JETIR.ORG ISSN: 2349-5162 | ESTD Year : 2014 | Monthly Issue
JOURNAL OF EMERGING TECHNOLOGIES AND INNOVATIVE RESEARCH (JETIR)
An International Scholarly Open Access, Peer-reviewed, Refereed Journal

Eradication Of Child Labour And Education: Lessons From Fieldwork In Patna

Dr Seema Das, Associate Professor
Department of Political Science,
Hindu College, DU

ABSTRACT

The complexity of the problem of child labour and the skewed strategy with which the Indian state has tried to combat it has tilted the situation in favor of its perpetration rather than elimination.Myron Weiner in his classic work 'The Child and the State in India: Child Labour and Education Policy in comparative Perspective' [OUP,1991]shows how child labour was eradicated world wide by bringing in compulsory education and abolitionist legislations.In 2016, The Child Labour Prohibition and Regulation [Amendment]Act banned children below the age of 14 years from working in any occupation in India. They are now required to attend schools under The Right To Education Act,2009 .The state policy on eradication of child labour based primarily on the twin strategy of compulsory primary education and total legal ban on its incidence has not been successful in the state of Bihar. The multiple layers of causative factors embedded in the context of penury as well as society need to be questioned as state strategy seems inadequate to abolish child labour.This paper argues that the role of caste and patriarchy is deep-rooted in keeping child labour alive in Patna district. As a result, universalization of elementary education is partially successful.A violation of child labour laws and perpetuation of the incidence of child labour is endemic in Patna district of Bihar.

Key Words
child labour, state, universalization of primary education,Prohibition and Regulation Act, RTE Act , caste, patriarchy, poverty.

INTRODUCTION

Beginning from the Factory Acts of 1881 to the enactment of the Child Labour Prohibition and Regulation Amendment Act,2016, the Indian State has attempted to prohibit and regulate the conditions of child labour in the country.This legislation centric approach saw a shift in the decade of 1980's when education was made an important component of state strategy to address and combat the problem of child labour. The state came up with various schemes to attain Universalization of Elementary Education ; flagship programme being, Sarva Siksha Abhiyan which was introduced in 2001 in Bihar . The compulsory primary education was implemented in April 2010 after the ratification of the Right to Education Act,2009. However, the problem persists and is endemic in the state of Bihar, particularly in the Patna district.Education has limited role and potential in eradicating child labour in the context of abject poverty ,prevailing patriarchy ,continuing feudalistic ideology and caste stratification.The research based on fieldwork study of Patna district shows that despite claims of achievement of universal school enrollment in Bihar, many schools bear a deserted look as children remain occupied during school hours in different economic activities to sustain themselves .Such a scenario belies the assertions professed by Myron Weiner in his classic study 'The Child and
the State' that compulsory primary education is the sole key to eradication of child labour.

Constitutional Mandate on Child Labour: A combination of FundamentalRights and Directive Principles:

.

The Indian Independence in 1947 brought with it a desire of freedom from the colonial bondage and a will to reconstruct the socio-political fabric of the state. To accomplish this, the nascent nation-state aimed to provide an equitable and just society. Along with other socio-economic problems, the issue of child labour surfaced before the framers of the constitution. However, the debate in the Constituent Assembly focused on forced labour, while the issue of child labour was, for the most part, neglected. The solitary intervention in this regard was made by a member of the Constituent Assembly, Shri Shiban Lal Saxena, who had proposed that the children below sixteen years of age[not fourteen years as it stands today] should be debarred from being employed in hazardous occupations under Article 24. His proposal was neither debated , nor passed. [Constitutional Assembly Debates,1999] .

A sub-clause of the Article 23 [forced labour] at the stage of the advisory committee in the Constituent Assembly, the issue of child labour was made a separate article of the Constitution later.

Tracing the passage of Article 24 relating to child labour in the Constituent Assembly, one tends to note two major limitations : 1] the lack of debate on the issue of child labour; and 2] while the violation of the Article 17[Prohibition of Untouchability], and the Article 23 [Forced Labour] were made criminal offenses, no attempt was made to do so in case of child labour.In the absence of any penal provision, this article has turned out to be a toothless tiger. It seems plausible that the economic crisis and poverty might have prevented the constitution makers from banning child labour completely . Another reason could be to safeguard the business interests of the industrial class as children were available as cheap labour and were amenable to discipline.

Except for article 24, all the other constitutional provisions affecting the condition of child labour are in the form of directives to the state which are non justiciable. The constitutional provisions are enshrined in the following sections of the Indian Constitution:

- Part III, i.e., the Fundamental Rights [Article 24],
- Part IV, i.e. the Directive Principles of State Policy, [Articles 39[e and f] and 45].

