

## CHAPTER ONE

### INTRODUCTION

#### 1.1 General background

Children working as the laborer in the hotel and restaurant constitute a high proportion of the child workers worldwide. Among children, laborer in the hotel and restaurant is by far the most common form of employment paid or unpaid. But where it is common because of the ambiguities which surround the children's working situation which is often confused with traditional types of foster hood or "alternative upbringing" –the practice of taking children into a household for the purpose of using their laborer may typically be regarded as socially acceptable, even begin

Child laborer has emerged as a major social problem in most of the Third world countries where there is rapid increase in population; Nepal is landlocked Himalaya country with population of multicast and an ethnicity group. About 2.5 million peoples distributed in different part of the country. High Himalayan region, mountains and Terai Nepal is least developed country in the world its rank is 140 position in the human development index with a per capita income around us \$280 (WDR, 2004) 31 percent people under the poverty line, poverty literacy, unemployment, poor health sluggish economic situation child laborer is widespread and major economic problem.

Poverty is the main cause of child laborer around developing countries. When a family is poor every one has to work, even extra contribution help, but many children work because of the lack of their opportunities. School might be unavailable, independent or just too expensive (UNDP, 1993).

Today's buds are the blooming flowers of tomorrow; hence, the children are potential energy of nation on whom the fate of nation depends. No one was born without any purpose; god sent him or her for special purpose on the earth. The life of a human being to a far extend depends upon the development and expose one has got. The best period for such development is the childhood as children are the future of the nation. The child age is the foundation of future life to build the foundation of child life one needs quality education, balance diet, domestic or social environment individual

freedom, freedom for selecting opportunities. In Nepal 19 percent of the total population are not even getting the primary education 10 percent drop out rate in primary level education (CBS 2001). It shows the very poor situation of education and task of nourishing food. This is not the only situation of child but adult literacy rate is also very poor i.e. 50 percent describing the wider gender disparity (CBS, 2001).

Not only human being but also all creatures go through the stage of childhood and it is considered as a best period of life, however a majority of our children lives in a horrible condition. We can't say that the stage of childhood is the best period of life for everyone due to their family problems, domestic violence, natural disaster, murder, quarreling and miss guardians, poverty and illiteracy may of children are compelled to live miserable life. Their innocence and basic rights are threatened and victimized by all sort of exploitation. In Nepal, Bhaktapur so far remain the major destination for migration of children. Most of them have migrated from the adjoining districts, namely, Kavreplanchok, Dolakha Sindhupalchok, Nuwakot, Dhading, Ramechhap, Chitwan and Dhanusha.

Nowadays, child laborer in Nepal is being considered very seriously it has deeply rooted in most part of the country. Traditionally, children in Nepal are involved in agriculture, domestication of animals, handicrafts and other employment many children are compelled to migrate in town in search of employment following the tragic calamity. In their native land hardship in their life corrupted social relationship children working in small town and big cities are increasing continuously. This is working children are largely increasing in Kathmandu and Bhaktapur (CWIN, 2001).

In the issue of child laborer, Nepal is not different from other countries in the SAARC region. The ILO report of 1995 estimate that more than 60 percent of the total children in Nepal are involved as child laborer and about 8 percent children are working outside their own home.

Due to unfavorable social economic condition, social and family environment, carelessness of parents, and abandoned by step father and step mother, children leave their home and migrate to urban area in Nepal and often they work in hotel, restaurant, carpet industry, repairing shops, construction industries, stone quarries, brick kilns factories and so on the extend of exploitation is very high every where.

The hotel and restaurant employed children have no alternative and they stay there as long as the owner wishes. They always have to work from early morning to night. They don't enjoy or even get holiday. So they are deprived and exploited by their master. This study has attempted to find out the present condition of child laborer and trace our socio-economic conditions of the child laborer in hotels and restaurant of Bhaktapur.

## **1.2 Statement of the problem**

Coming towards the topic "child laborer employed in hotels and restaurants of Bhaktapur district" which is the place where the tourist visit frequently so there are different categories' of the hotel where different age of the child are employed. Among the different age group there are several hotel and restaurant where the child are employed, the child especially of the age as prescribed by the national and international standard. The observation shows that the child working in the hotel and restaurant are in the worse condition they are neglected and they are in the miserable condition. The researcher has chosen this topic to depict the actual condition of the children working there and the situation they are facing as the place of the research is of the international concern. Durbar square of the Bhaktapur fall in the world heritage site.

Children are the important parts of the society. Therefore, all issues concerning children are social issues. Child development is vital for the development of human resources of the country. They should be given a good care about their health education with proper rearing but the case becomes just reverse. In the case of Nepal a poor and under developed country. Majority of child population is deprived of basic necessities like nutrition, shelter, clothing, education and health care. Most of the people are even unable to feed their children.

Childhood period is the foundation period of human life. Potential human resources are necessary for development process. Children are treated properly at least under the provision of fundamental right of the child. Children are the backbone of the nation, future builder of the nation and they are twinkle star for the nation. So, the exploitation of the children is affront to every standard of decency professed by civilized society (OSLO, 1997).

Why they leave their home and their own parents? It is the important question to be solved by the state and related institution. poor economic status, educational level, lack of knowledge of quality of life and individual right and children's rights according to national and international law every one want to be better job better life sufficient quality food, good housing and sanitation, quality education, social security with respect to their individual rights. But in context of Nepal most of children leave their home to search the employment and obtained better life.

Child laborer engaged in hotels and restaurants are generally worse than in other employing agencies. The employees are well aware about their weakness and problem. so, they prefer to employ child laborer, because they are easy to handle in whatever they like children are cheaper more than pliable than adults, so the employers tends to hire children rather than adult laborers. They have to work from morning to late hours at night. They are paid very nominal wages. They are deprived form education, minimum levels of nutrients and they have no holiday or any leave. However this problem is not yet stopped and is in continuous exhilarating. The hotels and restaurants employ children paying minimum wages 1.4 million and of 1.7 million economically active children are unpaid which is 83 percent of the total (WB, 1998).

The study is concentrate towards investigating the following question.

- ) What is the socio-economic condition of the child who is being laborer?
- ) What is the present working condition of child laborer?
- ) What are the problems faced by child in terms of laborer?
- ) What should be done for their welfare activity?

### **1.3 Objectives of the study**

The general objective of this study is to analyze the socio-economic and working condition of the child laborer in hotel and restaurant of Bhaktapur district. The specific objectives of this study are;

- ) To explore the socio-economic background of the child laborer
- ) To examine the working environment of the child laborer

#### **1.4 Limitation of the study**

The major limitations of the study are as follows:

- ) The study is base on the primary data collection in Bhaktapur district, which is not sufficient to represent whole country.
- ) This study present only the child laborer employed in small hotels and restaurants, so it doesn't cover big hotels and restaurants
- ) This study being a limited part of academic activities to both time and financial constraints and special topics of child laborer

#### **1.5 Importance of the study**

Several studies have been conducted on child laborer in various sectors, but there are very few studies on child laborer in hotel and restaurants. Therefore this study will be significant in different ways such as to search the remedies of problem facing in this field and policy makers of government and non government organization. It also helps to the national and international organizations. It will be useful for those who are interested to conduct new research on the same problem in future.

#### **1.6 Organization of the study**

The study is divided into six chapters. Chapter first is about the introductory part which deals about the background, objectives, research problem etc. In the Second chapter some of the literatures are reviewed. Third chapter is about the methodology of the research. Fourth and fifth chapters deal about the research part where the data has been analyzed. Finally the study is concluded by prescribing the findings, conclusion and recommendation in the sixth chapter.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Theoretical reviews

##### 2.1.1 Meaning and definition of child laborer

Child laborer may be defined as employments of children in gainful occupation that are detrimental to their health deprive them from their chances of development. Child laborer implies the working children in industrial and non industrial jobs and organized and unorganized sectors in an environment of hazardous condition for their physical, mental, moral and social development. Thus child laborer assumes that character of a social problem in as much as it hinders arrests or distorts the natural growth process and prevents the total personality development of the child. The definition of child laborer varies form one society and from one time to another and also according to both class and gender.

