

FACTORS AND PREVENTIONS OF CHILD LABOUR IN INDIA: WITH SPECIAL REFERENCE TO MINING CHILD LABOUR IN KARNATAKA**Dr.C.M. Prakasha****Assistant Professor****Dept of Sociology****Govt. First Grade College, Alavandi, Karnataka.**

“Child slavery is a crime against humanity. Humanity itself is at stake here”. - kailash Satyarthi.

Abstract:

Child labour typically means the employment of children in any manual work with or without payment. Child labour is not only limited to India, it happens to be a global phenomenon. As per the India is concerned, the issue is a vicious one as children in India have historically been helping parents at their farms and other primitive activities. Another concept that needs explanation is the concept of bonded labour which is one of the most common forms of exploitation bonded labour means the children are forced to work as employees in lieu of payment of debt by the parents due to exorbitant rates of repayment of interest. Defining what age a person is or ceases to be a child is a constant debate in India. The census of India considers children to be any person below the age of 14, as do most government programmes. Biologically, childhood in the stage between infancy and adulthood.

Key words: Child labour, Law, Mining Labour, NGOs.

Introduction:

The existence of child labour in our society is a barbarous practice. It is barbarous because it is illogical, in human and against all ethics. In the past, the practice of child labour existed as proportionate to the social development. But lack of human awareness, did not allow people at large and social system in particular to pay any attention to the deprived people in general and child labour in particular. The phenomenon of child labour in different occupations establishments particularly in unorganized labour dates back to the history of human civilization. The problem of child labour in under developed and developing countries is quite high and abnormal. In India, the problem of child labour has assumed very alarming position. The incidence of child labour is the direct result of poverty and socio-cultural fabrics. Fundamental rights and other welfare provisions embodied in the constitution have no meaning to them. Despite the enactment of various laws, expressing deep concerns over this issue by social

activists, academicians, the magnitude of the problem has not been set-aside rather went on increasing.

India is largely self sufficient in most of the minerals which include barites, bauxite, chromites, dolomite, fluorspar, gypsum, iron ore , kyanite, limestone , manganese ore, magnetite, sillimanite, etc, except the minerals like copper, asbestos, lead and zinc, natural phosphates, in which domestic production meets the demand only partially , India also holds ranks in the world in some of the minerals. In India, production of minerals dates back to ancient times. Remnants of old workings can still be seen in some parts of the country. In fact, some of these have led to the discovery of several large mineral deposits which are being worked today like lead and zinc in zawar, copper in khetri, gold in Karnataka, mining in Bellary district, Chitradurga district in Karnataka, etc. Despite the active past, the metal mining activities in the country remained dormant over a long period until the beginning of this century.at the turn of the 18th century, India was producing only 14 minerals of commercial value.

Who is Child?

According to international law, a child means every human being below the age of 18 years. This is a universally accepted definition of child and comes from the United Nations convention on the rights of the child [UNCRC], an international legal instrument accepted and ratified by most countries.

India has always recognized the category of persons bellow the age of 18 years as distinct legal entity. That is precisely why people can vote are get a driving license or enter into legal contracts only when they attain the age of 18 years. The Indian majority act 1875 makes 18 years the general age of majority in India. The juvenile justice [care and protection of children] act 2000 as amended in 2006 follows this principle to define a child as persons below the age of 18 years. The mines act 1952 also defines an adult to have completed his eighteenth year.

The factories act1948 defines a child to be someone who has not completed his 15 year of age this has also been witnessed with the passing of the right of children to free and compulsory education act in 2009, which guarantees the right to education only to children between 06-14 years.

What is Child labour:

In order to put the issue in perspective, it is important to understand the meaning of the term child labour, which is different from economically active children. Child labour is work carried out to the detriment of the child in violation international law and national legislation. The work that results in the denial of childhood, education and life opportunities. It involves

children working for long hours on low wages, often under conditions harmful to their health and physical and mental development.

According to the ILO minimum age convention, 1973, the ILO minimum age of a working child under normal circumstances should not be less than age 15 years. For light work the minimum age is 13-15 years. The minimum age for hazardous work may not be less than 18 and in some cases 16 years under strict health, safety and moral conditions. For developing countries however, the minimum age can be 14 in general and 12-14 years in case of light work.

Categories of Child labour

Child labour is a term that needs to be unpacked, it cannot be used in a sweeping manner but covers a range and variety of circumstances in which children work. The number and types of occupation in which children are employed is endless and includes almost every aspect of human work and life. In 2001, the census of India adopted many categories of work for the child labour.