The Article 24 states, 'No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.' [Basu,2002]Since it is a fundamental right, it is justiciable. The Directive Principles of State Policy, albeit, non-justiciable, do include directives which state that "the tender age of a child is not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age and strength." [Basu,2002]Further, "that 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 abandonment"; and that the state shall endeavour to provide "free and compulsory education for all children until they complete the age of fourteen years" within ten years since the promulgation of the Constitution **[**Basu,2002]… manners as the state may, by law, determine." Thus, the constitution makers noted the role of state in providing free education for moral and material development of children .

By giving a time frame ,this directive showed some urgency ,however, public funding of school education remained grossly inadequate in the initial years of India's independence. The Five Year Plans had minimal focus on the promotion of literacy and education, least of all the promotion of elementary education.Therefore, in 1986 when the first National Education Policy was being formulated, more than half of the children and two-thirds of the girls below the age of 14, were found to be out of school system.[….**ref**]

In 1993 ,the Unnikrishnan Judgement in Supreme Court made right to free and compulsory education as good as a fundamental right.This judgement activated several civil society groups to demand the incorporation of right to education as a Fundamental Right in Part III of the Constitution . Subsequently the 86th amendment was passed which elevated right to education to the status of a fundamental right.The new Article 21A included in the Constitution in December 2002, reads :'The State shall provide free and compulsory education to all children of the age 6 to 14 years in such manner as the state may, by law, determine '. The amendment also required that the state would enact the legislation to determine the manner in which the provision contained in the Article 21A becomes operational. This was also accompanied by the inclusion of Article 51-A[k], which makes "the duty of every citizen of India…[k] who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward of the age of 6 and 14 years." . It was after more than seven years in August 2009 that the Indian Parliament passed the legislation ,the'Right of Children to Free and Compulsory Education Act 2009' and the legislation became operative in April 2010. The Government of Bihar ratified and notified the rules and regulations after adoption by the state legislature in 2010.

COMBATTING CHILD LABOUR : MAJOR LEGISLATIVE FRAMEWORK

The debate which gained relevance in the decade of 80's revolved around 'the need vs. the rights' of the working children. While on the one hand, it was felt that due to poverty, children cannot be stopped from earning wages since it was crucial for the survival of the child and his family.On the other hand, it was felt that state and society can not assume the role of a silent spectator to the fact that the children from poor family backgrounds continue to abdicate their right to a normal childhood based on proper material and moral condition of their development. Therefore, it was felt by the policy makers that for achieving a complete eradication of the incidence of child labour, children should be withdrawn immediately from hazardous employment and be engaged in developmental activities with a focus on their education. However, those working in non hazardous industry were allowed to continue under new regulated framework.

The Child Labour [Prohibition and Regulation] Act 1986 and its Limitation(s)

This approach was reflected in the enactment of the Child Labour [Prohibition and Regulation] Act 1986 which prohibited employment of children in hazardous occupations and regulated their work in non hazardous occupations. The Act defines word 'child', in its Section 2 [ii] as "a person who has not completed his/her fourteenth year of age". The Act classifies employment of children as labour into two categories. The Schedule A contains occupations and processes which are totally prohibited .The Schedule B enlists occupations where children can work under regulated working conditions .It also contains a list of workshops which functions in organized and systematic manner where children are banned from working .

From the very beginning this Act has faced many criticism .

Firstly, the further bifurcation of occupations in Schedule B is full of inherent contradictions. The Statute bans employment of children from working in the workshops which are organized and systematic but sees no problem in allowing children to work in occupations which are carried in disorderly and unorganized manner as they cannot be defined as 'workshop'. This distinction gives enough room for manipulation and maneuvering of laws leading to frequent violations.

Secondly, there is an exception listed in Section 3 of the Act, whereby, children are permitted to work in any workshop where the process is carried on by the occupiers with the aid of his family. This was reinforced in the court judgement in Hemendra Bhai v. the State of Chhattisgarh,[2003 [97] FLR 402, [2003] IILLJ645 CG] .The Chhattisgarh High Court held that even if the occupier of the house, which if treated as workshop, is found to have engaged any child in bidi making, the same cannot be be said to be violative of Section 3 of the Act. This provision offers protection to several match, carpet, glass and bidi manufacturing units to continue the exploitation of children under the umbrella of the family. [Sekar,2015**]**

Another important objection to this Act is that its Section 3 neither disallow child labour in the fields for cotton seed plantation nor does it prohibit their employment in agricultural operations in informal settings. Agriculture engages largest number of child labour in Bihar.As the informal sector is completely outside the purview of this Act ,the law has been applicable to a mere 10% of the total child labour population who are engaged in organized sector.The Act does not apply to 90% of the children working in informal sector **.**

The situation arising from the regulation of child labour in non-hazardous occupations under this Act has mostly been disheartening. With only a few persecutions, even fewer convictions, and mild penalties when imposed, these regulations hardly acted as a deterrent. [Sekar, 2015] .Moreover proving the age of child labour became a herculean task.

