

Rag picking: A factory of violations and infringement of child rights

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ABSTRACT

Rag picking is not an urban phenomenon but with the gradual shift of industrial set up and urbanization in the small towns it is now becoming an easy practice for livelihood generation in smaller towns. Child rag picking is becoming an issue of concern. It is oxymoron to Article 24 of Constitution and Prohibition of Child Labour (Prohibition And Regulation) Amendment Act, 2016. It is one of the worse forms of child labour practice in the country with violation of basic child rights. This paper is based on the study conducted by researcher on child rag pickers in Okhla, Delhi. The purpose of this study was to understand the phenomenon of Child rag picking in big cities and gravity of violation of child rights. It sums up the issue of child rag picking, viewing it from the specs of violation of child rights. The researcher has adopted mixed method of study with inductive strategy. The data collection was done by using interview schedules and observation checklist. Rag picking as a phenomenon in this study was studied in light of child labour which resulted in violation of right to education, right to live with dignity, substance abuse and juvenile delinquency. The conclusion is drawn on the basis of insight gained by the researcher under the broader themes of child labour and violation of child rights.

Key Words : Child Rag Picker, Child Labour, Child Rights, Social Justice

INTRODUCTION

Rag picking is manual collection of domestic waste door to door or from dumper bins in urban locations. It is the worse form of child labour which denies all the basic child right's. Rag picking an urban phenomenon shifting to rural part and in smaller towns as well, with the aim to promote livelihood. It is at the bottom of the inferior economic sector in which children from lower section of society are engaged to support themselves and their families. It forms the base of waste recycling in metropolis of Delhi. Manual waste picking which became part of the urban economic source had generated livelihood and contributed in waste management but as by product it promoted a worse form of child labor¹.

The most unhygienic, dangerous job in scrap collection is rag picking. The children of poverty stricken Schedule Caste/Schedule Tribes/ Other Backward Classes (SC/ST/OBC castes) or slum dwellers are engaged in such activities. They are collecting waste materials of plastic, tin, iron,

1. "A Research report on Rag Pickers" of Jaipur, for Enhancing Quality of Life of Rag pickers by Deepak Saxena available on www.Kuhadtrust.org/pdf/ragpickers.pdf

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bottle from garbage and dirty places of urban area. The glass, metal, iron pieces may injure their bare feet. For their bread and butter, they are working such. In rag picking the children engaged, face various health problems like tetanus and skin diseases. (Misra, 2004)

Delhi is the city which experiences large number of in migration and a huge portion of this in migration comprises of children, who come here for better opportunity, to learn new skills, to earn livelihood and to get better future. The report of the International Labour Organisation (ILO) also indicated that this problem of child labour is not a problem by itself but it is the problem related to the maintenance of the child and the living wages of the adult wage earner so that they can maintain their families within adequate standards (Sarna, 2002).

Some children migrate with their families or for a specific job and end up rag picking when other options do not work out. Child Rag pickers interact relatively positive with other street children and NGOs but face negative interaction with the police, civil society, junkyard owners and criminal gangs. They live in the world that teaches them violence and abuse and exposes them to unhealthy behaviours and lifestyles (Subedi, 2001).

Rag picking top the list in petty jobs and is continuous infringement of child right and promoting child labor. In the age group of 6-14 years when primary education is promoted that every child should have a book in his/her hand these child rag pickers can be seen with large plastic bags with pieces of plastic waste, plastic bottles, electronic waste etc.

The continuous exposure to the dumping sites and garbage leads to several infectious diseases like dermatitis, stomach infection etc. Sometimes this exposure to unsafe environment leads in drug addiction, smoking, prostitution, homosexuality, gambling etc. (Sarna, 2002).

Enjoyment of rights and establishment of social justice is somewhere far away from these kids. This occupation leads to mass violation of child rights hence it becomes a factory of child right violations.

There have been a number of central and state laws enacted for care and protection of children but yet rag picking is not viewed with specs of child labor in society. Some of the laws which were made to protect children from child labor and eventually save them from difficult circumstances- The Children (Pledging of Labour) Act, 1933 which was enacted to eradicate the evils of pledging of labour of adolescent in lieu of loans or advances; Employment of Children Act, 1938 this was enacted to prevent children from hazardous employment who are below age 15 years; Factories act, 1948 this act prohibits the employment of children below 15 years in any form; Plantation labour act, 1951 which prohibits the employment of children less than 12 years; Mines act, 1952 this act prohibits employment of children below 15 years and also prohibits presence of children in any part of mine where mining work is carried out; Merchant Shipping Act, 1958 this act prohibits the employment of children below age 15 in sea-going ships; Apprentices Act, 1961 it provides that no person is qualified to enrol as an apprentice below the age of 14 years; Child labour (Prohibition and Regulation) act, 1986 prohibits the employment of any person below age of 14 and was designed to deal with mostly all issues of child labour. There are certain articles in Indian constitution including Article 23 which prohibits human trafficking and forced labour; Article 24 which prohibits employment of children in factories; Article 39 (e) and (f) the tender age of children should not be abused and children should not be engaged in such work which do not suit their age and strength, all children should be facilitated and opportunities must be provided with freedom and dignity that youth are protected against all forms of abandonment; Article 45 for early childhood care and education; United Nations Convention on the Rights of the Child (UNCRC) states right to protection, survival and development.

