

“EMANCIPATION OF CONDITION OF CHILD RAG-PICKER : LEGAL RIGHTS AND LOOP HOLES IN INDIAN CONTEXT”

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INTRODUCTION

“Child labour and poverty are inevitably bound together and if you continue to use the labour of children as the treatment for the social disease of poverty, you will have both poverty and child labour to the end of time.”¹

- Grace Abbott

In a civilized society the importance of child welfare cannot be underestimated because the welfare of the entire community, its growth and development depends upon the health and well-being of its children. Children are a supremely important national assets and the future well-being of the nation depends on how its children grow and develop. However these wishful and optimistic sayings look shallow and no more than a rigmarole when one encounters the reality of child labour and exploitation in the unorganized and organized sector of the economy. Child Labour is a global phenomenon. It exists both in the developing and the developed countries though with a difference in cause and magnitude. Its prevalence is more in the developing countries as compared to the developed ones, because the families, to which the working children belong, are in an urgent need of income of child labour for their subsistence, whereas children in the developed countries are often working for pocket money. A child labourer is differentiated from an adult worker on the basis of age. Usually a child worker is someone below the age of 14 or 15 years, who is involved in any productive activity, whether paid or unpaid, and with the family or outside. There are various causes of child labour, among which unemployment, poverty, indebtedness of the households, and child trafficking and kidnapping are the important one. In most of the developing countries, Parents depends on their children to assist them in performing work at home or outside, thus this way child of the poor are economically valuable to their parents as a source of labour contributing to the household income and social security in their old age too. The urbanization of the developing countries has taken boom since the past few years because of which a large number of people have started to

¹http://www.brainyquote.com/quotes/authors/g/grace_abbott.html

migrate towards the cities. Their needs and requirement has also increased because of which large amount of productivity is being done, and thus it also lays down the track of wastages. Ragpickers are also a kind of labour. They play an important, but usually unrecognized role in the waste management system of Indian cities. They collect garbage in search of recyclable items that can be sold to scrap merchant (paper, plastic, tin...) This activity require no skills and is a source of income for a growing number of urban poors. Since this activity does not require any kind of skill and no source of income is required, the children are the best option to be chosen, who will work as child rag picker, collecting the wastages items and products. Rag picking is one of the inferior economic activities in the urban informal sector, largely undertaken by children belonging to weaker sections of the society for their survival and for supplementing their family income and is the profession mostly dominated by children aging 6 to 15 years who do not have any other skill and thus by way of refuse collection contribute to household income or own survival. These are mainly children of slum dwellers and poor people. Some of them are abandoned or runaway children. The continuous exposure to the common garbage and the hospital waste has led to various diseases. Many of them smoke beedi and cigarettes and some are also addicted to drugs and indulge in prostitution and homosexuality, robbery and gambling. All this has affected their lives in several ways and shortened their life spans considerably. Most of the ragpickers are not independent but work for middlemen or contractors who purchase segregated rag from them on pre-decided rates. The well-known Oscar awarded movie "The Slumdog Millionaire" which is a mirror of the present society, has explained the present situation of the child rag-picker, where the children are made to do work. These children works as rag-picker in two ways either they are managed by any other third person who rules over them, and assaults them to do their works or the condition of the families of such children are poor enough that in order to survive everyone has to work. In a study conducted earlier by Ashoka² explains the exploitation and working condition of street children. Street children usually get arrested by the police because of their stay on pavements and involvement in gambling in public places. These children mainly have their activities, whether social or anti-social, in crowded areas. Their chances of coming in to contact with the police are frequent. Street children are also subject to harassment and eviction by the municipal authorities because of their unauthorized occupation of city roads and vacant places. Drug abuse among street children is rampant. Young children normally consume cheap intoxicants such as solvents, alcohol, tobacco and *ganja*. Abuse of solvents is widely reported, glue sniffing is common as it is a cheap substitute for food. Street children usually undergo deep psychological trauma due to lack of parental love, diseases related

