

# CHAPTER - I

## Introduction

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### 1.0 Introduction of the Study

Child labour is a global phenomenon. The term “child labour “is generally used to refer “all children who are less than 15 years old and forced to work on regular basis to earn livelihood for themselves and their family in organization or non- organization and hazardous and non- hazardous condition that are exploitative and affective to their health and to their physical and mental development and deprived of education and training opportunities. According to International Labour Organization( ILO,2002 ) “ all children under 15 years of age who are economically active excluding those who are under 5 years and those between12-14 years old who spend less than 14 hours in a week open their jobs unless their activities or occupation are hazardous by nature or circumstances, is called “Child Labour”.

### **1.1 Background to the Study**

According to the Random House Webster's Dictionary (1991), child labour is the gainful employment of children below an age determined by law or custom. The problem of child labour in India has been majorly attributed to increased household poverty. The increasing number of poor households in recent decades has forced millions of children out of school and into work. Weak national laws and domestic violence are among other factors that were also identified.

Children in Saharsa District engaged in street trading activities, prostitution (child prostitution), mechanics, washing and watching cars, automobile Garage \ Servicing Sector, restaurant activities, etc. The children dedicated in various activities were exposed to health risks, most were reported to have dropped out of school and others have been involved in the worst forms of child labour, including; child commercial sex that highly exposed them to risks of catching HIV/AIDS and early pregnancies. Children offer cheap labour and they basically engage in smuggling merchandise also. Child labour is damaging to the educational, physiological, and psychological development of the child. It has health implications to the child as it increases the child's exposure to health hazards that threaten to subject the child to illness or injury. Other hazards include exposure of the child to sexual harassment (defilement), torture, harassment and exploitive relations with employers, employees, and clients. Child labour has also potentially harmful implications at both micro and macro level. Several attempts by the Government of India to live up to its mandate of protecting

the rights of the children as enshrined in the legal, policy and programmatic frameworks, is far from reality. This ineffectiveness and inefficiency on the part of the state has created mistrust and the loss of confidence by the public as a whole; whose cooperation is vital and therefore urgent in reducing child labour, especially that, that is 'invisible'. While the problem of child labour is far from over and cannot be left unchecked, it is against this backdrop that the research was carried out to analyze the problems of child labour in Automobile Servicing Sector in Saharsa district, and in order to find a substantive solution by recommendations to the problem of child labour in the country.

### **1.2 Statement of the Problem**

It is evident that India has several policies and strategies to eliminate the problem of child labour through its existing legal and institutional framework at the national, regional and international level. However, with all these legal instruments and institutions in place, the rate of child labour is on an increase in Saharsa district, including its worst forms. It was against this backdrop that the research was carried out to investigate the root causes and make recommendations accordingly.

### **1.3 Scope of the Study**

This study focused on an analysis from an ethical point of view, of the child labour in Automobile Servicing sector in Saharsa district and , as well as its effects on health, safety and education of the children involved. The study further conducted a critical assessment of the effectiveness of the existing

strategies on child labour and the ethical challenges of implementing such schemes.

### **1.4 Child Labour in World History**

The Foundling Hospital in London was founded in 1741 as a children's home for the "education and maintenance of exposed and deserted young children". **THOMAS SPENCE**, an English political **radical** wrote the first modern defence of the natural rights of children in *The Rights of Infants*, published in 1796.

With the onset of the Industrial Revolution, children as young as six began to be employed in the factories and coal mines in often inhumane conditions with long hours and little pay.

During the early 19th century this exploitation began to attract growing opposition. The terrible conditions of the poor urban children was exposed to liberal middle-class opinion, notably by the author Charles Dickens in his novel *Oliver Twist*. Social reformers, such as the Lord Shaftesbury, began to mount a vigorous campaign against this practice.

The use of child labour increased during the Industrial Revolution, and became a rallying cry for social reformers. Ameliorating legislation was achieved with a series of Factory Acts passed during the 19th century, where working hours for children were limited and they were no longer permitted to work during the night. Children younger than nine were not allowed to work and those between 9-16 were limited to 16 hours per day. Factories were also required to provide education to the apprentices in reading, writing and arithmetic for the first four years.