1. **Hazardous form of child labour** : It is the worst form of child labour where children carry out heavy work in utmost unhygienic, uncongenial working conditions. It has serious impact on physical and mental development of children, the work includes working in mines, cracker making industry, heavy metal industry, glass industry etc.
2. **Non hazardous form of child labour** : It comprises of light natured work which does not affect the children, it is that form of work in which children help their parents in light form of work such as working in agriculture sector, working in food industry, restaurants, dabhas, roadside stalls etc.
3. **Debt bondage**: It is a phenomenon in which money lenders would enslave people for nonpayment of exorbitant debts. Usually, these people were charged heavy rates of interest on debts and they were so poor that they did not have much for collateral security. Therefore, they were forced to sell themselves and their family members for paying off their debts. These children were forced to work relentlessly for more than 12 hours a day for peanuts.
4. **Child trafficking**: Trafficking in children means the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation, it is the extended form a bonded labour, the victims of trafficking are forced to work in various illegal activities such as beggary, robbery, prostitution etc. it is also known as forced form of labour.
5. **Child abuse**: Child abuse or maltreatment is all forms of physical, emotional, ill-treatment, sexual abuse, neglect, negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. India is the home of more than 19 percent of the child abused children in the world. The victims of child

abuse face lot of physical and mental deformities. Usually there are four types of maltreatment – physical abuse, sexual abuse, emotional abuse, psychological abuse.

6. **Street children:** Children living on and off the streets, such as shoeshine boys, rag-pickers, newspaper-vendors, beggars, etc.
7. **Bonded children:** Children who have either been pledged by their parents for paltry sums of money or those working to pay off the inherited debts of their fathers.
8. **Working children:** Children who are working as part of family labour in agriculture and in home –based work. If children are working 12-14 hours a day along with their parents at the cost of their education, their situation is similar to that of children working for other employers.
9. **Migrant children:** India faces a huge challenge with ‘distress seasonal migration’. Millions of families are being forced to leave their homes and villages for several months every year in search of livelihoods. These migrations mean that families are forced to drop out of schools, something that closes up the only available opportunity to break the vicious cycle generation after generation. The number of children below 14 years of age thus affected, may already be in the order of million.
10. **Children engaged in household activities:** The children are engaged in taking care of younger siblings, cooking, cleaning and other such household activities. As seen in the literature on women’s work. Such activities need to be recognized as ‘work’. Further, if such children are not sent to school, they eventually join the labour force as one of the above categories of child labour.

Children Working in Mines in Bellary District:

Mineral constitute the back – bone of economic growth of any nation and india has been eminently endowed with this gift of nature. There is much evidence that exploitation of minerals like coal, iron-ore, copper, lead-zinc has been going on in the country from time immemorial. However, the first recorded history of mining in India dates back to 1774. Mining activities in the country however remained primitive in nature and modest in scale till the beginning of the current century. Thereafter, with progressive industrialization the demand for and hence the production of various minerals gradually went up. After india became independent, the growth of mining under the impact of successive five year plans has been very fast.

There are different categories of children working in the mines, there are children who go to school and work in the afternoon, children who work full time along with their parents, children who migrate with their parents and migrant child labourers who are brought by contractors. The last category is the most vulnerable to sexual exploitation and physical abuse, the attitude of the employers was that they were doing the workers a favour by allowing the children to work and to stay with their parents at the mine site. Mining activities were under taken on a very small scale right from the 1800’s by the British government and earlier to that by

the local kingdoms for their weaponry and other domestic products. The main occupation of the area was agriculture and agricultural labour, the principal crops being jowar, bajra, onions, paddy, ragi and other minor millets. With the collapse of agriculture and recurrent drought in the last seven to eight years, and with mechanization of agriculture, the landless agricultural labourers were forced to look for other means of wage earnings.

Karnataka is a state with vast areas of mineral resources of which Bellary district has the most extensive range. The concentration of mining activities is mainly in Bellary, Hospet and sandur taluks . As per the list of leases for the year 2004, most of the mining is being done by small mining companies while there are a few large public sector companies like **NMDC** – National Mineral Development Corporation, Mysore minerals ltd and some private ones like the vijayanagara steels. The minerals found in the district are iron ore, manganese, quartz, gold, copper, granite and decorative stones. The list of working mines as of 2004 show that there are a total of three major mines in Bellary range extending over an area.

