

Governance apathy and Social Hazards: A Case Study of Child Labour in Handloom Industry

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ABSTRACT

India is currently witnessing large number of child labour, unfortunately nothing concrete has been done except legal conventions. It continues to be one of the major social issues confronting India with more than 100 million children engaged in various activities. On the part of governance of governments has been moreover filled with apathy. The policy lapses surmounting social hazards consequently large number of our future generation would be lost without making any contributions to the state's development rather they will be lost nowhere. Due to various research and documentation on the scale and intensity of the problem and particularly commendable work of NGOs, research institutions and academia to an extent, the issue has been on and off in the public domain and kept alive in the minds of the civilized society. The deep rooted structure of Indian society has perpetuated the continuity of child labour and huge of them into hazardous industry. The capitalist system of production provided best avenues to the labour but suited to the industry aimed at surplus and more surpluses. The Nobel Prize given to person worked towards the elimination of child labour is a witness the cruel reality to the rich and unequal society. The hazards to the innocent life of children are one of the fundamental crimes against humanity but in reality it exists in all forms. This paper derives the research base of in the handloom industry in India and how the government's apathy has deepened the magnitude of the child labour. The present study is primarily based on a study conducted on the larger issue of child labour in handloom sector in the state of Uttar Pradesh. My understanding does count the major role of certain factors for the continuous existence of this cruel reality. The seriousness of the responsible factor remains to be poverty for its high incidence, prevalence and perpetuation of child labour. So the same reason remains with handloom industry in India. It tries to bring the myriad form of problems associated for the existence of child labour and how the children at a very tender age gets deprived from the basic human rights. This also raises the fundamental questions of preventing the soft population entering into the unending tyranny of exploitation and deprivation and continues to live in the process of exclusion.

Keywords: Child labour, handloom industry, Governance, hazardous, exclusion and poverty.

INTRODUCTION

India is currently witnessing large number of child labour, unfortunately nothing concrete has been done except legal conventions and becoming signatory to a few international resolutions against the practice of child labour. It continues to be one of the major social issues confronting India with more than 100 million children engaged in various activities. On the part of governance of governments is moreover apathy. The policy lapses surmounting social hazards consequently large portion of our future generation is going to lose their social well being. Despite many constitutional provisions to safeguards the basic rights of children, there is huge number of child forced or bondage labour involved in commercial activities. Many governments came and gone but nothing serious measures have taken, it shows the lack of insensitive on government's part. In spite of various research and documentation on the scale and intensity of the problem and particularly commendable work of NGOs, research institutions and academia to an extent, the issue has come up for public debate scrutiny and debate over the last decade.

The present study critically evaluates the causal effect of governments' lethargic and insensitive approach towards addressing child labour problem in India. The study is primarily based on a field work conducted on the larger issue of child labour in handloom sector in the state of Uttar Pradesh. The poverty has remained the major factors for the high incidence, prevalence and perpetuation of child labour. So the same reason remains with handloom industry in India. It tries to bring the myriad form of problems associated for the existence of child labour and how the children at a very tender age gets deprived from the basic human rights. This also raises the fundamental questions of preventing the soft population entering into the unending tyranny of exploitation and deprivation. The study moreover relied on primary sources whereas it has taken inferences from secondary sources to make theoretical grounding on the subject from various important studies.

The possibility in this study

The handloom industry has been traditionally a family based occupations where all the members of the family collectively work together and finishes each item for the employers. It is in the process of socialization, children begin adopting the skills and habits of working with their parents and seniors at home. Initially children corroborate with the instructions and work as helpers and learners under the supervision of the adult family members. Phenomenally the work has founds its place at home, in other words the workplace is an extension of the home and work is characterised by the personal and informal relationships. Here the task and technology that work involved are simple and non-hazardous too.

The possibility and the scope in the study were broader but this paper is limited to examine the problems of child labour in handloom industry and locate how state's apathy has maximized the intensity of the problem. The connection between tackling child labour and promoting Education for All has been increasingly recognized and effectively became inclusive through Right to Education Act (RTE) in India. It has been an accepted reality that

qualitative free and compulsory education up to the minimum age of employment is a key element in preventing child labour. In contrary, the practice of child labour is one of the main obstacles to full time school attendance and in the case of part-time work, can prevent children from fully benefiting of their time at school (ILO, 2010).

