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Children are the national assets for future development of a nation. If a child is not provided proper attention, training and guidance, it will really be a shortcoming of government. Every nation must, therefore devote full attention to ensure that children are properly given care and attention in a congenial atmosphere where they will have proper training, education and guidance for their overall development as a goods citizen in future.

Now-a-days much interest is being shown in respect of welfare of children both at national and international level. Children are required special protection due to their tender age, physique and mental facility. They are required special law for their protection from exploitation, fraud and certain liabilities to develop their personality in view of weak position. The significance of child welfare lies in the consideration that the personality of man is built up in the early childhood and the physical and mental health of human resource of the nation is determined largely by the manner in
which it is shaped in formative years. It is not an exaggeration to say that the children are the blooming flowers of the garden of society and so, it is our duty to protect them from damaging effects of excessive exposure to heat, cold and rain. It is an established view today, that the children are the hope of parents and future of nation and therefore, they must be given adequate opportunities and facilities for their full development. The growth and development of a child into a mature and happy person with attractive personality mainly depends upon the care and attention he gets from the parent and society. If a child does not get proper education, diet and other basic amenities in formative years, his very development into a self-sustaining human being is blocked. So it becomes the duty of every state to protect children's right by legislative and other means.

In 21\textsuperscript{st} century, Human Resource Development is being given top priority in development, planning and policy making by the Government. To achieve this goal, Government should be of great concern towards child development for an overall development of human resource. Child development is multifaceted psychological, sociological, economic and legal.
The growth of capitalism in the world has left serious effects on traditional family system. This has led to rural-urban migration in search of work and the traditional composite household is shrinking to an "nuclear" family of parents and children. There is sexual division of labour due to inability of capitalist production to generate employment for the potential workforce. In view of this division, man is expected to be the family breadwinner and the woman becomes secondary worker engaged mainly in child rearing and domestic work needed for survival of the family. Jointly the man contributes earning gained from labour market and the woman does domestic work, thus both produce and reproduce the present and future labour force. During this process, parent's sexual division of labour is reflected and found in their children. Boys tend to anticipate to be father/husband/workers in the labour market and girls to be mainly mother/wife/housewife. Both boys and girls tend to adjust their personal development and skills to match these expectations, so that the foundation are laid for reproduction of sexual roles from earliest infancy. In a short period of 36 months, children develop their abilities to think and speak, learn and reason and lay the foundation for their values and social behavior as adults. Therefore, one of the important
The tasks of Parent is to socialize the child during this formative years ensuring the right of the child at the every start of life. It should be the duty of government that the time of early childhood be given the highest priority attention while making decisions, laws, policies and programmes for the country.

Recent development in physical and social sciences have unfolded many dimensions of the entire process of personality development. They have shed sufficient light on different aspects of needs and problems of children and also on consequences that flow from it if those are not properly tackled. Recognition of these developmental needs of children and various deleterious effects caused by their non-fulfillment, have made it imperative for a society which feels concerned about its future in order to make it bright and prosperous, to take such positive and concrete measures as may be helpful in adequately and appropriately satisfying the important needs of children and thereby providing them sufficient opportunities for their development as healthy and responsible members of tomorrow. The recognition of various harmful effects of child labour on physical, mental and moral development of children is commitment of the state to
safeguard its children from exploitation and to ensure a healthy and satisfying life for them.

Child labour is not a new phenomenon to our age. What is new, however, its perception as a social problem the world over. There has been a distinct change in the recent past in the attitudes and values of the legitimizing groups of society vis-à-vis child labour due to some new developments. In the pre-industrial agricultural society of India, Children worked as helpers and learners in hereditarily determined family occupations under the supervision of adult family members. The work place was an extension of the home and work was characterized by personal informal relationship. The social scenario has, however, changed radically with the advent of industrialization and Urbanization, under the impact of newly generated centrifugal and centripetal forces. The protection of children has therefore, become an issue of paramount social significance in India as well as abroad.

Another factor highlighting the evil aspect of child labour is the recent advances in various sciences having a bearing on the child. Today, scientific knowledge has changed and revolutionized our outlook on the care of child
including his developmental imperatives. Diffusion on this knowledge has created a new awareness in the major institutions of society as to the relationship with his objects and his work. Child labour of late, has evoked deep concern. However we must make a distinction between 'child labour' and 'exploitation of child labour'. Both are a problem though of different orders. Child labour as distinguished from work experience has mostly negative attributes. It can now be asserted on scientific grounds that work, as a direct fulfillment of the child's natural abilities and creative potentialities, is always conducive to his healthy growth. But work when taken up as a means for the fulfillment of some other needs becomes enslaving in character and deleterious in its impact. Labour is work of the latter type irrespective of the degree of strain or exploitation evolved in it. Labour in the case of child is especially harmful because the energy that should have been expanded on the untiring of his latent powers is consumed for purposes of base survival.

Keeping this in mind, the researcher has undertaken this research work to analyse and explore the child labour problems. It is not possible to review the situation throughout the country. India being, a vast country is not possible to
be surveyed, therefore West Bengal is made sample area to conduct the empirical survey to explore and analyze the problem.

