

## CHILD LABOUR IN KASHMIRI SOCIETY: A SOCIO-HUMAN RIGHTS STUDY

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**Abstract:** The Constitution of India guarantees fundamental rights and the full freedom to enjoy childhood. In spite of that millions of children are being put to arduous work for short and narrow gains. By 1989, the standards concerning children were brought together in a single legal instrument agreed to by the international community. It unambiguously spelt out the rights to which every child is entitled, regardless of place of birth, descent, sex, religion, or social origin. A number of aspects, such as gender, family background, cultural acceptance, issues of health and recreation, the legal aspect and so on, have been covered. The life worlds of working children, legal protection to children from exploitation and the human rights perspective of child labour is the main focus of this article.

**Keywords:** Constitution; human rights; labour; handicrafts; Kashmir.

### Introduction

Child labour is a global phenomenon and a harsh socio-economic reality. The only difference is that in some societies it has become more vexed and wide-spread and Indian society is one among them. According to Francis Blanchard (former director of ILO)

Child Labour includes children prematurely leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of education and training apprentices that could provide them a better future (Gathia 1998, 12).

In assessing the nature and extent of this social evil, it is necessary to take into account the character of the jobs in which the children are engaged, the dangers to which they are exposed and the opportunities for development which they have been denied.

### Human Rights Perspective and Legal Framework of Child Labour

The General Assembly of the United Nations adopted the Convention on the Rights of the Child (CRC) on 20<sup>th</sup> November 1989. It holds that children everywhere should be protected against exploitation, neglect and abuse (Satyarthi Kailash, Zutshi Bupinder 2006, 71-72). Article 23 of the Convention says, "All States should work to end such child labour practices and see how the conditions and circumstances of children in legitimate employment can be

protected to provide adequate opportunity for their healthy upbringing and development” (UNICEF 2004, 7).

The World Conference (1993) on Human Rights organized by the UNO in Vienna reiterated the principle of “First Call for Children” (UNICEF 1990) and underlined the importance of major national and international efforts, especially those of the United Nations Children’s Emergency Fund (UNICEF), promoting respect for the rights of the child to survival, protection, development and participation. It called on states to integrate the Convention on the Rights of the child into their National Action Plans and pledged for the support of international cooperation to address the acute problem of children under difficult circumstances and initiate effective measures in order to put an end to their exploitation and abuse by addressing the root causes. The conference supported all measures by the United Nations and its specialized agencies to ensure the effective protection and promotion of the human rights of the female child. It urged states to respect existing laws and regulations and remove customs and practices which discriminate against and cause harm to the female child. It recognized the important role played by NGOs in the effective implementation of all human rights instruments and, in particular, the Convention on the Rights of the Child (Anandharajakumar 2004, 13-14).

Since as early as 1921, when the International Labour Organization (ILO) passed the first Minimum Age Convention, the world has attempted to protect children’s rights to education and to prevent any child labour which would prejudice their school attendance.<sup>1</sup> The ILO’s Minimum Age Convention 138 of 1973<sup>2</sup> set the standard for the minimum age for admission to employment as 15 years, or in special cases where economic and educational facilities are insufficiently developed, 14 years; light work not harmful to the child or prejudicial to his or her attendance at school is permissible after age 12. In 2000, children were provided further protection through the entry into force of ILO Convention 182, which was ratified by 150 countries as of May 2004.

The Geneva Declaration of the Rights of the Child 1924 was the first convention of the League of Nations to discuss the rights of the child.<sup>3</sup> The Universal Declaration of Human Rights as adopted by the United Nations in 1948 incorporated the basic rights of children to growth and education. An independent “Declaration on the Rights of the Child” was made by the United Nations in 1959 (Shukla, S. Ali 2006, 40). This emphasized special protection and care for the child to develop in a normal and healthy manner in an atmosphere of freedom and dignity.

The year 1979 was designated as the International Year of the Child (IYC) by the United Nations, which stressed the importance of the co-operation of the Nations in the common

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<sup>1</sup> “Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance, the employment shall not be such as to prejudice their attendance at school” (Article 1. ILO, 1921. C10: *Minimum age (agriculture) convention*; <http://www.ilo.org/ilolex/cgi-lex/convde.pl>).

