

# broken hard

## Child labour in mines, Rajasthan

### Introduction

It is interesting to analyze the meaning of child labour as a variety of definitions are given. But, there is no universally accepted definition of child labour, available at present. Child labour in general means the employment of children (5 to 14 years of age) in gainful occupations, which are injurious to their physical, mental, moral and social development. The child labour is, at times, used as synonym 'employed child' or 'working child'. According to International Labour Organization (ILO), "child labour includes children primarily 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 meaningful education and training opportunities that could open up to them a better future".

### Overview of Child Labour in India

It is difficult to cite a current figure for the number of child labours in India. This difficulty is attributed to the fact that the Indian Government "has been negligent in its refusal to collect and analyze current and relevant data regarding the incidence of child labor. As of 1996, official figures continue to be based on 1981 census figures<sup>1</sup>. The 1981 Indian census reports suggest that there was 13.6 million child labourers in India<sup>2</sup>. Indian government extrapolations of this 1981 data place the current number of Child labourers at between seventeen and twenty million<sup>3</sup>. This extrapolation seems highly unlikely as "The Official National Sample Survey of 1983 [of India] reports 17.4 million child labourers, while a study sponsored by the Labour Ministry, concluded that the Child labour

<sup>1</sup> Human Rights Watch 1996, 122

<sup>2</sup> Census of India 1981 cited in Weiner 1991, 20

<sup>3</sup> Human Rights Watch 1996, 122

### The Alarming Bulk of Child Labour World Over

- 246 million children worldwide are engaged as child labour
- Of those, almost three-quarters (171 million) work in hazardous situations or conditions, such as working in mines, working with chemicals and pesticides in agriculture or working with dangerous machinery
- They may be trafficked (1.2 million), forced into debt bondage or other forms of slavery (5.7 million), into prostitution and pornography (1.8 million), into participating in armed conflict (0.3 million) or other illicit activities (0.6 million).
- The vast majority of child labourers – 70 per cent or more – work in agriculture.
- The Asian and Pacific regions harbour the largest number of child workers in the 5 to 14 age group, 127.3 million in total. (19 per cent of children work in the region.)
- Sub-Saharan Africa has an estimated 48 million child workers. Almost one child in three (29 per cent) below the age of 15 works.
- Latin America and the Caribbean have approximately 17.4 million child workers. (16 per cent of children work in the region).
- Fifteen per cent of children work in the Middle East and North Africa.
- Approximately 2.5 million children are working in industrialized and transition economies.

Source: [http://www.unicef.org/protection/index\\_childlabour.html](http://www.unicef.org/protection/index_childlabour.html)

force was 44 million"<sup>4</sup>. UNICEF "cites figures ranging from seventy-five to ninety million child laborers under the age of fourteen"<sup>5</sup>. A universal difficulty in obtaining accurate data may be attributed to the fact that individuals fail to report child labour participation during surveys, for fear of persecution.

<sup>4</sup> Weiner 1991, 20-21

<sup>5</sup> Human Rights Watch 1996, 122

The 1981 Census of India divided child labour into nine industrial divisions<sup>6</sup>:

- I. Cultivation,
- II. Agricultural Labour,
- III. Livestock, Forestry, Fishing, Plantation,
- IV. Mining and Quarrying,
- V. Manufacturing, Processing, Servicing and Repairs,
- VI. Construction,
- VII. Trade and Commerce,
- VIII. Transport, Storage and Communication, and
- IX. Other Services.

### **Mining in Rajasthan**

The situation is grim in Rajasthan in India. Rajasthan is second largest state in the country after Bihar in terms of mineral deposits and at present is the sole producer of cement, steel grade limestone, soapstone, ball clay and a number of minor minerals. Important minerals with which the name of this State is intimately associated are that of non-ferrous metals (lead, zinc and copper) and ferrous minerals such as tungsten and a number of industrial minerals. Presently, the State is also the sole producer of jasper and wollastonite, soapstone, ball clay, calcite, feldspar, natural gypsum, kaolin, rock phosphate, ochre and building stones, besides tungsten, lead-zinc concentrates, and copper metal. The minerals found in Rajasthan, accounts for 70 per cent or more of India's total production. About 42 varieties of major minerals and 23 varieties of minor minerals are being produced in the State. In the field of minor minerals particularly, of dimensional and decorative stones such as marble, Kota stone, and sand stone, the State occupies a unique position by contributing about 30 per cent of the total value of minor minerals being produced in the country<sup>7</sup>.

Presently, in Rajasthan there are as many as 1324 mining leases of major minerals, 10851 of minor minerals and 19251 quarry licenses

are in operation<sup>8</sup>. The state also has the large number of small mining leases in the country. The massive unscientific mining has in the process eroded soil, caused extensive water loss, degraded forests, pastures and biodiversity in the entire State.

