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*Status of Child Labour in Sandstone
Mines*

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ABSTRACT

Childhood is being in a tender age when you don't care of anything, when you play, when you live. But does this childhood have any relevance to the children working as child labourers? The term "child labour" is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Child Labour is concerned to employment of children below the specified legal age. Due to certain forces and circumstances children are compelled to work in the early stages of their childhood. Work that exploits children and interferes with their education & unsafe working conditions frequently cause injuries or illnesses in children and is seen as a social problem. Poor children are picked up by the owners of factories, mines, dhabas and industries in which they are forced to work in the hazardous environment. This research paper tries to reflect the condition of child labour in sandstone mines and how the meaning of childhood drifts apart from their lives while running in the race of survival.

Keywords

Childhood-child labour- dangerous- sandstone mines- hazardous-poverty

- **INTRODUCTION**

‘Child Labour’ means employment of children under a specified legal age. It is the employment of children (5-14 yrs. of age) in gainful occupation, which are injurious to their physical, moral and social development. The Child labour is at times, used as a synonym for ‘employed child’ or ‘working child’ but a working child is one who subjects himself or herself to work, unpaid or free, instead of being at school at a tender and formative stage of his or her life. Dr. V.V. Giri has distinguished between two implications of the term “child labour” first, as an economic evil and second, as a social evil. The first signifies employment of children in gainful occupations with a view to adding to the income of the families and second, a broad aspect which takes into consideration the working conditions including the dangers to which the children are exposed, which means the denial of opportunities of development¹. The future progress and prosperity of any country depends upon the quality and talent of the children. Well developed children of today, educationally or physically, mean efficient and responsible citizens of tomorrow.

Child labour has been a fundamental concern within the international community for almost a century- & significantly longer at the country level. The developed countries, which boast the absence of the problem of child labour and advice the developing countries to take steps to solve the problem of child labour, are not free from this problem. Therefore, the problem of child labour in India deserves more attention and consideration by one and all.

In this article the author has restricted its research in the sandstone mines of Jodhpur, Rajasthan. Jodhpur surrounds the pink and red landscapes of sandstone mines, where hundreds of men, women and children are involved in the extraction of sandstone in unsafe conditions from sedimentary rock quarries. Miners work tirelessly in scorching heat in deep open pits. The air is thick with silica sand dust as a result of dry drilling using hand chisels and hammers². Working in sandstone mines is one of the most prevalent realities of many communities in Rajasthan, yet little is known about the issue.

¹ Giri, Dr. V.V.Giri, Labour Problems in Indian Industry, 1958, p.360

² Dr. Ritu Mahendru, (2013), “Dig to Survive- Realities of Dalit Children in the Mining World of Rajasthan, India”

Stooped over heaps of sandstone, bare and broken hands holding a rough iron chisel and a mallet- for majority of the child labourers in the Rajasthan sandstone mines, is the quarry of their life³.

- Child Labour in Rajasthan has tripled since 1981. Most work in hazardous and extreme conditions for long hours and little wages and that too at risk of death, disablement or long-term illness. The low wages of parents and their alcoholism push children into supplementing the family income, especially in large families⁴. In Rajasthan, children as young as eight are exposed to the sand dust while working in stone mines. Beyond this they also suffer psychological and social disadvantages and may sacrifice future prospects. In Rajasthan alone close to five- lacs child labour work in small and artisan mines. Most child mineworkers do not go to school, while some do so erratically – hampering their education and ultimately reinforcing the cycle of poverty.
- Every country has therefore framed appropriate laws to protect and guard the growth of its children. It is important to note that “Poverty” is the main cause for destroying the growing multitude of children. Taking an e.g. of a poor labour who is having many children but has no adequate means of maintaining them all. He cannot provide his children with good education. No education, therefore they are only left with an option to work, so that at least they could earn some money and support their family. In such conditions, they are left with no options but to take such “Jobs” which completely “Hazard” their life and such poor children are picked up by the owners of factories, mines, dhabas, industries in which they are given such work that is dangerous and hazardous to their life. In this context, Constitution of India has specifically dealt with child labour in Article 24 whereas Art. 15(3), 39, 42, 43 and 45 deal with child labour indirectly.