*An influential social reformer was Mary Carpenter, who campaigned on behalf of neglected children who had turned to juvenile delinquency. In 1851 she proposed the establishment of three types of schools; free day schools for the general population, industrial schools for those in need and reformatory schools for young offenders. She was consulted by the drafters of educational bills, and she was invited to give evidence before House of Commons committees. In 1852 she established a reformatory school at Bristol.*

In the USA, the Children's Rights Movement began with the orphan train. In the big cities, when a child's parents died or were extremely poor, the child frequently had to go to work to support himself and/or his family. Boys generally became factory or coal workers, and girls became prostitutes or saloon girls, or else went to work in a sweat shop. All of these jobs paid only starvation wages.

In 1852, Massachusetts required children to attend school. In 1853, Charles Brace founded the Children's Aid Society, which worked hard to take street children in. The following year, the children were placed on a train headed for the West, where they were adopted, and often given work. By 1929, the orphan train stopped running altogether, but its principles lived on. Youth activists in the United States in the early 1900s.

The National Child Labor Committee, an organization dedicated to the abolition of all child labor, was formed in the 1890s. It managed to pass one law, which was struck down by the Supreme Court two years later for violating a child's right to contract his work. In 1924, Congress attempted to

pass a constitutional amendment that would authorize a national child labor law. This measure was blocked, and the bill was eventually dropped. It took the Great Depression to end child labor nationwide; adults had become so desperate for jobs that they would work for the same wage as children. In 1938, President Franklin D. Roosevelt signed the Fair Labor Standards Act which, amongst other things, placed limits on many forms of child labor.

The Polish educationalist Janusz Korczak wrote of the rights of children in his book *How to Love a Child* (Warsaw, 1919); a later book was entitled *The Child's Right to Respect* (Warsaw, 1929). In 1917, following the Russian Revolution, the Moscow branch of the organization Proletkult produced a Declaration of Children's Rights.

### **1.4.1 Rights of the Child**

The first formal charter to set out the rights of children was drafted by British social reformer Eglantyne Jebb in 1923. Jebb founded Save the Children in 1919, one of the first charities aimed at the young, to help alleviate the starvation of children in Germany and Austria-Hungary during the Allied blockade of Germany in World War I which continued after the Armistice.

Nehru distributes sweets to children on Children's Day in India. Her experiences there and later in Russia, led her to believe that the rights of a child needed be especially protected and enforced, and her stipulation consisted of the following criteria:

The child must be given the means requisite for its normal development, both materially and spiritually.

The child that is hungry must be fed, the child that is sick must be nursed, the child that is backward must be helped, the delinquent child must be reclaimed, and the orphan and the waif must be sheltered and succored.

The child must be the first to receive relief in times of distress. The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation.

The child must be brought up in the consciousness that its talents must be devoted to the service of its fellow men.

This manifesto was adopted by the International Save the Children Union and endorsed by the League of Nations General Assembly in 1924 as the World Child Welfare Charter. In 1925, the first International Child Welfare Congress was held in Geneva, where the Declaration was widely discussed and supported by organisations and governments.

#### **1.4.2 Declaration of the Rights of the Child**

The SCIU also pressed the newly formed United Nations in 1946 to adopt the World Child Welfare Charter. This was achieved in 1959, when the United Nations General Assembly adopted an expanded version as the Declaration of the Rights of the Child. Its main provisions are:

##### **a) protection rights**

The right to be protected against maltreatment and neglect, the right to be protected from all forms of exploitation.

**b) provision rights**

The right to food and to health care, the right to education, the right to benefit from social security.

**c) participation rights**

The right to act in certain circumstances and the right to be involved in decision-making. From the formation of the United Nations to the present day, the Children's Rights Movement has become global in focus. Children around the world still suffer from forced child labor, genital mutilation, military service, and sex trafficking. Several international organizations have rallied to the assistance of children. These include Save the Children, Free the Children, and the Children's Defence Fund.

The Child Rights Information Network, or CRIN, formed in 1983, is a group of 1,600 non-governmental organizations from around the world which advocate for the implementation of the Convention on the Rights of the Child. Organizations report on their countries' progress towards implementation, as do governments that have ratified the Convention. Every 5 years reporting to the United Nations Committee on the Rights of the Child is required for governments.

**1.4.3 Children's Right by Country**

Many countries have created an institute of children's rights commissioner or ombudsman, the first being Norway in 1981. Others include Finland, Sweden, and Ukraine, which was the first country worldwide to install a child in that post in 2005.



