like workshop, garage, tailoring and cycle mart together are providing jobs to 24% of the child labour surveyed. The jobs with self-employment in nature such as shoe shine, hawkers, and vendors together have engaged 21.5% of the total surveyed child labourers. The jobs of hard nature like stone-breaking and stone crushing, transportation, construction work, porters have engaged 12.5% child labour only. This broad division of child labour into four categories depending upon the nature of job is a reflector of choice of jobs by the child workers and their parents.

Accepting the child labour practice as a must for the survival of the family the nature of job and the selection of job do not play much considerable factors. In this age of economic strain, wide unemployment and unregulated service conditions of the child labour it is hard for the parents to have an upper hand in securing better service conditions. The employee, particularly of the child labour, still enjoy full sacrosanct prerogative in determining the service conditions. The labour laws only prohibit the employment of child labour below 14 years of age. There are laws regulating working conditions and service conditions for adolescent and adults under factories Act, 1948, the Mines Act, 1952 and the Plantation Labour Act, 1951. But there is no law for regulating the service conditions of child labour though practically it has been in practice, it is in practice and it shall be in practice.

If the laws have failed to prohibit completely the employment of child labour below 14 years, it should have taken steps to regulate the service conditions at least to protect them against exploitation. Justice P. N. Bhagawati has expressed regrets for the present situation and called for given full opportunity for development of potential of child labour.⁵⁷

Meetings and Seminars are organized at local, and national levels condemning the child labour practice. Recently voices have been raised about child labour in Carpet Industries which is now a flourishing industry. But the statesmen have not accepted the necessity of taking legislative steps for regulating the service conditions of those child labour. Even the constitutional provisions protecting the weaker section is an eye wash.

The statesmen feel that if legislative steps would be taken for regulating the service conditions of the child labour, it would take a legal status allowing the child labour practice. It is time to pause for a while to look from the practically the child labour practice has to be allowed to continue then the government should not feel ashamed of passing labour laws for regulating the service conditions of the child labour. In a present situation it seems essential to talk about the promise on the child labour and the practice of child labour.

This study has pin pointed the important jobs chosen by child labour. These jobs, 4 broad divisions on the basis of nature, have been preferred by the child labour or their parents. The ten jobs common among child labour at Gaya shows the nature of jobs preferred on various considerations which have been discussed in this chapter.

5.3 Earnings of Child Labour and Families:

For any seller of labour the pay/wage in an independent consideration as his standard of life mainly depends upon the amount he receives. There is, no doubt, a relationship between the job and the pay/ wage but a simple question arises- Does pay/ wage an important consideration for a skill labour? Job for any child labour is a way of his survival as the family is not in a position to maintain him. The parents agree to allow their children to work in any family so that the family is releaved of his economic burden and on the other hand the child would get atleast two meals and a place to live otherwise he might have been ill-nourished or half fed or starved. Anyway, when a child is selling his labour he expects some return I shape of monthly payment. That amount helps his parent economically.

In some of the jobs, popular amongst the child child labour such as tailoring, workshop, garage and cycle mart, a child labour plays the role of helper. He earns and learns a skill. In a sense he may be called as an apprentice who is paid maintenance allowance. Any payment to him in case of child labour too may be treated as maintenance allowance paid monthly. The amount paid to them per month is the pay received by them.

There is another category of child labour, the self-employed, which earns daily. The amount earned by them daily may be calculated as the monthly amount earned by them.

⁵⁷ The Times of India, New Delhi, July 13, 1992, p. 16.

On the basis of the respondent's response the total earnings of child labour per month has been presented in Table No. 5.1.

Table No. 5.1: Earnings of Child Labour

Sr. No.	Earnings per month (Rs.)	No. of child Labour	Percentage of child labour
1.	Below to	36	9.0%
2.	51 to 100	88	22.0%
3.	101 to 200	150	37.5%
4.	201 to 300	82	20.5%
5.	301 to 400	34	8.5%
6.	401 to 500	10	2.5%
Total		400	100%

On the basis of monthly earnings six sub-groups have been prepared as shown in Table No. 18. The table shows that there were 36 (9%) child workers earning below Rs. 50/- a month. In the next group of earning between Rs. 51 to Rs. 100 there were 88 (22.0%) child workers. In earning group of Rs. 101 to Rs. 200 there were 150 (37.5%) child workers, in next earning group of Rs. 201 to Rs. 300 there were 82 (20.5%) child workers, in earning group of Rs. 301 to Rs. 400 there were 34 (8.5%) child workers and in the highest earning group of Rs. 401 to Rs. 500 there were 10 (2.5%) child workers. Thus, most of the child workers are earning between Rs. 101 to Rs. 200 followed by the next group with an earning of Rs. 51 to Rs. 100 and the third group earns Rs. 201 to Rs. 300 per month.

Even in present stage of inflation some children are working on earnings below Rs. 50 per month. Mostly they are employed in domestic works, tea stalls and road side hotels. The parents value of Rs. 50 is negligible, however, these child labourers get food and accommodation. Such child workers 36 (9%) are most poorly paid. On the other hand, there are only 10 (2.5%) child workers who are earning maximum of Rs. 401 to Rs. 500.

They are mostly between age group of 13-14 years and are working in garages, workshop and tailoring. Apart from the highest paid child workers they have the advantage of learning particular skills which in future would prove advantageous both economically and professionally.

A child labour is treated as a source of income by the family. It is this source of income which is an important matter for the family deciding the living standard and the future life. Therefore, it is desirable to see-what is the share of earning of the child labour in the total earning of the family?

A better picture could have been about it had the survey covered all members of the families, their number of earners, their earnings separately and the total earning of the family. In this survey only the earnings of the child labour and the total earnings of the family have been taken into account. On the basis of information gathered during survey the picture has been presented in Table No. 5.2.

Table No. 5.2: Share of Earnings of Child Labour in Total Family Income

Sr. No.	Family Income (per month Rs.)	Percentage of income of child labour
1.	Upto 500	7.0%
2.	501 to 1000	29.0%
3.	1001 to 2000	41.5%
4.	2001 to 3000	17.0%
5.	3001 to 4000	5.5%
Total		100%

In this table families of child labour have been divided into six different earning groups. On the basis of income of the child labour in relation to the total earning of the family the percentages of the shares of income of child labour have been shown. The table reflects again a similar picture. Most of the child workers are sharing 39.5% of the total income of the family in the income group of Rs. 1001 to Rs. 2000. In the next family income group of Rs. 501 to Rs. 1000 there was 28.0% share of child labour in the total family income.

In the third group of family having an income of Rs. 2001 to Rs. 3000 per month there was 16% share of child labour in the total family income. In the lowest income group of Rs. 500 and below the share of child labour in total income was only 7%. And in the highest income group of Rs. 4001 to Rs. 5000 the share of child labour in total family income was only 4%.

This table gives two trends. Firstly, in the lower income groups the share of income of child labour in total income of the family has an increasing trend. Secondly, in the three highest income groups the share of child labour to total earning of the family shows decreasing trend. In other words in the first three income groups the child labour is contributing greater share to the total family income and therefore, child labour is considered as an economically greater asset. On the other hand, in the three highest income groups as income increases the percentage of share of income, of child labour to total family income decreases. This trend is because of different considerations by the parent of the child labour towards their children. As the income increases most of them prefer to send their children for education then to treat them as earners. This approach of the parents towards their children is definitely an appreciable approach. They prefer to bear more strain for building the career of their children.

5.4 Working Hours:

In services conditions next to pay packet comes the place of working hours, working conditions and leave with wages. Working period is closely related with the pay perks. Rather the pay/wage on the one hand and the working period on the other are interrelated in terms of hourly, daily and monthly payments.

Irrespective of the nature of job and the post, these two issues are important parts of the services conditions. In lower category of jobs, particularly manual, there is a direct link between wage rates and working house. Higher the occupation in status the question of hours of work does not arise. In higher jobs the nature and responsibilities of jobs demand full time work which often crosses the normal working hours.

However, in regulated services the working conditions clear indicate the hours of work for different categories of jobs under factories Act, 1948, Mines Act, 1952 and Plantation Labour. Act. 1951. In corporations, insurance, public sectors, private sectors Banking services, the service conditions contain separate chapter on hours or work, spread over of work and over time work. These regulated service conditions, are now determined jointly by negotiation between the management and the union representatives. Either it is determined unilaterally or jointly the service conditions are clearly written and are known to every worker.

5.4.1 Hours of Work:

The working hours of the child labour, below 14 years of age, are out of the preview of labour laws in existence. In such case the working hours are decided by the masters. The masters in this case are not less exploiters than those of the 19th century or even the 20th century. They try to take works from the child labour as many hours as possible.

It is the mockery of the society that inspite of numerous conference, seminars and workshops on child labour participated by the intellectuals, top and middle level officials, who themselves work under statutorily fixed working hours, do not hesitate to take work from child labour much longer hours than expected universally. It is a human crime of the highest degree to take work from the child labour optimum working hours per day. In case of developing and underdeveloped countries should the child labour be asked to work for an hour or more a day? Those who speak lower hours are really bankrupt from within. To preach, raise slogans and frame recommendations to be placed in a beautifully bounded volumously report, but they little care that what they have recommended could be in practice in home voluntarily. The society, the statement, the intellectuals, the reformists and even the social workers are really giving lip service to the cause of child labour.

On the basis of the survey of the child labour at Gaya the working hours, as reported, have been calculated and put in table form in Table 5.3. Many child labourers engaged in different jobs could not reply as to how many hours they have to work either they never cared about it or they never calculated how many hours they have been serving to their masters. Therefore, the table has different column about the total number of child labourer engaged and the number of child labourer who did not respond.

Table No. 5.3: Working Hours of Child Labour in Different Occupations

Sr. No.	Occupation	Total No. of Child Labour	No. of Respondent	8 Hrs	9 Hrs	10 Hrs	11 Hrs	12 Hrs	12 Hrs & Above	No reply
1	Domestic Works	88	32	-	-	-	-	-	32	56
2	Stone crushing	9	7	-	-	-	-	4	3	2
3	Workshop/Garages	49	49	-	-	16	23	10	-	-
4	Tea Stalls/ Hotels	80	38	-	-	13	11	4	10	12
5	Shoe shine	12	12	-	-	7	5	-	-	-
6	Tailoring Shops	18	18	-	-	8	7	3	-	-
7	Cycle Marts	29	29	-	-	6	11	12	-	-
8	Shops	42	33	-	-	18	14	1	-	9
9	Hawkers/Vendors	32	19	-	-	2	10	7	-	13
10	Miscellaneous	41	34	-	9	9	15	1	-	7
Total		400	271	-	9	79	96	42	45	129

In domestic works out of 88 (22%) child workers only 32 (8%) respondent who confessed that the work for 12 hours and more per day. As a matter of fact, on domestic works they are available round the clock. They have to start work before their masters get up and have to work even after their masters retire for the night. During day period they do get some time to rest. Therefore, it is very difficult to calculate the exact hours of work in domestic works.

In stone- crushing and stone breaking as the payment is on contract basis, therefore, the hours of work depend upon the team of labour. However, as they reported they have to work 12 hours or even more.

In workshop and garages the condition is much better than the first two, where hours of work per day are between 10 to 12 hours. It depends upon the customers and the urgency of work.

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In tea stalls and hostels- there is long working duration starting somewhere from 5 A.M. and ends at 10 P.M. The child labour engaged in this occupation has reported 10 to 12 hours or even more as the daily working period.