³ Nicki Kindersley, (2005), “They want to attend school- Broken Hard, Child Labour in Mines of Rajasthan, MLPC, Jodhpur”

⁴ ibid

- **Methods**

Research methodology used for the given article is doctrinal as well as non-doctrinal research. Doctrinal Research is a kind of research in which the material taken is from articles, books, journals, and other sources. Non-Doctrinal Research is a kind of research that includes interview, survey, etc. For the purpose of this article author conducted research by taking an interview on one-to-one basis of the child labourers working in the sandstone mines of Jodhpur. Interacting with these children personally helped me to gather information properly and extensively. They live in appalling conditions – in the mines periphery where they work with no access to basic amenities like water or toilets - it becomes pathetic to survive. Data was collected from different articles and books as well.

- **Data Analysis**

In the interview conducted and the data analysed it is observed that all the child labourers lived with their family. 40% lived in Pucca houses, 40% lived in Slums and remaining 20% families lived in Kaccha houses. It is also interpreted that more than half of the members of the family of child labourers go on work in 40% families and in remaining 60% families the percentage of members going to the work are less than 50%. The data collected by taking interview of 10 child labourers it was found out those 80% children are working from the age of 8 years. This age of children is basically for studying and not for doing such hazardous work in mines and in cranes but due to poor financial condition of their family they are bound to work and earn money. Their condition is so worse that even a penny adds up to their family income. When it was asked to children that whose decision it was that they should do work, 70% children said that decision to do work was taken by their family and remaining 30% gave the reason that seeing our family situation we took decision on our own and tried supporting our family by earning a little. It is worth noting that no matter whose decision it was to send children on work, the issue is that their family conditions are such which forces them to engage in such hazardous and dangerous works. It was also found that almost all children go to schools and they are

currently pursuing their primary education there. But a few children could not go to school just because of poor and pathetic financial condition of their families. They wish to study further but somehow they are restricted because they lack financial aid.

- **Findings**

It is very important to study about the future of our country which depends on children. Children are the future builders of the nation. It is therefore not only important but also essential to see that the future of children is well protected and looked after.

Author visited Sandstone Mines located at outskirts of Jodhpur and saw the pathetic conditions where small children work in mines and there in mines child labour is practised at such a high rate which can't be described in a sheet of paper in black ink. Although the article's main focus was on the child labourers working in Sandstone Mines yet a visit was made to the areas like Sasi Basti, Jodhpur Railway Station and different areas where child labourers could be found indulged in some or the other kind of work. It was an opportunity to meet these children face-to-face and taking their interview, they told about their living conditions, their environment where they work and the threats and challenges that they face.

In many cases it was found that parents themselves ask their children to work instead of studying and being getting educated. Their main focus is to earn maximum amount of money that can be earned through each members contribution. During research I came across many NGO's and institutions like "Rajasthan State Mine Workers Union" and "Manav Kalyan Sansthan" which are taking initiatives to bring awareness and eradicate the existing problem of child labour in the society. "Children assist their parents to complete the work. Parents see prospects of children multiplying the family income to get rid of bonded labour and see little value in their children getting education".

Children work in the mines to help their parents, and to supplement the family income in order to buy basic goods such as clothing and food. Since much of the work is physically hard, they may not be fully involved at first. Children increase the scope of their

activities, as they grow older. Working long hours under arduous conditions is difficult enough for adults. It takes an even more serious toll on the soft bones and growing bodies of children. Young children are also especially vulnerable to physical and chemical hazards⁵.

