

**PROBLEM OF CHILD LABOUR IN INDIA:
APPROACH OF ILO And UNICEF**

Dissertation Submitted to Jawaharlal Nehru University in partial
fulfilment of the requirements of the award of the
degree of

Master of Philosophy

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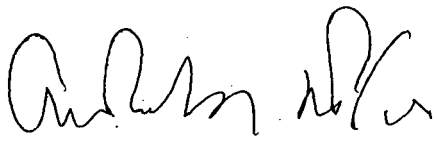
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CERTIFICATE

This dissertation titled "PROBLEM OF CHILD LABOUR IN INDIA AND THE APPROACH OF ILO AND UNICEF" Submitted by Minakshi Jain, in partial fulfillment of the requirements for the award of the degree of **Master of Philosophy** is an original work and has not been submitted so far, in part or full for any other degree or diploma of any university. This may be placed before the examiners for evaluation for the award of the degree of Master of Philosophy.


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Minakshi Jain

“WE ARE GUILTY OF MANY ERRORS AND MANY FAULTS. BUT OUR WORST CRIME IS ABANDONING THE CHILD, NEGLECTING THE FOUNTAIN OF LIFE. MANY OF THE THINGS WE NEED CAN WAIT. THE CHILDREN CANNOT. RIGHT NOW IS THE TIME HIS BONES ARE BEING FORMED. HIS BLOOD IS BEING MADE AND HIS SENSES BEING DEVELOPED. TO HIM WE CANNOT ANSWER ‘TOMORROW’ HIS NAME IS TODAY.”

-Gabriel Mistrel (Nobel Laureate)

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Chapter I

Introduction

Children are universally recognized as the most important asset to any nation. The future of society depends directly on how the successive generations are reared, and brought up to fulfil the many requirements that the society is faced with from time to time. Like any other living organization, a child is basically a product of the environment around him. In societies where the rigorous of sheer survival are beset with numerous difficulties, children are also bound to suffer in their development and growth. Therefore, it is important that child is provided with all the necessary opportunity to help him grow into a worthy citizen of the World. Unfortunately large chunk of our child population is forced to work and often in the most hazardous conditions.

The developing societies, particularly, are unable to do everything that is necessary to give the children their rightful place in the community. The result is that many children in their tender age are often exploited for work in pitiable conditions. Though child labour are more visible in developing countries, it is not confined to these societies but is a global phenomenon, found in varying degree through out the world.

TABLE -1.1**RATIO OF ECONOMICALLY ACTIVE CHILDREN UNDER 15 YEARS
IN THE WORLD BY SUB REGIONS.**

Region/sub-regions	1985(in'000)	1990(in '000)
WORLD	80611	78516
Africa	14536	16763
Eastern Africa	7645	7963
Middle Africa	1789	1880
Northern Africa	1736	1033
Southern Africa	81	100
Western Africa	3283	5785
Americas	4544	4723
Caribbean	189	216
Central America	943	1022
North America	0	0
South America	3412	3485
Asia	61210	56784
Eastern Asia	33462	22448
South - Eastern Asia	6079	5587
Southern Asia	19834	27639
Western Asia	1834	1109
Oceania	176	157

Sources: "Statistics on Child Labour: A Brief Report" in ILO Bulletin of Labour
Statistics 1993, No.3 pp XI-XIX

It becomes quite clear from table-1, that the problem of child labour is not restricted to particular region or country. It is found in varying degree through out the world. In western developed countries viz., Americas and Oceania figures indicate decrease in the number of child labour. But in developing countries of Africa and Asia the figure in the table indicates increase in the number of child labour. This is particularly because most of these countries in Africa and Asia achieved their independence from the colonial powers in the middle of the 20th century. And as most of these countries are trying to gather their shattered economies are faced with competing demands on their resources, hence are unable to do every thing that is necessary to give children their rightful place in the community. Therefore, children are found to be involved in all kinds of economic activities, in formal as well as informal sector in different ways. Some of them assist in their household activities. Others are working outside the house as paid labourers in factories, shops, as domestic help, as room boys in hotels, restaurants etc.