There has been administrative and structural limitations in enforcing the Child LabourProhibition and Regulation Act 1986. The Enforcement Department is ill-equipped to undertake frequent inspections. There is an absence of a separate cadre of staff who can implement the law. The role of medical officers is extremely crucial in the enforcement machinery. A medical officer is required to examine and certify the age of the child.In practice, however, it is found that the enforcement team more often than not, fails to include a medical officer . In most cases only one officer is stretched far and out for covering large areas, while many posts and positions remain vacant. On several occasions, the regional jurisdiction of the labour inspectors is so vast, that they are physically incapable of doing justice to their work. Lack of transportation facilities constrain the mobility of the inspectors, add to the problem and inhibit frequent inspections particularly in rural areas.Such administrative problems are common in states like Bihar.

The CHILD LABOUR [PROHIBITION and REGULATION AMENDMENT ACT,2016

This is an amendment to the Child Labour Prohibition and Regulation Act,1986 and has introduced a new category of adolescent labour along with child labour.One significant change in this Amendment Act is that it prohibits the employment of children below 14 years in 'all 'occupations and processes . But, similar to the Act of 1986, has also kept a few exceptions intact which give ample space and conditions for the proliferation and perpetuation of child labour.These exceptions state that the children are allowed to work in certain situations where the child A]' helps his family or family enterprise, which is other than any hazardous occupations or processes set forth in the schedule, after his school hours or during the vacations.' Such exception leaves a lot of scope for manipulation, helps in legitimizing and exploiting child labour indirectly and reflect the half hearted commitment of the policy makers to the cause.

Another exception is where the child B] 'works as an artist in an audio -visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed provided that no such work shall affect the school education of the child.This clause reflects the elitist ideology of the state which allows the children from economically well off strata to work and earn handsomely whereas children from poverty stricken families are prevented from earning for their bare subsistence.

The Amendment Act raises punitive measures though it is hardly a deterrence.

Sarva Shiksha Abhiyan, Right To Education Act, 2009 and Status of Elementary Education in Bihar:

Right to Education has a long history in India. A substantial part of the memorandum presented by Jyoti Rao Phule to the Indian Education Commission [i.e. the Hunter Commission] in 1882, dwelt upon how the British Government's funding of education tended to benefit 'Brahmins and the higher classes' while leaving the masses wallowing in ignorance and poverty.In 1909, G.K. Gokhale introduced a Bill under the Indian Council Act, to make primary education compulsory and deserving of state funding. Though the Bill was defeated, Gokhale made the emotional observation that the issue would come up again and again until all children realized their right to free and compulsory education.The Wardha Conference under Mahatma Gandhi in 1937 resolved that the 'free and compulsory education be provided for seven years on a nation wide scale'.This was reiterated by the 51st annual session of Indian National Congress held at Haripura in February,1938. However ,it was as late as in 1986 that the National Policy of Education promised universalization of elementary education in independent India.

The Sarva Shiksha Abhiyan (SSA),a flagship programme jointly funded by state and centre government, was launched in 2001 in Bihar with the objective of ensuring Universal Elementary Education so that quality elementary education is made available to all children in the age group of 6-14 years by 2010 .It has certain fixed objectives to ensure education for all, for instance - capacity building of teachers; obtaining the desired ratio of teachers to students; ensuring community participation by forming Village Education Committees (VEC) etc. Additionally, it also aims to bridge the social, regional, and gender gaps prevalent in elementary education. In case of Bihar, the SSA is being implemented and overseen by the Bihar Education Project Council, popularly known as the Bihar Education Project (BEP). Bihar's SSA covers about 2.6 crore children in the age group of 6-14 years.(Economic Survey of Bihar, 2017-18)

The Right to Education Act, 2009, ensures the right of children to free and compulsory education till the completion of primary education in neighboring school.It obligates the government to provide free elementary education ensuring compulsory admission or enrollment, attendance and completion of elementary education to every child in the 6-14 age group. In addition, the Act makes provision for a non-admitted child to be admitted to an appropriate class. The norms and standards relating to pupil-teacher ratio [PTR],buildings and infrastructure, school working days and teacher working hours are also laid.It specifies the duties and the responsibilities of appropriate governments, local authority, and parents in providing free and compulsory education, and provides for sharing of financial and other responsibilities between the central and state governments. For children in 6-14 age group it prohibits physical punishment and mental harassment, screening procedures for admission, capitation fees, private tuition by teachers and running of schools without recognition. The Act also provides for protection and monitoring of the child's right to free and compulsory education and redressal of grievances by the National and State Commission for Protection of Child Rights which is invested with the power of a civil court.