In shoe shine the working hours are less as the business is confined mostly to morning and day hours. The shoe shine boys have reported about 10 to 11 hours as their normal working hours. But they get sufficient intervals because of non-availability of their customers. The unexpected intervals give them sufficient leisure for relaxation.

In tailoring shops, the working hours are between 10 to 12 a day. These hours vary according to the busy seasons like marriage and festivals. In busy seasons they have to work even longer period per day than the normal 10 to 12 hours a day.

In cycle mart again the working period starts from the morning and ends in the evening with an average of 10 to 12 hours a day. Here again the nature of work is impermanent based on the availability of work.

Shops have the own working period. Some shops remain open for the whole day and some shops are closed in noon for lunch. The survey shows the working hours in the shops very between 10-11 hours per day.

For vendors and hawkers, the self-employed jobs, the working period depends upon the usual market period. Some where it starts in the morning but ends in evening as the business shopping time. Therefore, hawkers and vendors have to work late in evening some time upto 9-10 P.M. The survey shows that they have reported 10-11 hours as the normal working hours per day.

In the last group of occupations covering porters, construction work, transportation etc. the working hours vary between 9 to 11 hours mostly. In construction work the working period is normally 9 hours a day with one hour access. This follows the normal working period in other industries.

The overall picture of hours of work of child labour shows that the most of the occupations under study carry 10 to 12 hours a day working period. It is higher in domestic works, tea stalls and roadside hotels. Even the normal working period of child labour as shown in the survey is much higher than the factories, the mines, the plantation, the offices and commercial services. This hard truth is definitely a shame for be people of socialist society like India which claims full protection to the weaker section including child labour. But the society and particularly employers of the child labour are more conservative, exploiters and antihuman towards the child labour by taking work for 10 to 12 hours or even more a day. This calls for immediate attention of the statement to regulate the working hours of the child labour, if it has been accepted as an inevitable economic and social evils at present and for coming years. If not, the child labour can never become good citizens of the society. These child labour will ever remember that they have been subject to exploitation right from the tender age in the hands of well-to-do people of the society. They will never forgive them for this crime on them. It is the highest degree of exploitation that one finds even by the close of the 20th century.

5.5 Other Facilities:

Apart from the wage/pay, other facilities available to the employees are considerable factors in service conditions. Some of the facilities are provided under the law which are called as statutory facilities. Besides that, some facilities are provided a unstatutory facilities by the employers.

These facilities, either free or on nominal charge, add to the total pay perks directly or indirectly. These facilities are called as fringe benefits which have become common matters of collective bargaining. These facilities attract labour towards the establishment which act as motivating factors.

In case of child workers, below the 14 years of age, there is no question of statutory provision as they are still unprotected by any labour law. Thus, the facilities available to them depend upon the kindness of the employees.

These facilities are parts of total service conditions, rather in some cases these facilities cover major portion of the service conditions. Therefore, it seems desirable to assess the other facilities available to the child labour in deciding their service conditions.

Other facilities have been divided into the following groups-

- a. Accomodation,
- b. Clothes,
- c. Food,
- d. Medical care
- e. Leave with wages,
- f. Education/ training,
- g. Social Security and
- h. Gifts.

The facilities available to the child labour at Gaya town have been presented in Table No. 5.4.

Table No. 5.4: Facilities available to Child labour

Sr. No.	Facilities	Response (Percent in brackets)		Remarks
		Yes	No	
1.	Accommodation	268 (67.0%)	132 (33.0%)	Separately-41 Jointly-227
2.	Clothes	109 (27.25%)	291 (72.75%)	Fully & regularly-54 Te rice a year-34
3.	Food	168 (42.0%)	232 (58.0%)	One a year -21 Full meals + Breakfast +tea

Sr. No.	Facilities	Response (Percent in brackets)		Remarks
		Yes	No	
4.	Medical	248 (62.0%)	152 (38.0%)	Full care-80 partial - 68
5.	Leave with wages	326 (81.5%)	74 (18.5%)	Festival leave-326 Weekly leave-61 Seasonal leave-112
6.	Education/Training	136 (34.0%)	264 (66.0%)	Teachnical-58 Tailoring-18 Construction-60
7.	Social Security	No	400 (100%)	
8.	Gifts	310 (77.5%)	90 (22.5%)	Marriage-65 Festival-290 When visiting family- 145

During the field work many respondents did not reply some particular questions either due to hesitation or nor understanding it or failure to distinguish one facility from other. However, the picture arrive at regarding facilities reveals mixed responds.

5.5.1 Accomodation:

Accommodation has been provided to only 268 (67.0%) child workers among whom 41 (10.25%) have got separate accommodation and the rest 227 (56.27%) have been provided joint accommodation. The accommodation has been provided mainly to those child labours who are engaged in domestic works, tea stalls, roadides hotels, cycle mart and tailoring shops.

5.5.2 Clothes:

Clothes are provided to only 109 (27.5%) child workers who are engaged in modestic works, a few in hotels and tea stalls. Out of the child labour respondents 54 of them get clothes fully and regularly, both new and old clothes. Clothes twice a year are provided to 34 (8.5%) child workers whereas 21 (5.25%) child workers get clothes once a year.

5.5.3 Food:

Food, an important terms of service conditions for the child labor, is available to 168 (42.0%) child labourers, who work in domestic houses, tea stalls and hotels. Food includes full meals and breakfast. In some cases, they get even tea.

Those who are in domestic works get food in the house where as child labour engaged in hotels and tea stalls gets food items cooked for customers. In the stalls they frequently get tea.

5.5.4 Medical Care:

Medical care is another important item for child labour as they live away from parents. It is the moral responsibility of the masters to provide medical care during illness or minor injury. The survey shows that out of 400 child workers served only 248 (62.0%) are receiving medical care. Out of 248 child labour 80 (20.0%) reported about full medical care and the rest 168 (42.0%) receive partial medical care. Medical care particularly in cycle mart/ garages, workshop and stone crushing is essential. It is a matter of satisfaction that 80 (20.0%) child workers are fortunate to get full medical care. There are some masters who are humanitarian in nature and may be called as good masters.

5.5.5 Leave with Wage:

In any service leave with wage is really an important matter. Leave from the job is required for many reasons such as celebrating festivals which family members, family social function like marriage, leave for relaxation and leave during illness and injury. There is a long story of battle for leave with wages both in government and private services. It is the result of the long struggle that have been provided leave with wage either statutorily or under service conditions in civil and professional services. In case of child labour there is no law regulating the service conditions, therefore, the picture arrived at in course is no written provision or oral commitment regarding the days of leave with wage. However, the child workers 326 (81.5%) are getting leave with wage working in different occupations for different durations at different occasions. On the response of the child labour it has come to the light that all 326 (81.5%) child workers enjoy festival leave mostly during holi, Durga Puja, Chhath, muharram and ID. The weekly leave is availed by those child labourers engaged in workshops, garages, tailoring shops and cycle marts, which observe weekly closing of shops under Bihar shops and Establishments Act, 1953. Thus, though that Act does not cover child labour but as these shops remain closed on any day of the week the children also enjoy the weekly leave. Weekly leave is available to 61 (15.5%) child workers. Thirdly, seasonal leave is availed by 112 (28.0%) Child labourer on the occasions. It is a matter of satisfaction that the maximum number of child labour 326 (81.5%) have this facility. The masters, who may be called as reformists and humanitarian, pay wages to the child labour willingly or unwillingly. Some of them to pay wage in expectation of his return on job from home. Some of them pay wage, even in advance not as an acceptable condition but as a common practice evolved gradually.

5.5.6 Education/Training:

Prospect in life is another important condition of service. Prospect maintains initiative. It creates motivation. It gives assurance of economic gains. It acts as stimulator for learning new things and arts. It enhances efficiency in same job or in other jobs. A man is always active in expectation of a bright future. In reverse situation one loses initiative, produces dark prospect and invites frustration. A child labour, who has started career immaturally, is also influenced by the prospect life and therefore, they try to learn new things, new works and craft. It is how they are coached and trained? It is this prospect which acts as a factor attracting the child labour towards certain skilled jobs like mechanics, fitters, cleaners, tailoring and cycle mart.

Those engaged in these jobs are receiving better education and technological training. The number of such child labour is 136 (34.0%). Out of them 58 (14.5%) receive mechanical, 18 (4.5%) tailoring and 16 (4.0%) cooking. These child workers are receiving education and training by the house wife and the skilled labour of workshops and tailoring. The rest 264 (66.0%) child workers do learn something in course of their day works, such as, shoe shine shops, vendors and hawkers. They are not trained like others engaged in workshops, tailoring and domestic works.

5.5.7 Social Security:

Social security, loudly talked matter of the day amongst the sellers of labour, is not available to the child labour. The absence of social security, except medical care, has not been felt much because a child labour is not a permanent labour force. One day they will become adolescent and adult in due course. Many will change their professions or the employers. There is no equation of old age retirement professions or the employers. There is no question of old age retirement benefit nor the issue of unemployment benefit. However, in case of injury, mostly minor, they get medical care by their masters. In case of disease, mostly temporary, they also get care by their masters. But in case of major injury or long illness they loss even jobs. The masters never care to provide them medical or cash benefit.

5.5.8 Gifts:

The last item as part of the service conditions is the gift received by the child labour. The child labour receives gifts, cash and kind, when some guests visit the house during festivals, marriage in the family of their master or on some other occasions. Gifts are given to them when they proceed on leave to home. The gift may be given for parent. These gifts to child labour depend upon the services of the child labour and their attachment with the master's family. Apart from the economic value, it has humanitarian value which strengthens master employee relationship. Out of 400 child workers surveyed, 310 (77.5%) child workers reported receipts of gifts. Out of them 65 (16.25%) have received gifts during marriage and 290 (72.5) during festivals. In case of visiting family during leaves 145 (36.25%) have been in receipt of gifts. The gifts are mostly in shape of cash, clothes, toys and food.

5.6 The Summing Up:

From table No. 21 one may draw a better picture about the service conditions of the child labour in comparison to the general impression. It is acceptable that all house-masters and employers are not same. Their nature, needs and outlook towards employees are different. Some ware really benevolent employers and they are the determinators of the service conditions of the child labour. Within the town one finds different localities with different natures, surroundings and practices. In posh areas the service conditions are comparatively better than the middle class and business areas. In posh areas the capacity to pay is higher, their needs for child labour is greater and their living standards are higher. In the posh areas there is also a sense of competition as who can provide better service conditions to the child labour. This sense of false prestige amongst the inhabitants of the posh area is a plus point for the child labour because in such areas apart from the higher wage the other facilities are also better.

In middle class and business areas apart from the bad and unhygienic surrounding the civic sense is low, the pay and other perks are lower and the sense of exploitation is higher. One can find a clear difference in working environment and posh areas on the one hand and the middle class and business areas on the other hand. In business areas the working environment of the tea stalls, road side hotels, cycle mart and garages are unhygienic that took effect the health standard of child labour. Thus, whatever the facilities are available to the child labour are the results of the common practice involved in different occupations, the nature of employers and the types of the jobs. There is no law and rule putting statutory obligation on the employers. It is a self-regulated service conditions based on the long practices, the supply of and demand for the child labour than indignity of the child labour, the nature of the job and the employers.

Chapter 6

Economic and Social Life of Child Labour

6.1 Introduction:

The child labour is a part of the whole society. A child, an unfortunate one, has to bear his economic responsibility right from the tender age. Whatever, fortune or misfortune, may be a child labour has poor life economically and socially. A child is largely dependent upon the parents. The parents are under responsibility as they give birth to look after the child. It is his prime responsibility to nourish the child, to educate and to develop.