Many children are involved in dangerous and hazardous work like mines, glass bangle, matches, prostitution, firework, deep-sea fishing, commercial agriculture, and industrial production. They work for long hours at low wages and in the worst of conditions. This has affected the health, physical and mental condition of the child labourer. They do not even get opportunity for leisure, recreation and good environment that could enable them to grow as normal children do.

India is no exception in this direction, and suffers from the problem of child labour. The Government of India had, for sometime been viewing with concern the wide spread existence of child labour in the country, both in the organized and unorganized sectors. The 1991 census of India estimated over 11.28 million working children, this includes marginal as well as main workers. But the most worrisome situation is that the Indian children start working at a much younger age compared to their counter parts in South Asian Countries. (See Table ')

TABLE 1.2

Economically Active Child Population in the South Asian Countries

Country	Age Group	Total population (of children)	Children (economically active)	Active rate
Bangladesh	10-14	17056000	5,677,000	33.3
India	5-14	209986630	11,285,349	5.4
Indonesia	10-14	23953260	1,922,810	8.0
Nepal	10-14	2327286	531,835	22.9
Pakistan	10-14	16499000	1,906,000	11.6
Sri Lanka	10-14	1634337	28,615	1.8

Source: ILO, Yearbook of Labour Statistics (1997) pp 18-22.

Before we proceed further it is necessary that we understand who is a child? And what is child labour? As defining child labour is not simple and strait forward as saying working children are child labourers. To define child labour three things have to be taken into consideration 'child', 'work' and 'labour'. Perception of 'child' itself varies from society to society. Many studies have defined child from biological point of view, from this point of view "a child is a young person of either sex below the age of puberty"¹. Article 1 of the Convention on the Rights of the Child defines 'child' as "Anyone below the age of eighteen years".

Constitution of India under Article 24 defines 'child' as " Anyone below fifteen years of age". Legal conception of a 'child' has also tended to vary depending on the purpose. A few illustrations from the laws in India are as follows:

"Nothing is an offence which is done by child under the age of 7 years. The age of criminal responsibility is raised to 12 years if the child is found to have not attained the ability to understand the nature and consequence of his/ her act".

Criminal Law, Indian Penal Code.

A juvenile is a child who has not completed the age of 16 years in case of boys, or the age of 18 years in case of girls. A delinquent juvenile cannot be sentenced to imprisonment. If a juvenile who has attained the age of 14 years commits an offence of a serious nature and is found not to be in his interest or in the interest of other juveniles to send him to special home then the juvenile court

¹ Simpson J.A, Weiner.E.S.E, 1989, The Oxford English dictionary, Clarendon Press, Oxford, Vol. III

may order the delinquent to be kept in safe custody in such places and manner as it thinks fit. Detention in the police station or jails is specifically prohibited under the act.

Juvenile Law: Juvenile Justice Act 1960.

“Child means a person who, if male, has not completed 21 years of age, if female, has not completed 18 years of age”.

Family Law: Child marriage Restraint Act 1926.

In spite of the universally recognized perception that the child should be given all the possible opportunities and environment that helps him/her to live a life of dignity and to help him/her to grow into a worthy citizen of the world, child labour is still a harsh reality of today, not restricted to particular region. So what is child labour? Do ‘child work’ or ‘child labour’ mean the same thing or do they have different connotation? Let us probe further.