A study conducted by Centre for Education and Communication (CEC) also shows the pattern of child labour in the selected district of western Uttar Pradesh. The children are conditioned to attend evening classes run by the Uttar Pradesh Kisan Mazdoor Sangthan (UPKMS). The interesting effort is seen in the process of mobilization of the parents for sending their children to school premise that creates some zeal and continuity among the children to turn back schools. The efforts of civil society organization through continuous meeting with the parents at their villages; meetings with parents at the school premise has surely helped the organization in managing the enrolment level optimum.

In the same approach, there is a possibility of having evening school for the children in handloom industry as it will not disrupt the work of the families. After the strict vigilance and labour laws legislations, much of the work has been disposed at the door of the families. The easier way to get the work done without any hassles and free from labour laws application is to have such models of schooling making socially more acceptable. This reduces the exposure to the hazardous condition to the children but the girl-child becomes more burdened in this set up. They have to help in the daily chore work of the household and also help in finishing the handloom works for the survival.

A 12 year girl narrates, "how come I leave my mother alone at home to complete all the household chores. I am grown up now and I shall help her to get the possible work done efficiently. Yes I desire to attend evening school. I also want to play with my friends whenever free. But there is hardly any time left to spend time among friends and quite often I remain absent in the classroom. After all feeding our stomach is important, and my mother saves penny after penny to arrange my marriage. School does not bring respite from these burdens."

The above narrative manifest the complexity of the existence of child labour in Indian society where girl child labourers are triply burdened and none is there to address it. Child labour, mostly from lower castes and communities, and finally a girl child labour survive in the web cycle of being poor and making themselves poorer.

In addition to this, in handloom sector, children are most desirable due to their soft hands. Children do diverse jobs and they do learn the required skills quickly and demand quite lesser than other age groups. The most important fact is the non-resistant nature of children. Even if the parents and employers use coercive methods and force the children to work as desired, there are hardly any chances of protest and negligence. These aspects are very critical to build any understanding and perspectives on the conditions and problems of child labour in handloom industry in particular and general. Hence, it is to corroborate the other studies and facts on the subject of child labour that the present study helped. It is not possible to

dismantle the practice of child labour in a day or month but it is a gradual effort which brought a revolutionary social change in western societies to curtail the practice of child labour. The eyes are on an emerging economy like India and which turn it takes.

Defining Child Labour

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 (ILO). The first general laws against child labour, the factory Acts, were passed in the Britain in early 19th century (The National Archives). Children younger than nine were not allowed to work and the workday of youth under the age of 18 was limited to twelve hours (Cecindia.org). Child labour refers to the employment of children at regular and sustained labour. This practice is considered exploitative by many international organizations and is illegal in many countries. Child labour was employed to varying extents through most of history, but entered public dispute with the advent of universal schooling, with changes in working conditions during the industrial revolution, and with the emergence of the concepts of workers' and children's rights.

In many developed countries, it is considered inappropriate or exploitative if a child below a certain age works (excluding household chores, in a family shop, or school-related work) (The World Bank). An employer is usually not permitted to hire a child below a certain minimum age. This minimum age depends on the country and the type of work involved. States ratifying the Minimum Age Convention adopted by the International Labour Organization in 1973, have adopted minimum ages varying from 14 to 16. Child Labour laws in the United States set the minimum age to work in an establishment without restrictions and without parents' consent at age 16, (Br Med J.) except for the agricultural industry where children as young as 12 years of age can work in the fields for an unlimited number of non-school hours. The incidence of child labour in the world decreased from 25 to 10 percent between 1960 and 2003, according an estimate of the World Bank.

Reasons for sustaining child labour

Apart from globally accepted reasons, the contributing factors for child labour (especially hazardous industry) are poverty, illiteracy of the parents and socio-economic conditions of the child labours, lack of awareness about magnitude of health harms. The location and circumstances of child labours families, lack and access to quality education and skills are a few factors that push the child labour to grow. The culture of poverty does contribute as an additional window towards becoming a child labour. The choice of labour is not question rather the compulsion to work as child labourer is the only fact. Earlier studies have also found other reasons for the existence of child labour in all sectors. For instance; **Poverty and a lack of livelihood options lead to a child’s “need” to contribute to the family income. Conflicts, droughts and natural disasters, and family indebtedness; rural poverty and urban migration also often exposes children to being trafficked for work (UNICEF, 2018).**

Sketching Child Labour in World Map

In the Industrial Revolution period, children as young as four were employed in production factories with dangerous, and often fatal, working inhuman conditions. Based on this understanding of the use of children as labourers, it is now considered by wealthy countries to be a human rights violation, and is outlawed, while some poorer countries may allow or tolerate child labour. Child labour can also be defined as the full-time employment of children who are under a minimum legal age.

