



CHILD LABOUR: EXPLORATION OF A VULNERABLE ENCAMPMENT IN CHANDIGARH

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Abstract

Child Labour is the pattern of engaging children in economic activity for part time or full time basis. This robs children of their childhood. It is detrimental to their physical and mental development. Children in every society have always participated in the economic activities. They have been assisting their families at home, in farms and shops, etc. All work is not bad for children. Some activities do make a positive contribution to their development, prepares them for their future tasks and help them to pass on the traditional skills from one generation to another. Therefore, there is a difference between child work and child labour. The reasons giving birth to child labour are poverty, illiteracy, scarcity of schools, ignorance, socially regressive practices, blind customs and traditions, migrations, corruption amongst employees and government labour organization. The present study is an attempt to know the reasons of child labour in a modern city like Chandigarh, which is also an education hub in the upper north region of India.

Key Words: *Child; Child labour; Hazardous activities; Laws against child labour*

Introduction:

The article 1 of United Nations Convention on the Rights of the Child (1990) very clearly defines “a child means every human being below the age of eighteen years unless the law applicable to the child, majority is attained earlier”. The convention reflects a new vision of the child where it states that they are not the property of their parents nor are they helpless objects of charity, they are human beings. Every child is an individual, a member of a family and a community, with rights and responsibilities appropriate to their age and stage of development. The needs of the child according to the United Nations Convention, are now legally binding rights. The convention acknowledges that every child has certain basic rights including the right to life, right to education, development and recreation, right to his or her own name and identity; right to be raised by his/her parents within a family, right to express

their opinions, right to be heard and right to be protected from abuse or exploitation and lead a well protected secure life away from neglect.

Children in every society have always taken part in the money-making activities. They lend a hand to their families at home, in the farms and shops, etc. Every type of work is not bad for children. A number of activities carried out by the children contribute positively in their personal development, prepares them for their future responsibilities and facilitate them to pass on the long-established skills from one generation to another. Therefore, there is a difference between child work and child labour. The former comes in the category of permissible work while the latter comes under exploitation. A committee on child labour observed that child labour becomes an absolute evil for the child when s/he is required to work beyond their physical capacity, when strain of employment hinders education, recreation and rest, when the wages are not proportionate with quantum of work done, and when the occupation in which they are engaged endangers the child's health and safety.

William Wordsworth has said that "the child is the father of a man". It therefore becomes pertinent for the health of the nation to protect its children from pre-mature labour which is hazardous to their mental, physical, educational and spiritual development needs. However, since the beginning of French revolution, exploitation in the form of child labour is probably one of the greatest challenges to our society. Its magnitude and extent is so wide and so intricately linked to the socioeconomic fabric of the society, that it requires a concerted effort and multipronged strategy to effectively counter it. The future of a community is the well being. It is urgently required to save children from the murderous clutches of social injustice and ensure that they are given opportunities for healthy, normal and happy growth.

India is sadly the home to the largest number of child labourers in the world. After every census the number of child labourers is found to have increased. Official figures indicate that more than 12 million economically active children in the age group of 5-14 years of which approximately 0.12 million children are working in hazardous occupations. The International Labour Organization claims that there are at least 44 million child labourers in India between the age-group of 5-14 years and about 70% of the dropouts from school get employed as child labourers. However, various non-government organizations reckon the real figure to be more than 60 million. The number of girls is not much lower than the boys. The largest numbers work in places like textile factories, roadside restaurants (dhabas) and hotels, or as domestic workers. The children get employed in various industries such as glass factories, match factories, lock factories, fire crackers, carpet weaving, brass industry, agriculture and

street work. Evils such as bonded labour and child prostitution exploit their vulnerable position and sacrifice their innocent childhood at the alter of greed.

International Legislations and Conventions against child labour

After the holocaust of the First World War, the nations of the world established the League of Nations. On September 26, 1924, the assembly of the League of Nations adopted the Geneva Declaration of the Rights of the Child. In 1939 the Second World War broke out rendering the league powerless and its declarations mere 'scraps of paper'. The agonizing convulsions of the Second World War prompted the victors to form a forum to deal with some of the war consequences. Thus, United Nations (UN) came into being in 1946.

