
Child Labour in Kashmir and Its Socio-Economic Consequences

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ABSTRACT

Child labour is the most focused area of concern worth investigation. Keeping in view the seriousness of the issue, the present research paper examines the current status of the child labour in Kashmir. This research paper has been undertaken among child labourers in Kashmir in order to establish the phenomenon of child labour in its proper perspective. According to the International Labour Organization at least 250 million children in the ages between 5 and 14 work and about 120 of them work full-time. Despite the fact that the understanding of the impact of the child labour on the social and economic development could be important for choosing the right policies and help to avoid negative counter-effects. This paper has tried to highlight the socio-economic aspect of the problem of the working children. This paper aims to provide through the review of the empirical literature the picture of the known effects of child labour as full as possible. A wide range of aspects such as family, economic status, parental perception, education, relations of production, cultural acceptance and issues of health and recreation etc have been covered. The research paper also highlights the rules and regulations and pinpoints the loopholes in the laws in which the employers exploit while engaging children in their business units. As expected the proportion of child labour is high among the poor households and among socio economically backward communities.

KEYWORDS: *Child labour, Socio-Economic consequences, Parental Perception, Cultural Acceptance.*

INTRODUCTION

The Child is Father of the Man” said Wordsworth. Jawaharlal Nehru considered children as one of the greatest asset for the nation. Generally, a child is defined using age criterion. A ‘child’ as a social being can however not be defined merely through an age criterion. Childhood has its relevance in terms of persons’ social acceptance as adults; generally by providing a space for participation in social affairs with an autonomous identity. According to International Labor Organization(ILO ,2002) “ all children under 15 years of age who are economically active excluding those who are under 5 years and those between 12-14 years old who spend less than 14 hours in a week on their jobs unless their activities or occupation are hazardous by nature or circumstances, is called “Child Labor”. The International Labor Organization (ILO) defines child labor as "work situations where children are forced to work on a regular basis to earn a living for themselves and their families, and as a result they remain backward educationally and socially in a situation which is exploitative and harmful to their health and to their physical and mental development. The children are separated from their families, often deprived of educational and training opportunities and they are forced to lead prematurely adult lives (ILO)”.

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). 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 . 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). 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. The violation of human rights both in India and elsewhere is condemned. But at the same time, child labor is practiced all over the world that it has come to be known as a necessary evil in some places. The issue of child labor should rank top on the global agenda, but, in practice, it is folded by a wall of silence and perpetuated due to several reasons. Child labour continues to be an affront to the conscience of the world community. Therefore it is our duty to bring this evil practice to an end in view of ensuring an ideal society in future.

REVIEW OF RELATED LITERATURE

After reviewing several studies of children at work, Singh (1990) concluded that most of the child workers are found in the age group 10-14 years as compared to the age group 5-9 years. Diamond and Fayed (1998) studied that child labour displaces adult labour, giving rise to unemployment, and is substitutability in production. The study notes that adult males appear to be complementarily with, and adult females act as substitutes for child labour, although the employment effects of banning child labour are inconclusive. Dimeji Togunde (2006) studied the causes of child labour and how these measures vary by parental socio-economic status. The study shows that children of parents with higher socio-economic status are more likely to own business rather than to assist parents, and these children work fewer hours as compared to the children belonging to lower socio-economic status. Goulart and Bedi (2008) studied the pattern of child labour in Portugal and assess the consequences of working on the educational success of Portuguese children. After controlling for a host of socio-economic variables, we find a significant effect of child's interest in school and educational ambitions in boosting educational success and reducing economic work. Chesnokova and Vaithianathan (2008) constructed a theoretical model which explains empirical evidence that in developing countries, first- born children are more likely to be child laborer than the later –born. In their model, the credit constrained parents use the labour income from their first child to fund the schooling of later born children. In presence of such intra – sibling effects, child labour laws which decrease work