The Victorian era became notorious for employing young children in factories and mines and as chimney sweeps. Child labour played an important role in the Industrial Revolution from its outset, often brought about by economic hardship, Charles Dickens for example worked at the age of 12 in a blacking factory, with his family in debtor's prison. The children of the poor were expected to help towards the family budget, often working long hours in dangerous jobs for low pay earning 10-20 per cent of an adult male's wage. In England and Scotland in 1788, two-thirds of the workers in 143 water-powered cotton mills were described as children. In 19th-century Great Britain, one-third of poor families were without a breadwinner, as a result of death or abandonment, obliging many children to work from a young age (C. Lucindia, 2002).

In coal mines, children would crawl through tunnels too narrow and low for adults. Children also worked as errand boys, crossing sweepers, shoe blacks, or selling matches, flowers and other cheap goods. Some children undertook work as apprentices to respectable trades, such as building or as domestic servants (there were over 120,000 domestic servants in London in the mid-18th century). Working hours were long: builders worked 64 hours a week in summer and 52 in winter, while domestic servants worked 80 hour weeks. Children as young as three were put to work. A high number of children also worked as prostitutes. Many children (and adults) worked 16 hour days (Nwogbaga D, 2012).

As early as 1802 and 1819 Factory Acts were passed to regulate the working hours of workhouse children in factories and cotton mills to 12 hours per day. These acts were largely ineffective and after radical agitation, by for example the "Short Time Committees" in 1831, a Royal Commission recommended in 1833 that children aged 11-18 should work a maximum of 12 hours per day, children aged 9-11 a maximum of eight hours, and children under the age of nine were no longer permitted to work. This act however only applied to the textile industry, and further agitation led to another act in 1847 limiting both adults and children to 10 hour working days (Ibid).

Indian Scenario

The data on child labour is precarious and unpredictable. The UNICEF outlines 10.1 million child labour in India in which 13% of the workforce is contributed from child labourers (Census of India, 2011). However the data is limited because the data compilation is almost next to impossible. Each sectors both employers and employees hide the actual figure

of the children, number has not functioned well. India's 2011 census has proved to be significant. There are eight million children working in rural areas and 2 million in urban areas. The growth in urban space has also helped the employers to get greater number of vulnerable children, handloom is no exception. The rural India reduced from 11 million to 8 million during two census data (2001 and 2011 censuses) where as children working in urban settings have found significantly rise from 1.3 million to 2 million.

In our society, child labour has always been seen as a cultural and social practices rather than a crime. The National Social Audit was a unique effort by the civil society organizations under the platform of Campaign Against Child Labour (CACL) in India - held on April 30, 2006 National Anti-Child Labour Day - to give India's working children a taste of justice. It reviewed the working of an amendment of the Child Labour (Prohibition and Regulation) Act 1986 which was notified on 10 October 2006 to ban children less than 14 years from working at hotels, restaurants and dhabas and as domestic labour (National Social Audit, 2009-10).

There is a considerable amount of literature already available on this issue as evidenced in the references. The work of (Sinha 2013, Burra 2005, Kothari 1983, Tilak 1992, Dreze and Sen1995, Aradhya & Jha 2013, Wazir 2002) all point to the fact that there is no dearth of serious literature on the subject clearly articulating fresh perspectives which challenge hitherto mainstream approaches to the subject. A distinguishing feature of what can be called as 'development alternatives literature' is the fact that they all subscribe to a politics of emancipatory social change suggesting that India's freedom cannot be complete unless and until there is a complete eradication of child labour and simultaneously that every child needs to be in school because they have a fundamental right to be there and not on the labouring fields of industry, agriculture, domestic work and the service sector. What unites the writers and critic is the centrality of their focus-the young poor of India, boys and girls condemned to poverty, the children who live lives of the 'other half' of this country.