### **Argentina**

In 2005, in order to implement the UN Convention on the Rights of the Child, national Law for the Integral Protection of Children and Adolescents was enacted. This not only allows for protective measures for children, but also created the groundwork for a juvenile justice system. This system allows for children to be integrated back into society and established tactics to protect children from abuse and exploitation.

### **Australia**

Australia is a participant to all significant treaties that impact on children's rights. The rights and protection of children are governed by both Federal and state and territory law.

### **Brazil**

Brazil is a founding member of the UN and a signatory of the Universal Declaration of Human Rights, which was adopted by General Assembly resolution in 1948. The Universal Declaration of the Rights of the Child emphasizes that motherhood and childhood are entitled to special care and that children born out of wedlock are allowed the same social protection. In 1990, Brazil approved the UN Convention on the Rights of the Child and fully incorporated it onto Brazil's positive law.

### **China**

China has ratified many international documents with regard to children's rights protection, including the 1989 Convention on Rights of the Child, the Optional Protocol to the Convention on Rights of Child on the Sale of

Children, Child Prostitution, and Child Pornography 2000, the Worst Forms of Child Labor Convention 1999, and The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption 1993.

### **France**

France is in cooperation with all the major treaties dealing with children rights. It has in place several mechanisms to monitor the implementation of the 1989 Convention on the Rights of the Child, in particular, an ombudsman for children.

### **Germany**

Germany is in agreement with the global conventions that protect the rights of the child. However, Germany prefers to interpret these according to the principles of European agreements, specifically the European Human Rights Convention and also in accordance with German Constitutional guarantees.

### **Greece**

Greece has various laws and a number of measures and services to promote and advance the rights of children. In 2002, the Greek Parliament adopted a new law on human trafficking; in 2003 the juvenile system was reformed; in 2006 an additional law was created to combat intra-family violence which states a prohibition of corporal punishment of children.

## **United States**

### Timeline of children's rights in the United States:

There is a long history of children's rights in the U.S. Many children's rights advocates in the U.S. today advocate for a smaller agenda than their international peers. Groups predominately focus on child abuse and neglect, child fatalities, foster care, youth aging out of foster care, preventing foster care placement, and adoption. A longstanding movement promoting youth rights in the United States has made substantial gains in the past.

## **United Kingdom**

### Timeline of children's rights in the United Kingdom :

The Children's Rights Movement assert that it is the case that children have rights which adults, states and government have a responsibility to uphold.

### **1.4.4 Convention on the Rights of the Child**

The United Nations Convention on the Rights of the Child has 54 articles, each outlines a different right. They cover four different groupings of rights; survival, protection, development and participation. The United Nations Convention on the Rights of the Child has outlined a standard premise for the children's rights movement and has been accepted by all but two states - the United States and Somalia. Somalia's inability to sign the Convention is attributed to its lack of governmental structure. The US administration under Bush opposed ratifying the Convention, stating that there were "serious political and legal concerns that it conflicts with US policies on the central role of parents, sovereignty, and state and local law."

### **1.5 Present Problems of Child Labour in India**

Due to an increase in child labour in India, the future of children seems to be in dark. And at the same time the nation bears the deadly consequences of this curse of the society. In this paper we intend to give the scenario in which child labour gets increased and various challenges that have emerged due to this particular problem, like violence, child trafficking, etc. are also elaborated. Various facts and data from authentic sources have been tabulated and presented in respective sections. The required efforts to overcome these problems are proposed. Finally we conclude that the proposed solution may be found worthy in overcoming the challenges that have emerged due to the child labour.

With due consideration to the many dangers associated with child labour, the phenomenon has received the attention of researchers, academicians and policy makers. The International Labour Organization estimates show a large and increasing number of working children worldwide despite endeavours by government and stakeholders to fight the vice. The predominant factor behind child labour was poverty that led to the increasing number of child dropouts since many could not afford school fees and scholastic materials.

