



Plight of Child Rag Pickers: A Worst Form of Child Labour

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Abstract: Rag picking is one of the worst forms of child labour. Since rag picking does not require any expertise and is an easy way of earning money without any financial investment, therefore, a large number of children belonging to the weaker sections of the society opt for rag picking for their own survival and to support their families. Though in 2001, rag picking or waste-picking has been included among the hazardous occupations banned under the Child Labour (Prohibition and Regulation Act, 1986). The present study is primarily based on secondary data and aims at cognizing the plight of child rag pickers as well as the constitutional provisions regarding the worst occupation of rag picking. The study reveals that child rag pickers face various physical and psychological health issues due to their occupation. They also indulge in anti-social activities such as stealing, pick-pocketing, drug abuse, illicit sexual practice and violence due to street life. It is found that poverty, unemployment, illiteracy, population explosion etc. are leading factors for child labour and rag picking as well. There is an urgent need to adopt a multipronged approach to address this issue. They must be brought into mainstream society by providing them education, medical facilities, proper shelter, organizing their work and protecting their occupational rights under legal framework as they do not have access to health, education or other civic amenities.

Keywords: Child Labour, Laws Related to Child Labour, Informal Recycling, Child Rag Pickers, Municipal Solid Waste Management, India.

Introduction: Child labour is one of the most complex problems of society that prevails across the world. Three distinct viewpoints decide child labour as an actual social problem. Firstly, it violates the universal rights of children. Secondly, child labour has enduring adverse effects on economic development as it affects the development of human capital. Lastly, it harms the health and mental development of children. Though these viewpoints seem distinct, they are deeply corresponding to each other (International Labour Organization, 2004). The global child labour report of 2012 states that in spite of progress, there are still 168 million children who are involved in the labour globally. This number is almost 11 percent of the total child population in the world. More than half of them, around 85 million children, are grinded in hazardous work, which is harmful to their health, safety, and moral development (International Programme on the Elimination of Child Labour, 2015). It has been declared by the International Labour Organization that child labour forms 11 to 20 percent of the workforce of third-world countries. In India, 4.35 million children aged 5-14 years are engaged in various forms of labour. According to UNICEF, the number of child labourers is highest in India in comparison to other countries in the world. Furthermore, UNICEF, in its report, indicated that around 12 percent of children in India aged 5-14 are possessed with labour work, including waste picking (Chatterjee, 2015; Sekar, 1997). Thus, the magnitude of the problem is more extensive in India as compared to other developing countries. It is a challenge to the democracy of India and reduces better prospects as well (Mallikarjuna, 2013). Child labour shows the vulnerability of children in the case of education, health, nutrition, and the environment. Moreover, children involving in hazardous occupations are susceptible to harmful chemicals, pesticides, gases, and vulnerable to work accidents due to

inadequate work machinery. As a result, their fundamental human rights are denied (National Commission for Protection of Child Rights, 2008).

The convention on the rights of the child (1989) under Article 32 (1) recognizes the right of the child to be protected from economic exploitation, and from performing any work that is likely to be hazardous, or to interfere with the child's education, or to be harmful to the child's health, or physical, mental, spiritual, moral or social development. The convention also ensures to take legislative, administrative, social, and educational measures to the implementation of the present article in the clause (2). To implement this article along with the relevant provisions of other international instruments, State Parties are obliged to provide in particular:

- (a) A minimum age or minimum ages for admission to employment;
- (b) An appropriate regulation of the hours and conditions of employment;
- (c) Appropriate penalties or other sanctions to ensure the effective enforcement of the present article (Convention on the Rights of the Child, 1990).

International Labour Organization conventions 138 (1973) and 182 (1999) state that all children younger than 12 years working in any economic activities are considered as child labourers, moreover, 12 to 14 years old children engaged in more than light work, and all children occupied in any worst form of work which is imposed on them including slave labouring, forcefully recruitment, prostitution, trafficking of children and force them into illegal activities or exposing to hazards is termed as child labour. 'Child labour' is defined by the International Labour Organisation as children work long hours for low wages, which leads their adult lives permanently under detrimental conditions for health. Moreover, the International Labour Organization defines the term "child labour" as a work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially, or morally dangerous and harmful to children. And, the work which interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work. Hazardous child labour is defined by Article 3 (d) of ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182), as noted, work which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (International Labour Organization, 2011).