A large number of studies had been undertaken in different parts of India, on the problem of rag pickers. Most of them have paid enough attention to find out how many adult and children are working and what proportion of total workers are represented by children. Few of the studies have been devoted to explore why in a country like India, where a large section of the adult population is, unemployed or underemployed, a child has to work and earn. There are several causes for continuation of rag pickers in India. But, main causes are poor economic condition, traditional authority of father, high fertility rate, and lack of status of the child in the society, low level of adult and child literacy, and lack of social security and cheapness of human labour. And at the same time the lack of vigilance of the society to see that all the laws enacted for betterment of the deprived and children and really enforced properly is not less responsible for continuation of rag pickers in India. (Tapan Kumar Shandliya, 2006).

Therefore, a basic question arises that an occupation which is deeply related with violation of basic rights and in spite of all laws and acts why no attention is given to child rag pickers? Why they are still deprived of social justice?

This research focus on the gravity of violation of child rights and unserved social justice in child rag picker in Okhla, Delhi.

Rationale of the study :

The abandonment of child rag picker from primary education, unhealthy lifestyle, infringement of right to life with dignity, no parental care or guardianship, homelessness, mental, physical and emotional abuse makes it matter of research that how a childhood is lost in dumps of garbage and mass violation of child right is observed in spite of having large number of laws enacted with numbers of child right organizations working with children have little impact in changing their life. Basic gap in literature is that most of the researches were based on cause and effect analysis of rag picking, this research is focused to study why a factory of mass violation is running and yet no attention is given to stop this violation.

Scope of the study :

This research focuses on the gravity of violation of child rights, unserved social justice and plight of child rag picker in Okhla, Delhi.

METHODOLOGY

Aims and Objectives :

The aim of this research is to study the mass violation of child rights and social justice among child rag pickers. First objective of the research was to study the child right violation and its forms, second objective is to study the impact of these violation on childhood.

Operational Definition :

Child rag picker is a person who is below the age of 16 and manually picking up waste door to door and also from the identified common garbage store (khatta).

Child Rights refers to all those rights which are enacted and meant to support the child's development, freedom and dignity under several acts viz.,- United Nations Convention on the Rights of the Child (UNCRC), Child and Adolescent labour (Prohibition and Regulation act) 2016, Juvenile Justice act 2013, Right to Education act 2009 and other related laws.

Study area :

The area under study is Okhla in Delhi which comprises of large number of slums and the migrants from Assam, Bihar and Uttar Pradesh, their main occupation is rag picking and majority of the children are engaged in it. Okhla waste recycle plant situated behind Jasola Village in Masih Garh and Tughlakabad dumping site, is also the reason for the large number of the rag pickers colony in this area. Okhla, being densely populated leads to the large amount of waste generation and being the Muslim colony dumps are frequently formed and therefore the work of the rag pickers becomes easier and their presence is obvious.

Research Design :

This research is explanatory in nature which tries to explain the gravity of human rights violation faces by the child rag pickers and the relation between several factors which make them the most vulnerable section in the society. Mixed method with inductive strategy is used in collecting and analysing data. Primary data is collected from Okhla (Delhi), and secondary sources were books, journals, research papers, news paper articles etc. universe of the research is child rag pickers in Okhla (Delhi) out of which sample size for the said research is 50 respondents which are under the age group of 16 years. Purposive sampling is used to select the respondents. The primary data was collected by structured interview schedule comprising of close and open ended questions and accompanied by the observation checklist. Data was analysed qualitatively and quantitatively the close ended questions were analysed quantitatively whereas the open ended questions were analysed qualitatively by doing thematic analysis of the responses. Quantitative analysis was done using MS Excel. Ethical consideration during the period of research as confidentiality and anonymity of respondents were maintained throughout presentation of data, respect and dignity of the respondents was taken care of, principle of maleficence and informed consent was taken from all the respondents.

RESULTS AND DISCUSSION

Childhood dies when a child is engaged in child labor and if it is in form of rag picking then this brings vulnerability to its peak. Out of the total respondents interviewed, 30% were female and out of total respondents 80% of them had no primary education, out of which only rest 16% of female and 20% of male posse's primary education.

68% of the respondents were from district Dhubri and Berpeta of Assam, 20% from Bihar and 12% from Eastern Uttar Pradesh and were migrants.