Mining Workers in Bellary District:

Children are found working in mining areas in mining and quarrying as also in other related occupations such as ferrying and loading. Collecting waste or ores or in other kinds of labour around the mining areas. They are also found to be working in other occupations like hotels, domestic work. Displacement of population and forced migration, leading to families falling into indigence, force children into work to support their families. However, poverty is not the only reason for this migrant labour is preferred to local labour. Landless labour from the surrounding talukas of koppala, kudligi, Hagaribommanahalli and from other states like andra Pradesh are employed to work in the mines mainly as daily wage labourers. A majority , 70-75 percent, of the labourer are from the dalit and tribal communities who brought some middlemen , supervisors security guards to mine sites. As whole families migrant to the mine site, leaving only the aged behind. The entire family is involved in the mining activity right from small children. Most of the mine workers appeared to be women and young girls.

India is the fourth largest iron ore producing country in the world. The demand for the mineral has up scaled due to the low prices and high quality of the ore present. The Indian ore is cheaper because of the very cheap labour and low transport costs. Therefore the situation we saw in the field is one of serious human rights violations of mine workers and the highly exploitative conditions of their work. Al the mines we visited had child labourers.in fact, the entre mining economy gets to be projected as a ‘sustainable’ and ‘profitable’ industry because of the large scale child labour employed and the flouting of all social and environmental laws. We tried to assess the extent of child labour involved where we took a conservative estimate of 2000 hectares of private mines where migrant and child labour are employed.

The real figures would certainly be higher than this estimate if we take into consideration the illegal mines, the stockyards, loading points, trucks, tippers and other machinery all of which employ very high number of child labourers. A proper investigation is urgently required to have an accurate picture of the extent of child labour involved.

Various or Patterns of Child Labour in the Mining:

1. Local children attend school in the morning and join the afternoon shift in loading, dumping, stone breaking and sieving or work in the afternoon.
2. Migrant children from surrounding talukas who have dropped out of school and seasonally work in the mines.
3. Children are taken by contractors to different mine sites on contract basis and return them to their villages after a few weeks or months.
4. Some children work in the mines during school vacations.
5. Some children have completely dropped out of school and only work in the mines.
6. Child labourers vulnerable to trafficking and sexual abuse.

Direct and Indirect Impacts of Mining on Child and Child Labours:

1. Increased morbidity and illnesses; mining children are faced with increased morbidity; children are prone to illness because they live in mining areas and work in mines.
2. Increased vulnerability to exploitation and abuse; displaced, homeless or living in inadequate housing conditions, forced to drop out of schools, children become vulnerable to abuse, exploration and being recruited for illegal activities by mafia and even trafficking.
3. Increased food insecurity and malnutrition; while almost 50 percent of children in many states across the country are malnourished, mining areas are even more vulnerable to child malnutrition, hunger and food insecurity.
4. Increase in child labour; mining regions have large numbers of children working in the most hazardous activities.
5. Violation of right to education; India is walking backwards in the mining affected areas with respect to its goal of education for all. Mining children are unable to access schools or are forced to drop out of school because of circumstances arising from mining.

6. Mining children fall through the gaps; children are not the responsibility of the ministry of mines that is responsible for their situation and the violation of their rights. The mess that is created in the lives of children as a result of mining has to be addressed by other departments like child welfare, education, tribal welfare, labour, environment and others. Without convergence between various departments and agencies, the mining child falls through the gaps. All laws and policies related to mining and related processes do not address specific rights and entitlements of mining children.

7. Migrant children are the nowhere children ; the mining sector is largely dependent on migrant populations where children have no security of life and where children are also found to be working in the mines or other labour as a result mining.

Mining Child Labour and the Law:

Defining what age a person is or ceases to be a child is a constant debate in the India the census of India considers children to be any person below the age of 14, as do most government programmers. Biologically childhood is the stage between infancy and adulthood. According to the UNCRRC 'a child means every human being below of the age of 18 years unless, under the law applicable to the child, majority is attained earlier'.