Oxford Dictionary defines a child means a newly born boy or girl and laborer means physical or metal work. Thus the meaning of child laborer suggests "bodily or mental work did by a child" in the international laws have set varying age limits for children. However, the minimum age has defined the convention of international laborer organization (ILO) "Children those are below the general limit of 15 years on in special circumstances 14 years" (ILO, 1973).

##### **Child Laborer**

Child laborer is a serious and challenging issue for the future. Children are universally recognized as the most important asset of any nation. The endeavor of any society should be to offer them opportunities for their education, growth and development. Ideally children in their formative stage should not be exposed to any physical and mental rigors that regard their natural growth the reality however, is different particularly, in developing countries like Nepal.

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working children in industrial and non-industrial job and organized and unorganized sectors in an environment of hazardous condition for their physical, mental, moral and social development. Thus child laborer assumes the character of a social problem as much as it hinders arrests or disturbs the natural growth process and prevents the total personality development of the child. The definition of child laborer varies from one society and from one time to another and also according to both class and gender.

The United Nations (1990) also defines "child laborer" in a similar fashion. In some instance child workers/laborer is defined as a person in the age group of 5-14 employed for hire or rewarded on a full time basis and includes a self employed child a child assisting his/her parents in their occupation for two or more hours a day.

A review by Abana on of late issues concerning child laborer has received enormous attention from both the government as well as the non-government sectors in Nepal. It has also been the subject of several research projects. Situation analysis of child laborer in Nepal is an out come of one such research done by CWCD of the National planning commission.

This study covers a total of 6500 household 4000 rural 1500 urban and 1000 bonded ones in Banke, Bardia, Dang Kailali and Kanchanpur districts. In addition Kathmandu, Morang and Rupandehi districts were included in the study as the highest numbers of industries are located in them. A total of 9732 children between 6-14 years of age (<http://www.google.com> exceed on 2065-2-18).

A project paper prepared by the bureau for workers activities international laborer office entitled trade unions and child laborer. (Developing national and international trade union strategies to combat child laborer project Bureau for workers Activities INTERNATIONAL LABORER OFFICE (ILO), Booklet 3) mainly talk about child laborer in connection with trade union. The project report in the subtopic fact finding and information about child laborer describes that child laborer is a vast and complex area, and many different groups are engaged in the elimination of child laborer and there fore a large number of publications have been produced on this subject. The paper talked solving the question why trade unions need information about child laborer. In solving the question it talked to develop appropriate policies and effective plans to take effective action against child laborer trade unions need to gather detailed

and creditable information on the incidence of child laborer. Through its direct contract with laborer markets and its widespread network of members and official, the trade union movement is in a unique position to go to the very source of the problem of child laborer and find out the facts

Employment of child laborer in hazardous occupation has been prohibited in Nepal since 1959 on the basis of CRC and ILO minimum age convention, Nepal has adopted the laborer ACT 1991 and children Act, 1992 has declared employing children under the age of 14 is illegal.

The institute of laborer services, the Philippine 1994 refers to "child laborer" as the participation of children below 15 years of ages in economically gainful activities, whether they are directly remunerated for paid as part of the family unit. It includes work in family enterprises, chin agriculture, services industries debt peonage employment and self employment. Doing household chores laborer (ILS, 1994)

### **2.1.2 International instruments**

#### **The Convention on the Right of Child 1989**

This convention obliges the government to take all appropriate legislative, administrative and other measures, for the implementation of the rights in the convention into reality. By this state's obligation is to protect children form engaging in work that constitutes a threat to their health., education or development, to set minimum ages for employment, and to regulate condition of employment. State part is also obliged to protect from the sexual exploitation and abuse including prostitution, trafficking abduction of children.

#### **ILO Convention**

ILO Convention no. 182 on the worst forms of Child Laborer, 1999 came into force in Nepal form the date of 2002-01-03. Each member state shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child laborer as a matter of urgency. The state party obliges taking into account the importance of education in elimination child laborer to take effective and time



bounded measures to prevent the engagement of children in the worst forms of child laborer.

State party is bound to make the following worst forms of child laborer as criminal offences.

- ) All forms of slavery or practices similar to slavery such as the sale and trafficking of children debt bondage and serfdom and forced or compulsory laborer including forced or compulsory recruitment of children for use in armed conflict
- ) The use procuring or offering of a child for prostitution for the production of pornography or for pornographic performance and
- ) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties or for activities which involve the unlawful carrying or use of firearms or other weapons.

For this, member state should ensure criminal penalties for the violation of this convention as well as national provisions to prohibit and to eliminate any type of worst form of work.

Each member for which this convention is in force undertakes to pursue national policy designed to ensure the effective abolition of child laborer and to rise progressively the minimum age for admission to employment or work.

According to ILO, Nepal had been selected as sampling country from Asia to launch the time bound program on elimination of worst forms of child laborer by 2005 now till the date as 7 month of 2008 has been past we can still see the practice of child laborer rampantly.

So many studies on child laborer issue home carried out in the international and national level in the context of Nepal. Various institutes, agencies and school too have defined interpreted and come on to conclusion regarding child laborer and its different and sector issue. Review of literature in this chapter is done in terms of theoretical and empirical studies.

### **2.1.3 Nepalese law in relation to child laborer**

#### **The Interim constitution of Nepal (2063 BS)**

Article 11 of this constitution not only guarantees equality to all citizens and equal protection of the law to all persons but it also requires that the state shall make special provisions for the protection and advancement of children.

Article 20 deems exploitation unconstitutional and; prohibits trafficking in human being slavery and serfdom or forced laborer in any form. Any contravention of this provision is punishable.

#### **The laborer Act 1992**

This Act ensures the right, interests, facilities and safety of working in enterprises in various sectors of the economy. Under this Act, a child is a person who has not attained the age of 14, while an adolescent is a person between the ages of 14 and 18.

Section 5 prohibits the employment of the children who has not obtained age of 14 in any enterprise. It essentially prohibits night and early morning shifts for adolescent (from 6pm to 6am) except under prescribed condition.

Laborer Rule 3(1) prescribes no minor, between the age of 14 and 16 shall be employed in any establishment for more than 6 hours a day and 36 hours a week.

Laborer Rule 31(2) states that in cases where any part of running machinery needs to be inspected, lubricated or adjusted, only a trained or experienced adult worker may perform the work. The working clearly exempts children and minors.

Laborer Act section 32(1) stipulates that no worker or employee shall be engaged in works of lifting, loading or transporting any load likely to cause injury or harm.

Laborer Rule 43(2) prescribes that minors who have not attained the age of 16 shall not operate dangerous machinery. Only a trained or experienced adult can do so. Moreover, minors below 16 are not allowed to engage in tasks that might have adverse effects on their health.

**Enforcement:** Except otherwise specially provided for in this Act, any person who contravenes any of the provision of the Act or rules made here under, is liable to a fine If 10,000 rupees by the Department of laborer. If such offence is committed again, he may be punished with additional 100 rupees on top of the fines. Fines and punishments awarded under this Act, are realized in the manner as government deems appropriate under the existing laws.

### **The Children's Act 1992**

This Act institutes legal provisions in order to protect the rights and interests of children and also allows for their physical, mental and intellectual development. Under the Act, a Child is defined as a person below the age of 16.

Under section 13 no child shall be engaged in begging except in following the religious or cultural tradition or made a SANYASI (religious person who has renounced the world), BHIKCHHU (a monk or nun who makes his/her living begging alms) or FAKIR.

Section 14(1) states that no person shall, for the purpose of fulfilling the promise made to God for serving any other religious purpose, surrender his or anybody's child to any God or Goddess (to perpetuate the Deuki System). Economic transactions states and purchases involving a child for the purpose stipulated above are also prohibited as are coercion and undue influence.

Section 16(4) states that no child shall be made involved in the sale or distribution of and trafficking in alcoholic drinks, narcotics or any other drugs.