Out of total 50 respondents 45% of the respondents were in the age group of 6-10 years and 32% in age group of 10-14 years and rest 23% are in age group of 14-16 years. The basic question is that in spite of right to education act 2009 which aims to enroll all the children in age group of 6-14 years in primary education a large section of children is on road doing petty jobs and denied access to education. Since these children are migrated therefore they possess no or few identity proofs. In case of rag pickers from Assam they possess much threat as they are always seen with suspicion as Bangladeshi immigrants. Sometimes their valid documents are also confiscated by police stating that these documents are made by fraud. This guides us to think that a child who is runaway from his/her home to make fortune in Delhi by earning, how this child will turn towards education.

67% of the total respondents stated that they wanted to pursue education, rest 33% were of the view that we are here to earn our livelihood to support our families and ourselves back home

and in Delhi and hence education will give nothing to us. Further, it was found 70% have their families in Delhi residing in slums and rest 30% are runaway or are staying with some relatives or alone.

Unemployment or underemployment in their native place becomes the push factor and the better opportunities in the cities work as pull factor therefore they migrate to make fortune.

84.3% of the respondents were residing in Jhuggis on government land and 16.6% reside in night shelters. They all reside in non-permanent settlements because time and again due to government policies and acts, they have to shift and hence they hold very few belongings. The government is also responsible for their condition. They spend the shivering, cold, cloudy and thundering nights in these shelters because of the lack of the rehabilitation and resettlement plans. These rag pickers every year save crores of rupee of the government by cleaning up the solid waste free of cost but the government never turn towards them.

Not only education is the problem, the working hour and work place condition is also vulnerable for their health. On an average a child rag picker works from 12 noon to 12 in the night as in day time they go door to door and collect the waste and in night they segregate material from the local garbage dumps and collect items which could be sold.

Out of total respondents, 88% of them work more than 12 hours a day which is infringement of child right. Due to this rigorous work and unhygienic work environment leads to several health problems related to the the child's health as 60% of the total respondents stated that they face mid upper and lower back pain as it is due to carrying the bags on their back.

77% of the respondents have the symptoms of Dermatitis in severe or in early stage as observed by the researcher. 64% of the respondents stated that they have stomach infection, they have symptoms similar to Colitis. 62% of the respondents have symptoms of Cellulites and there were 65% respondents out of total who had combination of two or more symptoms like Dermatitis and stomach infection etc. Other than this tetanus is also very common occupational health issue as they deal with all form of wastes and a minor cut can lead to tetanus but none of them express that they had tetanus ever which can have two possibilities that they might not be aware or they might have not experienced. These health related problem in child Rag pickers are not viewed with any seriousness as they are less aware of its repercussions as severe Dermatitis sometimes lead to skin cancer and colitis can become ulcer.

Health of child is very important for his/her growth and development. Due to all these problems growth of a child is hindered and eventually it effects the development. The access to medical facilities among these children is very low as only 22.72% out of total visit Government hospitals rest 21.31% visit registered medical practitioner and 55.9% stated that they go for self prescription i.e. they take medicines from medical store (pharmacist). There were numerous reasons stated by them for not visiting the government hospitals firstly, in Okhla there is no Government Hospital in a radius of 5 Km and if they have to visit a government hospital their whole day is ruined in long queue of hospitals and this will impact their earnings. Secondly, the lack of awareness about health issues and its impact. For example, stomach infection is considered to be common issues of upset stomach and therefore it become easier for them to buy a tablet from a medical shop rather visiting hospitals.

Most of the smaller kids in age group of 6-8 years are also engaged in this petty occupation and they require much of health care and early interventions. Problems like stomach infection can ruin the whole physical and mental development.

Sanitation facilities in these areas also hinders the health, as out of total respondents 59% use

disposable toilets, 18.6% uses public toilets, and rest 22.4% go for open defecation. Open defecation is still practiced in urban slums. The reason for it is unavailability of public or community toilets, availability of the open space. The respondents reside in slum near the bank of river Yamuna and near open drains which makes it easier for them to defecate in open which in return brings lot of health issues. In the slum of Madanpur Khadar there are 20 toilets for around 1500 population so this creates problem of person per toilet ratio. The respondents stated as they are children hence they don't wait for their turn in queue rather prefer to go in open. This is also due to faulty parenting, unavailability of the resources and their work which they perform.

The violation of rights by the police personnel is of grave concern, as 44% of the respondents in age group of 14-16 were caught twice in cases of stealing and pick pocketing. These respondents were of the view that they were targeted because they are outsider and rag pickers. They are easy target for society and police to blame if any theft takes place in the area of operation of respondents and if they are present at that place they are viewed as suspicious. Therefore, sometimes they run away from the spot to avoid suspicion.