**1.6 Definition of Child Labour\***

S. No.	Name	Definition
1.	I. L. O.	"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."
2.	M. C. Naidu, K.	"any child out of school is a child labour"
3.	Factories Act, 1948	"A person below the age of 14 years is to be regarded as child. Therefore any physical labour undertaken by a child either under compulsion or voluntarily in organized or unorganized sector qualifies to be called as child labour".
4.	Sanjay Mahapatra & Manusmita Dash	"the term "child labour" is used for children occupied in profitable activities whether industrial and non-industrial" He has given two concept of child labour.
5.	Shri V. V. Giri	1. As a bad economic activity. 2. As an overt social evil.
6.	Dr. Steven Wind, Dr. Devanjana C Naydu	"Child labour implies that who are in the age group below 14 years and who work for themselves and for their family for an income and who contribute a significance share to the labour force in India".
7.	Homer Flokes	Child labour "as work by children that interferes with their full physical development , their opportunities for desirable minimum of education of their needed recreation"

**1.7 Forms of Child Labour**

There are two common forms of child labour that are akin to the Indian situation, that is, bonded child labour, and also sometimes referred to as

forced labour and apprenticeships. These forms of child labour are further elaborated below.

### **1.7.1 Forced/ Bonded Child Labour**

This is the most exploitive and egregious form of child labour. Bonded labour is defined as a long-term relationship between the employer and employee which is cemented by a loan, custom or by force and denies the employee various freedoms including; choice of his or her employer to enter into a fresh contract with the same employer or to negotiate the terms and conditions of contract. Children have fallen prey of being victims of bonded/forced labour because of their tender age and easy exploitation.

Forced child labour is found primarily in informal unregulated or illegal sectors of the economy. It is common among the economically vulnerable and least educated members of the society such as the minority ethnic or religious groups or the lowest classes or castes. Children are especially vulnerable to exploitation because of the tender ages they get into work. They are easily deceived and the employers ensure that they have little or no knowledge of their rights. The researcher found out that it is an axiom that the weakest and most marginalized groups of people are the most vulnerable to exploitation.

Slavery is not an old phenomenon that only existed in the past traditional society, but one that looms even in the current 21<sup>st</sup> century and mainly referred to as modern day slavery. Slavery has crippled many children and others have suffered silently since all forms of communication are cut. The

story below may not represent a situation in India, but explains the characteristics and its negative implications on victims worldwide.

Forced child labour further includes those children whose parents have pledged them as payment or collateral (debt bondage), child prostitutes, child soldiers, children in domestic service, child slaves, children in crime and trafficked children. Children who for instance work in unseen domestic service are barely 'visible' and their rights are constantly infringed upon by their employers. The research study noted that children as young as 12 worked in households under harsh treatment that was not only limited to beatings, meagre payments and less breaks, but also subject to sexual harassment by their male employers. Further evidence by the ILO indicates that children in forced service work in conditions that have no resemblance to a free employment relationship. These children have no control over their daily lives and have no way of escape when they enter into forced labour.

Debt bondage like domestic child service is an 'invisible' yet egregious form of child labour. The International Labour Organization defines debt bondage as a specific form of forced labour in which a worker renders service under conditions of bondage arising from economic considerations, notably indebtedness incurred through the provision of a loan. The person under control is usually a child whose services are pledged at a very young age. These children are usually paid meagre wages which when coupled with usurious rates makes it impossible to repay the initial debt. In many cases the debt increases because the employers deduct payment for equipment and tools or charge fines for faulty work.

Debt bondage is common in rural areas where traditional class structures of caste and semi-feudalistic patterns exist. Landlord or near landless households and migrant labourers are also vulnerable to debt bondage since they have few resources with which to meet basic needs and unexpected expenses. This usually happens as there are no alternative sources of income. Karl Marx justifies this presentation as quoted below;

the present day capitalist mode of production pre-supposes the existence of two social classes on one hand, that of the capitalist, who are in possession of the means of production and subsistence and on the other hand, that of the proletarians, who being excluded from this possession, have only a single commodity for sale, their own labour power, and who therefore have to sell this power of theirs in order to obtain possession of means of subsistence.

Internationally, debt bondage has highly been reported in Asia, specifically in Pakistan, India and Nepal. In Pakistan and India, debt bondage is called the “peshgi system”. According to the Bonded Labour System (Abolition) Act, 1992 of Pakistan, ‘advance (peshgi)’ means an advance (peshgi) whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor) Section 2 (a). The peshgi system is cyclical in the sense that when an advance is taken, the labourer falls into a cycle of indebtedness and debt bondage and its associated implications to include; coercion – menace of penalty and the denial of freedom – involuntary nature of the work. In summary therefore, the leverage provided by



indebtedness allows the creditor to exercise non-economic coercion in the form of violence, financial penalties and imprisonment, in order to ensure that the worker/labourer is forced to continue on the terms imposed by the employer.