This definition of child allows for individual countries to determine according to the own discretion the age limits of a child in their own laws. But in India various laws related to children define children in different age limits. **The Child Labour (Prohibition and Regulation) Act, 1986** defines a child as a person who has not completed fourteen years of age. **The Factories Act, 1948 and Plantation Labour Act 1951** states that a child is one that has not completed fifteen years of age and an adolescent is one who has completed fifteen years of age but has not completed eighteen years of age. According to the Factories Act adolescents are allowed to work in factories as long as they are deemed medically fit but may not for more than four and half hours a day. **The Motor Transport Workers Act 1961, and The Beedi and Cigar Workers (Conditions of Employment) Act 1966**, both define a child as a person who has not completed fourteen years of age. **The Merchant Shipping Act 1958 and Apprentices Act 1961** don't define a child, but in provisions of the act state that a child below fourteen is not permitted to work in occupations of the act. **The Mines Act, 1952** is the only labour related act that defines adult as person who has completed eighteen years of age (hence a child is a person who has not reached majority until he is twenty-one years of age and a female has not reached majority until she is eighteen years of age. **The Indian Majority Act, 1875** was enacted to create a blanket definition of a minor for such acts as the Guardians and Wards Act of 1890. Under the Indian Majority Act, 1875 a person has not attained majority until he or she is of eighteen years of age. This definition of a minor also stands for both the Hindu Minority and Guardianship Act, 1956 and the Hindu Adoption and Maintenance Act, 1956, Muslim, Christian

and Zoroastrian personal law also upholds eighteen as the age of majority. **The first Juvenile Justice Act, 1986** defined a boy child as below sixteen years of age and a girl child as below eighteen years of age. The Juvenile Justice (Care and Protection of Children) Act, 2000 has changed the definition of child to any person who has not completed eighteen years of age. Because of its umbrella clauses and because it is the latest law to be enacted regarding child rights and protection, many are of the opinion that the definition of child found in the Juvenile Justice Act, 2000 should be considered the legal definition for a child in all matters.

While all articles in the uncork are indivisible and cannot be read independently of one another, the two that are of particular relevance vis-à-vis children displaced due to mining.

Article 16 [1]:

1. No child shall be subject to arbitrary or unlawful interference with his or her privacy. Family, home or correspondence, nor to unlawful attacks on his or her honor and reputation.
2. The child has right to the protection of the law against such interference or attacks.

Article 27:

1. States parties recognize the right of every to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parents 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 21 A: Right to free and compulsory elementary education for all children in the 6-14 year age group.

Article 24: Right to be protected from any hazardous employment till the age of 14 years.

Article 39 [e]: Right to be protected from being abused and forced by economic necessity to enter occupation unsuited to their age or strength.

Article 39 [f]: Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment.

Article 45: The state shall Endeavour to provide early childhood care and education for all children until they complete the age of six years.

NGOs Combating Child Labour:

NGO movement in India has been very strong in creating pressure on government to address the social development issues and create awareness for child labour rights. The bachpan bachao andolan [BBA], South Asian Coalition on Child Servitude [SACCS], M.V.foundation, PRATHAM, CREDA, CINI-ASHA, Child Relief You [CRY] and other regional NGOs demonstrated project based approach. The main focus has been to provide educational support to out of school children, through bridge course, camp schools, and non-formal schools and mainstream the children in formal school Government does not have the infrastructure to reach every section of the society and particularly the millions of who work and lives in remote areas. Government and NGOs can act as a bridge between hard to reach areas and the government.

CONCLUSION:

Government and NGOs have an important role to play in the protection and eradication of child labour. But, they will have to adopt a different approach if they really want eradication of child labour. They will have to interact with each other to put up a collective demand on the basis of their common approach .which establishes that no child can be employed in any economic sector bellow the age designated for the completion of compulsory education and not less than 15 years. They will have to be vigilant about the enforcement of government regulation regarding child labour. And they will have to join hands with other outside organizations to create a pressure group at the international level. They will have to shake away their apathy and take up the challenge boldly; NGOs must make the government realize that children are the only hope for a developing country like India.

REFERENCE

- 1) Ghosh Madhab (2013): Child labour and Migration in India. Graphic Printers, West Bengal.
- 2) Misra, Lakshmidar (2000): Child labour in India. Oxford University press, New Delhi.
- 3) Sharma, Usha (2003): Child labour in India, Mittal Publications, New Delhi.
- 4) A.R.Desai (2010): Rural Sociology in India, Popular Publications, Mumbai.
- 5) Pascual Gisbert S.J. (1985): Fundamentals of Industrial Sociology, Tata-McGraw-Hill Publications, New Delhi.
- 6) C.N.Rao (2008): Social Problems in India, Jai Bharath Prakashana, Mangalore.
- 7) Ram Ahuja (2014): Social Problems in India, Rawat Publications, Bangalore.
- 8) Dhrub Kumar: Economic and Social Issues in India, Ramesh Publishing House, New Delhi.