We are well aware of the fact that if child labour had become an election issue in the country with the ability to make or break parties through the vote there would have been a sea change in the country long ago. Sen and Dreze in their work, 'India Development and Participation' wrote in 2006, "Ultimately the expansion of basic education in India depends a great deal on these political factors. There is no question that, even in a country as poor as India, means can be found to ensure universal attainment of literacy and other basic educational attainments. There are important strategic questions to consider in implementing that social commitment, but the primary challenge is to make it a more compelling political issue."(Sen & Dreze). While Indian industrialists and politicians invest in Chairs in the Ivy League universities in the US and in Great Britain guaranteeing the perpetuation of their interests in the West and with the hope that their children will be able to attend one day these schools, a debate simultaneously rages in the country on why child labour can only be resolved in stages and rules and laws are cited to justify that 60 years was not enough of a time to remove this denial of rights to children. A recent survey by ASSOCHAM estimated that over Rs. 55,000 crores is repatriated every year from India for 4, 50,000 Indian students who go overseas for their education (Surbhi Bhatia, ToI). If markets and citizens cannot be

relied on entirely to campaign for these issues and make this a political issue it will be the responsibility of the State to emancipate child labourers who approximately consist of the population of Greece, Netherlands and Serbia put together. “Even liberalism that has often been harnessed in the defence of capitalism pays at least lip service to the “equality of opportunity”.(J.S. Mill), It seems self-evident that when children of the upper layers with little talent and even less interest in academics are schooled to age 21 if not 23 or even 25 while children of the underprivileged with much potential and desire are kept out of schools from age 16 or 14 if not 10 or even 6, there is a great injustice done that does not satisfy even the “equality of opportunity” notion of justice”(Opp. cite.).

Who are the Child Labourers?

Child labour involves the employment of children under the age specified by law or custom. As we popularly known and discussed in earlier paragraphs, Child labour was utilized throughout the history of most developed and developing countries, but it was involved in the public dispute with the argument for universal schooling, changes in working conditions during industrialization, and with the emergence of the concepts of children’s rights. In November 1989, the United Nations declared the Convention on the Rights of the Child, stressing on that child labour is exploitative in the Article 32 of the Convention. According to the International Labour Organization, there are an estimated 218 million children aged 5 to 17 years worldwide, excluding child domestic labour. Thus ILO has also stressed on the abolition of child labour in the Worst Form of Child Labour Recommendations, 1999(Sen & Dreze). One of the difficulties faced by all those who are dealing with this social challenge is the variations in quantitative data of the total number of children in child labour as the figures given by different agencies vary from one another. This stems from the definitional differences between different agencies, government and civil society regarding child labour.

Indian Legislation for children from exploitation in Child labour:

· The Child Labour Prohibition Act, 1986 bans the employment of children below the age of 14 in many professions, such as domestic labour, and in the hospitality trade for example in roadside dhabas (restaurants), restaurants, hotels, motels and spas. It does not ban child labour in agriculture. The Right to Education Act 2009 ensures all children 6-14 years have the right to free and compulsory education. The Indian Constitution ensures the right of all children 6-14 years to free and compulsory education; prohibits forced labour; prohibits the employment of children below 14 years in hazardous occupations; and promotes policies protecting children from exploitation. Whoever employs a child or permits a child to work is punishable with imprisonment from three months to one year or with fine no less than INR 10,000-20,000 rupees or with both. The Juvenile Justice (Care and Protection of Children) Act 2000 defines child as being below 18 years of age. Under the Convention on the Rights of the Child (CRC), ratified by India in 1992, all children have the right to be protected from work that is dangerous, or that might harm children’s health or education.

The Policy Framework for Child Labour

The key international laws dealing with child labour include the UN Convention on the Rights of the Child 1989 (CRC) and the International Labour Organization (ILO) conventions on the Minimum Age for Admission to Employment of 1973 (ILO Convention 138) and on the Worst Forms of Child Labour of 1999 (ILO Convention 182). India has not ratified either of the two ILO conventions and also made a reservation to article 32 of the CRC. Child Labour (Prohibition and Regulation) Act (1986), “to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments” (preamble of the CLPR Act). It excludes a section of toiling children in the unorganized sectors including agriculture, as well as household work.

National Policy on Child Labour (1987), with a focus more on rehabilitation of children working in hazardous occupations and processes, rather than on prevention.

Juvenile Justice (Care and Protection of Children) Act 2000 (the JJ Act) and amendment of the JJ Act in 2006: includes the working child in the category of children in need of care and protection, without any limitation of age or type of occupation.