²Ashoka, *Child and Law*, Sudha, Publication, Mysore (2006)

malnutrition, sex abuse by peers and older people and violence in several forms. He reveals that, the street children for the survival are involved in collecting rags, scavenging on rubbish dumps, shoe shining etc, for their very survival. Kamat³ in his article “Rag pickers of India” reveals child Ragpickers health related problems. Rag pickers are subjected to chemical poisons and infections. Because of malnutrition they suffer from retarded growth and anemia. The rag pickers are very susceptible to diseases like tuberculosis and cancer due to their exposure to hazardous materials and addicted to chewing and smoking tobacco. Soon they become addicted to alcohols and then they switch to hard liquors. They even do not refrain from taking the drugs. They have free sex with street walkers and hence become victims of AIDS. Bhosale Savita G. and Korishetti Vijaya B⁴ in their article conclude that they often face the situation of not having money to feed themselves. Quite a few per cent of child rag pickers do not get meals twice a day. They develop bad habits of smoking, chewing pan, tobacco and *gutaka* and are also likely to be exposed to alcohol. They are more prone to anti-social activities such as pick pocketing, gambling, theft etc. However they are afraid of police because of arrest and scared of young/adult boys. Child rag pickers, mainly girls, reported that they are scared of drunkards, because their father is also drunkard and many times beat them in their home. Child rag pickers are afraid about strangers (outsiders) because they feel that the strange. Finally it is concluded that child rag-picking has several negative consequences for the lives of children. The environment they operate in teaches them violence, abuse and maltreatment, which may drive them to indulge in delinquent behaviour. Dr. Helen R. Sekar⁵ in his research article states that no child wants to be a ragpicker but it is due to their instinct to survive in hard life conditions, they continue to engage in this work. The Constitution of India which is a grundnorm, it itself provides several right to safeguard the interest of child. Article 39 (f) provides for Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment. The Child Labour(Prohibition and Regulation) Act 1986 provides that the child labour should not be employed especially in health hazardous places and the rights of child must be protected. Moreover there are around 16 more special legislations only for children. Some of them are:

- Bonded Labor System (Abolition)Act, 1976
- The Contract Labor (Regulation and Abolition) Act, 1970
- The Juvenile Justice Act, 2006

³http://www.kamat.com/kalranga/people/rag_picklers/

⁴“Problems of Child Ragpickers” published on 10th Feb 2013,

⁵*Child Labour in Urban Informal Sector: A Study of Rag Pickers in NOIDA*

- Provisions under the Indian Penal Code
- The Immoral Traffic (Prevention) Act, 1956
- Labour laws.

The child labour exploitation in India is very old. It is continued even today and the childhood of millions of children is being crushed in race of modernity. According to the U.N.O the maximum child labour in the world is in India. It has been almost sixty seven years of independence of India; several political parties came up and formed the government, promised for better education to each and every child of the country, to remove poverty. But they all have little effects only. India is a young nation, with about 40% or more of its 1 billion people being children. It has been stated by the various authorities that the children are the future of the nation, they are the most important resources and they should be conserved and should be protected from the various exploitation.

WHO ARE RAG PICKER?

A Rag-picker, or Chiffonnier, was a 19th- and early 20th-century term for someone who made a living by rummaging through refuse in the streets to collect material for salvage. Scraps of cloth and paper could be turned into cardboard, broken glass could be melted down and reused, and even dead cats and dogs could be skinned to make clothes. The rag-pickers did not recycle the materials themselves; they would simply collect whatever they could find and turn it over to a "master rag-picker" (usually a former rag-picker) who would, in turn, sell it—generally by weight—to wealthy investors with the means to convert the materials into something more profitable⁶. The Rag picker are the one who collects the rags from the street, trains localities and from various other places from where a general public would wish never to go there forget about the picking of something. Anybody in the whole society either men women or children can be a ragpicker. It is not because they like this profession of collecting the garbages and rags from different places but it is just because of their poor condition, which makes harassed for their survival in life. And for their survival they are required to do some work. Among these ragpicker in a survey conducted by the NGO *Sapno Ki Duniya* at Lajpat Nagar it was found that mostly these ragpicker consist of children and there is a less proportion of women and very less number of men. It was also founded that among the child rag picker the number of girls are more as compared to boys.