Section 17 states that no child who has not attained the age of 14 shall be employed in any work as a laborer. Any child between 14 and 16 shall not be subjected to forced laborer or put to work as laborer form 6am to 6pm. Also every child laborer in the 14–16 age groups shall be provided equal remuneration for equal work, without discrimination of any kind, irrespective of the child's sex, religious, race, color, caste and community. The working hours are limited to 6 hours per day and 36 hours per week. Further after continuous work for three hours, a half hour break should be given to the child, not to mention one day off per week.

Section 18 states that no child shall be engaged in work that is likely to be harmful to his health or hazardous to his life.

Section 25 prohibits engaging a child in work that requires more laborer than his physical capacity can bear or which may hurt his cultural or religious usage.

Section 48 requires that any industrial enterprises obtain the approval of the child welfare officer or chief district officer as well as of the parent or guardians before employing a child aged 14 or above as a laborer.

### **Child Laborer Prohibition and Regulation Act (2000)**

This Act redresses some of the shortcoming in the chapters on Child Laborer in both the laborer Act and children's Act. For instance, the definition of child given in the Laborer Act is revised upward to include any person below the age of 16.

#### **Prohibition:**

Whereas sub-section 1 of section 3 prohibits employment of children below the age of 14 as laborer, sub section 2 of the same prohibits employment of children in hazardous work situations such as hotels, restaurants and bars; in public transportation or construction work; in carper, brick, leather, cement, match, insecticide, liquor, soap-related industries; and in mines. Section 4 on the other hand, prohibits forced laborer on any kind or laborer imposed through false promises of deception.

Any one violating sub section (1) of section 3 is liable to three month imprisonment or NRs 10,000 fines or both; on the other hand, any one violating sub-section (2) of section 3 and section 4 is liable to a one year imprisonment or NRs. 50,000 fines or both.

If probably enforced, section 3 and 4 should go long way toward abolishing child laborer in Nepal.

#### **Regulation:**

In order to employ a child in the 14 – 16 age groups, the employer need a letter of qualification form the laborer office or the official designed by the laborer office as well as permission of the child's parent or guardians? In order to receive a latter of

qualification, the employer must first submit an application stating the nature of work and the child's age.

Upon receipt of application, the laborer office shall have the child's health examined by a physician if it deems the child is competent' and upon the physician's recommendation may issue a letter of qualification which is valid for one year.

Within the first 15 days of employing the child the employer has to make available the following information to the laborer office:

- ) Names and addresses of the enterprise
- ) Name and addresses of the management
- ) The nature of business it conducts
- ) The child's name, age and address
- ) The nature of work to which the child is to be put
- ) The date of employment
- ) The wages to be paid to the child and other amenities
- ) The latter of qualification etc.

### **Monitoring and inspection:**

From time to time the laborer office may send an official to any enterprise employing child laborer. The management shall have to permit him to enter into the workplace, and allow him to inspect the workplace, records or files or make inquiries.

If any violation of section 3 or 4 is observed, the inspecting official shall order the management to discharge the child form employment immediately and hand over the child to its parents or guardian.

### **2.1.4 Other applicable legislation**

#### **Citizens rights Act 1995**

According to section 14 a child below 14 can not be employed in factory or mine.

### **Begging Prohibition Act 1962**

No one shall engage a child below the age of 16 in begging, any one violating this provision is liable to a three month imprisonment or NRs. 75 rupee fines or both.

### **Prison Act 1963**

Section 10(a) of the Act stipulates that a jailed child can not be employed or put to work.

### **Foreign Employment Act 1985**

A license holder under the Act is not allowed to promote the employment of children abroad without the consent of their parent or guardians.

### **The Traffic in Persons Act 2000**

It engaged by parliament in 2000 defines a child as any one who had not attained the age of 16. Under the Act, trafficking in persons, prostitution, abduction, pornography, slaveholding, and other abhorrent sexual practices are deemed an offence and hence punishable.

Clause (e) of section 16: abusing a child sexually in any manner is liable to an imprisonment of 3 years and a fine of up to NRs. 10,000.

In the context of Nepal, less than 16 ages of children has prohibited in laborer sector, which is harmful and risky. Child Act 1913 and Nepalese constitution 1991.

#### **2.1.5 Policy review**

##### **The child right**

UN Convention declared the basic child rights are follows:

Right to living it has been defined as the in born rights of the child this right refers to the right for nutrition food and hygienic residence, clean environment, clear drinking inoculation and first aid service etc.

) Right of protection: every child deserved protection against discrimination.

- J Right of development: this right is related to the factors co-operative to personality development. According to this, every child has a right to attain education, entertainment, sporting activities and health care facilities etc. which are compulsory to maintain reasonable quality of life.
- J Right of participation: Every child has the right to participate in decision making which may affect them. Engage uncreative, participatory in social and cultural activities without international and discrimination.

## **2.2 Empirical reviews**

### **2.2.1 Child laborer situation in Nepal**

Child laborer remains a major economic and social phenomenon in Nepal. According to the national child laborer survey undertaken in 1997, 2.66 percentage out of the total 6.225 million children aged between 5 and 14 years in the country are economically active (economic active includes) both paid and unpaid, casual and illegal work as well as work in the informal sector but excludes unpaid domestic service within own household. Among 1.660 million economically active children, boys 54 percentage and girls 46 percent (CDPS, 1995/96).

Many of these children do not go to school 14.54 percent of the boys and 25.96 percent of the girls (ibid). The large part (94.7 percent, 1.576 million) of the economically active children are engaged in the agriculture sector, mostly as unpaid family workers and partly as forced laborer attached to their parents under debt bondage or similar other exploitative laborer, besides agriculture working children are mainly involved in the services sector 27,000 and communications and transportation sector 26,000 (ibid).

Based on several studies conducted under the IPEC time-bound programme these include five rapid assessments on five selected worst forms of child laborer children in bonded laborer child rag pickers, child porters, child domestic workers and child trafficking that have been completed by the central department of population studies. And the national laborer academy, as well as earlier studies on children in mining and in the carpet sector. It is estimated that there are 127,143 children working in the worst forms of child laborer as bonded laborer, rag pickers, porters, domestic workers,

in mines, in the carpet sector, are being trafficked. According to the same studies, the children involved in these forms of child laborer start working between the age of 10 and 14. In addition, more than one third of them are illiterate and a majority are school dropouts, who have been brought to their present work place by their parents or relatives. It also appears that they all come from landless and relatively large families. Finally, more than 80 percent of children trapped in the worst forms of child laborer have migrated for work with the exception of children bonded into agricultural laborer and children working as long distance porters the rural area of Nepal the vast majority of children work in urban area.

On the demand side while the society at large is aware of the ill effects of child laborer both to the individual child as well as both nation, the existing societal attitude remains largely in different to it. Legal provisions on safeguarding child right and preventing child laborer are inadequate in enforcement and children continue to be hired as child laborer. In rural areas children work mostly in the agricultural sector, while in urban area, they can be found in almost all kinds of work requiring manual laborer.

The supply side of this is characterized by illiteracy of the parents, lack of access to as well as low perceived value of education, disharmony and diminishing family support, subsistence livelihoods that push families, particularly in rural area, to send their children to work.

The civil war is another factor contributing to child laborer in Nepal. In rural area many families prefer to send their children to urban area for fear of them being caught in the cross fire, or becoming a victim of the security forces or Maoists. So result, these children enter the child laborer market and very often end up in the worst forms of child laborer.

ILO-IPEC 2001 report estimated that there are 127000 children working in seven selected worst form of child laborer. These children make up 1.8 percentage of the total child population aged 5 to 14 years, 2 percent of all working children, 7.6 percent of all economically active children in Nepal and 41 percent of the aged child laborer.



### Worst forms of child laborer by work place

Target group	Working at or near home	Work away from home	Total
Children in bonded laborer	12.006	5.146	17.152
Child rag pickers	1.891	2.074	3.969
Child porters	3.825	42.204	46.029
Child domestic workers		55.655	55.655
Children in the mines		115	115
Children in the carpet sector		4.227	4.227
Child trafficking	NA	NA	NA
Total	17.722	109.421	127.143

Source: CDPS, 2001.