Section 23 (cruelty to Juvenile) and Section 26 (exploitation of juvenile employee) specifically deal with child labour under children in need of care and protection.

The Right to Education Act 2009 has made it mandatory for the state to ensure that all children aged six to 14 years are in school and receive free education. Along with Article 21A of the Constitution of India recognizing education as a fundamental right, this constitutes a timely opportunity to use education to combat child labour in India.

The 2001 Population Census states that there were 360 million children in the 0-14 age group; they accounted for 35.3 per cent of the total population. Among these, 251 million children were in the 5-14 age-group (24.6 per cent of the population). The data shows a huge number engaged into child labour work but the efforts in reducing them has not increasing as per the increasing rate of child labour participation (Census 2001, GoI).

Poverty and exclusion of children are the two sides of the same coin. One side of the coin may blur if the gravity of poverty is reduced. The handloom industry is one of the most prominent sectors employing large number of children at work and outsource if needed. Children are involved in the handloom sector at pre-loom activities and weaving at an early age group. The need of the children goes well in demand as they cannot forward the demands as par the adult labour can do. The working condition of the children varies between six to sixteen hours a day. But the matter of the fact is that the working condition is not seriously inhuman and cruel as in the other sectors where children are employed.

By the process of socio-economic development, there has also been rise of Child labour in India and it's been a perennial deep rooted problem. The consensus on the existence of child labour is not the issues, in fact the very existence of child labour has been the ancient

phenomenon but the modern and democratic society has accepted it a slap on their face and a stigma on their nation. Available literature suggests that India has nearly one third of the world's child labour and the largest population of working children in the world. The most astonishing fact is that large of them are employed and engaged in hazardous industries such as match making, fireworks, glass, carpet weaving etc. Around 80 per cent of the working children are employed in agriculture and allied occupations including plantations and the remaining lives in urban centres; manufacturing and services sector units. Denying the fact of the exploitation and deprivation of children in unorganized, informal and small scale workers is not the question here but how does a research can justify one or the other categories of child labour and their exclusion? The attempt was to understand the incidence of child labour in handloom industry and on the bases of fieldwork conducted in certain pockets of Uttar Pradesh.

With the onset of the 20th century, the issue of universal elementary education has become the focal point of many studies and researches. Yet, after a decade, according to the 2001 Census there are nearly 13 million children that are victims to child labour, whose childhood have been deprived of education, play and who are forced to enter the labour market with long hours of work, meagre remunerations and degenerating working conditions. There is a school of thought that advocates that poverty is not the only cause for the existence of child labour. This could be called the "education school" of thought which believes that reformation of the education, Abolition of Child Labour, Social Exclusion and the Girl Child. The Tenth Five Year Plan 2002-07, in its Article 3.5.77 stresses that "the best solution to this (child labour) problem is compulsory primary education for all children."(S. Raghuram, 2008) "Both the experts and the politicians in India are agreed upon the root cause of numerous afflictions that India chronically suffers from. It is the lack of educational facilities, particularly the lack of facilities for elementary education for the masses."(ibid) The Right to Education Bill 2005, later passed by the Parliament leading to free and compulsory education for all in the age group 6-14 years, was one of the significant steps towards the twin purpose of tackling child labour and universalizing education (PRS, 2008). This Bill identified despite the Article 45 of the Directive Principles of the Constitution, which states that it is the duty of the State to provide free and compulsory education for all upto the age of 14 years (1960), that there are huge numbers of children out of school and engaged in labour, along with those that receive poor quality of education. The 86th Constitutional Amendment Act has provided for free and compulsory education for all in the age group 6-14 years as a Fundamental Right under the Section 21 A of the Constitution (NCPCR, 2008).

Concluding words

The Child Labour Deterrence Act in India established fines for employers, making the employment of children more costly. The wages of working children thus dropped causing either more children in the household to work or those already working to work more hours (Basu & Tzannatos, 2003). In India, 4.3 million people directly involved in the production, the handloom industry is the second-largest employment provider for the rural population in India after agriculture. This fact corroborate the incidence of child labour in Uttar Pradesh

very high but there is no census to count them neither families report to the officials collecting data. The problems of handloom based child labourer are pathetic and higher in magnitude. The concentration of the work is mostly households. The performance of the state in abolishing the hazards based child labour has not given desirable results. The life lost in the early stage of their growth does not return rather economic loss is vital.

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