It is a world accepted norm that both the parents and the state bear responsibility to provide all necessary facilities for meeting their basic needs and providing facilities for their development as the citizens of the country. The simple questions are: How and to what extent the parents, and the state are discharging their prime responsibility? In what economic conditions, they are kept and looked? In what social environment they live?

In the words of Karl Marx- the life of a person (including a child) depends upon the Doctrine of Economic Determinism. He has emphasized more on the economic condition and the economic structure of the society in which a person lives and dies. Prof. Selig Perlman has emphasized upon the psychology of a person and his family which plays an important role in the development of the personality of a person. His thinking and ideas are the results of the psychology of the person, which itself is the result of the subjective and objective factors present around. Mahatma Gandhi has also emphasized on the economic and social conditions present around a person in which one develops his life. Therefore, it is the situation which plays an important role in the life of a person. The subjective quality is there but that differs from a to man. A person half fed can hardly develop a strong psychology for a bright future. He always thinks in terms of economic master as how to fill the belly and to meet the basic human requirements. If one fails to meet his basic human requirements through an honourable way of life, it does not wonder if he turns to be criminal. Initially he was not a criminal but the conditions forced them to be a criminal. Therefore, it is an objective factor which plays a dominating role in development of a particular economic and social life of a person.

A child labour living a hard economic life soon after birth must be economically pressed. Economic factor is the backbone of the life of a person. If the economic survival is uncertain it automatically affects his social thinking and the thinking as the citizen of the country. Even today a simple question arises: Does a man possess freedom to exist? The freedom to exist means he has the economic status to meet his basic human needs. The freedom to exist means that everyone has the equal economic status. Do we have the natural justice in terms of economic equality? Justice P.N. Bhagwati had frankly raised pertinent questions at the First South Asian Consultation on carpet child labour at New Delhi on 12th July 1992 as "Don't they have the same aspirations as others?"

Have they no right to partake of the fruits of freedom and liberty? Has society given anything to them?⁵⁸ The society is aware as what are the answer of these questions. The right to life or the freedom to exist is not equally available to all as there is great economic inequality. The economic inequality is so high in degree that still a fair percentage of people are living miserable lives who are considered as below poverty line. This is the state of affairs of injustice for which Gandhijee and Karl Marx had fought for their whole lives.

It is in this background this chapter studies the economic and social life of the child labour working at Gaya town.

6.2 Economic Life of Child Labour:

The child labour has no independent economic life except the orphans. Others live with their families or some of them live with their masters. Anyway, in an assessment of economic life of the child labour, the total family has to be considered. Naturally the total family income shall be the prime determinant of the standard of living. The way of life of the poor families consisting of the child labour depends upon many factors such as the total income, the living habits, the living locality, the living conditions and the affection for the family members. Therefore, all these factors have to be considered in assessing the actual standard of life of the child labour families.

6.2.1 Total Family Income:

The total income of the child workers surveyed at Gaya Town has been shown in Table No. 22. A clear picture can be had by establishing relationship between the average size of the family and the average total income of the family. The size of the family has been presented in Table No. 15 which shows that the average size of the family comes to six. The Table No. 22 shows that the average income of the family is between Rs. 1001/- Rs. 2000/-. If we take the average income of a family at Rs. 1500/- per month divided by the average size of the family of 6, then the average per head monthly income comes to Rs. 250/-. The per capita income as assessed in this study is much lower than the nation figure which stood at Rs. 3835/-. In other words, the per capita income of child labour families at Gaya is 39.1% of the national figures.⁵⁹ In another assessment of comparable per capita State Income, Bihar State has been shown in the bottom with Rs. 1331/- against all India figure of Rs. 2143/- (based on 1982-83).⁶⁰ This average income per head per month is not sufficient for maintaining even at subsistence level of living. In other words, these families are definitely below the poverty line as they are not able to meet the basic requirements of food, clothes and shelter. A family, unable to meet the basic requirements of the family, is living miserable life with very poor standard of living. They are unable to meet the other casual needs like medical, education and other social needs. But the natural calamities like disease, accident, draught, flood as well as the social and religious customs do not consider the economic capacity of the family. In such case they are forced to go in debt. Such economic situation is the cause of their indebtedness in the hands of local money lenders, their master

⁵⁸ The Times of India, New Delhi, July 13, 1992, p. 16

⁵⁹ The Hindustan Times, Patna, November 22, 1992.

⁶⁰ The Times of India, New Delhi, January 13, 1992.

and the Mughals. In due course they lose whatever assets they have in repayment of the loan and the highest rate of interest. All these together weaken the economic conditions of the child labour families.

6.2.2 Extent of Indebtedness:

In course of survey the extent of indebtedness of the child labour families was enquired. On the basis of response, the extent of indebtedness has been prepared as presented in Table No. 6.1

Table No. 6.1: Indebtedness of the Child labour Families

S.N.	Amount of Indebtedness (Rs.)	Percentage of child labour families in debt.
1.	Upto 500	36%
2.	501-1000	22%
3.	1001-1500	17%
4.	1501-2000	9.0%
		84%

Source: Survey of the child labour.

From the table it appears that 84% of the child labour families are under debt. Out of them 36% have borrowed loan upto Rs. 500/- 22% have borrowed loan between Rs. 501/- to Rs. 1000/-, 17% have borrowed Rs. 1001 to Rs. 1500 and the rest 9% have borrowed Rs. 1501 to Rs. 2000/-. It is a matter of satisfaction that 16% families are free from indebtedness.

The parents of the child labour have accepted that in most of the cases they have to borrow money for religious and social customs like marriage and shradh. Marriage is a curse, particularly of the daughters, where almost all families in Indian society have to spend beyond their capacity. Similarly, the conservative religious customs in case of death and the social custom of feeding the whole community in shradh are the two religious and social evils of the present society. Changes have taken place in many directions with the advancement of education, but the social and religious customs controlled by the orthodox of the society are hard to be broken. Man is a social animal and fails to insert any change in the social customs though individually everyone feels the need for change in the present social and religious customs. The poor families are under hard pressure who have to borrow money for these customs from the local sources where money is available at an exorbitant rate of interest.

6.2.3 Living Habits:

Every person and family have certain living habits different from the other person and other families. In the same area and in the same income group one finds different living habits say a Bengali family, a Bihari family, a Punjabi family and a Gujrati family. It is the family way of life which in most cases decides the living habits.

The living habits determine the manner and item on which the income is spent. The food habits and the living habits are important factors determining the expenditure trend of the family.

The living habits to some extent also depend upon the nature of job/occupation. Generally speaking, occupations are called as white collar and blue collar. The class of people of which this study concerns belongs to the blue-collar jobs. Even in blue collar a child labour is engaged mostly on manual jobs such as domestic servants, stone crushing and stone breaking, shoe shine, porter, vendor garage and workshop helper, in tea stalls and road side hotels. Their families are also engaged on manual jobs. Therefore, according to the nature of job they are prone to inculcate certain living habits like smoking, drinking, tobacco chewing and gambling. These occupation-oriented habits do consume a certain percentage of the total income. This expenditure on habits lessens the amount left for the basic needs, which in turn further lowers the standard of living.

6.2.4 The Living Locality:

Slums are the dwelling places of the poor persons. The rural people are pushed to towns in search of livelihood where they do not have living place. Naturally, the labour class lives in slums in and around the city.

The child labour is fortunate to some extent to have better living locality, particularly in case of domestic works. Those who are working in tea stalls, road side hotels, tailoring and shops do live in slightly better locality than the slums. There are yet some most unfortunates like orphans, particularly shoe shine boys and porters, who live on the railway platform or bus stand or on footpaths. Those who are engaged in yet hard jobs like stone crushing, sand transportation and construction works do live at the work site mostly in open air or under a shed. On the whole the majority of the child workers do live in better localities by virtue of their masters.

6.2.5 Living Conditions:

The living conditions of the child labour vary from job to job. Those working as domestic servants have comparatively better living conditions than others. Their living conditions depend upon the living conditions of their masters. They live in a better home with families of light, water and toilet. They enjoy TV shows and songs on transistor.

The child workers working and living in tea stalls, road side hotels, tailoring shops, cycle mart and garages live in comparatively poor conditions than domestic servants as hardly there is provision of latrine. However, they live in a place with light and water facilities. They too enjoy the songs on transistor. Orphans place except the railway platform, the bus stand and the street. Those living on railway platform do enjoy a better living environment where there are facilities of light, water and latrine.

The living conditions of those engaged in stone breaking, transportation and building construction are the worst as they do not have these common living facilities. Thus, on the whole the living conditions of a fair percentage of child workers are tolerable.

6.2.6 Affection for Family Members:

Affection for children is the natural outcome. Every father has some affection for the children expressed in terms of love and economic terms. The degree of affection is difficult to be measured though the facilities provided by the father for the children are measurable. However, irrespective of the economic conditions of the family every parent tries to save something for their children. In spite of this strong desire that poor families are not in a position to save anything for their children. Their affection remains unexpressed in economic terms. Yet the way in which they try to take care of the children in tender age, their anxiety during the children's illness and their feeding the children first before they feed themselves are some of the indicators of their affection towards children. There are some misers who do succeed in saving even a small amount by curtailing their basic needs. That small saving is, no doubt, out of sacrifice and pains yet they do save out of their affection for children. In economic terms the savings out of affection curtails the amount left for meeting the basic needs and hence, it does play a role in determining the standard of living. In case of the child labour this last factor is insignificant as the economic conditions of the child labour families are such that hardly leaves any scope for saving.

To sum up this discussion one may accept the views of Karl Marx and Mahatma Gandhi that poor people, including child workers, have the poorest economic status- living a life below the poverty line. They enjoy unequal economic status in a society which claims "equality" as an economic principle of the country.

6.3 Social Life of Child Labour:

A person, who lives in a society, has a social status whatever it may be. In every society the social life depends upon the environment, the locality, the people and the social situation. Every locality has its own environment. The environmental factor may determine the social life, for example, the social life of a tribal, a villager and that of people living in a cosmopolitan city. The environment consists of the geographical area, the natural gifts, the people who live there and the social relationship between the people. One finds differences between a tribal area, a newly urbanized area and an old cosmopolitan city. In the tribal area the social life is simple, pure and traditional in nature. One helps others. One lives without hesitation and shares jointly the common life.

In a newly urbanized town, there is a difference between old inhabitants and the new comers. There is a difference of social customs and traditions. People meet with each other but with certain reservation. The social life is not as simple as of a tribal area. In a cosmopolitan town the social life is most formal. People do not mix even with neighbours what to talk about co-operation. The social life is restricted within a few and that also on professions, language and native house. Different language, castes, customs and traditions do affect social life.

Gaya is an old religious and historical place. It is a place of mostly people from nearby areas who have come to have an urban life or to have a business/ profession. Being a small place, it has its own standard of life influenced by the castes, the class, the language, the customs and the religions. The social life of people is congenial and healthy as people live together and join in social and religious functions.

However, one can find differences in new areas developed around it in last two to three decades. The old areas are the area of business and religious performance like Pand's. The new areas are newly settled people coming from rural areas or those having permanent employment. These areas are of educated people and have different social life.

The child labourers are working in different areas of Gaya town, but most of them are working in old areas. The child labour has practically no social life of their own. They live in a house and in area alone and therefore, the social life of that area may be the social life of the child labour. However, the child labour has no locus standing of own and therefore, he lives as an insignificant member of the society.