<sup>2</sup> June 26, 1973, 1015 U.N.T.S. 297, entered into force June 19, 1976 (Convention 138).

<sup>3</sup> Confusion prevailed from the 1920s concerning the respective roles of the League of Nations and the UN in dealing with (child) slavery and of the ILO in dealing with child labour. This deficit regarding one of the worst forms of child labour persisted until 1999-2000.

tasks of meeting the basic needs of the children, i.e. nutrition, health, education, maternal protection, family care, equal social status and protection from racial and other forms of discrimination (De Savza 1979, 66). This was a challenge to the conscience of mankind and to the community of nations.

On November 20, 1989, the General Assembly of the United Nations adopted the Convention of Rights of the Child to which India is a signatory and which was ratified by 107 member countries. The convention contains 54 articles, each dealing with different types of rights. These can be broken down into four broad categories, such as survival rights, developing rights, protection right and participation rights.<sup>4</sup> Several rights cover a child's right to life and the basic needs for existence, which include an adequate living standard, shelter, nutrition and access to medical services. Developing rights include the aspects which help children to reach their fullest potential, such as the right to education, play and leisure, culture activities, access to information, and freedom of thought conscience and religion. Protection rights require that children be safeguarded against all forms of abuse, neglect and exploitation, which include child labour, drug abuse and sexual exploitation. Protection rights allow children to take an active role in their communities and nations. These encompass freedom of expression, freedom to join associations and to assemble peacefully, which is necessary in preparing for a complete and responsible adulthood (Shukla, S. Ali 2006, 41).

In 1919, the International Labour Organization, in its first session, adopted a convention on the minimum age of children for admission into industrial employment. It laid down that no child under 14 should be employed in any public or private undertaking other than in which only family members are employed (Fyfe 2007, 8). The minimum age was revised from 14 to 15 in Convention No. 59 of 1973. The Convention which grew out of the personal initiative of the Director-General, Wilfred Jenks<sup>5</sup>, marks important progress in raising the standard for general employment in developed countries from 14 years (accepted during the first reading in 1972) to 15 years, or the age at which compulsory education ended, whichever was higher. Subsequently, the ILO prohibited the employment of children in agricultural undertakings, shops, hotels, restaurants, offices, places of public employment, etc. and ratified all its conventions. Convention No. 138 emphasized that each member for which the convention was in force undertakes to pursue a national design to ensure the effective abolition of child labour and to raise regressively the minimum age for the admission of children to employment in work. The same convention also recommended for special attention the working conditions of young persons under 18 years of age, in terms of fair remuneration, limited working hours, prohibited night work, weekly and annual holidays with leave, coverage by all social schemes, maintenance of satisfactory standards of health, safety, etc.

The ILO has adopted five conventions providing for the medical examination of young persons, a conditional precedent for employment. This is to ensure the fitness of the young

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<sup>4</sup> UNICEF Publications circulated by UNICEF, Bhubaneswar India.

<sup>5</sup> The idea of Wilfred Jenks was to consolidate the minimum age standards and to present a standard that developing countries would adopt.

persons for the employment in which they are to be employed (Annan Kofi, A. 2001, 80-82). Also, three conventions were made in support of prohibiting night work for young persons employed in both industrial and non-industrial establishments.

### **Constitutional Safeguards of Child in India**

Article-15 (3) of the Indian constitution authorizes the state to make special provision for women and children. Article-24 provides that no child below the age of 14 shall be employed to work in any factory or mine or be engaged in any other hazardous employment. Article 39 (E) proclaims that the State shall apply its policy towards securing that children are not forced by economic necessity to enter avocations unsuited to their age or strength. Article 39 (E) enjoins that childhood and youth are to be protected against exploitation, against moral and material abandonment. In Article-45 the constitution also endeavours to provide free and compulsory education for all children until they reach the age of 14 years (Shukla, S. Ali 2006, 41-42).

The general provisions under Articles 38, 42, 43, 45 and 47 of Directive Principles of State Policy provides a strategy for indirectly promoting the welfare of children. Article-38 (1) provides that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may secure a social order in which justice, social, economic and political shall be ensured.