The success of elementary education is determined by two crucial educational indices, namely, high enrollment ratio and low dropout rate.If one examines the government reports, achievements are tremendous.The

universal coverage of enrollment at primary level has almost been achieved for the children in age group of 6-14 years in Bihar.[Economic Survey 2017-18 Volume I;Finance Department;Government of Bihar]'According to these sources, total enrollment at primary and upper primary level has risen from 207.25 lakhs in 2011-12 to 235.67 lakhs in 2015-16, with an annual growth rate of 3.3 percent. Additionally, the total enrollment for SC and ST students during this period has also grown at the rate of 4.4 and 9.1 percent respectively. The gender gap in elementary education has also decreased during this period, as the growth rate of enrollment of girls was 3.8 percent as compared to 2.8 percent for the boys'. [Economic Survey 2017-18 volume I;Finance Department; Government of Bihar].

A high enrollment rate for students does not carry much significance if the drop out rates are high. According to the government report ,the drop out rates at all levels of school education have continuously decreased during 2011-12 to 2015-16 in Bihar.At the primary level, dropout rate decreased to 25 percent in 2015-16 from 34.8 percent in 2011-12. At the upper primary stage, the rate decreased to 42.2 percent in 2015-16 from 55.5 percent in 2011-12. This implies that even now about half of the students leave school before entering the secondary classes. (Economic Survey of Bihar, 2017-18).

The total number of primary and upper primary schools in Bihar rose to 72,530 in 2015-16 from 68,323 in 2011-12. During this period, many primary schools have been upgraded to upper primary schools. Patna with total number of 3365 elementary schools is among the three best performing districts in terms of number of schools.(Economic Survey of Bihar2017-18).

With a view to enhance enrollment, retention, attendance and simultaneously the nutritional status of children, a centrally sponsored scheme, 'National Programme of Nutritional Support to Primary Education' [NPNSPE], was launched on August 15, 1995. In 2012-13, the coverage of MDMS at primary level was 57.7 percent in Bihar, which increased to 63.3 percent in 2016-17. The coverage of MDMS at upper primary level remained nearly same at about 57 percent during this time period.Long time after implementation of Sarva Shiksha Abhiyan and the Right to Education Act, there is a huge gap between what the government proclaims and what the actual situation at the grass root level is, as the micro study of Patna district shows.

Child Labour and Education : Lessons from Field Work in Patna

The aim and objective of the fieldwork was to study the situations of child labour intensively at grass root level in order to assess , examine and analyse the gap between claim and reality.The purpose is also to highlight the significance of context in understanding and addressing the problem of working children.

My hypothesis is that the role of compulsory primary education in eliminating the incidence of child labour is limited in the poverty stricken, caste-ridden stratified and patriarchal society of Bihar. Legislations banning child labour become ineffective in such contexts and are openly violated. It becomes difficult for the state to protect the fundamental rights of young citizens without satisfaction of the basic conditions of their subsistence. Therefore, there cannot be an universal strategy but only context specific strategy, to address and stall the incidence of child labour.

Methodology:

The study is based on the primary data collected through multi-stage sampling in 2017-18 .In the child labour endemic district of Patna,150 households with child labour were selected using stratified random sampling method from its six subdivisions ,namely,Patna City,Patna Sadar, Danapur ,Masaurhi, Paliganj and Barh ,although ,the majority of children in the survey come from the high concentration belt of Patna City,Patna Sadar and Danapur. Out of 150 households ,45% were from rural and 55%from urban Patna. Similarly, the sample has 49% female and 51% male child labour population.The study tried to incorporate and include child labour across the city in order to have an inclusive and representative sample which included working children across gender , religion, caste, age in both rural and urban areas.

Patna a historical town, known as Pataliputra in ancient India, is situated on the south bank of holy river Ganga.Being the largest town of the state of Bihar ,it spreads over 3202 square km with density of 1802 per square km.It is also the most populous district with diverse religious groups.Religion wise,Hindus comprise 91.74%,Muslims 7.54% and Christians 0.21%. The proportion of SC and ST is 15.77% and 0.15% respectively.[Census 2011]

Patna is also a child labour endemic district .According to the Census 2011, the total number of child labour in Patna district is 65,420 out of which 43,218 live in rural areas and 22,202 stay in urban Patna.They consist of 4.5% of the total population of Patna, with 4.8% in rural and 4% in urban areas.