As per the data collected and analysed most of the children working as labourers belong to the age group of 7-13 years. Children in their formative years start getting involved in activities like taking care of the instruments used in mining, assisting their parents, fetching water, tea etc. 80% children are school going but due to their poor financial conditions they are not able to continue their studies further. The wages of child labourers vary between Rs. 50-150. An observation was also made that in most of the mines there is no attendance register for labourers and as a result they don't get regular payments. Labourers are not paid for holidays and as their livelihood is dependent on daily wages there should be a notice board at mine sites where they could be given prior notice of holidays. There is no facility of clean drinking water and sheds to relax or separate toilets for male and female labourers. There is no provision to avoid major accidents and labourers should be provided masks and helmets to avoid breathing problems with dust of sandstones. Government does not provide any medical camps or regular checkups for the child labourers neither there is any school in the vicinity for the children. There are no fixed holidays given by mine owners or by govt. neither they are provided with the proper housing facilities. No compensation is provided on major accident or on death of any person. While death is sudden in accidents, it can be slow and painful for workers afflicted by occupational diseases. Silicosis, tuberculosis and bronchitis due to inhalation of dust are common among mineworkers. Mechanization generates dust and finer particles, which remain suspended in the air for longer periods and are inhaled by the miners. The absence of safety equipment also increases the vulnerability of the workers. Increase in various skin and respiratory diseases and incurable diseases caused due to "silicosis". Workers in mines and quarries belong to the high-risk group. They inhale minute dust particles. The average life of a mineworker is estimated to be between 40 to 50 years. Inhalation and deposition of silica particles in the lungs result in silicosis, which

⁵ UN on Decade of Education for Sustainable Development, "Child Labour"

leads to pulmonary fibrosis and premature death. Mine owners are insensitive to the situation and not keen on providing safety equipment to the workers. Lack of awareness and poor nutritional status worsen the situation. Thus, the life of these labourers is miserable; they are leading their life in an inhumane condition.

Today the main reason for causal of child labour is widespread *Poverty*. Poverty forces parents to send their children to seek employment. Children work not because their parents or their masters are wicked but because their income is essential for the survival of family. The problem of child labour is inter-related to the problem of living wages of adult-worker. Here *Unemployment* also comes into the picture as one of the causes as the children seek work because their adult wage earners are either unemployed or have some part-time job. Another important cause of child labour is *Large Families*. Large families with comparatively less income cannot give shelter to their children. In order to compensate the daily income, children are sent to work instead of schools and are made to work for their livelihood. They think three or four children are better than one child as for them an extra child means extra income. The major portion of the population are *illiterate*, specially the lower socio-economic groups. Their condition never permits them to think of future, as their present life is itself miserable.

Under the Constitution of India, Labour is on the Concurrent List. This means that both the Central and State governments can enact legislation in the benefit of the workers. The Mines Act, 1952 regulates safety, health and welfare of workers in mines. Employment in mines, trade union rights and liabilities, dispute resolution, contract labour are also regulated under different Acts and Rules. Despite all these safeguards, labourers are one of the most-exploited segments of the mining industry in Rajasthan and in other areas⁶.

In the case of *People's Union for Democratic Rights v. Union of India*⁷ it was contented that the Employment of Children Act, 1938 was not applicable in case of employment of children in the construction work of the Asiad Projects in Delhi since construction

⁶ Rana Sen Gupta, (2005), "Report on ASM in Rajasthan, MLPC"

⁷ AIR 1942 SC 1473

industry was not a process specified in the schedule to the Children Act. The Court rejected the contention and held that the construction work is a hazardous employment, and therefore under Article 24 of the Constitution of India no child below the age of 14 years can be employed in the construction work by reason of the prohibition enacted in Art. 24 and this constitutional prohibition must be enforced by the Central Government. There are certain articles that may be considered as guidelines for making legislation on child labour like Art. 39 that state, “the State shall, in particular, direct its policy towards securing – (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; (f) that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment⁸.

- Among all the provisions of the Constitution pertaining to the children, Art. 24 of the Constitution is the most important one that restricts the employment of child below the age of years in certain working place. Article 24 prescribes only 2 factors: (a) Age factor and (b) Nature of employment⁹.
- In spite of these legal measures, many people believe that children are less protected and cared for today as compared to earlier times. Exploitation of child labour and sexual abuse of children is now widespread in the society. Education is the privilege of few children only, children are lucky if they get nutritious food essential for their development. Health services are woefully inadequate. This sorry state of affairs is not confined to third world countries alone, but also to other countries, the difference is that degree of only.