It is also evident that 'employed child' or 'working child' are termed many a time as 'Child labour,' but every work performed by children cannot be declared as child labour. Besides, it is not possible to draw a line between acceptable kinds of work by children and child labour due to various types of work performed by children. Hence, it is very difficult to define the term 'child labour' in a precise way that is applicable and fit to all conditions and countries. Child work and child labour can be separated from each other because every work done by children is not bad or harmful for their growth and development even as some types of work can be a positive component in the development of children and their positive initiation into adulthood. Therefore, structured, light, and work under proper guidance cannot be called child labour. If a work does not hamper the essential activities of children such as leisure, play, and education cannot be considered as child labour. Furthermore, child labour refers to the employment of children in a gainful occupation, which prevents them from developing adequately and denies their developmental opportunities. It is evident that a single exhaustive and acceptable definition of 'child labour' is not available, which is acceptable to all nations and sections of society due to the very nature of this relative concept. Since child labour depends on several variables such as the

age of working child, type of work performed by the child, situations under which work is carried out, and the objectives of different countries. The phenomenon is varied from country to country and among different sectors within the countries as well. In a nutshell, child labour is defined as any work within or outside the family, which prevents children from getting education, training, and skills, which are essential to enhance their earning power and social development. It reduces their productivity and adequate labour-power. Therefore, it is argued that child labour is economically unsound, physically detrimental, and psychologically catastrophic as well as morally dangerous for any civil society. It denies the fundamental and non-fundamental rights of children in terms of excluding them from leisure, play, and educational activities. According to the Encyclopaedia of Social Science, "when the business of wage earning or of participation in itself or family support conflicts directly or indirectly with the business of growth and education, the result is child labour."

Factors affecting Child Labour

The incidence of child labour appeared in earlier ages in primitive agricultural societies, but it got a monstrous shape during the period of the industrial revolution. Furthermore, the work of children in the industrial area took miserable condition since working in the factories, or other production units were performed under the employer but not under or with the surveillance of family. The practice of child labour spread to all those countries, where the industry got developed. Exploitation and maximization of profit increased among these countries owing to the breeding of poverty. Thus, poor socio-economic conditions enhanced the incidence of child labour. The concept of child labour can be stated and understood in relation to the assertions with four factors, i.e., Demographic factors, Social factors, Economic factors, and Developmental factors.

a) Demographic Factors: Child labour is influenced by demographic factors as young children start working due to the poverty of the family. It is observed that a high fertility rate enhances the incidence of child labour. Moreover, it is also studied that the economic value of children boosts up a high fertility rate among poor people. Thus, it is reciprocal to increase fertility and incidence of child labour as well (Sen & Dasgupta, 2003).

b) Social Factors: Social factors such as lower caste groups, tribes, and minorities have a poor educational background, and they are economically deprived. It has been observed that high fertility emerges due to the economic value of children, which again raises the incidence of child labour. Education is a great tool to fight against this issue since a high level of literacy decreases child labour. It is also relevant to analyse the literacy level of parents of the children, which plays an important role in decreasing the involvement of children into labour work (Vemuri, 1986). It is evident that child labour is prevalent and persistent in low and middle-income countries. It is significantly related to low school enrolment and a high rate of school dropout among the children. As noted, the frequency of low admission in schools and the high dropout rate is found, especially in low-income families; hence, the children start working for helping and assisting the parents because they find working easier and lucrative than studying. These children are characterized as unskilled, unorganized, unproductive, and un-enterprising (Birkbeck, 1978).

c) Economic Factors: Abject poverty prevents children from rejoicing leisure, physical activities, and education, and consequently, they start working at a very young age. Various studies pointed out that good social and economic status promotes schooling of the children and reduces the incidence of child labour. Thus, the absence of wage work or self-employment enhances poverty, and several families send their children to work for supplementing the family income also.