“Out of 30 respondents, 18 are girls and rest 12 are boys which indicates a high incidence of rag picking among girls in that area as I interviewed them through an NGO and as far my observation the reason being may be the

⁶http://en.wikipedia.org/wiki/Ragpicker#cite_note-3 accessed on 21 Oct. 13

market place is safer as it is always crowded, so lesser chances of abuse and the shopkeepers themselves call them to pick their garbage from the shops than to collect from the lonely places like streets, localities etc and moreover, the mothers of these girl ragpickers pick rags from within the market only and many of them revealed to be a helping hand for mother and to enhance earnings for the survival of their family. The majority of children fall into 8-12 year age group ,the mean age being 10 years almost same for both boys and girls and this is their current age but the actual age from when they started working as ragpicker is almost same for both boys and girls i,e which comes to be less than 8.’⁷

The child rag-pickers are mostly from various hilly areas.⁸ These rag-pickers are those children who don't have any farmland, or either their father or mother is disabled or they are orphan. There are also such children who have left their home in lieu of their fear with either education or any other social problem such as the poverty lack of job opportunities, hardships for survival, large size of families, natural calamities and in two cases the father being unable to maintain such a large family, tend the members to leave the house. i.e helplessness of the senior member to maintain the family at the village in contrast to the prospect of job opportunities and perceived excitement of city life heard by other relatives and friends who are already in work in urban areas or any other such things. From the survey above so conducted it has also been found that these children have also been brought to the urban areas for the work of ragpicker by their relatives or by child trafficking. Most of the child rag pickers are not independent but work for middlemen or contractors who purchase segregated rag from them on pre-decided rates. Usually most of the so called child rag pickers have been forced by the contractor to work as rag picker. It is just because they are often considered as helpless as they are ignorant about their rights and opportunities provided by the government. But these incidents are less in number.

CONDITIONS OF RAG PICKER

Child labour is not a new phenomenon, but what is new is its perception as a social problem. Various ancient Indian studies have described how children in Indian families shared the work load of their parent and of the gurus during their *Brahmacharya* period. Rag-picking is a form of child labour. Rag-picking is one of the most inferior economic activities in the urban informal sector, largely undertaken by children belonging to weaker sections of the society, for the survival and for supplementing their family income. Rag-picking is the profession mostly dominated by children aging 6 to 15 years who do not have any other skill and thus by way of refuse collection contribute to household income or own survival. These are mainly children of

⁷ *An Empirical Study On Child Ragpickers In Central Market – Lajpat Nagar, South Delhi* By Apeksha Kumari

⁸ Child Labor and the Transition Between School and Work by Randall K.Q Akee

slum dwellers and poor people. Some of them are abandoned or runaway children. Some of the conditions responsible for the children to become rag pickers are provided under

FAMILY CONDITION

The Rag picker working in the locality as collecting wastage and rags have a very weak family background or they are family less i.e they are orphan. They are extremely poor, illiterate and belong to rural immigrant families. Most of their families are in need of extra income from these young children.⁹ The size of the family matters a lot in determining the condition of status of the family. On a survey conducted by Balkumar¹⁰ on 300 children ages 5-17 years, working currently as rag-picker in six major municipalities. The average family size of child rag-pickers is 5.4 members, which is slightly higher than the national average of 5.1. The girl rag-pickers usually come from larger families (6.3) than boys do (5.2). This assessment shows that the large majority 60.3% of children interviewed have both parents (own or biological father or mother) only few are belonging to families with a step parent or single parent or no parents. In this assessment, three indicators were chosen to determine the economic background of child rag-pickers. Over 2/3 of respondents (68%) indicated that their family owned home. The majority of child rag-pickers families (54.7%) do not own farmland. The main occupation among families of rag-pickers is of a non- agricultural nature, which may include small business, mechanical work, low paid-services and other activities. Few families main activity is either in junkyard shops or rag picking. Most of the children working as rag picker belong to Schedule Caste and Schedule Tribe. Their parents are mostly landless labors or small land labors. These family lives in slums.