Work can help child in attaining traditional skills, or skills that will help him in getting job in future. It helps him building his confidence, self-esteem and independence. But, when the employers extract free labour from these children under the guise of training, with long working hours, in deplorable conditions, without giving him enough time for rest play or progressive thought. Then work no longer remains work, work becomes labour. Ivy George in her book ‘child labour and child work’, which is based on the field study conducted in Chinnallipatti, a rural community in Southern India, where men, women and children are engaged in handloom, cotton and silk weaving a traditional craft, tries

to differentiate between 'child work' and 'child labour'. According to her "When individuals are engaged in the production process not primarily to meet their physiological and psychological needs, but to meet the profit motivated needs of the employer, the process they are engaged in may be called "labour". Work becomes labour when the individual's capacity to produce a surplus beyond the value of their means of existence is capitalized upon by the employer".²

Similar view was also held by the Gurupadswamy committee, which was set up by the government in the year 1979 for the thorough stock-taking of the situation of child labour in India. The Committee also tried to present the difference between the two, in terms of its 'nature', 'magnitude' and income generation capacity.³

With this background we will try and understand the difference between the two. Child work takes many forms. Traditional agriculture or handicraft production is carried out under the supervision of parents and is the part of the process of growing up. A working child enters work arrangement that offers freedom and independence. They are not means to another ends. Understood in this context a child helping his skilled craftsman parents in their traditional skill or a child learning skill in his leisure time after school with out any compulsion should be understood as work and not labour.

Activities under regulated condition may have positive effects for the child and for the society. What is of concern is work that endangers child's safety, health or welfare; work that exploits the child as a cheap substitute for adult

² Ivy George, child labour and child work, Ashish Publishing house, New Delhi-1990, pp15-18.

³ Gurupadswamy Committee Report, 1979, ministry of labour, Government of India.

labour; work that prejudices education and training, work that deprives the child of the essential qualities of child hood and forecloses his future. This can and should be termed as child labour. They may be found in many sectors. Those in which children seem particularly concentrated are commercial agriculture, small-scale underdeveloped industries, workshops, retail stores, restaurants and similar establishments, street trade and domestic services.

‘Child labour’, therefore is a work, which involves some degree of exploitation – i.e. physical, mental, economic and social, and therefore, impairs the health and development of children. However, the use of ‘exploitation’ for identifying child work creates practical problem because ‘exploitation’ as a concept’ cannot be given a precise objective meaning, as this lies in the eyes of the investigator. The investigator can only identify the extreme limits of work done by children.

Understood in this context this study deals with most dramatic form of child exploitation that is associated with wage labour. Wage labour is qualitatively different from activities realized within home or at least within domestic enterprise. In industry and related sector it is generally realized with an employer employee structure. When children are incorporated into this structure they are more vulnerable than adults. Where as in agrarian societies and handicraft production children benefit form parental protection, they are often denied that protection in industry, mining or services on street where they work as wage labourers and thus over the time takes exploitative form of child labour.

Here modest attempt is made to discuss and analyze some of the problem related to child labour in India.

-What are the causes and types of child labour, condition in which children work?

How does it affect children?

-What national and international measures have been taken for the protection of children? Is it possible to integrate international standards into Indian context?

-What efforts are needed to turn the evil of child labour into more pleasurable work, in an environment where they can not only learn but can grow up with confidence, self-respect and self-esteem?

These and related issue are the subject of this study.

The Scheme for chapterization

The study is broadly divided into five chapters following the introduction of the problem of child labour and discussion of terms and concepts related to it. The chapter acknowledges child labour as a global problem and attempts distinguish between 'child work' and 'child labour'.

The second chapter discusses the traditional notion of childhood in India and attempts to trace developments of the issue of child labour. It also reviews legislation and government policies on child labour.

The third chapter discussess the problem of child labour in India. It analysis in general terms the various forms of child labour and sectorial distribution, causes and health hazards to working children.

The fourth chapter deals with the international concern on the problem of child labour specifically those of UNICEF and ILO.

Fifth chapter attempts to make some suggestions for ameliorating the evil of child labour accompanied by conclusion that attempts to draw certain conclusions from the preceding discussions.