The social status of child labour is the poorest in the society. He is looked upon by their masters as economically poorest on object for exploitation, the socially downgraded and ethically lowest. A child labour is looked upon as an object of sympathy but has never been given a social status on the principle of natural equality. In a society like ours the social status largely depends upon the economic status, the family status, the academic status and the political status. As the child labour is devoid of any of these four conditions, therefore, there status in society is in the lowest rank. This the curse of the whole life that a man equal in status by nature really has unequal social status. This reality of the social life is the gift of long social evolution which has divided society socially too.

6.4 Relationship with the Master:

In the present life where wage system has been strengthened the question of relationship between the master and the employees has become important. This relationship has been termed in different words like industrial relations in industry, the staff relationship in professional and civil services and the master- employee relationship in non-professional occupations. Human relations have been emphasized everywhere as a key of success in industrial relations and staff relations. The human relations call for a different approach towards others- approach of the master towards the employees and vice-versa. Human scientists too have been emphasizing upon the importance of human relations. The ILO also calls to treat a labour as a human being and not only as a factor of production.

Labour is a man and man always expects human treatment from others. It is but natural that two men are equal under natural justice. But in practice one finds difficult. It is just a change that a man is on a particular job, high or middle or low level. It is also just a chance that a man is born in a particular family which has its own economic and social status. But that does not differentiate by the nature.

In the present society the relationship between man and man, as the master and the employees, has developed complexity. In many cases a man is both an employer as well as an employee. He is an employer when he employs even a domestic servant and he is an employee when he joins a job somewhere. This state of affair is very common phenomena in the present society yet one finds different attitudes among some people. It is a paradox that a person expects better treatment from boss or master but he himself does not treat in the same way with his subordinates at workplace or domestic servant at home. This paradox again is a common feature, when a person sits on the master's chair his behavior, approach

and attitude become stiff and unhuman. But he expects better and human treatment from his respective master. This is a complexity is the result of the human feature which suffers from various weaknesses, impartiality and approaches.

With the development of human science efforts have been made towards betterment of human relations by various steps, changing philosophy, ideas and attitudes. Such efforts one finds continuously in organized sectors. The unorganized sectors are still away from the human approach efforts. In unorganized sector the child labours, which a place of his own in a labour market, is still far away from the human relations approach. Even have social scientists have not been able to give proper attention towards the need of better human relationship between a master and a child labour. In other words, considering the tender age of child labour there should have been greater emphasis on human relations approach. The child workers, who are yet unregulated and unprotected part of labour forces, are not only devoid of human relations rather one finds greater exploitation of child labour by their masters, who are better well placed economically and socially, and who are considered as the regulators and administrators of the society.

A look at different chapters of this study shows the different natures of jobs some of which are hard and risky. The normal working period of jobs done by a child labour is normally longer than the industrial workers. The payment and other facilities are lower than the others. They do not have any social security benefits nor have better working environment. These truths, uncovered by this study, are the realities of the child labour lives. These truths clearly indicate the types of masters, the service conditions of the child labour and the extent of exploitation in the hands of the masters. These are the economic truths through which the child labourers have to pass every day as they are economically most helpless.

The pain of economic exploitation could have been lessened to a certain extent by human relations. The masters of the child labour could have given better human treatment towards the child labour so that his could have filled up the gap. There are, no doubt, some good masters giving human treatment but their number can be counted on fingers. Most of the masters are of different types who may be compared with the conservative masters of the early 20th century.

An effect has been made to assess the relationship between the masters and the child labour at Gaya town. The assessment arrived at may not be taken as the basis of the principle but that gives an impression of the relationship that exists between the master and the child labour at Gaya town. The assessment has been presented in Table No. 6.2.

Table No. 6.2: Relationship with the master

Sr. No.	Relationship	Number of child labour responded	Percentage
1.	Pleasant	54	13.5%
2.	Unpleasant	189	47.25%
3.	Mixed	91	22.75%
4.	No reply	66	16.50%

The child workers were asked to express about the relationship in four terms- pleasant, unpleasant, mixed and no reply. Out of the 400 child workers surveyed 54 (13.5%) showed pleasant relationship. They are mostly employed as domestic servants in good houses where they receive better facilities than what they had in their own houses. This further drawn our attention towards the treatment mated out towards some of the child labourers their step-mother or by step-father or even by their own father controlled by the step mother. They were always treated cruelly by their family members and therefore, they found the treatment of the masters more humanities than the treatment they were receiving in their own houses.

Unpleasant relationship was expressed by 189 (47.25%) child workers. The third group of 91 (22.75%) child workers expressed a mixed feeling. They could not distinguish what is pleasant and what is unpleasant. A lastly 66 (16.5%) child workers did not reply to this question. Either they hesitated to answer the question or they could not assess what to speak. Thus, on the whole the relationship the absence of humanitarian approach amongst the masters' treatment with the child labour who call themselves as unlighted. It is the enlightened society which exploits the child labour even by the close of the 20th century.

6.5 Attitude of Child Labour Towards Jobs:

The attitude of the seller of labour towards job is a matter of consideration. Job satisfaction is an important consideration in human resource management. The development of human resource and the management of man power have emphasized on the job satisfaction which in turn is closely related with the human efficiency.

The importance of job satisfaction for the child labour has not been realized as they have not been treated as permanent part of labour force. Yet, it has some importance which may not be of similar significance.

The child workers are engaged in different jobs, some are of temporary in nature like domestic work, shoe shine, tea stalls road side hotels, hawkers and porters. But some are of permanent in nature like works in workshops, garages, cycle mart and tailoring houses. In permanent nature of job, a child labour may continue and may adopt it as a profession.

This possibility does create an interest to learn the craft and develop it gradually. Some persons are lovers of freedom. They want to work independently that they could enjoy the freedom at work. This particular attitude may also develop an interest in developing the job efficiency. In course of survey the child workers responded to the question on their attitude towards job. The attitude has been shown in Table No. 6.3.

Table No. 6.3: Attitude of child labour towards job

Attitude	Number	Percent
Interesting	89	22.25%
Not interesting	227	56.75%
Neutral	84	21.0%
Total	400	100%

It is surprising to know that 89 (22.25%) of child workers have shown interest towards the job who are mostly engaged in workshops, garages, tailoring houses, cycle mart, hawkers and shoe shine boys. However, 227 (56.75%) child workers do not show interest in the job. They just carry on the jobs as that gives them livelihood. The third group of 84 (21%) child workers remained neutral on this question. Thus, taking the last two groups together a reverse attitude towards jobs has been shown by over three fourth (77.75%) child workers.

6.6 Treatment by Authority and Public:

A child labour deserves sympathy and protection by the authority and the public. Protection of child has been accepted as the prime responsibility of every state, the family and individual. The state responsibilities are discharged by the authority. Since the acceptance of the prime responsibility various schemes have been prepared for protection and development of child labour. But to what extent they receive protection depends upon the authority, their treatment towards child labour, their manner of discharge of their duty and the sincerity. Similarly, how and in what way the public treat the child labour? Are they supervisors of protectors or exploiters? Thus, the answer to these questions are important for the child labour.

Various schemes are there but the implementation of these schemes are halfhearted. The officers responsible for implementation of the schemes lack interest, sincerity and initiative. They have taken this function as their normal duty without realizing the agency of such service. The laws are there as the Employment of Children Act, 1938, the Factories Act 1948, Mines Act 1952 etc. but the provisions regarding employment of children have not been implemented strictly whatever the reasons may be. The law could not stop employment of children below 14 years of age. The failure of the legislative objective has been accepted by our governments, the statesmen and the judges. The Chief Justice of India P.N. Bhagawati has observed:

" Most laws are on child labour are merely on paper. Implementation is almost nil. It is a quest traged that governments do not realize the inhumanity they are turpertrating. " ⁶¹

The attitude of the governments and the statesmen has given sufficient scope for the implementing officers to shut their eyes. They do not show much interest in it as it is not so much lubricating, though they always exploit the pretty employers who employees' children. Similarly, the developmental schemes have not been implemented properly and regularly. The officials complain about inadequate fund, irregular release of fund, shortage of other facilities and many administrative lacunae. Many schemes like Black board mid-day-meals, milk etc have sorry tale.

One hardly finds a sense of sympathy for children amongst the officials. The funds meant for development of children are sources of wide corruption and misappropriation. The child workers who should be provided all protection first are allowed to rot in the society.

⁶¹ The Times of India, New Delhi, July 13, 1992, p. 16

The treatment of public has a long sorry tale. It is the public in various forms who are exploiters of the child labour. He may be house master or an employer, a business man, a contractor, or even a master of criminal gang. The discussions in the chapters 4,5 and 6 indicate the nature, types and extent of exploitation of child labour by the public. It is the mockery of the society that even those who speak high on the platform, conferences, seminars and other meetings are really the exploiters. Instead of showing sympathy and giving human treatment they are treating them in inhuman way and sometimes even in a criminal way. Many children are kidnapped by the criminal gangs to train them for various crimes. It does not require repeating again how a master treats the child labour who works as domestic servant or at the stalls and road side hotels. Threatening and slapping of those child labour by their masters is common scene. There are, however, some reformists and humanitarian masters who treat a child labour sympathetically but the number is so insignificant that there is general impression of unpleasant and unrewarded treatment of the public with the child labour.

Chapter 7

Child Labour Efforts and Policy

7.1 Introduction:

The problems of children, particularly the working children both boys and girls, have drawn the attention of national and international bodies, Governments, the statesmen and the public. It is a matter of consolation that the world has become conscious of the need of protection of the child workers against exploitation and development of them. They are the pillars of the future society. All possible efforts must be done whatever the constraints may be for their physical, mental, moral, spiritual and all-round development in order to make them best citizens.

This chapter reviews the role played by the international organizations, the Government of India, autonomous bodies and voluntary organizations for the child workers.

7.2 Role of International Organisations:

7.2.1 United Nations International Children Emergency Fund (Unicef):

The United Nations International Children Emergency Fund (UNICEF) has been functioning in India since 1949 for the welfare and development of children. It provides assistance to various programmes discussed below: -

A. Applied Nutrition Programmes (Anp):

The programme aims at assisting the rural communities through Panchayats, Mahila Mandals and Youth Clubs for increasing local production of the nutritive food such as vegetables, fruits, poultry, fish etc. There is an element of demonstration feeding and nutrition education through Mahila Mandals. The programme has so far covered around 1700 Community Development Blocks.

Apart from the UNICEF assistance, the Government of India and the State Governments also contribute at the rate of Rs. 34, 000 and Rs. 54, 000 per Community Development Block respectively. The UNICEF aid is not forthcoming for undertaking programmes in new blocks but has also agreed to assist Supplementary Nutrition Programme for preschool children founded by the Union Department of Social Welfare.

B. Intensive Development Projects (IDP):

Realizing that nutrition alone was not enough to help in the growth and development of the child, the programme of Intensive Development Project was initiated in 1977 with funding by the UNICEF. The programme which covers about 27 blocks at the rate of one in each state has the following components:

- a. Production of nutritive food through block nurseries;
- b. Nutrition Education;
- c. Drinking Water Supply;
- d. Sanitation;
- e. Income Generating Activities for Woman; and
- f. Community Centre Buildings.

C. Integrated Child Development Services (ICDS):

In order to assist the Government of India in integrating various social services necessary for the growth and development of the child, a scheme of ICDS launched by the Government of India is being assisted by the UNICEF. Under the scheme, Anganwadies have been organized in about 100 projects located in the community development blocks, tribal development blocks and urban neighbourhoods.