According to CWIN report on the state of the right of the child in Nepal 2004, 2.6 million children 5-18 age groups are involved in force laborer, 1.0 million children are involved in worst forms of child laborers 5000 children are working and living on the street, annually, 12 thousand women and children are trafficked to India 40 thousand children are still in bonded laborer this statistic is prepared by CWIN on his report basing various report prepared by UNICED, CSD Ministry of Education, The Planning Commission, ILO-IPEG. In Nepal, the total child population 10-14 is 29 lakhs 81 thousands, among them 6 lakhs 5 thousands children involved in child laborer. CBS 2002, Population census 2001 national reports

Above data shows that Nepal is unable to protect and regulate the child laborer. This is the violation of international conventions that has been ratified by Nepal as well as domestic legislations which guarantee the right of children not being exploitation, free primary education healthy and sound environment for their overall development etc.

Concern surveys shows 71,500 restaurant child laborer 32,000 child laborer in stone quarries and 29,000 short distance child distance child porters earning a living daily, similarly, 50,000-60,000 child laborer working in the brick kiln industry (CONCERN, 2004) and thousands involved in mechanical works risk proper physical and mental development every day. Child laborer experience all forms of physical, mental, psychological, economic and sexual abuses, harassment and exploitation by

employee, local communities, customers and colleagues. 6.5 percent of children of both sexes in brick-kilns restaurants, teashops and stone quarries report sexual abuse harassment and violence (CONCERN 2004).

### **2.2.2 Cause of child laborer**

The reasons for child laborer are many and the causes of specific incidences of child laborer will vary from country to country and from industry to industry. However, there are common causes:

#### **Poverty**

Poverty is frequently given as the main reason for child laborer. Poor families may send their children to work to increase the family income large numbers of children work as unpaid workers in family farms and stores that depend on family laborer to survive economically.

#### **Failure of the education system**

Many areas simply do not have schools particularly in rural areas. In some cases fees are charged and parents cannot afford them. Where free schools are available, the quality may be poor and parents consider the child will survive better if he/she works and learns a skill.

#### **Informal economy**

Child laborer is much less common in large workplaces. In small, unregistered enterprises, often called the informal sector, child laborer is more frequent. Inspectors rarely list such workplaces, and there are no trade unions. Child laborer can flourish in such conditions.

#### **Low cost of child laborer**

Against the background of a growing sector of small informal enterprises child workers become increasingly attractive because they can be hired for less than adults. In addition child workers are not organized and are more easily disciplined.

### **Absence of workers organizations**

The incidence of child laborer is greatest where trade unions are weak or do not exist. Trade unions are generally not found in the informal sector where it can be difficult to organize.

### **Lack of social protection**

Large numbers of children are swelling the ranks of child laborer because society is not able to provide them with appropriate protection. These include children who are abandoned or have been orphaned by the HIV/AIDS epidemic or by natural disasters, and those recruited as soldiers into private militias and armies in conflict zones.

### **Social customs and attitudes**

In some countries powerful elites majority ethnic groups consider that working is the proper and natural occupation for the children of the poor of children of ethnic minorities. They have no commitment to ending child laborer, and indeed want to continue exploiting these children for the cheap laborer they represent. In other cases, when parents have little money to spend on education, they choose to educate the boy child so girls are often not given any schooling (ILO, 1998).

Child laborer is a serious problem and challenging issue for the future. Children are universally recognized as the most important assets of any nation. The Endeavour of any society should be after them opportunities for their education, growth and development. Ideally children in their formative stage should not be exposed to any physical and mental rigors that retard their natural growth. The reality however, is different, particularly, in developing countries like Nepal.

Child porters earning a living daily similarly, 50,000-60,000 child laborer working in the brick kilns industry and thousand involved in mechanical work risk proper physical and mental development every day. Child laborer experience off forms of physical, mental, psychological, economic and sexual abuses, harassment and local communities, customers and colleagues 6.5 percentage of children of both sexes in brick kilns restaurants, teashops and stone quarries report sexual abuse, harassment and violence (CONCERN, 2004).

Nepal is one of the poorest countries in the world with 60 percent of the total population living below absolute poverty out of the total population of 25.2 million, 52 percent are children under 18 years of age with a literacy rate of only 54 percent. Female and child literacy stand for lower than average. Nepal alarming 2.6 million child laborer is more than 80 sectors of work are often involved in hazardous forms contribute 25 percent of the total work force in this country (CONCERN 2004).

Concern surveys shows 71,500 restaurant child laborer 32,000 child laborer in stone quarries and 19,000 short distances.

Nepal is a land locked country dotted with small village and shanty town, where the majority of the population has no access to basic infrastructure such as clean drinking water, roads, health posts, school, electricity and telecommunication. Its economy is based on agriculture with 81 percent of the population depending on agriculture according to the 2001 census. Ranked among the poorest nation in the world, the country is undergoing internal political strife and is struggling with economic changes brought about by globalization (ILO, 1998).

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

To achieve the main objective of the study, different research methodologies have been attempted to get necessary information, formal as well as informal procedures are used.

This chapter deals about the study. It describes research design, selection of the study area, general introduction of study areas, nature of data collection interviews, observation and case studies and method of data analysis.

#### **3.1 Sites selection and rational for selection of the study**

The Bhaktapur district is selected for the study and the number of child laborer available in this city. This study concentrate in the main small hotel/restaurant and rent area such as Balkot, Dhadhikot, Kausaltar, Thimi Durbar Square, Surya Binayak, Kamal Binayak etc.

In Kathmandu valley, there are three districts; Kathmandu, Bhaktapur and Lalitpur. Bhaktapur district is famous for cultural, religious and natural features.

There is high magnitude of physical worker such as industrial laborer, transportation laborer porters and hotel/restaurant laborers. This study is concerned about hotels/restaurants from different parts of country having different ethnicity and tradition. They might have different characteristics and behavior in themselves. These studies were seeking its best to examine their demographic socio-economic characteristics, working condition problems and cause of child laborer.

The researcher has selected this area for the study purpose because for both personal efficiency and for the reliability of the study. As the Bhaktapur district area there are numbers of small hotel and restaurant. Also the area is the neighbor of the capital city most of the NGO's and INGO's working in this field is available for the data.

## **3.2 Research design**

As most legal research is conducted using exploratory and descriptive research designs, this study is on the basis of these two different research designs simultaneously. It is hoped that the exploratory method of research will aid in finding the facts regarding the situation of child laborer and the descriptive method of study will also be equally effective in analyzing the facts and findings to discover the depths of the study on the basis of the simultaneous use of these techniques. It is expected that the quantities parts of the study will be successfully coordinated.

## **3.3 Nature and sources of data**

Quantitative data is collected and used in the present study. The data was collected using both primary and secondary sources.

### **3.3.1 Primary sources**

This is the main component of the study. Primary data is collected through interviews, observation and case of the working children in hotel/restaurant of Bhaktapur district. The data needed for this study has been derived mainly from primary sources during the field survey with the help of schedule questionnaire.

### **3.3.2 Secondary data**

The secondary data is collected from different sources. The main sources of secondary data are newspaper, NGO/INGO research report, books, journals magazines others relevant books in the library along with different cites visited on different dates.

## **3.4 Tools of data collection**

The following tool of data collection is used to get adequate and proper information.

### **3.4.1 Interview**

Interview method is one of the ubiquitous methods of instrument used in structured interviewed obtaining information from respondents. In this method there is a direct contact between respondents and researchers to obtain information from them. This

method also aims at collecting information about qualitative facts such as ideas, feelings and views, behaviors that is very helpful to find out the truth. It took about ½ month to complete the interview of the child laborer.

### **3.4.2 Observation**

Observation is also one of techniques of data collection to document the existing condition of the respondent. While interviewing the respondents (child laborer in hotel/restaurants), the researcher observed his/her physical appearance, working condition, clothing behavior other affected person, and activities of respondents during responding the question. This method helps to find out the realities between doing, saying and working existing situation at hotel/restaurant child laborer.