Like in any sector of the economy, the proliferation of peshgis thrives well in the informal/unregulated sector of the economy, and is further characterised by minimum wages and free entry and exit with no basic legislative procedures or mechanisms applied. Furthermore, there are no formal agreements and neither are trade unions present, meaning that there is a general lack of collective action by the workers.

In Nepal, debt bondage is commonly referred to as ‘Kamaiya’ and children are recruited by a “naike” also known as a labour contractor. ‘Kamaiya’ means a hardworking person who earns much through manual labour, and the kamaiya system arises from debt relationship and sustains bonded practices as a matter of accepted social phenomenon. Like the peshgi system, the kamaiya system is characterised by a minimal value for labour with a nearness to zero, the debtor is under full control of the master, he marries and dies in bondage, his wife and children inherit the loan and bequeath it to succeeding generations.<sup>1</sup> In India for instance there are cases of “inter-generational” bondage; debts are passed on from parents to their children. When the parent is unable to work, the debt is assumed by the child. This type of debt bondage has been particular with countries that have long standing feudal agricultural societies.

Forced/bonded child labour is the most intolerable and exploitive form of child labour according to the International Programme on the Elimination of Child Labour. While it appears more pronounced in Asia, bonded labour exists in other parts of the world. Forced/bonded child labour is also contrary to several national, regional and international legislations that are against child labour like the Constitution of India, the Children's Act, Convention 182 on the Worst Forms of Child Labour and the Universal Declaration of Human Rights.

### **1.7.2 Apprenticeships**

This is a controversial form of child labour where it is claimed that the child is learning skills of an occupation which will be used later in his/her life career. In reality, many employers exploit apprentices as free labour while purporting to teach skills to a new generation. According to the ILO, an apprenticeship is carried out under a form of contract of employment, usually within a formalized program under the supervision of national education authorities. This has stayed as a subject of extensive and detailed regulation.

Many cases of apprenticeships have been excluded from the provisions of legislation concerning the minimum age. Legislators have not clearly distinguished the difference between "apprenticeships" and other forms of child labour. For instance, many countries have laws that prohibit the employment of children under the age of 14, but still allow apprenticeships for younger children. In Egypt for instance, the employment of anyone under the age of 12 years is prohibited yet children as young as 7 and 8

years regularly work as apprentices in carpet workshops and leather industries with conditions that are detrimental to their health. Child workers are suffered as apprentices although none of the conditions of apprenticeship applies to them. Children in this sense are exploited under the guise of “apprenticeship”.

India is one of the countries where children work and the type of work requires little or no qualification. For instance, information obtained from six respondents aged between 14 and 16 years in Rahmat Maruti Workshop Saharsa Basti , Saharsa the children said that they were paid nothing as their employers claimed that they were learning skills and disciplines of an occupation. This was absurdly coupled with working under harsh conditions such as working overtime, working on ‘empty stomachs’ and beatings. Though apprenticeships are illegal, the practice is generally accepted as a way of learning skills as portrayed in the earlier traditional society.

These two forms of child labour (forced and apprenticeships) represent a situation of child labour in the urban informal sector, which is further broken down in the proceeding section to elaborate the specific informal activities that the children engaged in.

### **1.7.3 Domestic Child Servants**

This was one of the outstanding duties of girls aged 12 to 16 years. The girls were expected to do a lot of work but paid between 250 – 300 Rupees per month. Work in domestic service ranged from cooking, cleaning, washing and looking after children. Despite too much work, the girls considered themselves lucky for being able to work and earn a living given

the fact that they had no working contracts and were not paid promptly by their employers. Some girls retorted that they had not received payment for about six months since they started working.

The girls were equally subjected to sexual harassment by their male employers, and the female employers always picked quarrels with them, as well as beating them over 'small' or no issues. These children on a sad note did not report such cases for fear of losing their jobs, and yet, the only source of livelihood.

The Children's Act prohibits the employment of children in any activity that may be harmful to his/her health, education, or mental, physical or moral development. Children's engagement in domestic work contrary to this Section deprives them of an education, and the fact that these girls are beaten by their female bosses and sexually harassed by their male employers exposes them to physical and psychological harm and the risk of catching HIV/AIDS.