C.P Rai in his book *Child Labour: A Reality*¹¹ mentions about the family of ragpicking children i.e. the child rag picker. These children lived in urban areas. They are mostly street children and work in the streets. Mostly, they had no relation with their families. Singh (2006), in his book "*Child Labour*" broadly categorized Ragpickers into 3 groups, based on the contact with their families:.

- i) Children who will be living with their families. Whether it be on the street, in slums, or waste land or abandoned / derelict building etc. but would be spending a lot of time working or hanging about on the streets. It has been estimated that this will be the largest of the three categories.

⁹Ragpicker of India By Kamat

¹⁰Nepal – Situation of child ragpicker: A Rapid Assessment

¹¹http://books.google.co.in/books/about/Child_labour.html?id=URpYAAAAYAAJ&redir_esc=y

- ii) Children who would be living and working on the street with occasional family contacts. These children sometimes send money to their families. They consider the streets as their homes.
- iii) Children who would be having no family contact whatsoever. These children will be either orphaned abandoned or neglected by, or stranged from their families. Psychologically, they are deprived of love, affection and sympathy of a family

Most of the ragpickers are runaways from homes because of disturbed family conditions. Parents neglect, or conflict with parents, compels many to flee home with bitterness, anger and hostility, the cruelty, drunkenness, harsh and cruel treatment on the part of the father must have indeed made the child to hate his father and stay away from home. Many of them are engaged in such job due to non-availability of alternative jobs. Most of ragpickers are from the poverty stricken families and the consequences associated with such families.¹² In a study done by Caroline Hunt¹³ describes the completely the status of the families of the rag picker. The rag pickers came from poorer families than the other children. They were more likely to live in overcrowded, poorly ventilated huts made of dried vegetation (rather than clay). They were more likely to use open ground for defecation than use public or private latrine. Their fathers were more likely to be deceased, unemployed and unable to work for health reasons or to have left the family. They are more likely to have lower skill jobs. The rag pickers' parents were also far more likely to be waste pickers and spoke fewer languages (none spoke Kannada, the state language, but only either Tamil or Telugu). Most of the rag pickers said they were born in Bangalore. It is likely that their Tamil speaking parents or grandparents migrated to the city. They could easily have been part of the large and continuing influx of people from rural Tamilnadu into the city, in search of work.

EDUCATION LEVEL

“Children deprived of words become school dropouts; dropouts deprived of hope behave delinquently. Amateur censors blame delinquency on reading immoral books and magazines, when in fact, the inability to read anything is the basic trouble.”

— Peter S. Jennison

The child labour working as rag picker in the society are mostly illiterate who do not know even to read and write and in those child rag picker the all the female are illiterate. Pratham¹⁴ in his

¹²Tripathy (1997), *“Migrant Child Labour in India*

¹³ Child waste pickers in India: the occupation and its health risks by Caroline Hunt *Environment and Urbanization* 1996 8: 111 published by SAGE

¹⁴Ibid 9

article has described that describes the child ragpickers health, education, exploitation and their failure of rehabilitation programmes. According to him child ragpickers are extremely poor, illiterate and belong to rural immigrant families. Many commence their profession at the young age of 5 to 8 years. Most of them never attend any school or have any formal education. In the country capital New Delhi there are more than one lakh ragpickers with most of them being young children. Young children's education has been promised from time to time, but this promise is never kept. Forget education, these children have to work in the harshest of environments and yet find it difficult to make ends meet. The government has tried to do a lot for the young children and has launched several programmes such as *Sarva Shiksha Abhiyana*, the *Free Mid-Day Meal Programme* and other such initiatives. But the social evil i.e. the corruption has not laid it to draw out a fruitful desirous result. In a case study done by the author it was found that there was a 12 year old boy Raj who is a child rag picker working in Gorakhpur boy live with his mother Kamala. His father left them long back and an elder brother who was living with them quarreled with his mother and left them a few months back. They live along the pavement of Southern Avenue in Gorakhpur. Both of them live on ragpicking. He was totally illiterate. Later he joined one of the IPER open learning centers where he has shown considerable interest in the last six month. He has also learned to read and write. But he is very whimsical and emotionally disturbed. While attending to these lesson she often runs away to his mother sometimes he comes very late sometimes he is the first person to wait for the teacher. This kind of story reveals that all the child in the world has got enough interest to get studied and become a literate one, but the condition of life and for their survival it becomes necessary to earn monetary, and for this they starts this kind of work as this work neither require any kind of special skill nor any investment. The former President of India Dr A.P.J. Abdul Kalam said "Child rag- pickers are not street children" while addressing a programme. Child ragpickers are the children of hope, they are children for hope. We do not brand them as street children. We have to give them confidence with suitable lifestyle as needed so that they can develop. We must remember that no child in the world wants to be a ragpicker but it is rigorous condition makes them to do so.