Drug addiction and Pornographic content is becoming threat to childhood, 90% of respondents interviewed had once seen porn and take drugs. Drug addiction became common and 92% of respondents stated that it is required as they work in such filthy environment in which they want something to get kick as they can work with efficiency. Starting from marijuana to weed and smack they identify new sources of drugs like thinner, solution and whitener. There had been approximate 95.3% of respondents accepted that they watched porn once or twice or more than it and this created a bad image of females. As stated by a respondent that a girl is to fulfill our desire and theirs too. This creates a matter of concern that a child of 6 years is exposed to such content then his/her childhood is going to die and his/her mental construct is going to shift which will effect him and society as a whole.

The above stated is the result of the findings which directly states that how this worse form of child labor is demolishing the childhood and violating their rights. Until, we are able to provide social justice to the most vulnerable and important section of our society, our target of attainment of social justice is miles away.

Child right is governed all over the world including India, by United Nations Convention on Rights of Children. This convention has 54 articles ensuring civil, political, economic, social and cultural rights.

Child rag pickers observe violation of all the rights incorporated in the UNCRC 1989. This rag picking violates the very first line of the preamble of the UNCRC which states family as the best environment for a child to grow but the run away children in India who turn up to be rag pickers have no family which will provide the environment to grow. The family they live in has been exploited fighting for livelihood. So, a small child has to run away from his/her hometown and family to fetch some money for survival.

Rag picking violates article 6 of UNCRC where, state's responsibility is to work for child development but development of child rag pickers is never thought to be important, rather they are sometimes blamed to be an illegal immigrant from Bangladesh due to their Bengali identity as they belong to lower Assam.

Article 7 of UNCRC says that every child has the right to birth, registration and nationality but yet many children in the area of study were blamed to be Bangladeshi as they do not belong to India. If police name a family an illegal in-migrant, then eventually a child is supposed to be the same.

Article 10 of UNCRC, gives right to every child and family to enter or leave a state at any time, but these rag pickers and their families are always questioned regarding their entry in state by police and viewed with suspicion.

Right to free expression is provided to these rag pickers under article 13,14 of UNCRC, freedom of thought and expression but the right is mostly violated by families of these rag pickers. They are not supposed to leave this work if family is willing, they cannot even speak up against it. Sometimes, this right is violated by close relatives or the thekedars (owners of scrap shops for whom these children work). A cheap labour without freedom of expression is first choice in this business.

Every child has right to get highest level of health care but child rag pickers have poor level of accessible health care, a child clearing the garbage of a hospital, never enters or get entry in hospital if needed. Rights are violated in bulk and means have no reasons to question such a worse form of child labour.

Article 27 of UNCRC, where family has to ensure standard of living for his/her child's development but families themselves have no or low resources to have mouthful meal for survival, so development and standard of living are big questions?

Article 28 and 29 of UNCRC, RTE act 2009, article 21A of Indian constitution clearly states that a child has right over state to get education but these migrants are Assami speakers and hence in Delhi they find difficulty in learning the non formal education which is imparted among these children in Hindi. Therefore, those who speak a different language faces problem in understanding it. They are left only for non formal education provide by some NGOs but the government has no option for them. As the primary education is one of the most important assets as it shapes the childhood towards development and if it is not provided then it put the child in vulnerable conditions.

No child rag picker enjoys leisure and play; their recreational activity is to search something new in the garbage to play with it. Other than this smart phones with pornographic contents somewhere spoiling their development.

Article 32 of UNCRC is inefficacious with these children, where children to be protected from economic exploitation or any work that is harmful for mental and physical development. Rag picking is destroying their childhood, just for two time meals these children are physically and mentally exploited when they work from morning till late night.

Article 34 of UNCRC is to safeguard children from pornographic materials & performances, the easy availability of internet and smart phone exposes them to content which is not suitable for their age *i.e.* pornographic content which have adverse effect on their mental and physical growth and development. The illicit and filthy content written or drawn in community and public toilets also exposes children, which hinders their development and provides different image of opposite sex to them.

Article 36 and 37 of UNCRC talks about right against exploitation and cruel inhuman treatment, the work these children perform is exploitation of their physical strength, that in an age of 12 years, child picks up 12-15 kg of plastic bottles and covers distance of 10 Km. Nothing is cruel than a child in a garbage dumps in locality, segregating materials which he/she collects and sell it to the thekedar.

Article 39 of UNCRC, which talks about rehabilitation, recovery and reintegration of child victims of neglect, exploitation or abuse etc., is violated and hence all of the above rights are at stake.

The children remain un noticed by several child right organizations that they also have rights which should be protected, but they wait for something bad when it occurs then they come into play

to rehabilitate, recover and reintegrate these children.

As stated above all violation makes worse form of child labour *i.e.*, rag picking a factory of violations and unserved social justice.

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