Two years later in 1948 the United Nations Commission of the Economic and Social Council extended the rights of the child in accordance with the principles of Universal Declaration of Human Rights (UDHR). The members of UN adopted it on November 20, 1959 and named it as the Declaration of the Rights of the Child. The preamble of the declaration states that "whereas the child by reason of his physical and mental immaturity, needs specific safeguard and care as after birth, and that individual and groups should strive to achieve children rights by legislative and other means, and that mankind owes to the child the best it has to give." Children are particularly vulnerable and so they also have particular rights that recognize their special need for protection. In the light of this, the United Nations Commission on Human Rights drafted the Convention on the Rights of the Child. This was adopted by UN General Assembly on November 20, 1989. The convention has been ratified by more countries than any other human rights treaty.

Indian Legislations to curb child labour

As per Child Labour Prohibition and Regulation Act of 2006, employment of children below the age of 14 years is prohibited in notified hazardous occupations and processes. There are at present 16 hazardous occupations and 65 processes where employment of children is prohibited. Some of the important prohibited occupations and processes are carpet weaving, building and construction work, brick kilns, and production of hosiery goods; work as domestic servants and in tea shops, roadside eateries, etc. On the advice of the Technical Advisory Committee on Child labour, Government of India has in September 2008, notified inclusion of one occupation and eight processes in the list of hazardous occupations/processes which include diving as occupation and exposure to excessive heat (e.g. working near furnace) and cold, mechanized fishing, food processing, beverage industry, timber handling and loading, mechanical lumbering, warehousing, exposure to free silica such as slate, pencil industry, stone grinding, agate industries as processes. Further on the recommendations of the

Technical Advisory Committee on Child Labour, the Government of India has shown its intention to include two more occupations i.e. Circus and Caring of Elephants to the schedule listing and to the occupations where employment of children is prohibited. Imprisonment up to three months can be given for violation.

Further, National Commission For Protection of Child Rights (NCPCR) has been set-up by an Act of Parliament in December 2005 to stand by children and have given a call that children come first. With the adoption of Juvenile Justice Act (1989, amended in 2000), the National Plan of Action for Children 2005, and the Commission for Protection of Children's Rights Act 2005, the Government of India has recognized that childhood should legally be extended to the age of 18 years, than the earlier limit of 14 years. Further with India's ratification of United Nations Convention on the Rights of the Child (UNCRC) and subsequently of the Optional Protocol on the Sale of Children, child prostitution and child protection options have become obligations.

Empirical Evidences:

A large number of research studies have been conducted for understanding the reasons of child labour in India. To quote a few researches like Diwedi, H.K.(1996), Chenniappan, K.(1997), Anker, R., et al (1998), Agarwal, M. and Tewari, R.(1999). Sekar, H. R. and Mohammad, N. (1999), Vijaya, K. S. and Ravi, R. V.(1999), Anand, R.(2000), Jayaranjan, J.(2000), Laskar, B. I. (2001),Desai, K. and Raj, N. (2001), Ghosh, A. and Sekar, H. R.(2002), Verma, V. M. L. (2003), Abrol, U. (2004), Mishra, G.P and Bajpai, B.K.(2004), Lakshmi R. D. and Roy, M. N. (2005), Lakshmi R. D., Bhat, A. and Ray, M.N.(2005), Sekar, H. R.(2009), Bhatt, A. and Sen, A.(2005), John, J. and Ghosh, B. (2007), Rehman, M. M.(2007), Singh, A.K. and Jafri, S.S.A.(2008). The findings of the research studies stated above reveal that the main reason for child labour is poverty, illiteracy, migrations and corruption. Both the parents and children did not know the value of education and also were not aware that child labour is a criminal offence. The children working as child labourers belonged to the age group of 8 to 14 years. The child's income was used to support the family. These children worked 8-12 hours a day and on an average earned Rs.10-50 per day. Most of these children had attended school at one time or the other, and wanted to go back to school if given an opportunity. Children gave up their studies due to family problems and to give financial support to their families. They worked in different industries like weaving carpets, glass cutting, diamond cutting, sports products, farm labour, etc. They were engaged in rag picking, cleaning automobiles, selling betel nuts, shoe polishing, tea boy, domestic

help, coolie work, etc. These studies suggested following measures should be taken to eliminate this evil:

- While advocating a ban on child labour, there should be a scheme for compensating the individual child who loses his job.
- NGOs should initiate awareness-building programmes for children and should make an effort to aid poor families in different ways.
- Governments, NGOs and the community should work together towards preventing child labour.
- In order to restrict the supply of child labour in the market, it may be appropriate to build a centre for vocational training, so that alternative methods of skill building are available.
- Supplementary income generation activities for parents should be facilitated utilizing Government and NGO schemes for poverty eradication, self employment, etc.
- Poverty is the most important factor responsible for prevalence of child labour. For this Community based monitoring system should be developed at local level to curb child labour in agriculture and domestic sector.
- Policy makers should ensure that studies are conducted from time to time, and necessary recommendations are incorporated.
- Education should be made interesting, meaningful and relevant to reduce incidence of drop-outs, and should also include vocational/skill training, which would equip children with better job skills and opportunities.
- Parents should be made aware of the importance and value of education emphasizing its long term benefits, as lack of appreciation of education by parents was found to be a determinant of child labour.
- Awareness should be spread among exploited children, and employers should be sensitized regarding child rights and labour legislation.
- For improving the condition of children various studies recommended awareness generation, development of infrastructure, strengthening of the enforcement machinery, involvement of trade unions, setting up of night schools by voluntary organizations, and educating children about their rights.
- It was suggested that measures such as land redistribution, substantial increase in minimum wages, delegating powers to local level self-governing bodies, and involvement of community leaders should be implemented with full political will to combat child labour.

Objectives :

1. To assess the menace of child labour.
2. To know whether the children below 18 years of age are going to school or are employed.
3. To establish reasons why child labour is prevalent in such a societal set-up and what prompts them to join the labour force.
4. To assess whether the parents, guardians or children themselves are aware of the fact that employing a child below the age of 18 is a punishable offence.
5. To know whether the parent of the child believe that educating their child is the most assured way of ending child labour and the best alternative to come out of the clutches of poverty.

Methodology and Procedure:

A descriptive approach has been followed to conduct the present study. A feedback investigating method supported by partially structured interview schedule has been adopted. Sample was collected with the help of a self-prepared questionnaire developed for the said purpose through personal visits and observations. The observations were both participatory as well non-participatory. The study was conducted on 20 children between the age group of 10-18 years from the area, as these were the only respondents available, as the rest had gone to work. The main purpose of the survey was to find out whether the children of colony number-5 have access to education and are they employed in any occupation and processes unsuitable for their age and stage of development. The data has been collected, tabulated and interpreted accordingly.

Encampment Profile:

The vulnerable encampment in Chandigarh, named as Colony Number-5, is a squalid, overcrowded and peri-urban area. People living in this area are migrants from the states of Uttar Pradesh, Bihar and Rajasthan. The elder males work as daily wage earners, rickshaw pullers and vendors; where as the elder females earn their livelihood by working as sweepers and housemaids. The miniscule living area, a burgeoning population living below poverty line, no safe drinking water, a non-existent sewerage system, shared toilets, household refuse and garbage scattered all over the colony, majority of houses built with mud or makeshift tents, portrays bad picture of an otherwise idyllic city. The people living in this area are treated as third rate citizens. Lack of education has bred criminal tendencies among them. Rowdiness is the favourite pasttime for many young men, and drug abuse finds its roots here. The colony is like a pawn to political parties. Amidst such a scenario, the

children of the colony suffer the most. They are sentenced to hard labour, donot go to school, but work day in and day out to meet the needs of the family.

The labour department Chandigarh conducts regular inspections to curb the practices of prevalence of child labour in these type of encampments in the city. A fine of Rs. 10,000/- is imposed on any person indulging in this illegal practice of employing children below 14 years of age. Parents as well as employers are well aware of the fact that employing children at a tender age is a criminal offence which is punishable under law, but poverty forces them to indulge in such a heinous crime. Though some NGO's have come up with makeshift schools, but it becomes difficult to sustain them for a longer period. The retention rate of children in such schools is quite low as children are now no more interested in studies and want to earn to supplement their family income.

Analysis and Interpretation of Results:

After conducting thorough descriptive and an analytical survey through questionnaires, personal visits and field observation, it can be concluded that colony no.5, has high incidence of child labour. Inferences have been drawn and tabulated after evaluating the responses given by the respondents.