CONDITION OF WORK, PLACE AND EXPLOITATION

The Rag Picker a term which it itself suggest that one who collects rags and obviously the rag would be collected from the places which would be dirty garbages , places where the germs and diseases can affect others. Rai¹⁵ in 2002 in his book has discussed about the informal non-wages

¹⁵Child labour a reality by Rai (2002)

sector ragpicking. The children earn an income in the informal non-wages sector such as garbage collecting for the survival in the life. It also includes such as illegal activities like begging, petty theft and prostitution. Their activities are vital to the survival of poor people, especially in urban areas. The job of ragpickers is the most dangerous and destructive of self-worth. The nature of their work and environment is most unhygienic. They remain busy in dust-bins and garbage dumping grounds for waste materials like paper, rags, coconut shells, tin, iron, plastic and glass pieces left over food. It is assumed that 80% of child labourers are in the age group of 9 to 14 years. Specifically, out of 55 girl child labourers 40 belong to the said ages group constituting of 2.72% of the total child labourers. 55% child labourers spent more than 5 hours to collect rags. As regards income 65% of child labours constitute an average monthly income of Rs.301 to Rs.400 only. Compared to male child ragpickers the earning of the female child ragpickers is much lower. Out of 55 female child ragpickers, 36.36% female child labourers earn income in the range of Rs.250 to Rs.300, whereas remaining 63.63% girl child labours receive income within the range of Rs. 301 to Rs. 350.¹⁶ These child rag picker have to do a lot of work. They woke up early i.e at 4 a.m in morning walks out for their job of collection of rags. As a resident, one could begin to recognize local ragpicker, because the routes are totally territorial. By the late afternoon, or whenever the bag is full a ragpicker will return to the store of a middle-man, also called a kabari, and sell. Even as he sells the waste should be sorted out according to almost 30 different types of plastics, paper and metals. They must be clean and dry, or the kabari can't accept them. The little segregation patches in street corners of the city, where thousands of the poorest sort out waste. They might even wash materials, hunched over for hours, segregation of waste¹⁷. "Kshitij-Towards Creating a New Horizon" conducted a study on "Children as Ragpickers" analyses the working conditions of the ragpicking children. Ragpickers work in appalling conditions in garbage bins on the streets and at land fill sites where garbage is dumped. They work for more than 10 hours and walk between 10-12kms. Daily carrying heavy loads of upto 40kg, in most cases, there are middle-men who engage these children. The middlemen take the major share of the sales and pay only paltry to the youngster. The conditions here for ragpickers are unhygienic and dangerous with a high risk of disease. Children walk bare-foot through rancid rubbish, dodging rusty razor blades, used syringes, broken bottles and discarded medicines, searching for any scrap which can be recycled. The work is dangerous and unforgiving-trawling through putrid, hazardous waste without gloves or shoes, in 40°C heat, surrounded by stench, filth, flies and mosquitoes. For the most of the children, there is no other alternative. It's either this, or a life of begging or prostitution. The ragpickers live in unauthorized slums in the poorest

¹⁶*Girl Child in India* by Tripathy and Pradhan (2003)