**Objective the Study**

The study is intended to critically examine the problems faced by child labour both in organized and unorganized sector and the laws, policies, rules, Convention and recommendations relating to elimination of child labour. Though a number of initiatives have been taken up in the recent past to combat the problems of child labour in India, yet there is general feeling that most of these efforts have failed to realize the desired goal. The researcher is intended to focus on the problems through various angles using empirical survey in West Bengal to project a view of the whole country to enable the agencies, and planners, academicians and teachers involved at the level of implementation to target their efforts on the child labour families. With this thrust of problems, the major objectives of the study are as follows:

i. To assess the position and family background of children engaged in labour system,
ii. to ascertain the reasons for being engaged as child labour,

iii. to highlight the existing Constitutional provision, legislative measures committed for eradication of child labour,

iv. to bring out the attitude and perception of judiciary towards abolition of child labour,

v. to examine the role of various agencies, such as personal, organizational, social, economic factors and forces influencing the quantity and quality of child labour,

vi. to point out policy implication of findings & tentative suggestion & recommendations for eradication of child labour.

**Research Issues**

The study was thus taken up with the thrust to examine and assess the actual position, status & reason for child labour in rural and urban areas including the laws, policies, rules, regulation, Conventions and recommendations made for
the purpose of abolition of child labour. With these objectives, the present study has tried to investigate various aspects on determinants affecting & influencing the child labour problems and its eradication in west Bengal as well as in India. While investigating these aspects several research issues or queries have been emerged like:-

(a) What group children are engaged as labour and where do they work? This query has been based on the family background and nature of child labour.

(b) Do they go to school after or within the work? Have they come in this field against their will or otherwise?

(c) How does climatic/geographical condition of the place affect the incidence of child labour and what needs to be done to eradicate this social menace.

(d) Is there any special measure adopted by the Govt./Non Govt. organization to help child labour.
(e) Do the Govt./semi Governmental organisations are really working to change their plight?

(f) What loopholes and intricacies are available in the laws, policies and rules made by government for the purpose of eradication of child labour?

(g) What is the reaction/response of the owners of child labour to the problem of children? Are the general public satisfied with the result of various laws and policies made for the purpose of abolition of child labour. Do the children get benefited particularly through various schemes launched by government to help the children?

(h) What is the role of Govt. and Non Govt. organization towards eradication of child labour system?

(i) How far illiteracy of parent aggravates the problem of child labour?
(j) Are there any deficiencies or inadequacies or lack that the laws regarding child labour suffer from? If there is any, then what curative/supportive measures could be undertaken in this regard?

**Hypothesis**

The magnitude of the child labour is too serious for a any simple plan of rescue and rehabilitation. The research work is undertaken with a hypothesis that the problem requires long term plan for its eradication.

Now, it has to be analysed and explored to eradicate this menace from the society. The objective, devices, system including man power are to be feasibly seen for its abolition. Thus, the author anticipates with all devices legal, informal for the solution of the problem through this work.
Methodology

This study is basically an assimilation of empirical as well as theoretical studies. For empirical study a Conventional survey method has been used for data collection, which includes survey of some selected areas of sample universe by means of interviewing the sample data.

Sample Universe

The Sample universe of this study is the State of West Bengal.
**Sample data**

The sample data of this study is limited to

1. Child labour of different establishment, organization etc. both female and male,

2. Proprietor / owner of child labour,

3. Concerned Government / Non Govt. officials engaged towards elimination of child labour,

4. Local people from different occupations and professions.
Sources of data sample survey

i. Personal interview with the sample data, i.e. the children engaged in labour system, the owners/employer, government officials and local people &

ii. Primary records & reports available with mainly the Ministry of Human Resource Development, Govt. of India, Ministry of Rural Development, National Sample Survey Organisation, V.V.Giri National Labour Institute, Noida and also other government departments of Government of West Bengal.

While interviewing, in most of the cases it is found that whether it is child labourer, employer, general public or government officials, they preferred informal discussion rather then filling up any printed questionnaires or form of question.

In interviewing children engaged in labour system as well as their owners, it is noticed that, though they are quite receptive to the researcher, at the same time they are quite apathetic to open their mouth. Only after repeated attempt to
speak to the child labourers with full friendly gestures, they cooperated with author. Obviously, in every case the interview method has deliberately been made simplified & absolutely informal to make child labour and employers free, comfortable & informative. In order to have wide-range applicability the interview has been conducted in a relaxed sitting where queries emerged according to the responses received from respondents to keep the flow of respondent’s voice alive and it is noticed that in such an atmosphere the respondents used to feel interested and involved in discussing different aspect of their own personal life. Sometimes interview has been initiated with a few pre-set questions for maintaining a broad framework for the enquiry particularity while interviewing government officials and staffs.

The Sample Universe has got an enormous reservoir of Secondary data. Those are several published materials like books, Journals, Magazines, Articles, Research papers etc. available mainly in Indian Law Institute, New Delhi, Society of International Law, New Delhi, V.V.Giri National Labour Institute, Noida, Indian Council for Social Science Research, JNU, New Delhi, Indian Institute of public Administration New Delhi, Ministry of HRD, Ministry of Rural
Development, Ministry of Law, Ministry of Labour, Govt. of India, Labour Ministry of West Bengal and National library Kolkata.

**Organization of the study**

The whole project is divided into six chapters for the convenience of its logical ends. Chapter 1 deals with introduction. Chapter 2 highlights the protection of children under International Law. Chapter 3 concentrates on labour legislations and protection of children in India. Chapter 4 discusses about judicial efforts towards elimination of child labour. Chapter 5 explores and analyses field survey to highlight the problems as well as law and practice in the state of West Bengal. Chapter 6 concludes the project with suggestions & recommendations.