Tools for data collection

Interview was used as the main tool for collecting information from child labour and their parents.Both were interviewed and informations were cross checked for better accuracy.A detailed and comprehensive schedule containing all the relevant variables were prepared after a preliminary visit to the field. The interview schedule is divided into two major sections ,first pertaining to the general features and status/situation of the households supplying child labour and the second section comprises of questions on the reasons and situations which prohibit the children from going to school and compel them to join labour market .Informal discussions and longitudinal observations over the time-period also proved to be useful during the fieldwork. After the survey, collected informations from schedules were edited, transcripted, codified and classified.Appropriate statistical tools and computer were used and relations between variables were established.

Situational Analysis of the Households supplying Child Labour

It was found that the persistence of child labour is a symptom of deep malaise interwoven with several socio-economic ,cultural and demographic conditions.It is a multilayered problem . Various state's interventions in the form of laws and universalization of elementary education should have had significant impact by reducing the population of child labour at the grass root level.But, children continue to forego schools and join labour market in large number .

Observations and Findings

a] **Size of the Households and Incidence of Child Labour:**

It was found that the maximum population of child labour comes from large family units with 6 to 12 members. Such large households constitute 44.67% of the total households under survey.About 42.67% of medium sized households consisting of 4-5 members supply child labour. Thus, about 87% working children hail from large to medium sized households .Only 10.67% small sized family units send their children to job market and about 2% households with orphans have no other option but to work for survival. It is inferred that the supply of child labour is directly proportional to the size of the family. Larger the size of family, more is the incidence of child labour and lesser is the number of children joining the school system.

The large size of families with meagre income are unable to sustain and provide for the basic needs of the members whereas small families are able to manage their resources and do not rely on their children's income for sustenance of the households.

Demographic Profile of child labour population in Patna:

Age and Gender- The survey came across 19.33% working children below the age of 10 years;34% children in the age group of 10-12 years and 46.67% child laborers in the age group of 12—14 years. Two very young children aged 7 and 8 years were found assisting their parents on job. Variations are observed in the pattern of age in rural and urban areas.In rural Patna, about 65% child laborers are in the age group of 12—14 years whereas in urban Patna,41% are in the age group of 10-12 years.This indicates that children leave schools at advanced stage in rural areas whereas they drop out at mid-primary classes in urban Patna.About 27% working children are below 10 years in urban areas where they assist their parents in jobs like rag picking ,sanitation work ,domestic work, etc.Afterwards they are sent to work independently.

Gender wise, male represent 50.67% and female 49.33% 0f the overall population of child labour under study.Agriculture provides work in rural areas where thousands of children flock to work ,irrespective of their gender. in the seasons of cultivation and harvest ,they are barely seen in schools, they are found on agricultural fields earning a paltry sum of Rs. 50 per day.Apart from domestic work, girls are also seen in construction sites and brick kilns where they are exposed to multiple forms of exploitation.In urban Patna, girl child laborers were not seen in tea stalls, shops or dhabas which are generally the domain of male child laborers.This explains incidence of slightly more girls working in the rural areas.

Religion : About 90% of the working children follow Hindu religion and about 10% of them follow Islam.About 92.65% households in rural and 87.8% households in urban Patna are Hindu households in the sample population.On the other hand,Muslim households are less in number. They are 7.35% in rural and 12.20% in urban Patna.

Caste: Majority of the child labour belong to Scheduled Castes[SC].The study found that out of the total sample ,48.67% come from Dalit [SC] households alone.In urban Patna ,around 69% child labour comes from Dalit castes like Dom, Mushar, Manjhi ,etc.Scheduled Castes are at the lowest rung of socio-economic development in Bihar.They

are the poorest of the poor people who bear the stigma of being untouchables in society which is reflected in the behavior of teachers in schools accounting for being one of the major reasons for dropouts in Patna.
In rural Patna, a substantial size of the child labour population belongs to Other Backward Caste[OBC].About 71%of the total child labour in rural area belong to OBC castes like Dhanuk, Koeries and others whereas 24% belongs to OBC castes like Bania, Mahajan, Sonaar in urban Patna.Only 2% households under survey belonged to higher castes and 4% were from scheduled tribes.Acute poverty compelled children from the general category to the labour market but did not prohibit them from attending schools.

Types of Child Labour in Patna:

In the course of fieldwork, it was found that there are four distinct activity patterns of child labour in Patna:

1. Children who go for work only.
2. Children who go for work and attend school
3. Children who were withdrawn from labour market temporarily to look after younger siblings and do other household chores.They are also child laborers as they work from homes and supplement households' economy.
4. Working children who are rehabilitated.They may enter the labour market.