d) Development factors: The Report of the Committee on Child Labour (1979) reported that lack of appropriate schooling facilities in the villages of the country decreases enrolment and high dropout rate. The report mentioned that 8.87 percent of villages in India had no schools, and 30.56 percent had a single teacher to teach. Moreover, it is also reported that the high unemployment rate of educated youth does not inspire the poor to get a good education. Even poor parents expect a better future in developing a skill instead of squandering time in getting the education. Thus, unattractive schooling and lack of skill development through education is a major reason for child labour (Sen & Dasgupta, 2003).

Components responsible for child rag picking

This is the matter of fact that there is a sequence of components responsible for child rag picking in third world countries like India. As observed, a large chunk of the urban poor is involved in wage labour or other informal and unorganised petty jobs such as construction labour, domestic work, street vending, auto driving, rickshaw pulling, rag picking, etc. Due to poor socio-economic status of family, children remain uneducated and unskilled. As a result, these children have to join occupations that do not require any skill or investment.

a) The Problem of Municipal Solid Waste Management (MSWM) in India: Humanity produces waste, which is an unavoidable by-product, and it is increasing rapidly. Moreover, in developing countries like India, not adequate measures have been utilized to handle municipal solid waste. Thus, inadequate waste management affects the environment as well as human and animal health. Living standards of people in cities have been improved due to economic development, and rapid urbanization. Subsequently, it increased the quantity and complexity of municipal solid waste. **Per-capita waste generation in the cities of India is very high ranges** between 0.5 and 0.8 kilograms a day, **and it is increasing day by day** (Sachdeva, n.d.). Census of India (2011) reports that only 31 percent (377 million) population of India resides in urban areas, but this population generates a massive 1,43,449 metric tons municipal solid waste per day according to the report of Central Pollution Control Board (2014-15). It has been observed that these figures are increasing every day in respect of the increasing population. Furthermore, the report of census reveals that the number of the towns has increased from 5,161 in 2001 to 7,936 in 2011, it reveals that 2,775 towns have been increased to generate solid waste within a decade (Ministry of Urban Development [MOUD], 2016). It must be noticed here that the garbage in Indian cities has increased by 50 percent between 2001 and 2011. **The** environment minister of India has stated that the waste generation in the country would increase thrice in another couple of decades as “165 million tonnes by 2030 and 450 million tonnes by 2050.” The fundamental causes were traced by the government are changing consumption patterns and consumer behaviour (Bose & Bhattacharya, 2017). As recorded, over 377 million urban people generate 62 million tonnes of waste per annum, who are living in 7,936 towns and cities in India. It has been observed that municipalities collect only 43 million tonnes of waste. Of this volume, a minor proportion, i.e., 11.9 million tonnes of waste is treated technically, and 31 million tonnes is dumped in open landfills, which causes a number of issues. Waste management is under a big challenge due to several reasons in India. As noted, sustainable development, precaution, and polluter pays are the fundamental principles of waste management rules. Therefore, municipalities and commercial establishments were made responsible for balancing the environment by the basic principles of waste management. The Environment Protection Act, 1986 regulates the disposal of generated waste with the help of several subordinate legislations. Although legal measurements are constituted in India to manage municipal solid waste, and municipal authorities provide basic and

essential service of Solid Waste Management to keep the towns and cities clean. It has been observed that all municipal authorities dump solid waste in the landfills haphazardly, which are situated within or outside the cities. This inadequate disposing results in mismanagement of the municipal solid waste (Lahiry, 2019).