Chapter II

Chronicle assessment

Introduction

Child work has existed throughout the history; it was an accepted part of the economic and cultural traditions of the world. However, child work as wage labourer is relatively a new phenomenon that emanated along with industrialization and modernization. “The issue acquired new meaning and significance in the context of contemporary competitiveness, where labour cost is one of the important contributory factor. In the case of less developed countries like India, the problem has assumed a serious dimension”¹. Studies suggest that India along with Bangladesh share highest number of economically active children in the World. Whether they are sweating in the heat of stone quarries, working in the fields, picking rags in city streets, working as domestic servants, these children endure miserable and difficult life. They earn little and are abused much. They struggle to make enough to eat and perhaps to help feed their families as well. As they work most part of the day, these children don’t get time to go to school. Many of them have been working since the age of five or six and by the time they reach adulthood they may be irrevocably sick or deformed. They will certainly be exhausted, old men and women by the time they reach the age of forty and likely to be dead by fifty.

The public outcry and global awareness triggered a new attitude to child labour and child development in India and in international arena. International bodies

¹ Mukta Mittal Child labour in Unorganised Sector, Annual Publication Pvt. Ltd., 1994,pp-1.

like International Labour Organization (ILO) and United Nations Children's Fund (UNICEF) adopted resolution to protect and safeguard children. Indian Constitution also provides for safeguard against child labour, and the Indian government from time to time legislated number of acts to protect children from exploitation. These measures will be dealt with in proceeding pages.

Ancient India

Children of the primitive man helped him in his occupation of food gathering and hunting. Later on when man started cultivating, children helped him in comparatively mild jobs. Primary schools in the modern sense probably did not exist in the earliest times, but were sent to Gurukul (place of education). Children worked along with their parents and generally followed their occupation, and so it was probable that the child was trained by the actual participation in those activities that were required of him as an adult².

The incident of child work can also be found in great Indian epic like Ramayana and Mahabharata, where even would be kings had to spend time as what was termed as training for work. The children after attaining certain age were required to spend their childhood in ashrams with 'Guru', where they not only learned from their guru but also helped him in his household chores. eg: when Ram heir to the throne of Ayodhya, with his brothers were sent to ashram for learning, they not only used to learn various art but also helped their guru in keeping the premises of the ashram clean.

² Santosh Kumar Das, the education system of Ancient Hindu, chapter IV, Gyan Publishing House, New Delhi, 1986.

In Ancient India, the concept of child protection against exploitation was not unknown. Manu Smriti makes it evident that child education was compulsory in those days. It was the duty of the parents to send their children to ashrams (place of education) for instruction, failing this they were reprimanded by the community. The boys were sent to the hermitage of 'Guru', after they attained the age of eight years. It was the duty of the King to see whether every boy received his education. In case of violation, defaulter parents were punished.

Child labour existed in the form of child slaves, the cruel practice of purchasing children of less than eight years. "Children were treated as commodity which would be bought or sold, used or abused. Kautiliya pointed out the need and practice of giving protection to these children". According to Kautiliya the trade of children as slaves was rampant, because of the backwardness of the civilization. But slavery was prohibited for the Aryan children.³ "Selling or pledging of an Aryan child was an offence. If any Aryan child was sold or mortgaged, then all parties including the witness were punished".⁴ Going through the education system of the ancient times, the concept that becomes apparent is that education was considered important for higher caste children specially boys, education for children from lower caste was considered unnecessary and undesirable. The children of the lower caste were required to follow the occupation of their parents with actual training in that activity. Through out the history it has always been the lower caste whether the adults or the children who were subjugated and were sold as slaves.

³ Nazim Ahmed Shah, Child Labour in India, Amol Publications, New Delhi-1992

⁴ Kautiliya Arthashastra, Society and Social Life.