### **3.5 Universe and sampling**

The proposed study area is "Bhaktapur district" where many numbers of small hotel and restaurant has been situated which has employed several children for the purpose of laborer. The study will be conducted among different child working in the hotel. The child will be selected disregarding the age, religion, culture; tradition etc and those studies will be analyzed and manipulated quantitatively. The data are generated by using purposive simple method. Out of total child laborer' employed in hotel and restaurant of Bhaktapur district, only 60 samples of child workers from 40 small and middle size of hotel and restaurant were selected.

### **3.6 Reliability and validity of the data**

A great deal for qualitative and quantitative data will be collected for the study using the primary data collection technique. The Bhaktapur district is one of the city having small hotel and restaurant employing child as worker. Therefore, it is expected that the data collected from the source will be reliable and valid accurate and factual.

Moreover since this research will be based on the interview done through questioner there is low possibility of sampling error. Because of the easy access of the study multiple interviewed child study will be conducted until complete and reliable data are collected.

### **3.7 Data processing and analysis**

In this study the analysis of collected information (data) from both qualitative and quantitative method is made through the particular rules the quantitative data are present in terms of percentages, frequencies and mean table. Basically numerical and percent distribution of hotel/restaurant child laborer by age, sex, composition of child laborers, size of the family, caste/ethnic composition, income and calculation of mean have been applied for interpretation and analysis of data



## **CHAPTER FOUR**

### **SOCIO-ECONOMIC CONDITION OF CHILD LABORERS WORKING IN HOTEL AND RESTAURANT**

Social economic condition refers to the level of social status in the society. It refers to the economic condition, their living standard, their education level, the level of civilization and many other things which is related to individual in connection with the society.

Child born as the individual in the family but after his/her birth he/she come the member of the family and finally the member of the society as a whole. Child has to live as per the family and whole development of the child is related to the and as the status of family.

Above and all a part from other social cause the economic problem play the vital role in shaping the future of the individual child. We can see in the society the child which family economic condition is strong get the chance of well physical and mental development but on the other hand the poor family's child is deprived from all this opportunities. There is the wide disparate in Nepalese society as there is the huge gap between the haves and have not.

The following factor which will be described below is the major cause which the child of poor family is forced to engage in different laborer work among which the child laborer in the hotel and restaurant is one which is detailed here.

#### **4.1 Age and sex of child laborer**

The age under 18 is very important period of a child to develop physically and mentally. The age of child is also important for the formation of self-identity and self-esteem. So, this situation is much striking for all this regard. Table 1 gives some actual information of hotel/ restaurant child laborer' under the different age groups as well as sex.

**Table 1: Distribution of child by age and sex**

Age in Years	Boys		Girls		Total
	No.	%	No.	%	%
8-10	9	15.00	3	42.86	20.00
11-13	15	25.00	2	28.57	26.67
14-16	22	36.67	2	28.57	40.00
Above 16	7	13.33	-	-	13.33
Total	53	100	7	100	100%

Source: Field survey, 2008.

Table 1 show that the age of child laborer ranges from 8 to 18 years. The highest percent of child laborer are found in the age 14 to 16 that is 36.67 percent for boys and 8 to 10 age and 42.86 percent for girls. The participation of younger children is higher than elder children because it is easy to exploit the younger children for the owner of hotel / restaurant

#### 4.2 Origin place of child laborer

The research shows that the child working in the hotel / restaurant as laborer are not merely from the Bhaktapur. They are from the different parts of the country which is shown in the table no. 2. The place found is usually the near one from the target area. Though their are some place which is far from the target area.

**Table 2: Distribution of child laborer by their origin place**

Place	Boys		Girls		Total %
	No	%	No	%	
Sindhupalchowk	8	15.09	3	42.85	18.34
Kavre	6	11.32	1	14.29	11.67
Dolkha	7	13.21	1	14.29	13.33
Dhading	3	5.67	-	-	5.0
Lalitpur	6	11.32	-	-	10.0
Ramechhap	3	5.67	-	-	5.0
Nuwakot	2	3.77	-	-	3.33
Chitwan	6	11.32	-	-	10.0
Janakpur	6	11.32	-	-	10.0
Bhaktapur	5	9.43	-	-	8.34
Udyapur	-	-	2	28.57	3.33
Bihar	1	1.88	-	-	1.66
Total	53	100	7	100	100

Source: Field Survey, 2008.

### 4.3 Caste/ethnic composition

Children from different ethnic group were found the survey. The caste/ethnic composition of hotel/restaurant child laborer in Bhaktapur district has a wide diversity. These child laborers were from different caste/ethnic groups. The caste and ethnic composition of hotel/restaurant child laborer is presented in table 3.

**Table 3: Distribution of child laborer by caste/ethnicity**

Caste/Ethnicity	Boys		Girls		Total (%)
	No.	%	No.	%	
Brahmin	5	9.43	1	14.29	10
Chhetri	4	7.55	1	14.29	8.34
Magar	4	7.55	-	-	6.67
Gurung	5	9.43	1	14.29	10
Chepang	2	3.78	-	-	3.34
Tamang	5	9.43	-	-	8.34
Newari	6	11.32	1	14.29	11.67
Sanyasi	1	1.87	-	-	1.68
Rai	4	7.55	-	-	6.62
Tharu	1	1.87	2	28.58	5
Dalit	5	9.43	1	14.29	10
Lama	5	9.43	-	-	8.34
Others	6	11.32	-	-	10
Total	53	100	7	100	100

Source: Field Survey, 2008.

The table refers that majority of child laborer during the field survey was Brahmin 10percent, Gurung 10percent, Newar 11.67percent and others 10percent. Other caste ethnicity of the child laborer can be clearly viewed from the table.

### 4.4 Religion

Nepal is a multi religious country. In the past Nepal was a Hindu country but not the interim constitution declared as secular country. It is here studied whether there is

prominent diversity in the religious of children. The religious composition of the respondents is presented in table 4.

**Table 4: Distribution of child laborer by religions**

Religious	Boys		Girls		Table (%)
	No.	%	No.	%	
Hindu	35	66.04	5	71.42	66.67
Buddhist	12	22.64	-	-	20
Christian	5	9.43	2	28.58	11.67
Others	1	1.89	-	-	1.66
Total	53	100	7	100	100

Source: Field Survey, 2008.

It is obvious that majority of the child laborer (66.67%) belongs to Hindu religions. 20 percent child laborer are Buddhist, 11.67percent are Christian and only 1.66 percent belong to other religions i.e. Muslim.

#### **4.5 Educational condition**

Education is the sign of civilization for every human being education is important thing to have their life in a better way. It is also the fundamental right for every Individual. Education help to develop society and it is the basic requirement to develop the personality of every individual. The following tables help to find out the education condition of family of the child laborer and the child laborer himself / herself.

**Table 5: Distribution of child laborer by their parents literacy status**

Literacy status	Number	Percent
Literate	30	50
Illiterate	30	50
Total	60	100

Source: Field Survey, 2008.

The table shows that the child laborer parent education condition. Fifty percent are literate and 50 percent are illiterate. In part of literate they only know the right certain things only.

**Table 6: Distribution of child laborer by sex according to educational condition**

Education	Boys		Girls		Total (%)
	No.	%	No.	%	
Illiterate	22	41.50	1	14.28	23
Literate	31	58.50	6	85.72	37
Total	53	100	7	100	60
Educational level					
primary (1-5 class)	17	54.84	5	83.33	22
lower secondary (6-8 class)	12	38.70	1	16.67	13
secondary (9-10 class)	2	6.46	-	-	2
Total	31	100	6	100	37

Source: Field survey 2008.

Table 6 shows that a large number of children are deprived of 'right to education' though the majority of them are literate but have studied only up to class 7 out of 60 respondents only 37 child laborer are literate 23 of the total child laborer illiterate. They are deprived of education right. Among literate children ,22 have attended primary level of education 13 have studied up to lower secondary and only 2 have completed up to class 9.