Improper management of municipal solid waste in India brings both challenges, i.e., environmental or aesthetic degradation and the gigantic quantity of waste generated every day. There is a big lack of sanitary landfills, and consequently, open dumps are mushrooming day by day due to an increase in solid waste. Open dumps cause various health and environment challenges and result in informal rag picking also. Apart from potential health and environmental challenges, India has a larger economic impact of INR 2.44 trillion (US\$ 54 billion) annually due to inadequate sanitation. As reported by The World Bank, this economic burden was equivalent to 6.4 percent of the country's GDP in 2006 (Vedachalam & Susan, 2015). Municipal solid waste is not managed in order to recover resources in India. As noted, more than 75 percent budget of waste management is spent on collection and transportation of the waste and very little funds are utilized for processing, resource recovery, and final disposal of waste (Ahluwalia, 2016). Thus, insufficient funds from the government are barring to invest in advanced waste management technologies such as sanitary landfills, solidification, and incineration to treat waste scientifically (Lahiry, 2019). It resulted in an increased volume of waste and decreased resource recovery at the same time.

b) Community Participation in Municipal Waste Management (MSW): Not to separate the waste is found to be a common practice in India. As observed, people often throw the garbage comprises of vegetable peels, broken glasses, used medicine bottles, needles, syringes, diapers, sanitary napkins and so on in the same dustbins (Sachdeva, n.d.). While disposing of the waste, they do not bother about those who will be handling it later. For instance, people usually throw soiled diapers and sanitary napkins into a common dust bin, but according to the Bio-Medical Waste (Management and Handling) Rules, 1998 both need to be treated as medical waste because waste with faecal, blood, or body fluid should be treated separately (Bose & Bhattacharya, 2017). It is the responsibility of every citizen to separate biodegradable and non-biodegradable items from the garbage, and, non-biodegradable wastes should be categorized further based on their toxicity. Colour-coded waste bins are required to separate the waste, as regards, green for biodegradable, white for recyclable items, and black for other wastes can be used. Apart from that, every individual in the country should try to reduce the amount of garbage (Sachdeva, n.d.).

c) Mechanisms can be Taken to Handle the MSW: The emerging trend of the common waste treatment facility is broadly accepted in recent times. As noted, it does not use the waste in manufacturing processes only as a co-fuel or co-raw material; rather, it is helpful to use waste as a resource. It is confirmed that technology has been advanced in terms of processing, treatment, and disposal of municipal solid waste. With the help of advanced technology, the waste can be converted into renewable energy, thus, energy-from-waste is a significant component of the waste management system. It helps in reducing the volume of solid waste and produces organic manure also. Moreover, the installation of technical plants, such as waste-to-compost and bio-methanation, would significantly reduce the burden of landfills. The processing of biodegradable is estimated over 50 percent of solid waste in India. And, biodegradable waste can also be processed with bio-methanation that is remained underexploited.

It is reported by IIT Kanpur (2006) that India can recover 15 percent or 15,000 metric tons of waste each day due to the high generation rate of garbage in the Indian cities. The report further explores that about 500,000 rag-pickers can be employed to handle the waste at sources (dustbins

nearby residences or commercial establishments). It has been observed that the major proportion of the garbage, i.e., 80 percent have been recycled at Delhi landfills as rag pickers were allowed to segregate the garbage at sources and recycle it. Accordingly, informal rag pickers can play a vital role in MSWM if they would allow being part of this system. Moreover, the participation of NGOs/CBOs needs to be promoted to get potential resource recovery. Along with this, the Public-Private Partnership (PPP) models can be applied to find out business prospects in the waste management system (Lahiry, 2019).

d) Rag-picking a Dead-end Job: Rag picking is an informal economic activity performed by a large number of urban poor. It is the primary survival strategy of various people throughout the developing countries because it is an unregulated work and does not require any particular skill or investment (Langenhoven & Dyssel, 2007). It must be noticed here that informal recyclers play a vital role in MSWM by reducing the volume of waste. And, they reduce municipalities' costs of managing municipal solid waste (Lahiry, 2019; Sachdeva, n.d.). They are termed differently in different countries as waste pickers, trash pickers, garbage pickers, scavengers, catadores de lixo, cartoners, and on a more positive note, as waste salvagers or reclaimers. It reflects and forms the mind-set of people of any nation and perception regarding those who are involved in this occupation (Viljoen, Blaauw & Schenck, 2016). The process of rag-picking is divided into three phases as collection, segregation, and sale of recyclable material. Rag pickers pick paper, cardboard, plastics, bottles, clothes, iron, aluminium, etc. from the streets, garbage heaps, and doorways of households and business establishments. After collecting the material, they deposit it in a convenient location for segregation. And, they segregate the material into different categories as plastic, paper, aluminium, iron scrap, and e-waste, etc. for sale to junk dealers (Da Silva, Fassa & Kriebel, 2006). It is estimated that approximately 15 million rag pickers or scavengers work on the streets and garbage heaps in the developing nations (Langenhoven & Dyssel, 2007).