Domestic labour is an 'invisible' form of child labour that may not easily be wiped out of society today given the poor implementation of laws. This justifies a close collaboration of relevant stakeholders including; CSO's, NGO's, the state and the community at large to report the 'invisible' cases of children in domestic service.

### **1.7.4 Children Employed as Cooks, Waiters/Waitresses and Porters**

Restaurant and food business was a thriving and competitive activity within the urban informal sector. Given its multifaceted nature and the multiple activities therein, the food business was highly successful since many could

definitely not work on 'empty stomachs'. The cooking and serving was done by both girls and boys which earned them not only lunch, but a decent pay. It was discovered during the study that the children earned the money they considered to have worked for, and basically spent the money on personal necessities like renting, food (especially supper), clothing and supporting their relatives.

These children also negotiated their terms and conditions of service with the employer prior to commencing work, thus they were not easily exploited. Those children who did not work as cooks or waiters/waitresses served as porters. For instance, one of the children who was interviewed and worked as a porter in the Saharsa market narrates her ordeal that she was brought from the village to Lokaha because she was promised to be educated, but ended up as a porter in the food business. Her story explains the process of how children from the traditional rural setting usually end up in employment in the city. For majority of these children, the initial job is just the beginning of a long journey from job to job without realizing the initial dream that brought them to the city.

#### **1.7.5 Child Workers in Garages as Young Mechanics**

This is another type of activity that thrived well in the urban informal sector. Children especially boys worked in garages as young mechanics and did vehicle maintenance, lifting spare parts, collecting scrap, running errands to spare parts shops, and painting. Most were not paid by their employers as they claimed to be training these boys for a better future in form of skills development (apprenticeships). The young mechanics also

washed cars, an activity that was not considered as part of the job description of an apprentice mechanic but something that was mandatory. This is a manifestation of child exploitation and yet still, an exposure to the detrimental conditions that are a threat not only to their health, but education and physical development.

### **1.7.6 Child Prostitution**

The major targets of child sexual exploitation in India are slum and street children. Commercial sex work was mainly carried out by young girls most of whom had reached the age of puberty. In the research study, sex was reported to be used both as a form of leisure activity and as payment for services rendered by street boyfriends, as well as a source of income from main stream society men. According to one of the key informants, many girls engaged in commercial sex to earn a living. Sexual abuse and gang rape by male street children was reported. Girls aged 10 to 18 years who were unemployed rented themselves rooms locally for easy entry and exit, and because they were affordable. Men who needed these girls found them at their places of residence or were requested to go and meet these men at places of their choice.

These men sometimes refuse to pay them on the claim that they are not 'sweet' and that the beer and food they bought for them is enough. Some men even go ahead to demand for unprotected sex and equally beat these girls. They were highly exposed to the risk of catching STD's and HIV/AIDS.

### **1.7.7 Trash Collecting**

This is yet another activity that the children engaged especially those who lived within the proximity of the garbage dumps and their families were unable to support them. The children would collect the material, especially plastic bottles and would sell them for recycle for a small amount of money. These children were at a high risk of getting health complications since they were constantly exposed to harmful gasses that came out of the decomposing trash. The children were also at risk of their feet being cut by glass and sharp objects since many could not afford proper foot wear.

All forms of urban informal activities in which children engage are highly detrimental to their health, physical and moral development and impede them from having an education. The forms of child labour at the national, regional and international levels are also largely uniform, and it's to a large extent that children are employed under the disguise of apprenticeships to offer cheap labour where necessary.

The informal sector was found attractive for child work mainly due to ease of entry and exit in the sector especially for own account workers. It is estimated that 83 percent of own account workers working outside agriculture were in informal employment. This was due to the demand for cheap labour which was largely sourced from among needy children and also partly due to lack of any "effective" restrictions that bar children's involvement in work of the kind. Children working in the informal sector are exposed to risks and hazards some of which result in to cumulative disorders, disease, and subsequent deaths. Children working on the streets

are exposed to a variety of risks ranging from severe weather conditions, automobile accidents, vulnerability to criminal elements and sexual exploitation while working in bars and restaurants. Child labour represents wastage of investment as children forego productive time of educational investment for work, which affects their productivity in future and better welfare.