Children left their study for the sake of work, which are categorized in the row of 1 to 5 and 6 to 8 grades. During the survey period, no one was studying at school.

#### **4.6 Reason for discontinuing education**

Most of the children have left the school due to the poverty of their parents. Poverty is the significant reasons for children's school no attendance and dropout. Due to the parents inability to afford schooling cost children do not go to school. Many parents can't afford money for their children to study. They can't buy the stationary. Some have hand to mouth problem. So, some of children are out from home for the hope of

acquiring income and education both. The major reasons behind dropped out or not joining school reported by Hotel / restaurant child laborer are presented in table 7.

**Table 7: Distribution of child laborer according to reasons for discontinuing school**

Reasons	Boys		Girls		Total %
	No.	%	No	%	
To earn money	6	11.32	1	14.28	14.29
Poor economic condition	18	33.96	4	57.16	44.89
Failed in exam	5	9.44	-	-	10.21
Death of father	5	9.44	-	-	10.21
Hard life in village	3	5.66	1	14.28	8.16
Others	6	11.32	-	-	12.24
Don't respond	10	18.86	1	14.28	
Total	53	100	7	100	100

Sources: Field Survey, 2008.

According to the table no 7 out of the 60 respondent only 49 responded answer to the question 'what is the reason behind leaving the school. The reason mentioned above shows that more or less are attached to the economic condition. The majority of children leave their school due to the reason of extreme household poverty. Most of the child informed that they have no money to support themselves and to continue the education.

#### **4.7 Interest for further education**

It is found that most children are positive towards education by the survey. They want to join the school and expect to make better future. Though they are familiar with the importance of education in human life, they are compelled to drop-out their schooling due to various reasons. The table below shows that whether Hotel / Restaurant child laborers are interested towards education or not.

**Table 8: Distribution of child laborer by their interest for further education**

Interest for future education	Boys		Girls		Total (%)
	No.	%	No.	%	
Yes	39	73.58	7	100	76.67
No	14	26.42	-	-	23.33
Total	53	100	7	100	100

Source: Field Survey, 2008.

In this regard the structured interview was able to explore attitude of hotel/restaurant child laborer towards education. Majority of children 46 out of 60 are strongly interested for further education. If anybody is ready to help them 100 percent girls and 73.58 percent boys are interested to further education. On the other hand, (26.42%) boys are not interested to further education because of ageing, dislike to study, have to support their family and not sure fixed job in future.

#### 4.8 Family size

Economic region poor families normally have higher fertility rates and finally bigger family sizes. A bigger family size means many mouths to eat and many pressing needs, which might have pushed the children to work into the laborer market. The family members were recorded during the interviews after asking the questions about the total number of families they have

**Table 9: Distribution of child laborer by their family size**

Family size	Male		Female	
	No.	%	No.	%
Less than 6	24	45.28	5	71.43
6-8	29	54.72	2	28.57
Total	60	100	7	100

Source: Field survey, 2008.

Table 9 shows that out of the total child laborer 28.57 percent have the family size 6-8, 71.43 have less than 6 members.

#### 4.9 Housing condition

The health and security of the person can be determined from the shelter in which Individual is sheltering. The following table shows whether the child laborer is sheltering in their own home or not.

**Table 10: Distribution of child laborer whether they are living in their own home**

Living in their own house	Boys		Girls		Total (%)
	No.	%	No.	%	
Yes	5	9.43	1	14.28	10
No	48	90.57	6	85.72	90
Total	53	100	7	100	100

Source: Field survey, 2008.

This table shows that whether the child laborers are sheltering in their own home or not. The child laborer migrated from near by city. However the table shows that 10 percent lives in their own home and 90 percent of the child laborer does not take shelter in their own home. The table also clearly shows the living condition distributed on the basis of sex.

#### 4.10 Child laborer' whether they are staying with their family parent

This question was asked; “Are you living with your parents” helps to depict the reality whether the child migrated alone or with their parents in search of livelihood. Thus the below table will show the reality.

**Table 11: Distribution of child laborer whether they are living with their parents or not**

Live with own Parent / family	Boys		Girls		Total %
	No	%	No	%	
Yes	18	33.97	3	42.87	35
No	35	66.03	4	57.14	65
Total	53	100	7	100	100

Source: Field survey, 2008.



The table shows that 35 percent lives with their own family 65 percent dose not live with their family. They either live with their master where he / she are working or with the collique per forming the similar nature of home. The table also clearly shows the sex classification of the child laborer staying with his / her family / parents or not.

#### 4.11 Parent's occupation

It is evident to us that a Nepal is a agriculture country. Most of the people's occupations are agriculture. In the concerned research the carrier development of children depends upon the occupation of their parents. The occupation determines their economic status and economic status determines their personality and carrier, Therefore, the development of child in every factor is determined by the occupation of parents. Table 12 shows the source of income of the parents of the sampled child laborer.

**Table 12: Distribution of hotel/restaurant child laborer by source of their family**

Source of Income	Boys		Girls		Total (%)
	No.	%	No.	%	
Agriculture	23	43.39	5	71.43	46.67
Business	8	15.09	-	-	13.33
Wage Laborer	18	33.96	2	28.57	33.33
Other	4	7.55	-	-	6.67
Total	53	100	7	100	100

Source: Field survey, 2008.

The table shows that most of the families 46.67percent of the respondent rely on agriculture for their livelihood, but it is not sufficient to make them survival through out the year. Therefore, they have to look for other kinds of work and most likely one is wage laborer (33.33percent). The table shows that only 13.33percent are engaged in Business. This data clearly shows that occupation or source of income is basically low.

#### 4.12 Wage/earning/income per month

The answer relating to this question clearly shows that the child laborer of hotel/restaurant are extremely exploited by the master of the hotel/restaurant instead

of their hard and continuous work, they are provided very few and good health treatment facilities. A part from this they even do not get good accommodation.

**Table 13: Distribution of child laborer' by their monthly wages/Income**

Monthly wages/income	Boys		Girls		Total (%)
	No.	%	No.	%	
Below Rs. 900	11	20.75	2	28.57	21.67
Rs. 901-RS. 1100	8	15.02	2	28.57	16.67
Rs. 1101-Rs. 1300	12	22.64	2	28.57	23.33
Rs. above 1301	22	41.52	1	14.29	38.33
Total	53	100	7	100	100

Source: Field Survey, 2008.

The table relating to wage clearly shows that the child laborer are even exploited in terms of wage per monthly 21.67percent of them salary was below Rs. 900, 16.67percent has salary between Rs. 901-1100, 23.33percent has salary between Rs.1101-1300, and 38.33percent of them have salary above Rs. 1300/-.

#### **4.13 Reason for living home**

Migration of people from one place to another in search of livelihood is our social reality along with the children which a family is unable to earn sufficient for survival, then a child or whole family migrate for the sake of expectation of better life or work.

Migration of child laborer from rural to urban areas has been increasing rapidly day by day. The main cause of the migration is wide spread of poverty, land less unemployment, hardship of live, lack of opportunity and expectation of livelihood. In such cases, children also migration with their parents but sometime children runs away themselves or their parents send them to the urban area.