D. Social Inputs in Area Development:

The UNICEF assistance is also available for social inputs in rural development programmes including the areas covered by the Small Farmer Development Agencies, the Drought Prone Area Programme and the whole village development Programme etc. The focus in these programmes is on the young child and his mother.

E. Other Programmes:

The other programmes of the UNICEF concerning children are training of workers, supply of equipment, research studies on problems of children health and family welfare, water and environmental sanitation, primary education reform etc.

The UNICEF also gives assistance for running of Child Development Wing of the National Institute of Public Cooperation and Child Development in New Delhi.

F. International Labour Organisation (ILO):

Soon after independence of India the first preparatory Asian Regional Conference of ILO was held in New Delhi during October November 1947. This conference discussed problems of social security, enforcement of labour measures, enforcement of social standards embodied in Conventions and Recommendation and economic background of social policy. The conference recommended on many issues including children and young workers. For children and young workers, it recommended the expansion of compulsory free education, establishment of free technical and vocational school, the regulation of apprenticeship, the abolition of child labour in non-industrial occupation, the regulation of hours of work and night work for young workers and the establishment of welfare services.⁶²

⁶² Preparatory Asian Regional Conference of the International Labour Organisation, New Delhi, Record of proceeding, 27th October-8, Nov. 1947.

The role played by the I L O in making recommendation and adopting conventions has been discussed in Chapter-III.

7.3 National Organisation's Role for Children:

The magnitude of the child labour, problems is so vast that the Government alone cannot be able to find solution. The active role of the voluntary organizations has been accepted at national and international levels. The Government of India has recognized this fact in these words:

"Voluntary organizations engaged in the field of child welfare will continue to have the opportunity to develop, either on their own or with State assistance, in the field of education, health, recreation and social welfare services. India has a tradition of voluntary action. It shall be the endeavour of the State to encourage and strengthen voluntary action so that State and voluntary efforts complement each other. The resources of voluntary organization, trusts, charities and religious and other endowments would have to be tapped to the extent possible for promoting and developing child welfare programmes." ⁶³

The Government of India trusts that policy enunciated in this statement will receive support and cooperation of all sections of the people and of organizations working of children. The Government of India also calls upon the citizens and voluntary organizations to play their part in the overall effort to attain these objectives. It is on this policy the role of the voluntary organization and autonomies bodies needs a review.

7.3.1 Autonomous Organisations:

A. Central Social Welfare Board:

The Board, apart from other activities gives special attention towards welfare of children through various voluntary organization. This Board was set up on the initiative of the First Five Year Plan after recognizing the need for organizing social welfare services and for ensuring public cooperation in the welfare of the weaker section of the society. The Board gives grants for the following welfare services for children.

Welfare Practices for Children:

- A. Residential institutions for the care, protection, education and rehabilitation of socially handicapped children (e.g., orphans, destitute, foundlings', children of unmarried mothers, welfares and strays.
- B. Temporary Homes for children (e.g., uninfected children of leprosy and T.B. Patients, children from broken homes, children of unattached women workers employed or under training).
- C. Day care centres including crèche, Balwadi, Nursary school or Primary school.
- D. Recreational and cultural Centres and Holiday Homes for children of low families.

⁶³ UNICEF, Rights of the Child,p. 81.

- E. Infant Health centres.
- F. Child Guidance Clinics.

Apart from these certain welfare services are rendered for the handicappeds and the and the rural area children. For the handicappeds the services provided are: -

- a. Rehabilitation;
- b. Supply of adds to handicapps;
- c. Postals;
- d. Small Production Units;
- e. Residential institution.

For the rural children the Board provides grants for Balwadies, crèches, play centres, maternity and infant health centre, craft training and social education. The Central Social Welfare Board has remained always active in giving grants to voluntary organizations for carrying services for children.

B. Indian Council for Child Welfare:

It is an organization set upon the initiative of the Government in 1952 with councils at state levels. It aims to provide better child welfare for their physical, mental and moral development. It organizes Bal Sevika Training Programmes, children's day, conferences for discussing problems of children and coordinate between national and international organizations for child welfare. It has opened Holiday Homes and Child Welfare Centre for tribal's. It guides the other child welfare centres for better services for the children.

7.3.2 Voluntary Agencies- Their Role in Child Welfare:

To promote the welfare for children's various agencies in India are working in various areas. These voluntary agencies are providing social welfare activities for different groups of people which include the child labour. These agencies do receive financial assistance from the central and states and governments and the Child Social Welfare Board.

These agencies are carrying mass education, protection of abundant children, prevention from drug addiction, running of children homes, special care of handicapped and their rehabilitation and research and evaluation of the schemes.

A brief galance over the activities of various social agencies has been presented here:

A. Marwari Relief Society:

The society since 1913 with headquarter at Calcutta is carrying various activities with the add from the governments, Child Social Welfare Board and the public. It aims at securing health and working for moral, intellectual, educational, economic and physical development of the people. It maintains well equipped hospital and two dispensaries, health resort at Ranchi, canteens, nature cure centres and relief work. It organizes free training centres and manufactures Ayurvedic medicines.

B. Ram Krishna Mission:

The mission, a gift of Swami Vivekanand, is serving the society since its establishment in 1897 at Howrah. It has branches all over the country and has a pioneer place in social welfare activities. It aims to promote the study of Vedanta, Arts, Science and industries for the intellectuals and moral development of the people.

It manages schools, colleges, technical institutes, night schools and libraries for education the people of various ages. For the medical services it runs dispensaries, clinics and T.B. sanatorium. For the welfare of weaker sections, it maintains Harizan Welfare Centre, Tribal Welfare Centres and hostel for students. During nature calamities it carries relief works and opens relief camps.

C. Association of Moral and Social Hygiene in India:

The Association from its head office at New Delhi since 1928 with district branches in whole country aims to raise standard of character and conduct of the people particularly young children, to educated sex relations, to eradicate prostitution and to maintain high culture and family traditions. The association and to maintain high cultural and family traditions. The association carries various activities for preservation of child from social evils, rehabilitation of rescued people, arrangement of sex, education and career guidance. The society is protecting the society from degradation of Indian culture.

D. Balkan-Ji-Bari:

Balkan-ji- Bari since establishment in 1923 with Head office at Bombay aims to protect and develop children as good citizens of the country. It has more than 1000 units in India. This organization aims to make children happy by giving physical and mental education as well as preserving from being exploited by the peoples It carries various functions for achieving its objectives such as organizing drama, dance and songs, storytelling and discussions, organizing picnic, tours, indoor games and playground. It maintains nursery schools, clubs and organizes Art classes. It distributes food, milk, clothes and toys to needy children.

E. Brahma Samaj:

The Brahma Samaj, Calcutta since 1943, has 125 centres in India. It aims to uphold worship of God and to promote knowledge. It maintains homes for orphans. This organization is managing six colleges for males, two colleges for women, one training college and two high schools. Apart from it, it runs three vocational centres and arranges Sunday moral lectures for youths. It maintains homes for orphans and a hospital with 250 beds. It carries relief works during natural calamities.

F. Bharat Sevak Samaj:

This organisation, from New Delhi since 1952, is providing voluntary services for social welfare particularly for the weaker sections. Its activities include rural and urban welfare extention projects, welfare centres, night shelters, recreational centres and training centres.

For preservation of the health, it maintains dispensaries, families planning centres and occupational therapy and institute for youths. It organizes youth festivals, labour camps and training centres.

7.4 Government of India- Steps and Policy:

7.4.1 Legislative Steps in India:

A. Factories Legislation:

The Government's legislative steps towards protection of child labour first started in 1881 under Indian Factories Act, 1881. The Act prohibited the employment of children under 7 years of age and prescribed 9 hours working day with interval of one hour and a weekly holiday. This Act concentrated wholly on protecting children from exploitation. The fixation of hours of work per day, provision of interval for one your and weekly holiday were the first steps.

The Indian Factories Act, 1891 enhanced the minimum age of child employment from 7 to 9 years and reduced the daily hours of work from 9 to 7 hours, but it also reduced the interval from one hours to 1/2 hour. The most important part of this Act was the upward fixation of age of children for employment.

The Indian Factories Act, 1911 considering the hours of work longer, fixed six hours a day working period of a child in textile factories. This Act further reduced the working period from 7 hours to 6 hours a day. Children was raised to 12 years for employment. This was the first time that a child was defined as a person under 15 years of age. Thus, this Act by defining a child allowed child employment between the age group of 12 to 15 years. This legislative permission of child employment permitted legal employment of child between 12 to 15 years of age by the employers. It may be treating as the legislative permission of child employment allowing the exploitation of the tender age and health.

The extent of exploitation of children by the parents went to a new peak than they allowed children to work in two factories on the same day. That might be the cause of acute poverty and cruel treatment of parents towards own children asking them to earn as much money as they could by double employment. The double employment of child on the same day was prohibited by Indian Factories (Amendment) Act, 1926.

- **The Factories Act, 1934:**

The Act based on the recommendations of the Royal Commission on Labour incorporated various legislative provisions for protection of Indian labour including the child labour. The Act retaining the minimum age of children for employment at 12 years reduced the daily hours of work from 6 hours to 5 hours. Further it made compulsory for child labour to secure a certificate of fitness from the Certifying Surgeon. It also prohibited the double employment on the same day. Further employment of children was prohibited between 7 P.M. to 6 A.M. Apart from these special provisions concerning children, the general provisions of health and safety too gave better working environment to the child labour.

- **Factories (Amendment) Act. 1945:**

A new provision regarding paid holidays based on convention No. 52 of ILO, was a new feature. It allowed 14 days paid holidays for children after one year of service with the possibility of accumulation of the holidays for a period of two years. This new provision gave a great relief and leisure to child labour for enjoying the certain days of leave in a year.

- **The Factories Act. 1948:**

Further enhanced the minimum age of employment of children from 12 to 14 years. The working hours of a child (person above 14 years and below 15 years of age) was fixed at 4:30 hours a day. It also prohibited employment of children between 7 P.M. to 6 A.M. and employment in only one relay. The Factories Legislation is evidence of continuous legislative protection by raising the minimum age of employment of children. Fixing the employment age at 7 years under Factories Act, 1948 the government gradually restricted the employment of children by defining the minimum age of employment, as well as reducing the daily hours of work from 9 hours to 4 hours during the same period. This shows the government has been conscious of need for protecting the child labour.

B. Mining Legislation:

Employment of children in mines was a prevalent practice in India. Employment in mines affects the health and causes silicosis at a very early age. Children are mostly protected from employment in hazardous jobs. The first mining legislation was enacted in 1901 as Indian Mines Act which authorized the Chief Inspector of Mines to prohibit the employment of child below 12 years of age in mines.

The Indian Mines Act, 1923 prohibited employment of children under 13 years below the ground. It also provided compulsory weekly holiday. This act has defined a child who has not completed his 15 years of age but it allows employment of children below 13 years of age. Thus, this act permits employment of children between the age group of 13 to 15 years. This legislative permission of child employment has positive impact on wide employment of child labour.

- **Indian Mines (Amendment Act, 1928):**

Limited the working hours to 12 in a day and this also applied in case of children. Indian Mines (Amendment) Act, 1928- raised the minimum age of employment of children to 15 years. Thus, the minimum age of employment in mines became higher than the Factories Act and this prohibited employment of children for one year more in mines.

- **Mines (Amendments Act, 1948):**

According to the amended Act to person below 15 years of age is allowed to work in any mines or part thereof. This has raised the minimum age of employment to 18 years. This is the highest prohibited age of employment under Indian Labour Laws.