¹⁷*Child Labour - The Indian Perspective* by Mamata Rajawat (2004)

neighborhoods, earning an average about 60-70 rupees per day. The money earned by this is required for running the household and most of it is spent on food with hardly any money left over for housing, clothing, medicine, school books and other essential items¹⁸. The basic rights of the children of having food, shelter and drinking water are denied at the dumpsite. There is also no place where they can sit and eat or keep their food safely. The food that they carry gets contaminated by the flies and mosquitoes found abundantly on the dumping ground. Most of the children prefer eating in the morning and they work the whole day and the neat food only after they get back home. The child rag pickers are quite vulnerable in the society and the nature of their work and work environment is most unhygienic, thus makes them highly prone to the diseases. These children hail from poverty stricken scheduled caste families residing in slums. Even a casual look at their physical and clothing, reveals the extent of their poverty and deprivation. They scrounge in dust-bins and garbage dumping grounds for waste materials like paper, rags, coconut shell, tin, iron, plastic, glass pieces and even left over food. He also explains the exploitation of Rag pickers. Child rag pickers are the abused and exploited. Self-employed migrant child labours, who are deprived of all parental care and needs for developing their personality. Recently in Times of India it was published that the rag picker suffered injuries due to radiation of hospital waste in Delhi. Thus there are a lot of chances that they are sexually assaulted by the others.¹⁹

ANTI SOCIAL ACTIVITIES

The child rag picker starts to make money by collecting and selling the rags to kabariwala. The income gets generated to them and it becomes a sources for the survival of their life. But since they are at an early stage of life and economic freedom at a nearly age, particularly among boys encourages them to develop bad habits like gambling, drinking of country liquor, smoking, frequent visit to cinema and other cheap sources of entertainment. The attraction towards an urban lifestyle results in extravagance expenditure. These anti-social activities are not limited to boys only it has also laid down bad impact on the girls too. The likeness of making money makes lures them towards prostitution where at an early stages of life they are to be exposed to highly communicable diseases such as AIDS or other STDs.

¹⁸(A Project for The Children Rag-Pickers of Bhandewari Dumping Ground, Nagpur)
<http://www.worldmissionfund.org.uk/KSHITIJ.pdf>

¹⁹http://articles.timesofindia.indiatimes.com/2013-09-02/mumbai/41688088_1_police-complaint-sexual-assault-police-station

LAWS RELATED TO THE CHILD RAG PICKER AND THE INHERENT LOOPHOLES IN THE LAWS

India a country, where everyone i.e. every person including a child has got a recognized right in the parent statute which is grundnorm by which other laws have been derived. It has been a constant debate in India, regarding the question that “Who is Child?”. Different laws in the country defined child by different ways. As per the Census of India considers the children to be any person who is below the age of 14 years. But various laws in the country define children at different age limits. The constitution of India itself has granted several rights including fundamental right, to the citizen of India. There are a number of articles that address various needs of children as outlined below. The articles are divided into two categories: Fundamental Rights and Directive Principles of State Policy. Fundamental Rights are justifiable in a court of law and are negatives that prohibit the states from doing thing. The courts are bound to declare a law as invalid if it violates a fundamental right. Directive principles are positive suggestions for states, and are not justifiable in a court of law. The children who are working as rag picker are also the citizen of India; they have got inherent right to exercise these rights. Both the Fundamental Right and Directive Principle provides certain right under the constitution for welfare of the child. These Fundamental Rights are :-

- Article 14- The State shall not deny to any person equality before the law or the equal protection of laws with in the territory of India.
 - Article 15- The State shall not discriminate against any citizen..Nothing in this Article shall prevent the State from making any special provisions for women and children.
 - Article 21-No person shall be deprived of his life or personal liberty except according to procedure established by law.
 - Article 21 A-The State shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the State may, by law, determine.
 - Article 23-Traffic in human beings and beggary and other forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law.
 - Article 24-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.
 - The Constitution (86th Amendment) Act was notified on 13th December 2002, making free and compulsory education a Fundamental Right for all children in the age group of 6-14 years.
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Directive Principles so provided in constitution of India so provided are :-

- Article 39(e) and (f) provides that the State shall, in particular, direct its policy towards securing to "ensure that the health and strength of workers, men and women and the tender age of children are not abused" and "that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength" and that "the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity" and that the childhood and youth are protected against exploitation and against moral and material abandonment.
- Article 45- The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
- Article 47- The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties
- Article 243G read with Schedule 11 - provide for institutionalization of child care by seeking to entrust programmes of Women and Child Development to Panchayat (Item 25 of Schedule 11), apart from education (item 17), family welfare (item 25), health and sanitation (item 23) and other items with a bearing on the welfare of children.