**Table 14: Distribution of child laborer by their reason for leaving home**

Reason for leaving home	Boys		Girls		Total (%)
	No.	%	No.	%	
Step father	3	5.66	2	28.57	8.33
Hard life in village	5	9.43	1	14.29	10
Step mother	6	11.32	-	-	10
Migration of family	4	7.55	1	14.29	8.33
Finical problem	31	58.49	3	42.85	56.67
Others	4	7.55	-	-	6.67
Total	53	100	7	100	100

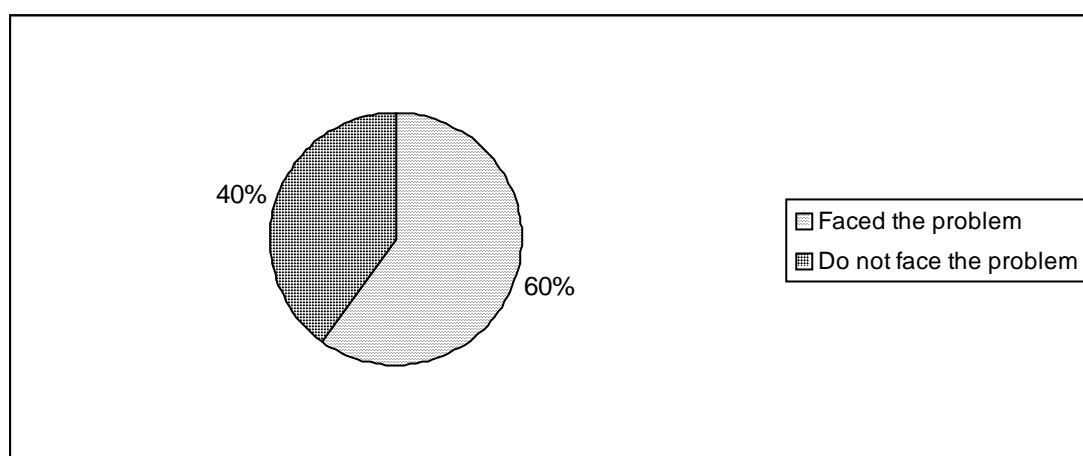
Sources: Field survey, 2008.

This table shows that, majority of child laborer 56.67 percent left home due to the poor economic condition. This is followed by problem of step father 8.33 percent, hard life in village to percent, problem of step mother 10 percent, migration of family 8.33 percent and other 6.67 percent also made important causes for leaving home.

#### **4.14 Problem faced while working in hotel / restaurant.**

The survey found that most of the children working in hotel / Restaurant faced several problem but they do not wanted to expose what type of problem they faced this may be because of the threat by the master. Their were other responded which says that they do not face the problem at all while staying here.

**Figure 1: Distribution of Hotel / restaurant child laborer according to their problems while staying here**



Sources: Field survey 2008.

This figure shows, 60 percent child laborers of Hotel / restaurant reported that they are facing certain problems while working in the Hotel / restaurant. They face the problem like misbehavior from low words both by master and customers. Forty percent of the respondent does not face any problem.

#### 4.15 Place of sleeping

**Table 15: Distribution of child laborer by the types of bed they are sharing**

Have bed facility	Boys		Girls		Total (%)
	No.	%	No.	%	
Yes	20	37.74	1	14.29	35
No	33	63.26	6	85.71	65
Total	53	100	7	100	100

Source: Field survey, 2008.

This table clearly shows the sleeping conditions of the child laborer in hotel / restaurant. As per table only 1 girl i.e. 14.29percent sleeps on the bed other i.e. 85.71 percent sleeps on the floor. Talking about the boys 20 out of 53 which are 37.74 percent sleeps on the bed and other sleep on the floor.

In totality among respondents 35percent have bed facility where as 65 percent do not have bed facility. They sleep on the floor.

#### 4.16 Treatment by owner

It is face that behavior of human being is not same or behavior of everybody is different in every aspects / sectors. In the same way, the employer of the children doesn't treat them well. They provide limited facilities to them. Information the prevalence of mistreatment or punishment made by owner / employer is shows in table 16 below.

**Table 16: Distribution of child laborer by treating of their owner**

Mistreatment of owner		Boys		Girls		Total %
		No	%	No	%	
Scold	Yes	39	73.55	7	100	76.67
	No	14	26.42	-	-	23.33
Beat	Yes	7	13.20	4	57.14	18.33
	No	46	86.80	3	42.86	81.67

Source: Field survey, 2008.

The table shows that the mistreatment done by master is in two ways. The either scold or beat but sometime they even both scold and beat to the child laborers of hotel / restaurant 76.67 percent of the child laborer is scolded and 18.33 percent of the child laborer is beat by the master 23.33 percent of the child laborer is not scolded by the master and 81.67 percent of the child laborer is not beaten by the master.

## CHAPTER FIVE

### WORKING AND HEALTH CONDITION

This chapter primarily focused on the working condition, income condition and health condition of the hotel / restaurant child laborer working condition denotes the situation and types of work performing in the hotel / restaurant. It also denoted whether the working place is clean or not, hazardous or not, wants type of work they perform etc.

No one should be employed in profitable job without sharing the income. Hotel is the profession of profit the worker employed their should be given income, But there is the high exploitation of the child laborer employed in hotel / restaurant in terms of wage.

There can be found no written employment agreements between employers and employee when children engage in hotel and restaurants. As a result, the boss or owner of the hotel / restaurant treats the children as per his own will children have to work hard from early in the morning to the late at night. They prepare food, serve the customers, collect and wash the plates and glasses etc.

Regarding the health conditions, the physical appearance of the child laborer does not sounds good apart from exception most of them were dressed in dirty cloth which will ultimately affect their health. Master does not seem serious regarding the health condition of the child when the child felt sick, the master even does not look at them they only bring simple medicine or takes to the health post in serious illness.

#### **5.1 Types of work**

The Research is done in the hotel and restaurant so the work like cleaning, cooking, serving, is done their. During the study period, child laborer involved in Hotel / Restaurants were found working for a long hour. They were assigned to do all kind of work which is to be performed in hotel like cooking cleaning tables and floors, washing utensil, serving etc. they generally work continuously for 12 hours and also sometime more than that which is contrary to the law

**Table 17: Distribution of child laborer by sex according to their types of work they perform there**

Types of work	Boys		Girls		Total (%)
	No	%	No	%	
Cooking	13	18.05	1	14.28	17.72
Cleaning	23	51.94	5	71.44	35.44
Serving	24	53.33	1	14.28	31.64
Other	12	16.68	-	-	12.2

Note: Total percent may exceed 100 due to multiple responses.

Source: Field survey 2008.

As per the table though here the number of respondent exceed edit is because the same individual child laborer of hotel / restaurant is performing the two works at the same time like serving and cleaning. As per the table 17.72 percent are engaged in cooking 35.44 are engaged in cleaning, 31.64 are engaged in serving and remaining 12.2 percent are engaged in other types of work.

## 5.2 Working hours

The child right Act (1992) clearly prescribes about the working hours for children, accordingly it prescribed the working hours for children should be limited to 6 hours a day and 36 hours a week but this provision is not applied in the case of child laborer.

But from the survey, it was found out most of the laborer in this field have to work more than 10 hours per day and they have had no holiday though out a week

**Table 18: Distribution of hotel / restaurant child laborer by their working hours per day**

Working hours per day	Boys		Girls		Total %
	No	%	No	%	
2 – 5	1	1.86	1	14.28	3.33
5 – 8	11	20.75	2	28.58	21.67
8 – 12	29	54.72	3	42.84	53.33
Above 12	12	22.67	1	14.29	21.67
Total	53	100	7	100	100

Source: Field survey, 2008.

As per the table most of the child laborer work in between 8–12 hours. About 53.33percent of child laborer in Hotel and restaurant work in between 8 – 12 hours per day. 21.67 percent of child laborer work above 12 hours and same percent of children work in between 5 – 8 hours. Only one child was found working very low hours is from 3 – 5 hours.

### 5.3 Holiday in the work

A question was asked in the field survey that ‘did you get holiday in your work? The question was targeted to find out whether the child laborer get holiday in a week as per the survey, the range of the hotel restaurant child laborer is working from 8 to 12 and above hours per day. Table 18 provides a glimpse whether they get holiday once in a day or not.

**Table 19: Distribution child laborer according to holiday they get or not per week**

Holiday per week	Boys		Girls		Total (%)
	No.	%	No.	%	
Once in a week	10	18.87	1	14.29	18.33
No holiday	43	81.13	6	85.71	81.67
Total	53	100	7	100	100

Source: Field survey, 2008.

The table clearly shows that only 18.33 percent of child laborer of get holiday once a week other remaining 81.67 percent doesn’t get holiday. They are compelled to work all the 7 days of the week.