### **Child labour and Mining**

Apart from the environmental hazards a more serious social hazard is the employment of child labour in mining and quarrying activities. Such cheap labour is most welcome for the unorganized sectors like quarrying, stone crushing, marble and masonry stone mining, transporting, head loading, stone breaking, and in some of the processing industries like marble products, slate industry, diamond cutting, etc. Children easily get into the mine labour force to supplement the low incomes of their families or to pay up the debts or act as bonded labourers. As they are not in the official payrolls of the companies, the wages they receive are entirely dependent on the unscrupulous managers, supervisors and contractors. During the training period they do not receive any wages and the period of training is left to the vagaries of the mine owners. Often, they are physically, mentally and sexually abused. Atrocities against them go unnoticed and unreported in India, where labour laws are lax. The diamond mining industry, for example, employs a large section of child labour for its cutting and polishing industry. Many young children and girls are employed for the nimbleness required in diamond cutting. The total wage rates amount to only 1% of the total cost of production of diamonds. Even global corporates like Rio Tinto and De Beers with all their declarations of respecting human rights, continue to purchase diamonds from India where child labour in diamond cutting and polishing is flourishing.

Child labour statistics for Rajasthan can be very deceptive as they show a low involvement of children in the labour force. However, these figures have to be read in conjunction with the low school enrolment rates in order to get a comprehensive picture.

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<sup>6</sup> Census of India 1981 cited in Nangia 1987, 72

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<sup>8</sup> Department of Mines and Geology, Government of Rajasthan

Field observations in Jodhpur district confirmed that although some children are employed in paid work – in the mines, agri-farms, or the restaurant trade – a far greater number are involved in adult-releasing tasks or in supplementing adult labour. Both boys and girls herd goats; in addition girls also fetch water and firewood, look after younger siblings, and undertake other domestic tasks. Both categories of children miss out on the opportunity to attend school and the healthy development and life chances of both groups are therefore jeopardized. No account of child labour can be accurate or complete unless it includes an analysis and understanding of the unpaid work done by children.

However, studies indicate that in Rajasthan more than 95% of mining activities are in the unorganized sector. Of the workforce engaged in mining 15% are children. Most of them belong to lower caste (dalit community) and tribals. After agriculture it is the second largest employment sector in the State.

India (Child Labour in Hazardous Occupation)

Source	Number of child labour
Indian census, 1961	3.08 Lac
Indian census, 1971	3.74 Lac
Indian census, 1981	6.71 Lac
Year 2002	20 Lac (Estimated)

No. of Child Labour (In all trades)

<b>Rajasthan</b>	5,89,000
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Source: Manorma Year Book / 1995

In Rajasthan, frequently whole families work together in the mines. The women and children do the most unskilled tasks of clearing rubble and are paid low wages. Children start working around the age of 10/12 – before that they are just not strong enough to carry heavy loads. They work as helpers at first, removing scrap and rubble, and gradually learn the tasks of making holes, and breaking and removing big slabs and rocks. There are no mechanisms for training them in what are considered the more skilled and better-paid tasks like handling the pneumatic drill and breaking slabs. The only

method of picking up skills is through observation and practice.

Many women bring their infant children with them to the work site if they have no other childcare arrangement. It is common for mothers to give their babies opium to keep them quiet while they are working. Thus addiction starts early and becomes a way of life. Children also get socialized into the working culture at an early age and by the time they are old enough to start working they are ready to make the transition.

Many of these children are between the ages of 10-12 and receive a meager 10-15 Rupees per day. Both boys and girls work in the mines, but more boys as girls are usually kept at home to take over domestic chores like cooking, fetching water, fodder and firewood, and to look after the younger siblings and livestock. Boys over 3 will be found loitering around the village till they reach the age where they can start working in the mines.

What is quite surprising is that in some families where both parents work in the mines they send their children to school. However, these families are no better off and earn the same wages compared to families where children also work. Close questioning revealed that it is usually to do with the large size of the family or the fact that the father is unable to earn a normal wage because of ill health, indebtedness or on account of his addiction to alcohol, opium, tobacco or all three<sup>9</sup>. In such families, children's labour and income becomes crucial for family survival.