Occupational Patterns of Child labour and Households supplying Child Labour:

The study found that children were employed in various occupations with marked variation in rural and urban areas.The highest employer of child labour is agriculture engaging 38.24% of the total rural child labour population under study.They are engaged in numerous cultivating activities like seed processing, sowing, harvesting,, irrigation and others and are ,thus, exposed to chemicals, poisonous snakes, reptiles and are under constant threat of unsafe and unprotected machinery.Next large employers are shopkeepers with 14.67% equally distributed in urban and rural Patna. Dhaba and tea stalls employ 13.33% children evenly distributed in rural and urban areas.Another 5% are employed in construction sites /brick kiln.A major portion of more than 14% working children are ragpickers and around 5% are sanitation workers.Domestic workers constitute 6% working children in urban Patna.

Except for 22.67% households where only single parent was found working, rest of the households in sample have both the parents earning to sustain the family.Agriculture is the most common occupation of the households with 24.67% fathers and 17.33% mothers earning their livelihood in rural Patna.There are 23.33% households where father work as a casual or daily labour and 10.67% households have mothers working in this capacity in urban Patna.A sizable percentage of households [10.67%] have self employed father. Children from such households tend to forego their schooling and join the family enterprise, sometimes, they combine work with school education.

The research findings noted that almost 6% households have both the parents working as sanitation workers .Such parents take their young children to assist them in sanitation work . Young children carrying a broom and a mug, cleaning toilets in morning hours is a common sight in many parts of urban Patna.Another filthy and hazardous job where13.33% mothers and 3.33% fathers along with their young ones are engaged is that of rag picking.

Households' Earnings and Supply of Child Labour

The income of households determine the participation of children in labour force.They also determine their participation in education process.The study observed that most of the child labour came from economically weaker sections of society.It was found that 91.37% child labour came from households with monthly income of less than Rs.4000 per month.Merely 6% working children comes from homes with monthly income above Rs 4000 per month.The remaining 2.67% child labour are orphans with no financial support from the family.These children have no other option but to work to earn for their survival. Therefore, it is inferred from the study that the households having higher income have relatively low incidence of child labour whereas the poor income households supply larger number of child workers.

Parents as Child Labour: Generational Immobility

The study reveals that in majority of the households, parents have also worked as child labour in their childhood. It was found that 63.33% child labourers come from households where both the parents worked for wages in their childhood.Poverty has generated a lineage of child labourers. The trend shows that there is a greater probability that the children of the such parents become child labour.A vicious cycle is ,thus, generated which continues across generations fueled by poverty .In such situations, children working to earn is perceived as normal and education loses priority in the eyes of parents.

Educational Status of the Household and Incidence of Child Labour

Educational level of parents play important role in deciding the future course of life of children in the households.The study shows that the households with illiterate parents supply 90% child labour to the informal job markets. There is

a direct relationship between the educational status of parents in the household and supply of child labour.Education provides the vision to the decision makers in the households who may consider providing education to their children an integral part of their duty as parents.It is also linked to the enhancement of future income which may motivate them to send their children to school.

Enrollment and Types of School Attended by Child Labour:

Majority of children under study have been enrolled in schools but have either dropped out or have left attending leading leading to massive absenteeism.The study noted that the enrollment rate was 89.79% in rural and 74.39% in urban Patna.Due to expansion of government school structure and various incentive schemes like mid-day meal scheme and *protshahan rashi* to enrolled students in the wake of implementation of the Right to Education Act in 2010, the situation looked promising at first sight. The drop out rates and actual absenteeism in schools are disheartening and also explains the massive presence of working children in informal labour market in urban areas and on agricultural fields in rural Patna.Child workers have adapted themselves to new situation post the RTEAct ,2009.About 28% children in our survey are found doing both ,i.e.,attending school and working for wages.

Most children are enrolled in government schools. Overall 64% are enrolled in government run schools in Patna,15.33% are attending NGO-run schools,1.33% are in private schools and only 0.67% are found to be going to madrasa in rural Patna.

The Malaise of Drop out and Incidence of Child Labour

There is an inverse relationship between child labour and schooling .The survey reveals that 72% children have either dropped out from school system or have never attended schools.About 38% children dropped out before they reached class IV. The data shows only 2% dropping out in class V;7.33% in class VI;5.33% in class VII and 0.67% in class VIII. Thus, the trend suggests that majority of children do not reach upper primary levels.The pressure to survive on households in urban Patna is immense, therefore, children leave their schools early and join labour force. About 37% children in urban Patna have dropped out by the class II level.This also explains the incidence of maximum number of child labour in the younger age group of 10—12 years in urban Patna.