Articles-42 and 43 provide for securing just and humane conditions of work and promise that the State shall endeavour to secure, by suitable legislation, economic organization or in any other way, for all workers, a living wage with specified conditions of work ensuring a decent standard of life and full employment of leisure, social and cultural opportunities. This clearly includes child labourers in widest sense. Article-46 makes provisions for the promotion, with special care of the educational and economic interest of SC and STs and other weaker sections of the society. Article-47 lays emphasis on the State raising the standard of living for people.

While assessing the progress and implementation of these provisions, it is disappointing to note that child labour exploitation is rampant in all spheres. Given this scenario, the state could have done better by formulating different welfare schemes, which could have reduced this problem to a greater extent. There is no denying the fact that the problem is so complex that it involves many social and economic factors which need immediate attention and the intervention of the state if this problem is to be addressed.

### **Legal Measures for Protection of Child Labour**

The current Factories Act, 1948 prescribes prohibitory regulations for the employment of children below 14 years of age in any factory. The Indian Mines Act, 1951 prohibits the employment of children under 16 in any underground mine. By contrast, the Plantation Labour Act, 1951 has prescribed this age as 12 years. The Motor Transport Workers Act, 1961 absolutely prohibits the employment of children. The shops and commercial establishment's acts of different states also prohibit the employment of children in shops and commercial establishments.

This legislation is also careful about the health of the young persons to be employed. While restricting night work, this legislation has also made it mandatory for employers to provide medical fitness certificates for young employees. They also clarify the conditions under which they are to be employed. Of course, in many cases deliberate violation of the provisions occurs at the hands of either medical practitioners or employers. Also, parents seeking to meet their economic needs lie about the ages of their children.

Besides the legislation mentioned above, the Apprentice Act, 1961, the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, the Atomic Energy Act, 1962 and the Contract Labour (Regulation and Abolition) Act, 1970 provide prohibitory and regulatory measures regarding the employment of children.

Despite the requirement by the ILO Convention and as envisaged in the National Seminar on Employment of Children in 1975 to prevent the exploitation of children, the Indian Government failed to pass a single act to deal with the prohibition of child labour. The Gurupadaswamy Report (1979) also emphasized such a comprehensive law for the purpose. As a result, the Child Labour (Prohibition and Regulation) Act was enacted in 1986.

The Act prohibited the employment of children below the age of 14 years in certain occupations and processes. These include the transport of passengers, goods and mail, and other hazardous work in railways and ports, production processes, such as Beedi making, cement manufacturing, the manufacture of matches and explosives, mica cutting, soap manufacturing, wool cleaning, and building and construction industries.

While prohibiting employment in certain occupations and processes, the law legalized the employment of children in other cases. Indirect support was therefore extended for such evil practices, which should be totally prohibited irrespective of the nature of employment.

### **Socio-economic Dimensions and Magnitude of Child Labour**

Child labour is a pervasive problem throughout the world. Industrialized economies, especially those of Europe, North America and Australia for example, have by now reduced it to a large extent. The problem of child labour as faced by the developing economies today does indeed have serious dimensions. Africa and Asia together account for over 90 percent of total child employment. Though there are more child workers in Asia than anywhere else, a higher percentage of African children participate in the labour force. The International Labour Organization (ILO) estimates that the number of children aged 5-14 who were economically active in the year 2000 was 211 million, while the number classed as child labourers was 186.3 million. Of these 120 million are estimated to be in full-time work (International Labour Office 2006).

In India every third child is a working child and every fourth child in the age group 5-15 is employed. According to the Ministry of labour and other NGO estimates, there are 55 million children in the labour force, 91 percent of them in rural India; there are 25 million children employed in the agricultural sector, 20 million in service jobs (hotels, shops, and domestic labour) and 5 million in the handloom, carpet making, gem cutting and match making industries.

The phenomenon of child labour in Jammu and Kashmir is in no way different from that prevailing in the rest of the country. Its evolution, growth and magnitude have followed the

same pattern. The difference, however, is held in the nature of employment. Since the state is predominantly an agriculturally oriented one, the children help their parents in the fields and on the farms. It has been estimated that embroidery and carpet making are the major crafts in the state and about 78 percent of craft workers are engaged in these activities. Although most of the handicraft units are of the household type, there are very few areas in which they differ when it comes to exploitation and in a few cases parents themselves turn out to be the most ruthless exploiters of their own children. The workforce employed in the handicrafts and handlooms industries in the state is dominated by females. Males constitute less than one-third of the craft workforce (Bhat, A. Bilal 2008). In the context of child workers themselves, harmful effects can be seen in the form of their improper physical development, various kinds of illnesses and physical deformities, damage to the central nervous system, a lack of ability to adjust to other people in society, an inability to express views, etc.