opportunities for children may backfire, increasing child labour and reducing human capital in the long run. Bhat Bilal and Rather Tariq (2010) investigated “Child Labour in Kashmiri Society: A Socio-Human Rights Study” and 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. Barman Subhash (2011) carried out a study “Socio-Economic and Demographic Impact on Child Labour in India” and the findings of the study revealed that the proportion of child labour is higher in rural areas and it is higher among females and the proportion of child labour is high among the poor households and among socio-economically backward communities. Nengroo Bilal and Bhat Arshad (2011) investigated “Socio-Economic Analysis of Child Labor in the Carpet Industry of Kashmir – A Micro Study” and the results of the study shows that as family income increases, the proportion of child’s contribution to family income decreases and vice versa. It can be seen that the working children in the carpet industry came from socially as well as economically poor families and they supplemented the family earnings to a limited extent. The poor economic conditions of the rural segment of the population, poor social background and high dependency ratio in families force children to take up jobs for contributing to the family income in early life.

CHILD LABOUR IN KASHMIR

J&K government’s assertion that not a single case of child labour has been detected in Kashmir in 2016-17 has more to do with the lack of proper policy than the absence of such cases. Experts say that thousands of child labour cases are found in Kashmir, but the existing anti-child labour laws are full of loopholes. In spite of many strict laws existing against child labour in Kashmir, the number of minor children, i.e., less than 14 years of age, working as laborers is increasing. According to a report on ‘child labour in J&K: social, economic and ethical dimension’ there are 2.5 lakh child laborers in Kashmir, majority of whom work in the handicrafts sector, automobile workshops, brick kilns, agriculture and as domestic servants in homes. According to persons who studied their problems and carried out research on them, it (child labour) is because of poverty, distress and illiteracy. Thousands of children even below 14 years of age can be seen working as vendors, bus conductors, and in the carpet weaving factories and in workshops. The existence of Child Labour Act and other laws regarding prevention of child labour appear not to be effective at all because child labour is quite common everywhere. Moreover, there is neither social security system nor any NGOs working against child labour and government also appears to be indifferent and oblivious of taking serious and punitive action in preventing this. The lives of innumerable children are ruined because of the poverty and misery of parents. According to Prof B, A. Dabla, the growth of child labour is not because of poverty and illiteracy alone. It is also because of apathy of the government because it does not take serious action to control this vice and important social issues are being neglected. He says that unlike other states of India, there are no good NGOs in Kashmir which can raise their voice against child labour. Although the Department of Labour and Employment claims to make serious efforts to strictly implement laws against child labour and says that every month we conduct inspections in all districts of Kashmir to see children working as labourers and come across violation of such laws. In such cases they take action against the proprietors and

employers but almost in all cases they come with proofs showing that the children are above 14 years and in this way they dodge the laws. As regards children working as domestic help, an officer of the labour department says that they can enter shops and establishments to detect child labour but cannot enter homes to locate children working as domestic help or servants. According to the concerned department 2713 inspections were carried out in different parts of the Valley till the end of January 2014. Out of these inspections 44 prosecutions have been conducted but only 3 persons have been convicted, he said.

SOCIO-ECONOMIC CONSEQUENCES OF CHILD LABOUR

Child labour is a socio-economic problem. Parents for the reason of poverty have to send their children in order to supplement their income derived from child labor, however meager are essential to sustain the family. The major reason that creates the circumstances for a child to work as a child labor includes the following:

- 1) Socio-economic backwardness
 - a) Poverty - Many a time poverty forces parents to send their children to hazardous jobs. Although they know it is wrong, they have no other alternative as they need the money.
 - b) Illiteracy - Illiterate parents do not realize the need for a proper physical, emotional and cognitive development of a child. As they are uneducated, they do not realize the importance of education for their children.
 - c) Unemployment of adult labours - Elders often find it difficult to get jobs. The industrialists and factory owners find it profitable to employ children. This is so because they can pay less and extract more work. They will also not create union problem.
 - d) Over population - Most of the Asian and African countries are overpopulated. Due to limited resources and more mouths to feed, children are employed in various forms of work.
 - e) Government apathy. Lack of implementation of stringent laws to check child labour. The government does not take serious action to control this vice and important social issues are being neglected
 - f) Urbanization - The Industrial Revolution has its own negative side. Many a time MNC's and export industries in the developing world employ while workers, particularly in the garment industry.
 - g) Orphans - Children born out of wedlock, children with no parents and relatives, often do not find anyone to support them. Thus they are forced to work for their own living. The economic effects of child labor can be divided into those which occur at the micro family level, those on macro variables such as long run growth and foreign direct investment, and the effects on labor market.

In this paper we keep to this categorization and observe the following guidelines. First, we disentangle the short run and the long run effects of child labor since the consequences on some economic variables may change over time, and we replicate the analysis for the existence of and a decrease in child labor because the economic implications of child labor are not automatically reversed in the case of a successful reduction in child labor. Second, we unravel the various forms of child labour hazardous and non-hazardous activities, agricultural and non-agricultural work, jobs in modern and traditional industries, economic and non-economic activities, formal

and informal economy occupations, full-time and part-time work, wage earners and unpaid family workers, children attending and not attending school, and younger child laborers. This is important because the economic impacts of different forms of child labor can be and actually are different not only in size but even in direction. Therefore, focusing on the aggregate number of child laborers, which is heterogeneous, is potentially misleading as regards the study of economic relationships. Finally, we would like to make clear that growth, being merely the rise in per-capita income, should not be considered as the final goal of any policy, including those aiming at reducing child labor, but rather as an intermediate goal that may help but is not sufficient for reaching social development. In the present work this implies that some of the discussed economic effects of child labor (such as income and gender inequality) are relevant to social development independent of their effect on growth. Vice versa, the effects of child labor on growth described below are important just to the extent that growth can lead to social development.

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) enjoins that childhood and youth are to be protected against exploitation, against moral and material abandonment. In Article-45 the constitution also endeavors 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 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.

CONCLUSION

Children are always considered next to the pious versions of the Almighty who always strive to inculcate happiness, joy, innocence and hope. The future of a nation is determined by the way it treats its children and its women, after all, children imply a hope, a hope to strengthen not only the economy of the country, but also to provide the country with skilled human resources who have access to the basic amenities essential for the existence coupled with the tenets of the education. Children constitute the nation's valuable human resources. The future well being of the nation depends on how its children grow and develop. The great poet Milton said "Child shows the man as morning shows the day". So it is the duty of the society to look after every child with a view to assuring full development of its personality. Children are the future custodians and torch bearers of the Society: they are the messengers of our knowledge, cultural heritage, ideologies and philosophies. Children are really future components in the form of great teachers, scientists, judges, rulers, doctors, planners, engineers, politicians on whom the entire society founded (rests). Unfortunately millions of children are deprived of their childhood and right to education and thereby they are subjected to exploitation and child labour. 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. In Kashmir large numbers of children are working as child labourers due to various socio-economic factors. Poverty, illiteracy, ignorance of people are the root cause for the prevalence of child labour. 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. In a nut shell, poverty, illiteracy and other social evils are the underlying factors for existence of child labour. To abolish child labour, its causes are to be addressed for rectification. Though there are many laws dealing with problem of child labour but due to their

faulty implementation by the law enforcement agencies child labour practice is far from eradication. The phenomenon of child labour is multi-dimensional complex problem and deep-rooted in the socio-economic fabric of society. So it may not be wise to rely on one single approach to deal with it. So a comprehensive integrated approach is required to tackle and combat the problem of child labour. Their high participation in the labour force is closely associated with the poor educational level along with poor socio-economic status of these households. So long as these backward people are developed socio-economically, it is difficult to eliminate the root cause of the child labour.

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