The pattern is somewhat different in rural Patna.The number of children who have never attended school is less [10.29%] and the retention rate is high at 44.12%.The dropout rate up to class III was low at 8.82% but increased gradually in higher classes. It was13.23% at class IV and class V levels combined,14.71% children dropped out in class VI and 8.82% in class VII. The scenario in rural areas are better due to intensive work of committed NGOs like Nidaan in village Dhanuki in Phulwarisharif block of Patna district. Moreover, due to neighborhood schools , various incentive schemes and community pressures, children are sent to schools. However, it was observed that there was a marked discrepancy in actual attendance which was quite low and the recorded attendance .One of the reasons cited was that there is 75% requirement in attendance in order to make students eligible to get protshahan rashi. Therefore, children play or talk in classes while group of teachers sit on tables filling up registers. Children were also seen leaving schools immediately after mid-day meals.This is a common sight in such schools.As children spend less time in schools, they work in fields . During cultivation time, schools are almost deserted.

Reasons Cited by Parents for sending Children to Work

Multiple reasons were given by the parents as to why they send their children to labour market.The overarching factor cited explicitly is poverty.Around 96.67% households send their children to work due to poverty. Parents in about 90% households said that children's income supplement family economy and 56% parents send their children to work to pay off debts.About 10% responded that the elder child goes out to earn so that younger siblings could attend schools ,16% believe that children acquire skills while working and 17% children help in household enterprises.About 38.67% parents do not perceive education as valuable ;32% children showed disinterest in studies due to various reasons ;4% do not go to school as it is far off and 9% parents send children to work as they want to prevent them from falling in bad company.A sea of child labour is a common sight in Patna district despite the fact that the state is constitutionally mandated to place children in school after inclusion of article 21A .

Reasons For Drop out or Not Sending Children to School; Role of Caste &Patriarchy

The survey noted that 72% children were out of school; about 18.6% children have never been sent to school and 53% children had joined school but had to drop out from various classes . Poverty emerges as the single most important cause behind children either not joining schools or dropping out from there. About 93% parents responded explicitly that they made their children opt out of the school system because of the requirements of the household economy.These children are living in abject poverty where survival becomes the foremost challenge. To quote these children , ***'Padhne se kya hoga? Kaam nahi karenge toh khayenge kya***' Food is not cooked for days in many such households. In such circumstances, education or schooling becomes a luxury which these families cannot afford. No

wonder, for 58.75% of the dropped out children and their families, education is not seen as valuable and it is not a priority for 31.33% population of child labour in Patna. It becomes necessary for children to earn for the sustenance of their family.In the situation of penury, education is not perceived as a priority for such households.

In the overarching context of poverty, teachers' condescending attitudes demotivate both the parents and the students. Untouchability is reflected in their behavior and speech.About 37.5% children who dropped out responded this as a major reason for leaving schools The children have quoted teachers' saying, ***'Mushhar ,chamaar ka bachcha padhega to kaam kaon karega***'. Children are made to do menial work like washing their used glasses and tiffin boxes.Caste ideology is deeply engrained in the mindset of those people who have responsibility to transform society by disseminating democratic values in the minds of pupils.The prevalent caste ideology is a strong bottleneck in the implementation of universalization of elementary education in Bihar.

Patriarchy also play its role.Many parents were discouraged to send their girl child to school citing unsafe travel due to stalking and lewd comments these children have to face while traveling to school.In such situation ,they consider it safer to keep them confined to homes. Such girls are engaged in household chores ,looks after younger siblings ,frees their mothers to go out and earn , thus ,contributes to the family economy indirectly. Many such girls also earn by working on supply chain from the confinement of their homes.The data shows that 24% households have such girl child workers who are not attending schools but are contributing to the economy of households both directly and indirectly.

Family traditions also poses a hindrance in sending girls out in post puberty stage . Such girls neither join school nor go out to work.Besides, many girls in rural Patna drop out or keep themselves absent from schools as they are married off at very young age to adults and are forced to do household work and face the bane of childhood pregnancy.The survey found out that 17.5% households are not sending their girl child to school due to patriarchy and tradition of early marriage.About 32% households in rural and about 9% in urban Patna have practiced this.

School system in Bihar is also accountable for high drop out rates and absenteeism.Around 10% parents responded that the schools are situated far off and it was unsafe for children to travel to school amidst heavy traffic as they have to cross busy roads. At least 2.7% parents withdrew children from school system as the promised incentives like mid-day meals and stipends were not being provided and 1.47% parents had no option as their children failed the class.An overwhelming 35% parents withdrew their children from school as they thought that their children were not interested in studies.

What motivates Parents in sending Children to School

There are 28% children in the survey who attend school .But they are working children as well because they work to earn and supplement family income before and after school hours.They also tend to absent themselves from school especially during the seasons of cultivation and harvest in rural Patna.

Majority of such parents who send their children to school value education and believe that education raises the future capacity of children which would enable them to face the world and would also raise the family income .A few parents wanted their children to study like rich man's progeny[***Amiron ke bachchon ki tarah***]. A few households also send their wards for tuition[*tutioni* in local language] after the school hours. This is considered a symbol of status ;much valued in the stratified, feudal society of Bihar.