There are many causes of child labour, poverty, being one of the main reasons followed by illiteracy and ignorance of the parents. It has given rise to a number of socio-economic problems. It is beyond any doubt that children are forced by their circumstances to undertake labour at a tender age when life conditions are pathetic and when they should be in the schools.

### **Significance of the Study**

The main aim of the present work was to study the working and living conditions of child workers in the handicraft sector, especially the situational factors forcing them to take up work at a particular age, their present working conditions, their relationship with their employers, the existing legal protection and welfare provisions vis-à-vis their implementation, health conditions, as well as the perception of child labour. The objectives of the study were to make a detailed study of child labour in the handicraft sector with special reference to their life conditions and to assess the nature of exploitation faced by the children involved. It also aimed to explore the causes of child labour in the handicrafts home industry in Kashmir and to examine the social implications of the labour activities of children in the handicraft sector. The role of government and suggestions for solving the problem are also part of the objectives and will be discussed in the light of the facts of the study.

### **Methodology**

#### *Universe*

Jammu and Kashmir, with a predominately Muslim population, covers an area of 222,236 sq km. It occupies the North-West niche of India, bounded on the south by the Indian states of Himachal Pradesh and the Punjab, on the south-west and west by Pakistan, on the North by Chinese Turkistan and a little of Russian Turkistan, and on the East by Chinese Tibet. The population of the state, according to the 2001 Census is 10,143,700 with a sex ratio of 900 females per thousand males and a literacy rate of 55.5 percent. The state comprises mostly mountainous terrain rising in several tiers from the plains to the high altitude valleys. Agriculture is the main stay of the Jammu and Kashmir economy. Nearly 82 percent of the state's population living in rural areas is dependent on agriculture and allied activities.

### *Sampling*

The study is primarily an empirical one and based on an extensive sociological investigation in the field. Handicrafts work is carried out in all the districts of Kashmir (Anantnag, Baramulla, Budgam, Pulwama, Kupwara, and Srinagar). It was not possible to include all the population of the valley, because of the terrain and geographic location.

In the present study, multi-stage sampling was used. In the first stage, the districts of Anantnag, Budgam and Srinagar were selected because of the concentration of more handicraft centres, the employment of a large number of children in the handicraft sector, the existence of government handicraft centres and easy accessibility.

In the second stage, fifteen percent of the villages and towns were chosen for the study. All the villages and towns were arranged in serial order and after systematic sampling, the required number of villages and towns was selected. The reasons mentioned above for the selection of districts were also kept in consideration while selecting the villages and towns. The decision to take a fifteen percent sample was taken after considering all the aspects and this fifteen percent was considered to be a fairly good representative sample.

In the third stage, a list of the children working in handicrafts was prepared with the help of key persons, employers, senior citizens, and other knowledgeable persons. Only 150 child labourers could be interviewed for various reasons. In keeping with the objectives of the study, parents and employers were also selected using the same method. Twenty five parents/ heads of households and ten employers were enlisted in addition to that. Also ten government officials and five social workers were interviewed for the present study. For statistical reasons, two hundred respondents were only interviewed, including child labourers, parents, employers, social workers and government officials to give representation to both sexes, and income-occupational-educational groups and sub-groups.

### *Tools of Data Collection*

After discussions with experienced researchers and social scientists, it was decided that the interview schedule, observation, collateral contacts and interview techniques would be suitable for the present study. Every care was taken to make note of the different dialects of the native language in order to avoid any communication gap between the interviewer and the respondent. This was possible only when the researcher noted down his observations along with words uttered by the respondents. Many things which cannot be uttered are expressed bodily and can therefore be observed only by an alert interviewer. It is only for these reasons that observation has been used to supplement information collected through the interview schedule. Observation was very useful for collecting information about the facilities available to the respondents in their work units and their home conditions. These observations were noted in the research diary for use in the analysis of data. Collateral contacts were also used to supplement and corroborate the information. In this process, the researcher contacted neighbours, village heads, elderly and educated people of the village and co-workers of the respondents and the relevant information was noted down.