Along with these provisions so provided in the Constitution of India the legislator have also framed different laws regarding the protection of child rights. Besides the constitutional safeguards and the protection of children wide range of laws have been made by the legislator, to protect and promote the rights of the child. Under these laws, the children are entitled to protection and safeguards, special care and adequate assistance. The following are the principal legislations seeking to protect the child: -

- a. Right to Education Act 2010;
 - b. The Factories Act, 1948;
 - c. The Plantations Labour Act, 1951;
 - d. The Minimum Wages Act, 1952;
 - e. The Mines Act, 1952;
 - f. The Hindu Minority and Guardianship Act, 1956;
 - g. The Probation of Offenders Act, 1958;
 - h. The Child Labour (Prohibition and Regulation) Act, 1986;
 - i. The Child Marriage Restraint (Amendment) Act, 1987;
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- j. The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992;
- k. The Juvenile Justice (Care and Protection of children) Act, 2000;
- l. The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 2002.

All the above laws are not fully related to the rights of rag picker but since we are talking about the rights of child rag picker. These laws applied to apparently. For e.g. the legislator framed the Right to education Act 2010 and amended Article 21 by which the provision of free and complete education to the child who is upto 6-14 years of age. It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments. The Child Labour (Prohibition and Regulation) Act, 1986 is one the most debated acts regarding children in India. It outlines where and how children can work and where they cannot. The provisions of the act are meant to be acted upon immediately after the publication of the act, except for part III that discusses the conditions in which a child may work. The act defines a child as any person who has not completed his fourteenth year of age. Part II of the act prohibits children from working in any occupation listed in Part A of the Schedule; for example: Catering at railway establishments, construction work on the railway or anywhere near the tracks, plastics factories, automobile garages, etc. The act also prohibits children from working in places where certain processes are being undertaken, as listed in Part B of the Schedule; for example: beedi making, tanning, soap manufacture, brick kilns and roof tiles units, etc.. Under this act, it has been so provided for the formation of a commission which shall look into the matter which would be regarding the protection of child rights. The problems with this Act as regards rag pickers are significant. First, the Act concentrates only on children who are employed. Although there is a maximum Rs 20,000 fine and/or imprisonment of up to one year for first time offenders who have employed children, between 1986 and 1993 not a single person was jailed for violating these labour laws. The laws were routinely flouted, with no risk of punishment. Even if the law were more stringently enforced, it would make no difference for ragpicker children as they are self-employed and therefore not answerable to any employer. This is the crux of the problem – because of the nature of their work, ragpickers do not fall within the ambit of the Act. It does nothing to protect children who perform domestic or unreported labour. The Juvenile Justice Act of 2000, aimed to streamline the police and criminal justice procedures when dealing with juveniles. This is an important Act for rag picker children because so many of them are picked up by the police.

The Act is concerned with the procedure to be followed when a juvenile is arrested or taken into custody for an offence and provides for the care, protection, treatment, development and rehabilitation of delinquent juveniles. The juvenile justice system was highly ineffective prior to 2000 and there is little indication this will change. Further, whilst there is little or no due process during the initial stages of the justice system, such as when rag picker children are being arbitrarily and illegally arrested and detained, this Act is likely to be somewhat irrelevant. The Act also legislates against procurement of a juvenile “for the purpose of any hazardous employment, keeps him in bondage and withholds his earnings...” (s26), but again, this cannot apply to rag pickers as they are self-employed. There are several laws on the children but there are no laws which specifically talks about saving the interest of the child rag pickers. All the laws so legislated govern one or a part of it. The Government has adopted National Policy for Children in the year 1974 and this Policy specifically mentioned to take care of the interests, rights and protection of the children. Some of the National Policies dealt with problems related to children are : –

1. The National Policy on Education, 1966;
2. The National Perspective Plan on Child Welfare;
3. The Integrated Child Development Services; and
4. The National Commission for Child Rights.