Rag pickers work without having any job security, fixed salary, and dignity. Most of them **are destitute migrants, mostly from poor states of India**. Rag pickers are estimated between 1.5 million and 4 million in India, as noted, Delhi itself has over 500,000 rag pickers. They sustain themselves by collecting the recyclables, sorting, and segregating waste and then selling it. Due to informal activity, it is difficult to quantify how much waste is collected by informal rag-pickers in India, but it is estimated that rag pickers help clean up a significant proportion of the 62 million tonnes annually in the country (Bose & Bhattacharya, 2017). Rag pickers pick up trash by hands and separate them manually without using protective gear such as gloves, masks, long rubber boots, or proper cleaning facilities. Hence, hazardous working conditions lead them to distrust to illness, injuries, and severe infections. Rag pickers should be considered as "invisible environmentalists," who play a vital role in cleaning the city (Sachdeva, n.d.).

Rag pickers are treated with suspicion and contempt owing to their job, extreme poverty, and social unrecognition as well. It is also evident that most of the people involved in the waste collection belong to Scheduled Castes and other lower castes. People discriminate against these marginalized groups owing to their lower caste, which exposes the caste system in India (Bose & Bhattacharya, 2017; Sachdeva, n.d.). Globally, rag pickers face hostility and humiliation of the police, authority, and general public but one of the cruel actions taken by paramilitary forces in Colombia against scavengers under 'social cleansing campaign' is shameful to the entire humanity. In this operation, rag pickers were expelled from certain regions of the country because they were blamed as disposables, harasses, and kidnapers. It is very tragic to mention here that 40 cadavers of scavengers were found at a Colombian university (the Universidad Libre de Barranquilla) in

1992. They had been killed, and their organs were recovered for selling transplant purposes, and remaining bodies were sold to the university to perform medical experiments by the students. It is evident that about 2000 individuals had been killed in Colombia under this paramilitary operation of 'social cleansing' by the end of 1994 (Medina, 2000). Informal rag pickers' service benefits the environment and society at large; hence, they deserve special rights, health benefits, safety equipment, and social security.

The Plight of Child Rag Pickers

Child rag pickers represent the most disadvantaged and vulnerable segment of the urban poor in third world countries owing to face several working and living challenges. They work in open dumpsites, garbage heaps, in the streets, or at any other public place. Children involved in rag picking are prone to various occupational hazards such as sharp and contaminated objects, recurrent bending, heavy loads, long hours, moving traffic, vehicle exhaust, extreme weather, street crime, and so on. Potential resale valuables attract the children, and they go for rag picking without considering the harms and dangers of waste. In order to find useful material, they collect several recyclable, reusable, and resalable items from waste like paper, cardboard, plastics, glass, metals, medicines and medical waste, clothes, bones of animals, and food. After collecting the material, they segregate the items according to the categories of trades and sell it accordingly to the junk dealers. They hardly wear any personal protective measures such as gloves, face masks, boots, or goggles for their safety while working (Chatterjee, 2015; Joshi & Ahmed, 2016; Romero et al., 2013; Sharma, Sharma & Tiwari, 1995). Due to detrimental and hazardous nature of work, these children are subjected to injuries and potential health problems such as blistered hands and feet, needle punctures, cuts, lacerations, back injuries, muscle injuries, which leads to joint and bone deformities, dehydration, respiratory problems, and infectious diseases such as tetanus, HCV, and HIV among them. Apart from physical complications, child rag pickers bear the psychological burden also (International Labour Organization, 2011). They face myriad routine difficulties along with occupational hazardous. In the urban slums or at the unorganized dumpsites, they live in congested and poor ventilated shacks without proper light and other basic amenities such as running water, electricity, drainage, and roads. Thus, unhygienic and difficult living arrangements, along with a dangerous work environment, make the children vulnerable to an unhealthy life.