### *Collection of Data and Analysis*

To start with, as planned earlier, the researcher went around the village/town and met various potential sources of information which included the masters of the different centres and explained the purpose of the study. For the convenience of the respondents, as and when required, the objectives were clarified to allay their fear and suspicion. A research diary was also used to take care of those responses which were not in purview of the interview schedule. Observations were noted and the interviews terminated with the acknowledgement of gratitude for their cooperation.

After collecting information from the field, the schedules were edited and rechecked in order to put all the information in proper and suitable order. Statistical calculations such as aggregation, percentage, average, mean, etc. were made in order to present the findings accurately. An attempt was made to establish the relationship between different variables such as age, sex, education, religion, occupation and income. Data was analyzed/interpreted systematically and logically in the light of the facts of other studies.

### *Limitations*

It was difficult to get adequate answers from the children as most of them could not follow the questions. Moreover, fear and anxiety compelled them to remain silent, which led to incorrect answers in many cases. Much has to be elicited, therefore, through observation. The researcher always tried to eschew any perceived notion which may misrepresent the findings. Some of the parents hid the information that the child was not an earning member but tried to suggest that they sent the child to work so as to prevent their becoming the victim of any anti-social element. It is note worthy that the employers were quite apprehensive about the interviews as they considered the researcher to be a government official deputed for collecting information about the abuse of child labour in the handicraft sector.

## **Findings of the Study**

### *Education*

Education is of paramount importance for the proper growth and development of the child. Education, formal or informal aims to develop the positive quality of the child and

Table 1.1. Educational Attainment of the Child Labourers and whether the Children were Still Attending School or Not

S. No.	Educational Attainment	Number	Percentage	Still Attending School or not	Number	Percentage
1.	Up to 5th	45	30.00	Yes	27	18
2.	Up to 8th	105	70.00	No	123	82
	Total	150	100.00		150	100.00

Source: Field Study 2009.

helps the individual realize his potential. All the children working in the handicraft sector that were interviewed have been to school at one point or another. Accordingly, the child workers were asked to state their educational qualification/background.

The reasons given for dropping out and not completing their studies were varied and vexed. The primary reasons were that children showed less interest in their studies, parental illiteracy and ignorance, poverty, gender discrimination and peer influence.

It is disheartening to note that out of 150 child labourers interviewed, only 27 (18 percent) were still attending school and the majority (123, or 82 percent) had left school for good at primary and upper primary levels. Out of 150 child labourers, not even a single child had completed his/her education up to high or secondary level. In order to stop the drop out rate or to retain the children in schools, there is a need to provide vocational education to all the children after they complete their primary education.

### *Family Background*

The family background of the respondents assumes more significance because it is the family where the child learns basic social skills to cope with the social norms, values and demands. It has its own pattern of interpersonal relations, acts as an agency for socialization, which in turn is affected by the socio-economic conditions of the family.

An attempt was made to collect salient features of the social and economic conditions of the family with a view to examining its impact on the child. Direct observations coupled with the discussions with the parents of the child labourers yielded some material on this point. Some of the child labourers who had a deceased parent were specifically observed and interviewed. Accordingly, we collected information about the size of the child labourer's respective family, which is reflected in table 1.2.

Table 1.2. Size of Family and Single Parent Families of Child Labourers

S. No.	No. of Family Members	Number	Percentage	Parents Alive/ Dead	Number	Percentage
1.	1 to 5	23	15.33	Father Alive Only	31	20.66
2.	6 to 10	99	66.00	Mother Alive Only	10	6.66
3.	11 to 15	28	18.66	Both Alive	109	72.66
	Total	150	100.00		150	100.00

Source: Field Study 2009.

The children who belonged to the small family category worked either because there was no earning member in the family or to spend time with friends at the handicraft centre and at the same time learn some skills. Most of the children in this category mentioned poverty as the main reason for their being there and considered it their duty to look after the family. However, parents cited the lack of quality education, poverty, skill acquisition, the

inaccessibility of schools and cultural roles/traditions as the main reasons for sending their children to work. On the other hand, the employers employ them to help poverty-stricken families, skills acquisition, low payment, long working hours, for their soft fingers and hands. The following table shows this in detail.