Table-1. Educational Level of Children

Educational status	Percentage
Children who have never gone to school	25
Attending School	20
School Dropout	55

Inference: It can be inferred from Table-1 that almost half of the children have dropped out from school. Only 20% are attending school and about 25% of children have never gone to school. On personal observation it was found that even if some children went to school, they dropped out of school to financially support their families

Table-2. Are the children employed?

Employment status	Percentage
Employed	90
Self-employed	10

Inference: As observed from Table-2, about 90% of children surveyed between the age group of 10-18 years are employed in unorganized sector. They are engaged in menial jobs such as rag-picking, helpers and hotel workers. The other 10% assist their parents to earn a livelihood. However, some of these children go to school.

Table-3. Daily Wages given to the Child

Daily wages(in rupees)	Percentage
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Less than 50	5
50-100	70
More than 100	5
Not paid in Cash	20

Inference: The above Table-3 reveals that about 70% of employed children are paid between 50-100 rupees per day. Only 5% children are paid more than 100 rupees. There are 20% children who are not paid in cash, but are provided with food, clothing and shelter.

Table-4. Does the child like to work or s/he wishes to go to school?

Childs Opinion	Percentage
Wishes to go to school	35
Wants to work	35
Work as well as go to school	30

Inference: As per Table-4 shown above, about 35% of children want to work and an equal percentage wishes to go to school. Around 30% of the children want to work to support their family and even wish to go to school. The main reason which prevents them to go to school is abject poverty, illiteracy and helplessness of their parents.

Table-5. Reasons which prevent children from going to school

Reason	Percentage
Poverty and doing Labour	90
Does not like to study	10

Inference: Poverty forces children to join the labour force. Hence, Table-5 shows that about 90% children are employed and therefore cannot go to school. While about 10% of children are not interested in studying as their life is preoccupied in the vicious cycle of poverty. An idea of studying and going to school is far away from their thought process.

Table-6. Are the parents/caretakers or children themselves aware that child labour is a criminal offence?

Awareness	Percentage
Parents aware	50
Parents not aware	20
Parents aware but children unaware	30

Inference: The above table-6 explains that about 50% of the parents are aware of the fact that employing a child below the tender age of 18 is a criminal offence which is punishable under law. About 30% of children are unaware about child labour. Around 20% of parents have no idea that child labour is a criminal offence.

The foregoing discussions reveal that for many children the innocent phase of childhood is being exposed to the perils of child labour. Childhood is a stage where strong foundations for a successful tomorrow are laid but the irony is that, many children instead of spending it in a carefree and fun loving manner are subjected to the harsh realities of hard life. They

work when they are supposed to go to school. The children of this encampment are in no way different from the child labourers of the other parts of the country, as has been revealed in the research studies referred above. The same story goes on and on. The saddening part is that the children wish to go to school, but poor economic conditions of the family, forces them to leave the opportunity of shaping their life through education. Their life is so much occupied in the vicious cycle of poverty that they have forgotten the innocence of childhood. The stark realities of life have taken away the best years of their life. Consequent to this, many adults have become numb to the feeling of others and have taken to illegal practices, drug abuse and rowdiness. This study has been an eye opener to the causes of distress and frustration among “the children of lesser God.”

Conclusions:

Poverty and social security are the main causes of child labour. The ever widening gap between the rich and poor, privatization of the basic services and the neo-liberal economic policies are taking larger sections of the population out of employment and without basic needs. This adversely affects children more than any other group. Entry of multi-national corporations into industry without proper mechanisms to hold them accountable, has led to the use of child labour. Lack of quality universal education has also contributed to children dropping out of school and entering the labour force. A major concern is that the actual number of child labourers goes undetected. Laws that are meant to protect children from hazardous labour are ineffective and implemented wrongly.

It thus comes out clearly that until and unless we come to terms with the moral and political reality of poverty and social backwardness, mere enactment of legislations such as child labour (prohibition and regulation) act will not help. It is more important to take developmental measures and ensure to practical application by eliminating the reasons of child labour from our society. The reasons giving birth to child labour are poverty, illiteracy, scarcity of schools, ignorance, socially regressive practices, blind customs and traditions, migrations and corruption amongst employees and government labour organization. It should be remembered that industrialization can wait but youth cannot be confined for long. We must therefore act immediately, if we want to see the dawn of an exploitation free society where the dreams of every child are cherished and given opportunities to be fulfilled.

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