As far as the social reputation of rag pickers is concerned, rag picking is considered as a symbol of backwardness because of poor earning, physical squalor, and social deviance. Rag picking may lead to delinquent behaviour in children because of their work environment. They work under the influence of older rag pickers who are used to smoking, chewing tobacco, or using ganja and alcohol. Adolescent rag pickers work as drug peddlers. Child rag pickers follow the pattern of older rag pickers. Consequently, the probability of juvenile delinquency increases due to the wretched conditions of rag pickers. Gender sensitization is another issue involving in rag picking as girl children are more vulnerable to worst forms of work. They can easily be trapped in illicit sexual activities, which is very sensitive health and social issue (IPEC, 2015). Child rag pickers involve in stealing, pick-pocketing, gambling, illicit sexual activities, and drug peddling for making money easy, which results in anti-social behaviour among them (International Labour Organization, 2011). They also get involved in picking up lost or stolen goods. All these anti-social activities make them subject to police arrest. It must be noticed here that child rag pickers are picked up on false allegations and beaten up in police stations for petty crimes that happened in the colonies. Harassment by the police is a very common complaint among child rag pickers (Bose

& Bhattacharya, 2017). They are perceived as a nuisance, disposal individuals, and even criminals by general people and administration. Therefore, child rag pickers have to survive always in a hostile social environment owing to such criminal and indecent identity (Joshi & Ahmed, 2016). It is evident that children constitute the major portion of the rag picking workforce in developing countries like India. Children even five to six years old are involved in rag picking, and they earn 10 percent to 50 percent of an adult's income. Along with other regions in Africa, Latin America, the high incidence of child rag pickers is observed in Asia and particularly in India. Data on child rag pickers is not particularly available at the national or international level; therefore, finding the exact number of children engaged in rag picking nationally and internationally is not really possible. However, it is observed that in the cities of Raipur and Patna (India), 20 percent of the children work as rag pickers (Naaz, 2019).

Since parents of children involving in rag picking are mostly migrants, and, they are not able to find employment at a new place. Consequently, they start rag picking as an occupation, which leads to child rag picking. Due to unorganized migration, most child rag pickers do not have a birth certificate or any other identity proof. They have no individual identity or collective identity as rag picking is unacknowledged and legally unrecognized in India. Thus, child rag pickers have no legal recognition as citizens as well as a worker of the country. Their human rights are violated generally because they are not protected legally. This un-recognition as citizens and as workers makes them unequal to those who are entitled to rights. They are often harassed by older rag pickers, police, municipal workers, and the general population. In such socio-political conditions, to think for the betterment of this marginalised section is very difficult. As regards, the political mobilization of child rag pickers is crucial because they lack self-awareness and their political rights as well (Naftalin, 2004).

It can be concluded that child rag picking or scavenging is a worldwide phenomenon, but the situation of child rag pickers is worst in developing countries as compared to their counterparts in the developed world. Children involved in rag picking face various physical and mental health challenges due to the worst job, poor living conditions, economic exploitation, lack of health facilities, social hostility, and poor intervention by the government and NGOs. They sacrifice their childhood activities, e.g., education, games, pleasure, etc. due to long working hours. In order to categorize the job of rag pickers, it can be stated that rag picking is a dead-end job, but it is amazing to know that a number of children involved in it are quite satisfied with their work. As regards, Thomas Reid's argument of credulity is applied adequately on child rag pickers as the idea of poverty is inculcated among them, which is attributable to their psycho-social surroundings; therefore, they do not think to come out from such very worst conditions (George, 2015). It is difficult to unfold the problem of child rag pickers completely because there are several positive and negative issues embedded in this problem.