Table 1.3. Employers and Parental Reasons for Working Children

S. No.	Reasons by parents	No.	Percentage	Reasons by employers	No.	Percentage
1.	Lack of quality education	16	64.00	Skill acquisition	7	70.00
2.	Inaccessibility of schools	9	36.00	Low payment	2	20.00
3.	Cultural role/tradition	7	28.00	Helping poor families	9	90.00
4.	Skill acquisition	13	52.00	Long hours work	3	30.00
5.	Poverty	14	56	For having soft fingers and hands	5	50.00
6.				Only option	4	40.00

Source: Field Study 2009.

#### *Occupation and Educational Qualification of Parents*

Table 1.4 reflects the occupation and education level of parents of child labourers.

Table 1.4. Occupation and Educational Qualification of the Parents of Child Labourers

S. No.	Occupation	No.	Percentage	Level of Education	No.	Percentage
1.	Govt. Job	33	22	Illiterate	83	55.33
2.	Farming	73	48.66	Up to 5 <sup>th</sup> Class	49	32.66
3.	Business	43	28.66	Up to 10 <sup>th</sup> Class	18	12.00
4.	Labourer	53	35.33			
5.	Contractor	21	14			
	Total				150	100.00

Source: Field Study 2009.

Note: The parents (father) of some children were involved in many occupations.

On the basis of the data above one can say that the majority of the parents of working children were in those occupations which could hardly meet two ends of life. From the data analysis presented we can safely conclude that the old tradition of getting into the shoes of

their parental occupations is being replaced to a greater extent and new occupations are being undertaken by the people of the new generations. But still the largest group comes from the farming and labouring class which tries to supplement the non-dependable income of the parents.

The rate of literacy in Jammu and Kashmir is 54 percent according to the 2001 census (*Census of India 2001*). This study reveals that a significant number of parents (83, or 55.33 percent) were illiterate and the illiteracy of parents acts as a cultural constraint on the progress of education among children. Many children who were in the process of acquiring knowledge were suddenly deprived of it when they were asked by their parents to go and work for wage labour or earn independently. The table further reveals that even the literate parents send their children to work at an early age for narrow and short economic gains.

### *Working Hours*

According to the law, children should not work longer hours. But in practice the law is not strictly followed anywhere. The number of hours of work in the handicraft sector depends upon a number of factors such as (1) demand for handicraft items at a particular period of time (2) availability of child labourers (3) the time schedule for delivery of product/handicraft items. The studies so far undertaken in other parts of the state and country show that the working hours of children are long with few rest intervals and nominal holidays. While collecting data, it was observed that some child labourers reach their work place early in the morning. With a view to collecting factual information on the daily hours of work, we interviewed all the sampled child labourers and the collected information reveals that the majority of child labourers (101, or 67.33 percent) openly accepted that they were working six to eight hours every day. However, the Factory Act of 1948 prescribed five and a half hours of work for child labourers everyday (Mishra, Mishra 2004, 5-6). Some of the child labourers informed us that their working hours were flexible; whenever they wanted to earn more money, they used to work longer. On the other hand, those children who were working in the handicraft centres or at the employer's home sometimes suffered in the sense that their working hours were neither fixed nor flexible. Even if they worked longer hours, they were never paid for it.

### *Wages*

The monthly earnings of child labourers are dependent upon various factors such as the nature of the job (skilled, unskilled or semi-skilled work), the duration of the working hours, the nature of employment (the daily wage, contract or regular), and so on. The distribution of the monthly income of child labourers brings out the fact that a large proportion of them (87, or 58 percent) earn between five hundred to one thousand rupees per month and 32 (21.33 percent) earn between one thousand to two thousand rupees per month. There were only 21 (14.00 percent) children who earned more than two thousand rupees per month. All the children received their income in cash, some on a daily basis, some weekly and some monthly depending upon the type of work they were doing.

### *Working Conditions and Health Problems*

Children begin work in the family from an early age alongside their parents/relatives and sometimes with master craftsmen. They learn the skill by observing and participating in such activities. It was only after the industrial revolution in the early 19<sup>th</sup> century that children started being employed both on farms and in factories as wage labourers because they provided a cheap and uncomplaining labour force as against adults who could be more demanding and hence difficult to handle (ILO 2004, 40-41). Most of the work the children do is monotonous, repetitive and dull and is often not suited to their physical and mental capabilities. Some children are ill-treated, humiliated and even beaten, while others are looked after with parental care, which acts as an incentive and motivates these young children to undertake arduous and hard work beyond their capacity for a long duration. This adversely affects their health and well being. It is against this backdrop that children in the handicraft sector in Kashmir were asked about the working conditions in the handicraft centres.