**Hazards of mining**

The children work in mines to earn a living, in a completely insecure environment. In absence of awareness, they are ignorant about the fatal disease that is clutching them in these mines. Child miners work long hours without adequate protective equipments, clothing or training. They are exposed to extreme temperatures. Mining hazards include exposure to harmful dusts; gases and

<sup>9</sup> A bottle of country liquor costs Rs. 60, whereas the average daily wage is around Rs. 50.

fumes that cause respiratory diseases that can develop into silicosis, pulmonary fibrosis, asbestosis, emphysema and tuberculosis after some years of exposure. Child miners also suffer physical strain, fatigue and muscular-skeletal disorder as well as serious injuries from falling objects.

### **Reasons for concern**

**AGE:** It is a well established fact that age plays a dominant role in shaping the personality and values of responsibility to work and to participate in different walks of life. It was observed that most of the children belong to the age group of 12 to 15 years followed by 10 to 11 years. The children belong mainly from the Hindu backward classes. They were almost three-fourths of the child workers followed by Scheduled caste children. A small number was of Muslim child workers.

**EDUCATION:** Education is of utmost importance for the proper growth and development of the individual, it does not only shape the life pattern and living but also helps in shaping thinking, attitude and views. It is generally seen that despite best efforts made at various levels, many children in either do not go to schools at all or leave them soon after joining. Assuming that education is affected in case of the working children, information was collected on this aspect of the problem. The distribution of working children in terms of level of education showed that 70% of them had never gone to school. While collecting the information, one mother said, “ in our family the forefathers had worked in mines, even his father and myself have never gone to school, so with no money with us, we see no good in sending our son to school. Its good if he is working and earning his daily bread and not a burden on us anymore.”

**SIZE OF THE FAMILY:** A family, which is larger in size with less income cannot lead a happy life. As a result, the members in the family cannot have facilities of better education, recreation, health care and opportunities to be developed in healthy

family atmosphere. In view of the fact the information has been gathered through child labours and observed that the common size of the family was 8-9.

**FAMILY INCOME:** The economic position of the family plays a useful and important role in the proper welfare and development of its members. The information regarding the economic condition of the family of child worker gathered and it reveals that about 80% of the parents had per day wages less than Rs 150. This indicates that due to the low income of the family, children were deprived of the facilities, which were essential for their proper growth and development.

**POVERTY:** Poverty is a common factor in the lives of all mineworkers. Yet, many find it possible and worthwhile to send their children to school and they do this at some cost and sacrifice to themselves. In fact, some mothers carry their infants with them to the mines because their older children are in school.

### **The Long Arm of Law**

In India there is a plethora of national laws, some dating back to the 1930s, that offer protection from exploitation to India's working children.

### **Children (Pledging of Labour) Act, 1933**

The act calls for penalties to be levied against any parent, middleman, or employer involved in making or executing a pledge of a Child's labor.

### **Child Labour (Prohibition and Regulation) Act, 1986**

The Child Labour (Prohibition and Regulation) Act was enacted in 1986 and defines a Child as "a person who has not completed their fourteenth year of age. It does not prohibit Child labor *per se*, nor does it set a minimum age for the employment of children. Instead, it regulates the hours and conditions of work for Child laborers, while prohibiting the employment of children in twenty-five hazardous industries. However, implementation of the regulatory provisions

of the act require each state to formulate an act-specific set of rules and regulations; the majority of states have not done so as of 1996, ten years after passage of the act.

### **Factories Act, 1948**

The Factories Act strictly forbids the employment of children less than fourteen years old in factories.

In addition, under the Indian Penal Code (IPC) rape, extortion, causing grievous hurt, assault, kidnapping, abduction, wrongful confinement, buying or disposing of people as slaves, and unlawful compulsory labor are criminal offences, punishable with up to ten years imprisonment and fines. Under the Juvenile Justice Act, 1986, cruelty to juveniles and withholding the earnings of a juvenile are criminal offences, punishable with up to three years imprisonment and fines.

### **The National Child Labor Policy**

Increasing attention is now being paid to strengthening the enforcement machinery related to child labor. Soon after the enactment of the comprehensive Child Labor (Prohibition & Regulation) Act, 1986, the Government of India adopted a National Child Labor policy in 1987, in accordance with the constitutional provisions and various legislation on child labor. The idea of adopting a separate policy on child labor was not only to place the issue on the nation's agenda, but also to formulate a specific program of action to initiate the process of progressive elimination of child labor. The policy consists of three complementary measures:

- Legal action plan
- Focus on general development programs benefiting children wherever possible
- Area specific projects

### **Central Advisory Board on Child Labor**

The Central Advisory Board on Child Labor was constituted on March 4, 1981. The

following are the terms of reference of the Board:

- Review the implementation of the existing legislation administered by the Central Government.
- Suggest legislative measures as well as welfare measures for the welfare of working children.
- Review the progress of welfare measures for working children.
- Recommend the industries and areas where there must be a progressive elimination of child labor.