⁸ PK Padesi, (2011), “Labour and Industrial Law”, Eastern Economy Edition

⁹ http://www.indianembassy.org/policy/child_Labour/childlabor.htm

- **Conclusion and Suggestion**

As per the research on the topic of Child Labour in Sandstone Mines what the author found is that the bill was passed on child labour but there is no effective implementation of the Law in the territory. While the research was being conducted a fact came to the knowledge that a few children know about law, as well as many children are exploited on the name of employment. Many children are working either for money or under pressure, completely ignorant about what they are doing. Most of the children do not know about their Right and Law, then how could they fight for their Right? Child Labour is not only an illegal act, but also an evil, which is day by day increasing rapidly, and proving a hurdle in the development of the nation because it is said that children are the future of nation.

- It can also be said that Poverty is perhaps the single most important reason for which the children are put to work: their families need extra income. Local traditions may also encourage child labour. In many cultures it is believed that children should learn and participate in the trade of their parents, even if that is hazardous. Most of the children have to face social injustice despite all the guarantees and declarations in law and society. Undoubtedly, there is an increasing awareness of the child dimension in the development and implementation of social policies. Much has been done and a lot remains to be done. Law is supposed to protect the weak particularly against the strong for fair treatment in mutual relationships. However, there is neither a blanket prohibition on the use of child labour, nor any universal minimum age set for child labourers. All of the policies that the Indian Government has in place are in accordance with the Constitution of India, and all support the eradication of Child Labour.
- After analysing the various decisions of Supreme Court and Art. 24 of Constitution as well as Child Labour Act, 1986, it is clear that Child Labour in this country is permitted with certain exceptions. There are many reasons of child labour but most common explanation given is that child labour is due to poverty. While poverty is definitely one of the reasons for the existence of child labour, it is neither the sole nor the primary cause. It is concluded that societal attitudes and caste factors induce child labour by perpetuating

inequities in socio economic structures and by depriving the weak and disadvantaged sections from access to education, recreation, health care, etc. consequences of child labour are both immediate and long-term in nature. In the short- run, adults are denied jobs and paid less which children work under bad conditions and lead a life of ignorance. While there may be short term financial gain to the employer or the child and his family, the long run loss to the child, to society at large and ultimately the country is immense, especially from the perspective of human resource development and sustainability economic development¹⁰.

- The problem of child labour is a difficult one and it is purely on account of economic reasons that parents often want their children to be employed in order to be able to make both ends meet. Child labour being an economic problem cannot be solved merely by legislation. Unless there exist poverty and destitution in the country, it will be difficult to eradicate child labour. Even an attempt must be made to reduce the evil of child labour if it cannot be eliminated completely because it is absolutely essential that a child should be able to receive proper education with a view to equipping itself to become a useful member of the society and to play a constructive role in the socio-economic development of the country. It is true that seeing the prevailing conditions of socio-economic conditions, child labour cannot be prohibited altogether as this move may not be socially or economically acceptable by the large masses of people. That is why Art. 24 limit the prohibition against employment of child labour only to factories, mines or other hazardous employments¹¹.
- For combating child labour, it is suggested that Indian Government should give national priority to education and social services. Government should commit itself to universalisation of free and compulsory elementary education for all children up to the age of 14 yrs. with training in productive skills. To increase awareness and keep discussing ways and means to check this problem. After conducting research suggestion that would be given is that only making of law is not the solution to the problem of child labour but also its proper implementation is necessary. Government should also improve its methodology for effective implementation of Law on child labour, so it will be easy to

¹⁰ Amitabha Ray, (2010), "Law Relating To Child Labour And Welfare", Current Publications.

¹¹ PK Padesi, (2011), "Labour and Industrial Law", Eastern Economy Edition.

curtail this evil present in the society. Also there should be some provision for certain kind of financial aids to the poor and the needy people, because most of the children are working for money.

- Government should pinpoint the true cause of the child labour and should launch a long term Child Labour Elimination Programme on priority basis by allocating sufficient fund for this along with the thought that long- term consequences of child labour should not be ignored for short- term advantages and should realise the gravity of the problem.