Contrary to the existing national laws and policies and those that have been ratified including; the ILO Minimum Age Convention No. 138 (1973) and Convention No.182 on the Worst Forms of Child Labour (1999), the welfare of the child has not been paramount. This explains the persistent increase in the magnitude of child labour in the urban informal sector, and some of the causes of this persistent increase in phenomenon are explained below.

### **1.8 Definition of Key Terms**

These are persons under the age of 18 years. This study looked at children aged between 4 and 18 years, as the principal target group. For purposes of comparability of analyzed data, children were divided in three age categories; under 6 years, 7-11 and Over 12 years.

### **Child Labour**

It is a form of child exploitation. According to the ILO, child labour is any work, which by its nature or employment conditions is detrimental to a child's physical, mental, moral, social or emotional development.



### **Child Rights**

These are rights to which every child is entitled, regardless of where born or to whom, and regardless of sex, religion, or social origin.

### **Informal Sector**

The diversity and heterogeneous nature of the informal sector has made it difficult to come up with a single definition. Its definitional variance from scholar to scholar and authority to authority makes it defined by its characteristics and composition. The informal sector therefore includes all economic activities that are outside the formal institutional framework.

### **Prostitution of Children**

This refers to the use of children as prostitutes, Sale of Children, Child Prostitution and Child Pornography to the Convention on the Rights of the Child, prostitution of children or child prostitution is the practice whereby a child is used by others for sexual activities in return for remuneration or any other form of consideration. This remuneration/consideration may be provided to the child or any other person. Child prostitution forms part of the Commercial Sexual Exploitation of Children (CSEC), trafficking of children for sexual purposes and child sex tourism.

### **Hazardous Work**

This is work, which because of the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children. The harm involved could arise from a range of hazards including; physical, chemical, biological, or environmental.

## **Sexual Slavery**

Sexual slavery refers to the organized coercion of unwilling people into different sexual practices. According to the Rome Statute, Article 7(2) (c), Sexual enslavement means the exercise of any or all of the powers attached to the “right of ownership” over a person.

### **1.9 Objectives of the Study**

1. To investigate the cause of child labour and their working conditions in Automobile Servicing Sector in Saharsa District, as well as its effects on health, safety and education of the children.
2. To critically assess the effectiveness of the existing constitutional provisions and the directive principles of state policy in India.
3. To suggest and recommend measures to remedy the situation of child labour.

### **1. 10 Importance of the Study**

Child labour is a global phenomenon. The term “child labour “is generally used to refer “all children who are less than 15 years old and forced to work on regular basis to earn livelihood for themselves and their family in organization or non- organization and hazardous and non- hazardous condition that are exploitative and affective to their health and to their physical and mental development and deprived of education and training opportunities. According to International Labour Organization( ILO,2002 ) “ all children under 15 years of age who are economically active excluding those who are under 5 years and those between12-14 years old who spend less than 14 hours in a week open their jobs unless their activities or

occupation are hazardous by nature or circumstances, is called “Child Labour”.

### **1.11 Chapterisation of the Study**

Qualitative and quantitative techniques of research were used during the study and these included; interviews, questionnaires, photography and observation methods. The information collected was organized according to six chapters in order to make a meaningful presentation, conclusion and recommendations.

Chapter one of the study contained general background and introductory information including; background of the study, child labour in the history of world, definition of child labour and key terms, statement of the problem, scope of the study, objectives and justification of the study.

Chapter two gives related information to the study from various reviewed literature. Literature was organized based on the study objectives so as to make meaningful categorization of data.

Chapter three of the study contained the fundamental rights and directive principle of state policy in context of prevention of child labour.

Chapter four of the study presented the child labour in automobile servicing sector in Saharsa district of socio-economic background, occupations and income of their family members, wage, working conditions, nature of work , hours of work, etc. Chapter five elaborated the perception of child labour : parents and employers. Chapter six was the last chapter presented with the conclusions and suggestions.

### **1.12 Limitations to the Study**

The researcher encountered a few limitations during the study especially when it came to interviewing the child labourers. Some were not willing to give information unless you paid them and at some instances, the researcher had to wait till late in the evening when the children were through with their work so as to interview them. For the key informants, given their busy schedules, some interviews were rescheduled to fit their timetables which also sometimes failed. The research took slightly long to conduct particular interviews which delayed the study and the to and fro movements were costly.