C. Legislation for Children:

The Children (Pledging of Labour) Act, 1933: This Act was enacted on the recommendation of the Royal Commission on Labour in India which had observed that the system of mortgaging the labour of children was in defensible and worse than the system of undetermined labour were at least the labour was free at the time of entering into contract unlike the child who was not so.⁶⁴ This Act prohibited the employment of children below 15 years under any contract signed by the parent against any payment for the work. Thus, this legislative step attempted to undo the system of pledging of the services of child by the respective parents. It also fixed up the age of 15 years below which any person would be treated as a child.

The employment of Children Act, 1938: This act covers the employment of children in workshop which was outside the scope of factory legislation. The government was conscious of the fact that a large number of children were employed in transportation of passenger and goods by road or railways or work in port authority. This Act prohibited the employment of children below 15 years of age in any occupation connected with transportation of passengers and goods. This legislative step, first of the kind, aims to cover the work place outside the scope of the laws regulating factories and mines.

The Act was amended subsequently to cover more occupations where child employment was prevalent. The Act was amended in 1939 to prohibit employment of children below the age of 12 in workshop connected with Bidi making, carpet weaving, cement manufacturing and packing, cloth printing, dyeing and weaving, manufacture of matches, explosive and fireworks, mica cutting and splitting, sellback manufacture, soap manufacture, tanning and wool cleaning. This amended act provides a wide protection in so long uncovered occupations by fixing the age of employment.

A further appreciable step was taken in 1948 when the Act was amended enhancing the minimum age of employment of children from 12 to 14 years. The enhancement of the minimum wages from 12 to 14 years was again the positive step taken by the government of India for protecting children against employment during their tender age. Considering medically 12 years as an early age of employment, the enhancement of the age from 12 to 14 years was a positive step in this direction.

India has been always following the Convention of the ILO. In this regard after ratification of the Convention No. 90 in 1930 relating to night work of young persons (Industry). This Act was amended in 1951 prohibiting the employment of young persons during the night in factories. Thus, it shows that from time to time the government has been amending the Employment of Children Act, 1938 for providing greater legislative protection to the child labour.

The legislative provisions have no uniform principle of defining a child. Various laws have defined a child on various age basis. The age variation in case of a child shows that

⁶⁴ Royal Commission on Labour in India, Report, p. 102.

hollowness of Indian policy. Employment of children irrespective of nature of work must be prohibited upto a particular age considering the tender age and physical and mental status. This needs rethinking in determination of uniform minimum age of children for employment.

7.4.2 National Policy for Children:

For child welfare the most significant resolution on National Policy for Children was adopted in August 1976: " The National Children are a supremely important asset..... Children's programme should find a prominent part in our national plans for the development of human resources. So that for children grown up become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations needed by society. Equal opportunities for development to all children our larger purpose of reducing inequality and ensuring social justice." ⁶⁵

Under this policy it is the responsibility of the state to provide adequate services to the children to ensure full physical, mental and social advancement. For achievement of these goals the following measures have been adopted:

- a. All children shall be covered by a comprehensive health programme.
- b. Programme shall be implemented to provide nutrition services with the object of removing deficiencies in the diet of children.
- c. Programmes will be undertaken for the general improvement of the health and for the care, nutrition and nutrition education of expectant nursing mothers.
- d. The state shall take steps to provide free and compulsory education for all children upto the age of 14 years for which a time bound programme will be drawn up consistent with the availability of resources. Special efforts will be made to reduce the prevailing wastage and stagnation in schools, particularly in the case of girls and children of the weaker sections of society. The programme of informal education for pre-school children for such sections will also be taken up.
- e. Children who are not able to take full advantage of formal school education shall be provided other forms of education suited to their requirements.
- f. Physical education, games, sports and other types of recreational as well as cultural and scientific activities shall be promoted in schools, community centres and such other institutions.
- g. To ensure equality of opportunity, special assistance shall be provided to all children belonging to the weaker sections of the society, such as children belonging to the schedule castes and schedule tribes and those belong to the economically weaker sections, both in urban and rural areas.
- h. Children who are socially handicapped, who have become delinquent or have been forced to take to begging or are otherwise in distress shall be provided facilities for education, training and rehabilitations and will be helped to become useful citizens.
- i. Children shall be protected against neglect, cruelty and exploitation.

⁶⁵ Government of India, National Policy for Children, Resolution No. I-14/74/CDD as quoted in D. Paul Choudhary, Child Welfare Development, p. 325.

- j. No child under 14 years shall be permitted to be engaged in any hazardous occupations or be made to undertake heavy work.
- k. Facilities shall be provided for special treatment, education, rehabilitation and care of children who are physically handicapped, emotionally disturbed or mentally retarded.
- l. Children shall be given priority for protection and relief in times of distress or natural calamity.
- m. Special programmes shall be formulated to support encourage and assist gifted children, particularly those belonging to the weaker sections of society.
- n. Existing laws should be amended so that in all legal disputes, whether between parents or institutions, the interests of children are given paramount consideration.
- o. In organizing services for children, efforts should be directed to strengthen family ties so that full potentialities of growth of children are realized within the normal family, neighbourhood and community environment.

7.5 The Child Labour Policy in Sixth Plan:

The programme of child labour continued from one plan to another plan. The intensity of the problems is clear from increasing number of the child workers, plan after plan.

The Sixth Plan accepts that 'total abolition of child labour with all its socio-economic ramifications does not seem to be freezable proposition in the immediate future.'⁶⁶ Therefore, the Planning Commission accepted that:

".....abolition of the practice has to be a long-term goal based on minimizing the need for their earning to supplement the family incomes and suitable statutory provision for regulating their engagement in different occupations." ⁶⁷

The Sixth Plan has drawn attention towards the following issues:

- a. Immediate attention for prevention against exploitation causing permanent damage to the physical and mental development of children.
- b. Tightening the existing regulatory provisions.
- c. Introduction of welfare measures to improve the nutritional level of the working children.

The Sixth plan has accepted the recommendations of a High-Power Committee on multiple policy approach towards problems of working children which includes:

- a. to regulate employment of child labour;
- b. guarantee minimum standard of conditions of service;
- c. to provide welfare measures; and
- d. to provide apprentices in traditional craft.

⁶⁶ The Government of India, Sixth five-year plan, 1985, p. 408.

⁶⁷ Ibid.

To Committee has recommended for long term solution of problem for accepting "the household approach to poverty illumination envisage the ultimate elimination of child labour through programmes for economic emancipation of the family and for education of children".⁶⁸

In this policy the Sixth Plan has emphasized upon the developmental schemes for children such as: -

- a. To provide pre-school child care programme-distribution of food, and routine health care;
- b. To open atleast one childhood education centre in every community development block- providing health, nutrition, social welfare adds integrated education for children;
- c. Universalization of elementary education particularly in underdeveloped areas and for under privileged sectors of people;
- d. To provide elementary education for children between age group of 11-14 years;
- e. The adaptation of Non-formal Educational Programmes;
- f. Provision of mid-day meals programmes for children of the age group of 6-11 years;
- g. Further extension of special nutrition programme under ICDS project;
- h. Effective implementation of the policy of 'health for all by 2000A C.'" Further strengthening of rural health programme by opening one primary health centre in each community development block; and
- i. To accord high priority for child welfare under social welfare programme. To expend integrated child development services for improving the working of the "Anganwadi" (training, improving, supervision and linking with health, nutrition and other services) expansions of "Bal Wadis."

7.6 Action Plan for Child Labour:

The World Declaration on child labour of 1990 has brought greater attention of the government for adoption of action plan for the survival, protection and development of children. The challenging tasks have stressed the need for political action at the highest level for the wellbeing of children, particularly the child workers. The number of child workers has fast upward trend as estimated by centre of concern for Child Labour in Child Labour Report for 1992 at 44 million constituting about 23% of the household economy and covering 6% of India's total labour force.⁶⁹ In India there were 20 million working children below 15 years of age. The 1981 census has put the number of child workers at 13.6% million constituting 1.96% of the total population, 5.57% of total workforce and 5.17% of total child population in India.⁷⁰ Thus, in 10 years the number of child workers has increased from 13.6 million in 1980 to 20 million in 1991 i.e. an increase by 65%.

⁶⁸ Op.cil.

⁶⁹ The Hindustan Times, Patna November 15, 1992.

⁷⁰ The Times of India, New Delhi, July 6, 1992.

A National Convention was called by the National Centre for protection of Human Right and the World organization against Torture, Geneva in January 1992. The National Convention discussed the problems posing a question- what happens to the working children when they become adult? What is their health status? What is the life span of the children.⁷¹ Mr. J. Gathia, a civil right activist, called for a time bond action plan for the elimination of exploitation of child labour. He further said that:

"All forms of bonded child labour should stop within five years and children in health hazardous occupations should also be rehabilitated within the same period."⁷²

7.7 The National Convention felt that:

"The introduction of compulsory education with punitive measures will check entry of children of very tender age into the labour market and also generate a sense of duty amongst parents."⁷³

The Ministry of Welfare had called two days National Workshop for discussing the new legal definition and policy implication for all classes of overtly exploited children. In fulgurating the working Mr. Arjun Singh, Minister for Human Resources Development, Government of India, had acknowledge that government schemes and programmes to help neglected children had not touched the core of the problem..... blossoms in the dust depends on whether they are picked up by caring hands or by callous hands. And whether they are brought up to brighten our lives or crushed under uncaring help"⁷⁴

The government of India has adopted the National Plan of action for development of children. This plan is a part of Eight plan in which main focus would be on policies and programmes relating to child survival and development as the highest priority. The government had accepted that though no reliable data on the magnitude of the problem is available, its increasing visibility specially in urban areas in the form of street children, beggary and vagrancy is a pointer. The action plan's goals and targets have been set in the spheres of health, nutrition and education. The plan gives more attention on the street children against all forms of abuse and exploitation that improves withdrawing all those engaged in hazardous works. Some of the components of the scheme are⁷⁵ identification of street children and their families, mobilization of preventive health services, provision of nutrition support to maintain the requisite for their training in gainful vocations, traders and skills.

It also provided the promotion of entrepreneurship among street children for income-generation, wherever necessary by mobilizing facilities of institutional credit and efforts for their re-integration to their families or their placement in a family setting.

⁷¹ The Times of India, New Delhi, July 6, 1992.

⁷² The Times of India, New Delhi, January 6, 1992.

⁷³ The Times of India, New Delhi, January 6, 1992.

⁷⁴ The Times of India, New Delhi, June 20, 1992.

⁷⁵ The Hindustan Times, Patna, November 16, 1992.

The project should aim at reducing the number of children working and living on city streets and should provide for their care, protection, education and development within family r community. The scheme aims at reinstating the young children to their families and to facilities their participation in the formal primary education.