### **Child Labor Technical Advisory Committee**

Under Section 5 of the Child Labor (P&R) Act 1986, the Government of India is empowered to constitute a Child Labor Technical Advisory Committee for the purpose of addition of occupation and processes in the Schedule to the Act. The Committee consists of a Chairman and members not exceeding ten. The Committee has been reconstituted on February 5, 1996 under the chairmanship of Director General of Indian Council of Medical Research.

### **National Child Labor Projects (NCLP)**

Under the action plan of the National Policy on Child Labor, there have been National Child Labor Projects (NCLP) set up in different areas to rehabilitate child labor. A major activity undertaken under the NCLP is the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition etc. to children withdrawn from employment.

### **Rehabilitation of Children Working in Hazardous Occupations**

A major program was launched on 15th August 1994 for withdrawing child labor working in hazardous occupations and for rehabilitating them through special schools. Under the program a total of two million children are sought to be brought out of work and put in special schools where they will be provided with education, vocational training, monthly stipends, nutrition and health-checks.

### **Present Coverage Under National Child Labor Project:**

So far 76 child labor projects have been sanctioned under the National Child Labor Project Scheme for covering 150,000 children. Around 105,000 children are already enrolled in the special schools. The next table gives the figures of the state-wise coverage of children under the National Child Labor Project.

### **Recommendations- Measures to combat child labour in small-scale mining in Rajasthan**

#### **Awareness-raising/mobilization**

Awareness- raising and mobilization of the society are important tools for the prevention and elimination of child labour. Highlighting the consequences of child labour in small-scale mines is the first step in the right direction. It has been acknowledged that if society as a whole recognizes that child labour is a problem, the stage has been set to stigmatize and then eradicate the most abusive and hazardous forms of child labour.

#### **Education**

The single most effective way to stem the flow of school-age children into abusive forms of employment or work is to extend and improve schooling so that it will attract and retain them. Quality education is a vital part of the solution. At the very least, schools must be available, accessible, and hold full-time sessions or at least occupy a large part of the day. Furthermore, they must be affordable and of acceptable quality and socio-economic relevance.

#### **Rehabilitation through the provision of support services**

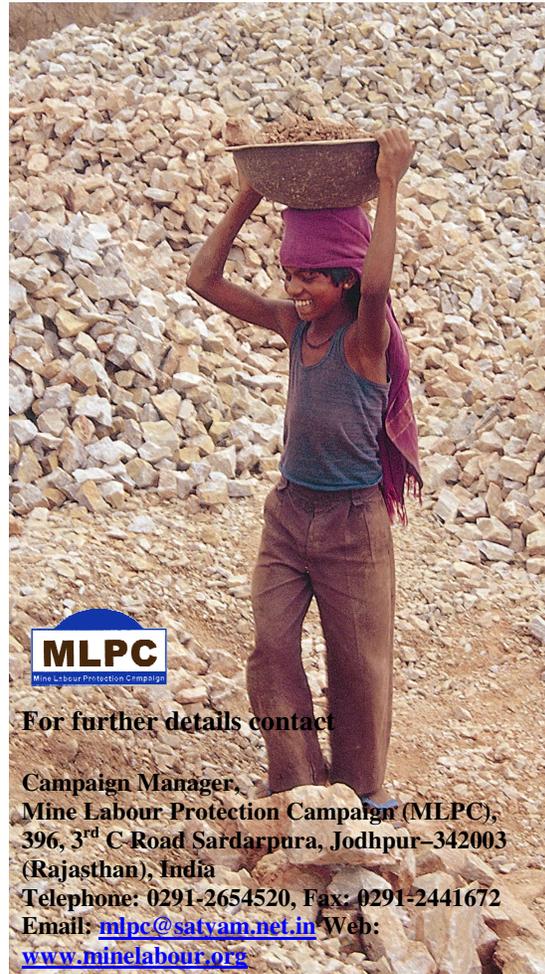
A child's withdrawal from work should be accompanied by a whole range of supportive measures. This is especially important if the children have been stunted in their development. In addition to education, training, health services and nutrition, vocational training, recreational activities and intensive counseling are needed.

### **Promotion of income-generating opportunities for families**

Many children are forced to work in order to supplement the family income. In many instances, therefore, removing children from either full-time or part-time work must be combined with alternative income-earning opportunities for the parents and/or children.

### **Improvement of legislation and enforcement**

In many countries there is legislation dealing with child labour in hazardous activities, but it is often not strictly enforced. Thus, law enforcement needs to be reinforced through the training of law enforcement personnel, including labour inspectors. Where legislation does not exist, laws on the subject should be adopted and implemented.



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