Constitutional Measures Regarding Child Rag-picking

The Honourable Supreme Court of India has given important directions to the states to prevent the children from hazardous occupations in M.C. Mehta Vs. State of Tamil Nadu case. The Supreme Court ordered to rehabilitate the children involved in hazardous occupations. It was also mandated that the working conditions should be improved of those children who are engaged in non-hazardous occupations, and these occupations need to be regularized by proper law. In this line, Gurupad Swamy Committee was formed in 1979 by the Government of India in order to study the issue of child labour broadly and to suggest the possible measures to handle the problem. The Committee inquired about the issue comprehensively and recommended some important

suggestions. It was observed that poverty is a significant determinant of child labour; thus, if poverty continued, child labour can never be eradicated. And, legal recourse would not be a practical solution to this problem. The Committee further investigated that the problem of child labour could not be tackled in such state of affairs; therefore, the Committee suggested banning the work of children in hazardous occupations. And, to regulate the working conditions of children involving in non-hazardous occupations. The Committee realized that a multi-faceted approach is needed to tackle the issue of child labour. Consequently, The Child Labour (Prohibition and Regulation) Act, 1986 was passed in consideration of the recommendations of Gurupad Swamy Committee. This Act prohibited the employment of children below 14 years of age in the factories, mines, or other hazardous forms of employment, and working conditions of other employed children were also regulated. It also prohibits the employment of children in dhabas, tea shops, hotels, motels, restaurants, resorts, and spas or other recreational centres, etc. under Sec. 3 (Chatterjee, 2015).

Although, child rag pickers are not forced by anyone to do this job; still, this activity will account for the violation of their basic human rights. There are so many reasons primarily poverty and illiteracy behind the violation of the human rights of children. The Child Labour (Prohibition and Regulation) Act, 1986 deals with all forms of child labours. As regards, some occupations and processes are listed in the Schedule Part-A and Part-B under this Act, some of them are referred to as hazardous for the children below 14 years including “rag picking and scavenging.” This is in line with evidence that, now, child labour is completely banned by the government of India by providing free and compulsory education to all children up to 14 under the Right to Education Act 2009. Education is a fundamental right under Article 21A of the constitution of India that can be used a good tool combat child labour. Moreover, Article 45 states that: “The State shall endeavour to provide within a period of 10 years from the commencement of this Constitution for free and compulsory education for all children until they complete the age of fourteen years.” Thus Article 45 of Indian constitution ensures that every child below 14 years of age must be in the school, but it is untrue regarding child rag pickers. It is evident that the Child Labour (Prohibition and Regulation) Act, 1986 is a wide-ranging mechanism to have a check on child labour in India, but it has many loopholes. As noted, the Act does not prevent the engagement of children above 14 years working in hazardous occupations and processes which make the young children vulnerable to psycho-social and physical challenges. This is also the matter of the fact that children of every age group are engaged in rag-picking throughout the country despite implying the CLPRA, 1986 in India.

Way Forward

Three kinds of interventions and institutions are useful to curb child labour, i.e., intra-national, supranational, and extra-national, and these should be distinguished accordingly. Intra-national interventions are such type of instruments or laws which are enacted by any country to preclude the children from labour within the national boundaries. Furthermore, efforts made from international bodies, i.e., the ILO, the WTO, the World Bank, and UNICEF are called supra-national interventions. These organizations establish conventions and moreover, encourage and cajole the countries to ratifying these conventions in order to control child labour. Thus ‘international labour standards’ established by these agencies are most powerful. On the other hand, international standards are controversial as it is a set of minimal rules for labour, which all countries are expected to satisfy. As noted, these instruments are quite effective as implementation of these standards is possible by taking disciplinary actions against defaulting

nations through imposing trade sanctions. Some of the developed countries enacted some laws in their own countries such as Child Labour Deterrence Act, or the so-called "Harkin's Bill" to control child labour in the developing world, which is labelled as extra nation intervention (Basu and Van, 1998).

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