For older ones, efforts would be directed enhancing their educating and providing vocational training for equipping them with productive skills for adult life.⁷⁶

The street children have been bracketed into three categories those who live on the streets or pavements with or without their families, those who live in slums but spend most of their time on the streets engaged in various activities and those who work in street trades like shoe- shine, hawkers, car-washers, rag pickers, coolies/ loaders and helpers in garages. The scheme apart from covering destitute with no family ties whatsoever and those who are victims of abuse and exploitation specially the girl children in education the major goal has been set at universal enrolment, retention and reduction of disparities. Significant reduction in drop-out rates, girls' education and special measures for children belonging to SC/ST have been contemplated.⁷⁷

This scheme is co-sponsored by the UNICEF, Ministry of Social Welfare and Non-Governmental Organization. In the first stage the scheme will cover 13 cities which are Bombay, Calcutta's, Delhi, Madras, Hyderabad, Bangalors, Ahmedabad, Pune, Kanpur, Lucknow, Surat and Jaipur. The plan cost would be met 90% by the central government and the UNICEF. The rest 10% by the state government and NGO's. This scheme has realized the importance of NGO's in tackling the vast problem. The scheme has selected 45 voluntary organization. Each organization will implement one project covering 300 children. The child labour in carpet industries is the first to attract the attention of government of South Asian countries. The South Asian coalition on Child Servitude (SACCS), the ILO and the UNICEF have called for making carpet industry free from child labour. Let it is a beginning towards the end of child labour practice.⁷⁸

The problem of child labour has touched the educational institutions also. Recently the Indira Gandhi National open university, New Delhi has started a certificate programme in guidance to cater to the needs of teachers, parents, social workers and other interested in guiding children in the age group of 5-11 years as regards their socio- emotional development. The IGNOU plant to educate children from a very young age itself.

The programme has been specially designed to help child labour understand and child development. One will learn how individual difference play a vital role in the context of a child's education. One will also learn the concepts and processes involved in guiding elementary school children. Further one will be able to identify children with special needs and problems.

⁷⁶ The Hindustan Times, Patna, November 16, 1992.

⁷⁷ The Hindustan Times, Patna, September 12, 1992.

⁷⁸ The Hindustan Times, Patna, July 16, 1992.

The action plan has brought a new hope for the child labour in India. The success of the plan depends upon how much attention, sincerity and financial resources are used. The problem is not easy as it has been accepted every by our planners who have admitted that it would not possible to eliminate altogether the problem of child labour yet the sources said programmes to combat the menace would be strengthened.

Chapter 8

Summary and Conclusion

8.1 Introduction:

It is time to recapitulate the discussions in different chapters. Though the society has advanced from stone age to the modern age yet, a man is not free. Amongst the men, a child is dependent upon his producers the God and the parents. He is totally dependent for his survival on them. A child has been considered as the future generation of the society. The future of the society largely depends upon the quality of children of today. How are they nursed? How are they brought up? How are they treated by the society? What facilities are provided to them for their physical, mental, cultural and ethical development? It has been accepted that the responsibility lies on the parents and the society to guard, protect and develop the children.

The world has celebrated children's year in 1979 yet the life of child is not what it should have been. A significant percentage of children. 5.17% of total child population in India, has to earn for the livelihood even during tender age. The practice of child labour is a worldwide practice from the beginning of human civilization. The history of mankind is full of evidences of exploitation of children by their protectors. The children have been abused strengthening gradually child labour practice with the development of culture, civilization and industrialization. The employment of children as chimney boys in England as depicted by Charles Dickens has facilitated in keeping room hot. Children are seen as cow boys, shoe shine boys, domestic servants, tea stall boys and now as sweeping the railways compartments. This is what man has made of child even by the close of the 20th century.

Child labour has become one of the most important social, economic and political problem of the modern society. The increasing population and poverty, early death of parents, ignored children by step-mothers and step-fathers, discarded children by unbranded parents are responsible factors for increasing the number of the child labourers.

Child labour practice exists in every society-developed or undeveloped. It is only a difference of degree and percentage of child labour. The practice of child labour has come to exist in the present socio-economic conditions. The political commitment expressed in the constitution, the legislative provisions and the general statement have failed to stop this practice. Rather our statesmen even in the parliament have accepted the practice of child labour as a social evil to exist in the present socio-economic conditions. In such a situation and the call by the international organization like the UNO, the UNICEF, the UNESCO and the ILO for full protection and development of children as the responsibility of every state now raises certain questions: -

- a. What is the policy of the state towards children?
- b. How they define a child?
- c. What legislative steps have been taken for their protection against exploitation?

- d. What steps have been taken for prohibition of the practice of child labour and how far the state has succeeded in prohibiting the practice of the child labour?
- e. What steps have been taken to regulating the working conditions of the children?
- f. What measure have been taken for education and welfare of the children?
- g. What measures are in offering in future protection of a child labour?

The basic question which haunts the minds of the statesmen, the intellectuals, the social philosophers and the general people is - It total prohibition of child labour in India in the present socio-economic conditions is a chimers then what responsibility rests with the states, the national, the international voluntary agencies and the general people to safeguard the child labour? How the abuses of the child labour could be minimized? Would there be legislative provision for regulating the working conditions of the child labour particularly in non-industrial professions? Whatever the constraints may be in the interest of the society it is most desirable to protect the child labour and to provide full opportunity for their development so as to make them good citizens as well as to shoulder the future responsibility of running the country?

The study aims to cover the life and rights of the child labour at Gaya, an ancient historical and religious place of importance. It is an imperial study of the lives of working children, their causes for accepting jobs, the working conditions, the living conditions, their earnings, the nature of jobs, the relationship with the masters and their future. How do they feel as citizens of socialist and democratic state which claim to be much progressive? Do they feel assure of a bright future? Is the society anxiously making efforts for bringing fast change in the lives of those children who are forced to work? How are the parents behaved? Would they remain as earners to supplement the family income? This study aims to cover these points by studying the actual life and the environment in which they are living.

This study at Gaya has great significance because it presents an area with ancient background and the present modern life. The mixture of ancient culture with the modern culture has influenced the life of a child labour. Are they in a better position than in the previous period? Are they hopeful of a bright future in coming years under new national policy for child.

A child is the highest, latest and greatest conscious form of mankind of the universe. A child's innocent and helpless human nature has drawn attention of the whole world. The world, though lately, has become conscious of grave exploitation of children. The social philosophers, the social scientist and the statesmen have been pained by the inhuman treatment with the children. They have thought of rights of a child which may be termed as the economic rights, the educational right, the right to health and the social right. These rights have been accepted by the UNO and its member-nations. The acceptance of these rights of the child confirms the acceptance of responsibility towards the children and their future growth.

Under the economic rights a child enjoys 'Right to Live' and 'Right to self-preservation' drawn from the human right or the birth right. During ancient days also the right to live of child was accepted by the society and consequently those deprived of this right were given shelter in poor house, the orphan house, the aim house, the work house and the forester care.

Providing necessary facilities to children in these houses in accordance with the acceptance of the economic rights of the child by the society were the main aims.

A man is exposed to various risks right from birth to death. The risks to health particularly of an infant and children are matters of concern. An ill born child or an ill-health child cannot expect to be a healthy man. Therefore, right to health has been accepted as the right of the child under Universal Declaration of Human Rights (Article 22-28) and International Convention on Economic, social and cultural Rights. The Right to health has also been accepted by our constitution in Fundamental Human Rights and the Supreme Court of India when it observed that 'the maintenance of health is a most important constitutional goal' and by health it means a state of complete physical, mental and social well beings."

The Social Right actually consist of the Right to Education and the Right to Health. However, a child living in a society has the social right with the own importance. The children must be protected from undesirable's social environment and evils. It is the duty of every parent to give the best for proper development of the children.

This refers to the presence of social and cultural environment in which the children life. Long back Jawahar Lal Nehru had accepted that 'children should have the first claim on us.' This observation of our Prime Minister is the acceptance of the responsibility towards the children which may he termed as the social rights.

As the society become conscious of the need for protection of the children the statesmen of the world discussed the matter and adopted Universal Declaration of Fundamental Human Rights of the Children. The UNO in its Preamble has accepted in Principle that the mankind owes to the child the best it has to give. This is clearly acceptance of the responsibility towards the children so that they could live and grow as good citizens of the country.

The Right to Life, an accepted Fundamental Right of every person, gives equal economic right to live and survive. It was in the connection that in 1959 the "Declaration on the Rights of the Child" was adopted and the International Court of Children's Human Justice was established for giving justice to the child so that they could get the best protection.

For balance growth of a man-mental development along with physical growth is necessary. The mental growth can enrich the quality of a man. It can put every human being on equal footing.

The right to education has been accepted as the responsibility of the state and the parents. This right has been accepted by the UNO (Art. 6) which contains 'every child has the inherent right to life..... survival and development'. The word "development" includes physical, mental, spiritual, moral and social development, particularly the mental, spiritual and moral development depends upon the educational facilities provided to the children.

Under the New Economic Policy, the Government of India, in1985 gave top priority to education for children between the age group of 9 to 14 years. The aim to provide full and free education upto the secondary level is towards fulfillment of the child's right to education.

India is a country of different religions and castes. Even different religions consist of different castes. The traditional religious traditions still continue in spite of the advancement in thinking and living. There is traditional relationship between castes and occupation.

However, industrialization, urbanization and modernization of the society have brought changes in this relationship. How a day's people do not express hitch in accepting an occupation which was traditionally considered as an occupation of a particular caste.

The study shows that the child labour of Gaya consists of 3 religions- Hindus, the Muslim and Christian. The Hindus child workers consists of 78.5%, the Muslim children 21% and the Christian children 0.5%. This shows the presence of Hindu child labour force nearly 3/4 of the total child labour force at Gaya.

The caste wide division of child labour shows that 3 castes namely Kurmi, Kahar and Dusadh provide 47% of the child labourers. The child labourers of other castes come from chamar, tell, Lohar, Yadav and schedule tribes. The child labourers 3.5% belong to upper castes which is something unusually. The Muslims child labourers cover 21% of the total child labour surveyed at Gaya.

The castes structure of child labour at Gaya may be a symbol of child labour force participation rate. The participation rate of child labour may be synchronizing with the total labour force. The participation rate of child labour is in accordance with the Hinduism dividing people to four broad divisions like Brahmins, Kshatriya, Vaishya and Shudras. The similarity between the Hindu mythology and child labour force participation rate confirms the present trend with slight adverse example of child labour from upper castes.

Looking into the position of the parents one finds a sympathetic picture. The survey shows that only 47 parents of child labour were alive. In other words, 53% child labourers have lost either both of father/ mother. The survey shows fathers of 21.75% child labourers are alive, mothers of 265 child labourers are alive and 5.25% parents are dead. Naturally, the orphans and those who have lost father or mother have to accept a job for livelihood. The premature death either because of poverty, diseases, accident or poor health forces children to become child labour.

Another important finding is that when 53% child labourers have to work either because of being orphan or have lost father/ mother, 47% child labourers have to work though parents are alive. On the whole orphans (5.25%) have no option but to work. Whereas the rest 84.75% child labourers have to work even in presence of their both/ single parents.

The family background is a major part of sociological background. The family background presents an environment in which a child has born, nursed and developed. A child inculcates habits from the family, environment and the society. Any socio-economic study considers the family background and its impact on the life of the family members. One of the factors is the size of the family and its effects on the family members the standard of living, the levels of education, the outlook towards the life and future prospects. Today the world prefers small size of family which could be economically wise. With God blessings the people have to decide the optimum size of the family considering other related factors.

This study shows that 39% children come from the family of 5 to 6 members, 25.5% child workers come from family with 7 to 8 members, 3.25% child labourers belong to 2 to 4 and 6.5% child labourers come from 9 or more members. Thus, nearly 71% of the families of child labourers have bigger size of the family than the government accepted norms of 4 units as the economically survival point.

The families' economic conditions depend upon the number of earners and the number of dependents apart from the earning capacity of the family. In a poor family the number of earners is high as a child has to earn. Every addition in the poor family is economically welcomed as that add the number of earners and the family income.

The survey shows that 74.75% of the total number of family members of the child labour consist of 25.25%. Thus 3/4 of the family members have to earn.