The nature and quantity of work has an effect on the physical as well as the mental growth of the workers, especially the young ones. Handicrafts work particularly *shawl bawfi* and carpet weaving requires the repeated use of the fingers in working with wool and cotton threads and intense concentration on the fine knots used for weaving while sitting down for hours. In such a situation aching and irritated eyes, fingers, back pain, stomach and chest pain caused by inhaling the cotton and wool dust are not an uncommon occurrence. So far as protection against work hazards is concerned the child labourers responded negatively. Chronic and lifelong diseases emerge in a situation in which government officials as well as the parents do not take child protection seriously, which has disastrous future implications for them. Our observation also reveals that the employer is not concerned about health problems nor about the safety measures designed to protect children from injuries and accidents.

### *Female Child Labour and Sexual Exploitation*

Every child labourer is likely to experience some difficulties in his/her job. Some of them may be of a permanent nature while others are more casual, temporary and/or occasional. But in female children there is always the issue of sexual exploitation. Sexual exploitation may take many forms and is usually under-reported and not talked about openly. Female child workers overwhelmingly responded (80 percent) that yes, they were very prone to being sexually exploited. The majority of female child labourers said that it was mostly the employer of the centre and people related to him that searched out opportunities for sexual harassment/exploitation.

### *Child Labour Laws and Its Abolition*

The Government of India has enacted a number of laws which prohibit and regulate the employment and working conditions of child labourers in various occupations and vocations. More than ninety percent of child labourers and their parents were not aware of any such legislation. Despite the fact that the majority of employers knew about the Minimum Age Act regarding employment they still had no inhibitions about employing the children.

A dominant majority (77 percent) of working children were not aware of the labour laws. Parents and employers favour the abolition of child labour for different reasons. But both agree that the absence of quality education, the lack of concern on the part of government and civil society are the primary reasons for perpetuating child labour.

Considering the present socio-economic conditions, one may argue that child labour should not be abolished, as many poverty-stricken families fail to provide the minimum living conditions. That is why many people do not advocate a total ban on child labour but rather an improvement in their working conditions. Eliminating child labour will save the lives of many children from its damaging consequences but at the same time it will affect a large section of the economically deprived population.

### *Role of Governmental and Non-governmental Organizations*

About twenty five percent of employers favoured the strict implementation of legislation and compulsory schooling up to fourteen years of age as a means of eliminating child labour and around ninety percent of employers supported the provision of some kind of training for child labourers so that they can earn money partly to meet their own personal requirements as well as those of their family.

Non-governmental organizations are also working in the field to eradicate child labour. There is very little awareness among child labourers, parents and even employers of the NGOs. Employers were asked whether they could play a role in the elimination of child labour and their responses were noted in the table below.

Table 1.5. Role of Employers in the Elimination of Child Labour

S. No.	Employers role	Number	Percentage
1.	No employment to children	5	50.00
2.	Create awareness	9	100.00
3.	Inform authorities	3	30.00
4.	Motivate them to go to school	7	70.00

Source: Field Study 2009.

### **Suggestions**

Merely passing laws is obviously not the solution, they need to be enforced and this is an area in which Kashmir has a poor track record. The poor would rather have children who work to supplement their income. There are many cases of parents selling their children as bonded labour for a petty sum of money. Banning child labour therefore is not the solution, nor is the step taken by the US and Europe to ban carpets produced in the subcontinent (*Kashmir Insight* 2008). There is a dire need to impart education to the child workers. Since child workers cannot attend normal school during the usual school hours, the only alternative is to provide them with some form of education at a time when they are free.

Ignorance is one of the main problems; ignorance on the part of the parents who believe that with the children working poverty will be eradicated; and ignorance on the part of the children who do not know their rights in this country. The working conditions of the children are inhumane and the incomes given are also meagre. Governmental and non-governmental organizations should organize awareness programmes regarding the consequences of child labour and motivate ordinary people, village heads, teachers and other employers, senior citizens, and so on and seek their cooperation in their respective areas to serve this purpose.