About 20% parents of female child workers responded that they send their child to school because it improves their marriage prospects.

Almost all the parents in rural and urban Patna responded that the mid-day meal and monthly stipend is a big incentive to enroll in government school and 16.67% parents send their children to school as this prevents them from falling in bad company and acquiring bad habits.

Vocational Studies,Mid-Day Meal Scheme and Retention in School

Acquisition of a specialized skill is essential for occupational enhancement .Need to include this in school curriculum as an incentive for retention has been emphasized by the government.Similarly, mid-day meal scheme was also introduced for this purpose.The survey found only 27.33% working children expressed their preference for vocational studies and about 63%have no particular preference.Though mid-day meal scheme has been an incentive to 52% working children who have attended schools, but, the survey found that this scheme is not being implemented in many schools of Patna.The situation is better in rural Patna with 86.7% children responding positively whereas it is grim in urban areas with only 30% children affirmed that they get mid-day meal in their schools.This partially explains higher incidence of out of school children in urban Patna.

Parental Awareness of Legal Ban on Child Labour

Bihar government has ratified The Child Labour Prohibition and Regulation Amendment Act, 2016, which prohibits child labour below the age of 14 years in all occupations.Similarly, the Right To Education Act,2009, has made primary education compulsory for children in the age group of 6—14 years.

Still ,thousands of children are found violating these legislations as they are compelled to labour for a living .Child labour is widely and openly prevalent in both rural and urban areas of Patna.Their enrollments in schools do not match with their attendance in the class. In this context, only 15% parents affirmed that they are aware of the legal ban on child labour, 22.67% parents were unaware and about 62% knew that it is a bad phenomenon but were ambivalent about it.It was observed that the areas where committed NGOs were active , a few parents were aware of the legal ban on child labour.

This indicates that the state has not percolated down to the lowest strata of society which supply child labourers and completely lacks in its awareness campaign. Consequently,Child labour is rampant and laws are violated with impunity in Patna.

CONCLUSION

Despite legislative provisions over the years and state's rising interest in combating the incidence of child labour due to pressures from civil society ,the problem of child labour still thrives in large number in Patna and the rest of India. Successive legislations through exceptions have left ample scope for their continuation and exploitation. Education over the years has emerged as major component of the state's strategy but it has its own limitations in a given context as the fieldwork in Patna district amply proves. The twin strategy of the state without taking into consideration the complexity of the context in combating child labour has failed to bring out the desired results at the grass root level. A specific multi pronged state intervention incorporating the context of abject poverty, caste, feudalism and patriarchy is the need of the hour to address the problem of child labour in the district of Patna,Bihar.

References

Basu,D.D.(2002).I*ntroduction to the Constitution of India*.New Delhi.Law Publish- ers.

Bequele ,A. & Boyden ,J.eds(1988).*Combating Child Labour*.Geneva,ILO.

Constitutional Assembly Debates.(1999).Vol.VII,Book 2, 814-815. New Delhi, Lok Sabha Secretariat.

Government of Bihar, Finance Department.(2017-18).*Economic Survey,Vol.I*,Pat--na,Bihar.

————.(2016-17).*Economic Survey,Vol.I &Vol.II*,Patna,Bihar.

Govinda ,R.& Sedwal ,M.(eds)(2017).*India Education Report:Progress of Basic Education*.1-29 .OUP.

Lieten,G.K.,Srivastava R.,&Thorat S. eds(2004).*Small Hands in South Asia: Child Labour in Perspective*. Delhi, Manohar.

Ray R.(2009).Education of Child Labour:A Global Perspective.*The World of Child Labour:An Historical and Regional Survey*. New york, M.E.Sharpe.

Sabyasachi, B.,(1998).*The Contested Terrain: Perspectives on Education in Indi - a*..New Delhi,Orient BlackSwan.

Samantroy ,E.,Sekar, H.R.,& Pradhan ,S.(2017). *State of Child Workers in India:. Mapping Trends*.Noida ,VV Giri National Labour Institute.

Sekar ,H.R., Srivastava, S.C.,& Kumar P.(2015).*Performance of Labour Adminis tration: A Critical Analysis of Cases Filed under Child Labour(Prohibi- tion and Regulation)Act,1986*., Noida, VVGiri National Labour Institute.

Self,S.(2009) Education and Child Labour in India.*The World of Child Labour:An Historical and Regional Survey*., New york, M.E.Sharpe Inc.

Standing G.(1999).*Global Labour Flexibility:Seeking Distributive Justice*.3-28. London ,Macmillan Press Ltd.

Weiner M.,(1991)*.The Child and the State in India:Child Labour and Education Policy Comparative Perspective.*Princeton University Press.