There is also a relationship between the size of the family and the number of earners and dependents. In the smallest size of the family with 2-4 members of the relationship between the earners and dependents is roughly 2:1, in family of 5-6 members the relationship is 3:1, in family with 7-8 members the relationship is again roughly 3:1 and in the biggest size of the family the relationship is again roughly 3:1. Thus, one finds except the smallest size of the family in all other families out of 4 members 3 are earners. In smallest size of the family 2 members out of the 3 are earners.

The child labour force comes from mostly rural and semi urban areas. Gaya is encircled by rural area with small coming up urban pockets. The structure of child labour force coming from rural areas has its own merits and demerits. Their outlook towards life, thinking and attitude depends upon the areas and the environment from where they come.

The study shows that 219 child labourers (54.75%) come from rural areas, 109 child labourers (27.25%) come from semi-urban areas and 72 (18%) child labourers reside in urban area. Child labour living, previously in rural areas, would adopt new way of life by living at Gaya. This change in their place of living would definitely add a new course in their advancement, though, their previous economic sociological, psychological and environmental factors might lower the pace of advancement.

The age of child labour at Gaya varies between 6 to 14 years. A child at the age of six has been forced to work for his livelihood which is the height of the social and political injustice towards the tender age group. This study shows that 5.5% of the child workers are under age group of 6 to 8 years, 18% of children are in age group of 9 to 10 years, 30% in age group of 11 to 12 years and 45.5% in the age group of 13 to 14 years.

As the age group advance the percentage of child labour also advance. That means their economic necessity increases and consequently less than 1/2 of the child labour falls under the age group of 13 to 14 years.

The child workers have been found working for different length. It is a fact that the working length of child labour would end at 14 years of age. The maximum length of a child labour may be for 8 years, beginning at the age of 6 upto 14 years.

The study shows that 19.5% child workers have worked for less than one year, 28.25% for 2 years, 32.75% for 3 years. 11.5% for 5 years and 8% for 5 and above years. One can establish a relationship between the length of working period and the percentage of child labour but there is frequent mobility of child labour. Very few of them stay at a place. Frequent mobility may be the result of many factors such as poor wage, inadequate food and shelter, ill treatment of the master, mobility of the parents and the masters.

It could not be ascertained how many times a child labour change occupation and masters. There is a tendency to change the masters and the occupation frequently for better prospect. Sometimes the parents of child labour prefer to engage them in skilled job deserting the unskilled jobs.

The percentage of drop out from school is also related with joining jobs at a particular age. This may be a cause for shorter length of working period.

The child labour is engaged in numerous informal occupations. There can be a long list of such occupations. At Gaya the child workers have been grouped in 10 occupations such as domestic works, stone crushing, loading and unloading, workshops and garages, tea stalls and road side hotels, shoe-shine, tailoring shops, cycle mart, shops, hawkers, and vendors and miscellaneous work transportation, construction work, porter. Engagement of child labour is based on factors like necessity of jobs, availability of jobs, attitude towards job, service conditions, prospects of earning and advancement, closeness with relatives, freedom of jobs and security of jobs. Apart from these considerations there are certain personal and family considerations. The parents do not like to get their children engaged in far off areas.

They like to get their children engaged in good families where they could live comfortably, learn and get training properly. A family consideration of the employer is an important determining factor. Secondly, some prefer to get craft/ skill training while earning which could turn them as skill labour. Thirdly, some like to have an occupation with great independence. They do not like to be tagged with some masters all the time. And lastly, the family occupation keeps children engaged where they assist their family members and thereby indirectly earn.

The study of occupational structure of child workers shows that domestic works engage the largest workers 22%, tea stalls and roadside hotels engage 20%, workshops and garages engage 12.25%, shops engage 10.5% and miscellaneous group in transportation, construction, porter engage 10.5% of the working children. This shows the trend of division of child labour to different occupations. One finds that domestic works attract maximum child workers because of various benefits available such as food, shelter and prospects of learning. There is also prospects of getting a government job with the help of their masters. Next to it tea stall and roadside hotels do provide livelihood though the working conditions are not so good in comparison to domestic works, yet that is relatively easy work. Anyway, the occupational structure is based on the various considerations considered by the respective parents.

The right to education is to a great extent on paper only. The percentage of literacy, the number of drop out from the schools and the level of education of child labour have been studied. Nearly 62% child workers at Gaya are illiterate.

Concept of Child Labour with Socio Economic Development

Out of 38% literate child workers only 114 (20.5%) have studied upto 3rd standard, 9% upto 4th standard, 6 upto 5th standard, 8.75% upto 6th standard and 3.25% upto 7th standard.

This reflects a gradual increasing number of drop out as the standard of class goes up. They could not complete the middle standard. The level of education of child labour has a far-reaching bearing upon their future. They remain on manual jobs or semi-skilled jobs which in turn limits their earning capacity.

The child labour practice is a cumulative effect of numerous economic and social factors. Among the economic factors the acute poverty is the prime cause of child labour practice. India is a country where even today 37% of people live below poverty line, some of them in most miserable conditions, hardly to meet even a meal per day. Out of 400 child workers 176 (44%) have accepted economic factor as the main factor. In a poor family every child is considered as economically boon as he or she adds to the total income of the family. Gaya is a place where poor people think in terms of treating their children as bread earners.

Literacy and the degree of literacy determine the quality of life. Higher the literacy rate, higher is the quality of life. Illiteracy is a curse more for poor people. Illiteracy and economic factor in our society are interrelated. A poor parent is unable to send child to school. Even education is free, the need of survival forces the parent to send the child to job rather to school. An illiterate worker can earn much less than a skilled and educated persons. Thus, illiteracy and poverty have a tendency to persist. This is an another important factor for prevalence of child labour practice.

Poverty and illiteracy together cause ignorance of the people. The ignorant people do not know the existing schemes, available facilities and way to avail the facilities for their bright future. This ignorance of the people according to Gandhiji is the cause of backwardness, suffering and exploitation in the hand of others.

Acute poverty, hard labour, sub-subsistence level of poor health standard and mental torture result into pre-matured death of parents, mostly male members. Further fast industrialization, inadequate protection against hazardous work, occupational diseases and accident, sometimes fatal, are also causes of early death of bread earners.

The absence of social security and social insurance throw many families on verge of starvation. In such situation unfortunate children in absence of their father/ mother or orphans have no other way than to seek employment for their survival.

Some children are abandoned children. The orphans, who are ignored by the society, have no option than to sell their labour. Many of them spend their days on railway platform, bus stands and in the streets.

In low-income families the family occupation has a long tradition. Children join hands with their parents in assisting the occupation carried out by the family members, such as tea stalls, shops, road side hotels, carpenters, blacksmiths, shoe shine etc. The family occupational tradition still today continues.

The employers, as profit seekers, prefer to employ children because they are cheap. A child can be quickly trained and suitably adjusted in certain works. Further there is no labour laws for regulating the conditions of work and therefore, there is no legislative obligation on the employers in keeping and maintaining the child labour. Every employer is conscious labour cost. The cost of production per unit and the competitive power in the product market are factors which are responsible for the employment of children in Bidi making, match manufacturing, carpet industry, stone breaking, tailoring and printing.

A child labour is uncomplaining labour force. A child by tender age and nature does not dare to complain anything to the master. An employer prefers submissive and tolerant labour. These qualities of child labour allow the employers to exploit them as well as to reap good benefit. The employers do not hesitate to utilize the helplessness of the children. The children for fear of losing jobs and subsequently fear of starvation surrender before the masters.

Domestic work is a common profession of child labour where they get their bare necessities of life. Along with the present survival possibility they prefer this work with high hopes for bright future. They prefer to work in domestic house with the hope of getting a better work in future which could be a source of higher income. Many of them work in the house of officials with the hope of getting a government job. This lust draws them towards these jobs.

Economic independent life is a desire of many people. Behind this desire there may be certain factors such as cruel treatment by the parents and family members, undesirable life of drink-habitual parents, economically broken family, ill treatment of the masters and the desire to have a separate life.

Labour market is becoming gradually competitive. However, children enter as freshers and the recruiters also engage them as raw hand. They enter mostly in informal sectors. Easy entry of children in labour market, absence of competition, absence of legislative protection and the legislative prohibition encourage positively the child labour practice.

Every country has some social traditions. India with long traditions has a section of the population called as Shudras. The fourth and lowest category of people used to serve the other. This social tradition has permitted child labour which still continues.

Ineffective legislative prohibition has indirect positive impact. The constitution and the law prohibit employment of child below 14 years of age but that is a mockery and the political legacy. The country even after 45 years of independence has failed to stop the child labour practice, rather our statement have accepted it as socio-economic evil to continue. The world celebration of Child Labour Year in 1979 has passed without any significant effect though India celebrated with pomp and show.

In accordance with the natural right, the world today has accepted the economic and social responsibility of the state towards children, particularly the working children. The future of children largely depends upon the economic and social life, the environment and the facilities in which they live. But even by the close of the 20th century the children of poor families have not been able to avail the fruits of freedom and liberty.

The economic life of Gaya working children is poor. This is evident from the per capita income of the child labour families at Gaya assessed at Rs. 1,500/-, which is 39.1% of the national figure which stood at Rs. 3835/- for the year 1990-91. Even the per capita income in Bihar state is the lowest with Rs. 1331/- against All India figure of Rs.2143/- based on the year 1982-83.

The poor economic life of working children at Gaya is proved by the extent of indebtedness which comes to 84% of the total working children's families. These families have to borrow money for discharging religious and social customs.

The poor economic conditions are the resulting of numerous subjective and objective factors like personal habits. They are really living a life below the poverty line which may be called as a level equal to sub-subsistence level.

The social life depends upon the economic, occupational and political situation. Generally social life is closely tagged with economic status. At Gaya these children have no social status. Though man by nature is equal but in society the social status is largely decided by the social status of the class and caste to which they belong.

The relationship between a master and child labour is most inhuman. The master who preaches high thoughts are really the exploiters of the child labour. The masters have always availed the fruits of cheap child labour less realizing what they are doing.

The relationship between master and child labour is still unregulated and unprotected. The laws have not taken care of the existing gravity of the situation. The situation is alarming both in organized and unorganized sectors. The laws are silent. The government is mum allowing the child labour to be treated in inhuman way.

The child workers are working in a situation when their attitude towards the masters has not importance. The survey shows that 47.25% working children have expressed unpleasant relationship, 91 (22.75%) working children expressed mixed feeling and 66 (16.5%) working children did not reply. This state of affairs exposes the absence of human relations.

The attitude of child labour towards job is again different in nature. There is no question of job satisfaction except who have preferred to jobs which could give them skill training. The rest of the working children are living with the present situation whether they like or dislike the jobs.

For emancipating the working children from the present situation, the national and international organizations have move jointly. The organizations such as the UNO, the UNICEF, the UNESCO, the ILO, the governments of member nations and voluntary organizations have accepted the prime responsibility of protecting children against exploitation and for development of their personality.

The world has celebrated Child Labour Year in 1979 with commitments. Efforts have been made to various developmental schemes and action plans to rescue the children.

Summary and Conclusion

It is clear that the child labour practice cannot be totally prohibited rather the increasing population, the increasing number of working children, the economic deterioration and the increasing un-employments are the factors enough to force the poor families to send their children for jobs in place of schools.

The free education policy cannot achieve objective in the present economic necessity of the poor families. Thus, the world in spite of best efforts, has to bear with the child labour practice which may be against the socialist and democratic concepts.

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