An attractive and free pre- and primary school education system is necessary to encourage children into education instead of work and income. A community-based school extension programme, i.e. to make people aware of the benefits and necessity of education, to encourage and convince children to go to schools is essential. Non-governmental organizations (NGOs) and other related agencies have a vital role to play in making the down-trodden communities aware of the rights of children and the harmful effects of child labour.

At present, the legislation in India only specifically outlaws child labour in designated hazardous industries and bonded child labour, but both Article 24 of the Indian Constitution and Section 67 of the Factories Act explicitly direct that children below the age of 14 years are not to work in factories. In addition, the Child Labour (Prohibition and Regulation) Act 1986 forbids the employment of children in specified hazardous industries. The Supreme Court ruling of December 10, 1996, in an attempt to fill the loopholes left in the previous legislation and to bring in judicial activism to social issues ordered the setting up of a fund for child workers aimed at controlling and eventually eliminating child labour across the length and breadth of the entire country. While setting out a long list of the child labour monitoring obligations of state governments, it also prescribes heavy fines for employers caught employing children. In addition, India has ratified the UN Convention on the Rights of the Child (Anandarajakumar 2004, 64-65).

In June 1998, when the International Labour Conference (ILO) debated a new Convention on Child Labour, a huge motivated and determined group of people protested on the streets of Geneva. They came from five continents and marched for five months in the Global March Against Child Labour (*ibid.*, 68-72). Though the march was spearheaded by a few select organisations working on various issues related to human rights, I think that the real strength lies with the general people. The pith of this movement is the actual masses. The issue of child labour has reached such demonic proportions that until the people at the grassroots are mobilised enough, the desired results will remain a far-away dream. The Global March is but a fraction of the continuous efforts towards stopping child labour globally, and to making it a success. Every person, individually or collectively, can affect a change if he/she is sensitive and observant to this growing menace. You may be a student or a teacher, a parent or a child, an employee or an employer, each of you can help make the march and its cause reach the cherished goal.

There should be special schemes for the development of socially and educationally disadvantaged groups in society. The media should play its role in generating awareness among the people regarding the improvement and betterment of socially, economically and educationally backward communities by providing them with information regarding various programmes and schemes launched by the government for their improvement.

The government should take steps and consult scholars, academics, planners belonging to different disciplines in order to frame policies about the future and overall development of these unfortunate children.

The use and abuse of the little and tender souls is an unpardonable sin. Simply blaming the ineffectiveness of the laws and the lackadaisical attitude of the lawmakers will not absolve us of our responsibility. The roots of this growing affliction have the capacity and strength to grow deeper and wider until every heart, every mind and everybody sheds their complacent attitude and takes small but significant steps towards the amelioration of the institution of child labour.

## Conclusion

The problem of child labour has assumed a menacing magnitude and intensity during the twentieth century and continues even in the present era. This study clearly reveals that the problem of child labour in Kashmiri society has wider ramifications. Taking into consideration the causes and consequences of the problem, the situation reflects an extremely cruel social situation, which engulfs socially, economically and educationally backward communities. The problem of child labour as existing in Kashmiri society has given rise to multidimensional problems that have adverse implications on one's physical, social, emotional, moral and educational development. It is not only social apathy towards child labour but the government in this regard has also shown a lack of interest; thereby the problem has become more complex and dangerous.

The research findings reveal that the problem of child labour is rooted deep in Kashmiri society; the tremendous growth in the population has been accompanied by poverty, illiteracy and ignorance, the lack of quality education, etc. are the major causes of child labour. It has an adverse effect on personality in terms of its physical, social, emotional, moral and educational development. The insecurity experienced during childhood makes the children more vulnerable to exploitation. They face inhumane attitudes on the part of their employers. Though there are various laws designed to abolish child labour, they always remain confined to paper as reflected by the actions of the government. It is not only a question of social apathy towards child labour but the government has also shown a lack of interest in this regard; thus the problem has become more complex and dangerous. Moreover, the problem of social control, crime and social conflict develop in situations where there is no proper care or response on the part of government and society at large. The roots of this growing affliction have the capacity and strength to grow deeper and wider unless every heart, every mind and everybody sheds the complacent attitude and takes small but significant steps towards the eradication of the problem.

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