An Interview of the family living in slums of Mumbai. In an interview done by some personal of the people who work as rag picker in Mumbai and Nasik, very interesting facts came out which entirely thrills out the soul of a normal human being that how are they still able to survive and leave peacefully in that area. When they were asked question cleanliness of environment.

CONCLUSION

The majority of ragpickers migrate from poor, rural and landless homes to urban areas with their families to earn or for a specific job and end up ragpicking when other options do not work out. Ragpickers interact relatively positively with other street children and NGOs, but face negative interactions with the police, guard, civil society, junkyards or contractors and fears a lot from them. They live in a world that teaches them violence and abuse and exposes them to unhealthy behaviours and lifestyles as many a times they have to confront strangers and run away from them as their attitude is indifferent (may be of abduction) towards them. they have to face many problems during their work time such as the abuses and allurements of the shopkeepers which make them frightened to move freely in the marker area, verbal abuses are too many even by the

people wandering in the market, they look them so strangely and shrewdly as if they are thieves or have done something to them. They have sympathy for the beggars but not for such children without even realizing their importance in cleaning the environment and pick the wastes to recycle. The nature of the work is hazardous. Ragpickers suffer from diseases like scabies; lice; chronic dysentery; lung, ear, nose and throat infections; cuts; and abrasions as they work in very unhygienic conditions with certain animals like mouse, dogs, cows .worms etc and most of the time they are hurt and bit by such animals and no vaccination for these innocent segment of this society i,e the consequence of animal's bites will be known at a later stage in life. These are caused by poverty, malnutrition and the unhygienic surroundings in which the children are forced to work and live. They have a large family size including many brothers and sisters younger to them for whom they have to earn, and the ages of ragpickers itself varies from below 8 to 14 years , they are too young to earn, infact their family is dependent upon them forced to work at tender age of playing and enjoying. Ragpickers are mostly girls who come from the most marginalised groups of the population They don't have even proper place to live in, either they stay in parks, rented jhuggis , godowns or ,often live in unauthorized slums in the poorest neighbourhood. The fact that they are migrants and often seen as temporary residents. Most of them don't have identity cards or birth certificate and therefore don't have access to basic governmental facilities (social assistance, enrolment of their children in municipal schools...) Therefore, many NGOs are supporting the ragpickers to gain access to these basic services (health care, health insurance, education and vocational training). They also provide legal support or counseling sessions and help them form unions to speak up for their rights.

Some suggestions to improve the neglected and the worst form of child labour, ragpicking as well child ragpickers

1. Social awareness of ragpickers needs to be raised and action plans to help develop the children's sense of place and belonging in society must be implemented
 2. Awareness campaigns on the dangers, causes and nature of child ragpicking. People should be made aware of children's rights.
 3. Counseling and Socialization is important to minimize the gap between those children who generally feel hated by society, and the people living in the society who do not consider them as social elements.
 4. Law-enforcing agencies are not sensitized to children's rights and the protection of children working in risky conditions. There is a wide range of complaints against government agencies regarding the denial of children's rights when handling their cases in justice. There
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should be a child-friendly justice system, and people involved in such areas should be trained and sensitized to the rights of children. Priority should be given to making the street a safer place for ragpickers and to reducing the incidence of reported police brutality against ragpickers. This can be achieved by training and sensitizing police on child rights and on how to become part of the solution instead of being part of the problem.

5. Enactment of a legislation to ensure healthy working condition for ragpickers, making waste separation mandatory and levying fines on households not complying with separation norms.
6. The legislation which are already enacted should be followed actively. It should be kept in the mind of Government Machinery that the aims and objectives of the so called laws are not lost.
7. Income generating programmes should be launched for those families who are unable to send their children to school as an alternative to making their children work.
8. The children need a means of reintegration to society; skill development and vocational training in poor rural areas.. NGOs and the government need to work closely together to fully understand the circumstances surrounding ragpicking and to design effective programmes.

However, change is not an easy process. A change that demands a modification in attitudes, as well as change in the social, economic, and political situation, is a slower process. Policy makers, industry, society need to view the street children with compassion and sensitivity