### 5.4 Perception towards their job

**Table 20: Distribution of respondents by perception towards their current job**

Perception towards job	Boys		Girls		Total (%)
	No.	%	No.	%	
Satisfied	23	43.39	-	-	38.33
Not satisfied	30	56.61	7	100	61.67
Total	53	100	7	100	100

Source: Field survey, 2008.



The question was asked to seek the view of child laborer towards their work 38.33 percent of the child respondent that they are satisfied with their job. The reason was the compulsion, no other good job etc. About 61.67 percent of the child laborer was unsatisfied with their job. The reason for dissatisfaction was hard work but low salary, continues work, scolding and beating the master etc.

### 5.5 Health condition

Health determines the over all development of the child as there is the famous saying 'Health is wealth'. An unhealthy person can do nothing good. He is unable to work both physically and mentally as results she/he become back in the society. The below table shows the health condition of the hotel/restaurant child laborer

**Table 21: Distribution of child laborer' suffered from sickness during work and what is the response of master towards their sickness.**

Suffered/ Suffering from sickness during work	Boys		Girls		Total
	No.	%	No.	%	
Yes	21	39.62	4	57.14	41.67
No	32	60.38	3	42.86	58.33
Total	53	100	7	100	100
If yes, did master take for treatment					
Yes	13	61.88	3	75.00	
No	8	38.12	1	25.00	
Total	21	100	4	100	

Source: Field survey, 2008.

As per the table 41.67 percent of child laborer has suffered or suffering by different sickness and 58.33 percent have not yet suffered from sickness. Among the respondent 61.88 percent accepted that their master takes them for treatment when the felt ill but 38.22 percent denied this statement.

### 5.6 Meal having per day

There is the general perception that in the first instance that an individual does, he/she does him/she does for the stomach. As such food is the basic need of all human

beings. For good health ,proper food should be taken in proper time, unbalanced food, insufficient and untimely food don't provide proper energy and health to body .

**Table 22: Distribution of hotel / restaurant child laborer by the times they have meal per day**

Per day	Boys		Girls		Total (%)
	No.	%	No.	%	
2 times	1	1.88	-	-	
3 times	20	37.74	5	71.43	41.67
More than 3 times	32	60.38	2	28.57	56.66
Total	53	100	7	100	100

Sources: Field survey, 2008.

Among the child laborer most of them have meal more than 3 times i.e.56.66 percent .It is so because they eat whatever they get from the hotel / restaurant 41.67percent of child laborer have 3 times meal per day and only 1.67percent have 2 times meal per day.

## CHAPTER SIX

### FINDING, CONCLUSION AND RECOMMENDATION

#### 6.1 Findings

Though the constitution guarantees and requires that no minor shall be employed to work in any hazardous work .Although the constitution doesn't define the term minor it is defined by the child .Act 2048 and child laborer prohibition Act. It is therefore necessary the child should not be employed in work but the research has found most of the worker in the worker in the hotel /restaurant is children.

- ) The majority of child laborer (53) are seen to be boys among the 60 respondents taken randomly only 7 were found to be girls.
- ) As the site selection for the Research was taken as Bhaktapur district so most data of the child workers seems to be from the near district Balkot, Dhading, Kausaltar, Thimi Durbar Sqaure, Surya Binayak, Kamal Binayak etc. Though some are found to be from the district which is far like Dhanusa, Chitwan. One worker was found to be from the India.
- ) Majority of the hotel/restaurant child laborer i.e. 35 percent have their both parents alive and it is followed by both died, step mother and step father problem are also seen respectively.
- ) Regarding the home of the child laborer most of them i.e. 90 percent have their home in their native place but not here where they are engaged in the work and only significant proportion of child laborer families do not have their own house .
- ) Regarding the education of the children though most of them i.e. 21 laborers have completed the primary level education but at present while working none of them are continuing their study with work.
- ) Sixty percent child laborer faced hard and harsh voice from the master and even sometime beating from their masters. When they are late in working,

spoil the work unknowingly, sometime they even give physical punishment too.

- ) The child worker doesn't get proper health check up from the master. Wearing dirty clothes, not combing the hair. Most of them get chance to wash the body on one time in 10 – 15 days. Master brought some common medicine while they get sick. Only in complex health sick, they brought them to Health post for primary treatment center.
- ) Talking about the nature of work most of the child laborer in hotel / restaurant are engaged in serving and cleaning the utensil in the whole day and even till night up to 8.00pm.
- ) Regarding the family condition 35 percent sitting with their patents at night in the room and most of them sleep in the place where they sleep mostly on the floor. Their families have poor economic condition mostly of them are engaged in the agriculture, wage laborer and small business.
- ) The 23 laborer children expressed their satisfaction with present working life. The reason behind their satisfaction where family poverty, most have to work for their livelihood, death of earning family numbers. The 30 laborer who are dissatisfied the cause of dissatisfaction is mainly due to low wage and not availability of basic physical facilities.

## **6.2 Conclusion**

Talking about the Nepalese context, while little substantive research has been done in the field of child laborer, anecdotal and case study evidence suggests that the situation is definitely getting rapidly worse in Nepal. Urban migration aggravated and accelerated by rural poverty has led to more exploitation of child laborer in recent years in Nepal. The trend of child migration from Hill to terai and from rural to urban areas has also been increasing day by day, as some preliminary studied have shown. However, the critical issues of child migration and laborer have not yet been comprehensively and systematically studied.

In conclusion we can say that child laborer is a reflection of the socio – economic reality of the country. This is also regarded as a consequence of the feudal land holding system, which is still a bitter reality of many third world countries. Thus, child laborer is a cause and effect of the exploitative socio – economic and political structure of the world like other developing countries the rural communities in Nepal are going through a painful period creating by increasing socio injustice, economic exploitation and backwardness. The growing marginalization among the rural population rural migration among the rural population, rural migration and urbanization has also contributed to an increase in the magnitude of child laborer exploitation.

The extreme household poverty is the leading cause of child laborer ill general and hotel / restaurant child laborer in particular, However, other factor like large family size, lack of schooling facilities process of modernization, migration, family disharmony, lack of proper love and care etc contribute children to enter in to laborer market from their early age.

At last it is concluded that the child workers in Hotel / Restaurants are one of the worst form of child laborer. It is not only the extreme household poverty but also parent Illiteracy, lack of schooling facilities, lack of employment opportunities and weak legal enforcement are also the contributing factors for children to be engaged on such laborer.

### **6.3 Recommendation**

- ) The main cause of child laborer is poverty so the strategy for developing economic status's of their family should be improved. At the village level, poverty reduction, in come generating programs should be launched specially during the off farm seasons. For this purpose easy loan should be provide to the poor people to engage them in economic activities. On the other hand training and technical knowledge should be given to develop their skills.
- ) The employers need to be educated for the rights of the children and encouraged send the children to school, encourage them to give them proper wages. They should be educated now to treat them as any other human being by not exploiting them and giving the amount of work as they are capable of.

The employers should realize that the domestic child workers are working in their house because of the need if money but they also need the other human need like love, care affection from their employers .and the employers who treat child workers badly should be charged against the law.

- ) The children Acts should not limited to papers only. The government should execute them properly. On the other hand a publicity campaign should be launched born by government and Ngo\ INgo to raise awareness against the exploitation of child workers.
- ) The provisions relating to employment and self employment of children and work done by children and [e.g. domestic work, work in hotel etc] should be consolidated in one Act to the extend possible laborer inspection system should be extended progressively to cover all kinds of work places and there should be clear provisions to specify the minimum age for admission to different types of employment or work and to increase the minimum ages as the economy and education facilities develop.
- ) There should be provision for medical examination of young person at the time of entry in to employment and there after periodically to ensure that they fit to perform the work on which they are employed.
- ) The penal provisions of the laborer Act (1992) should be made more stringent so as to act as deterrent.
- ) The definition of an enterprise in the laborer Act (1992) should be made more explicit so that there is no ambiguity about the application of the Act for instance it is not clear as to what kinds of shops or establishments are covered under the laborer Act. Beside there should be a provision for compulsory registration of the work place covered under the act.
- ) Young persons between 10 – 18 years should be given adequate protection at work.

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