The practice of slavery continues even today in the form of bonded labourers in remote villages where bonded labour is an accepted way of life. Human Rights Watch that conducts regular investigation on violation of human rights describes structure of work and bondage, as it exists in remote villages of India. "Usually it is the children who work as the bonded labourers, with adults managing to buy their own freedom by the time they reach maturity or marry. For these poor lower caste families, bondage is a cyclical phase, a defining characteristic of childhood and youth. Generation repeats steps, as children they are bonded, as young they buy or win their release, as mature adults they face growing economic pressure-illnesses, wedding and funerals, crop failure, housing needs, alcohol addiction. At the same time that the financial needs increases, they find their earning power decreasing, as the years of childhood labour takes their toll on physical strength and capability. The moneylender employer offers an advance for rights to the child's parent, the advance is accepted, and cycle begins anew.⁵

British India

The social scenario changed drastically with Industrial Revolution. The large scale mechanized production, in India began during the nineteenth century, destroying the village and household industries making the poor poorer, especially those engaged in small household industries. Thus, for their survival, not only the females along with their man folks but children also got involved into economic activities.

⁵The small hands of slavery, bonded child labour in India, human rights watch, September 1996,pp-48.

Children worked with their older relatives including their parents but eventually parents lost control over how their children were treated. Children started working individually without any parental guidance, which they otherwise use to get while working with their family. And thus child work acquired the form of child exploitation when they started working as wage labourers.

The situation becomes so acute that social reformers began mobilizing public opinion against the evil of child labour. The efforts of these social reformers resulted in first proactive legislation for child labour in India during the year 1881, *The Indian Factories Act of 1881*. This act made provisions for the safety of workers, including child workers. The protective provisions for the safety of children included, prohibiting children below the age of seven from working in the factories. The working hour for children of seven years and above was restricted to nine hours a day. Rest intervals and holidays for four days in a month were made compulsory. The Act was applicable to factories employing 100 or more workers and therefore gave no protection to children employed in small factories. The Act was amended almost every ten years, each time, gradually increasing the minimum age of employment of the children and maximum hours of work. *Factories Act 1911* required a certificate of age and fitness. *Factories Act 1922* was amended to provide for the changes in order to implement the ILO convention number 5, 1919, by rising the minimum age to 15 years in general and reduced working hours to a maximum of six hours, also an interval of half an hour was provided for the children who were employed for more than five and half hours.

. The enactment of 1901, *Mines Act* prohibited the employment of children below twelve years of age. Chief inspector of Mines was appointed to inspect whether working conditions were injurious to their health and safety.⁶ *Indian Mines Act 1923*, laid down minimum age of employment of children from twelve to thirteen years, and restricted the weekly hour of work for children to fifty-four, working underground and sixty for those working above ground. It also changed the definition of mine to include any excavation irrespective of depth used for searching or obtaining minerals.

In 1939, The Children (*Pledging of Labour*) Act based on the recommendations of the *Report of the Royal Commission on Labour 1929* was enacted. This Act prohibited the pledging of labour of children in return for bonds under the age of fifteen years by their parents or guardians. The Act deemed any such bonds of labour contract as void if the child was less than fifteen years of age. This Act was extended to the whole of India.⁷

Another major Act under the British rule, which was concerned with children, was *The Employment of Children Act 1938*. It was based on the recommendations of the twenty-third session of *The International Labour Conference in 1937* where a Convention with a special article exclusively on India was adopted, prohibiting the employment of children in occupation relating to transport of goods or mails on railways or in handling of goods at ports, but excluded transport by land.⁸

⁶ Mines Act.

⁷ Children (Pledging of Labour) Act 1939.

⁸ The Employment of Children Act, 1938.

The Indian Press in the beginning criticized these acts introduced by the British government. These critics felt that children working in these places enjoyed better health than those who attended school. But the British government in response to the social reformers continued addressing the problem of child labour. It could also be attributed to the fact that colonial rulers were familiar with dealing with the problem of child exploitation in their own country during the industrial revolution. Therefore they tried to bring reforms in India as well, on the insistence of social reformers.

Independent India

The founding fathers of our nation were aware of the importance of children, as the future citizens of the country. Therefore provisions were made in the Indian constitution for the protection of children.

Article 15(3) enables the States to make special provision for women and children.

Article 24 prohibits the employment of children below 14 years in factories or mines and in any hazardous employment.

Article 32 requires the State to interfere and stop hazardous working conditions detrimental to the health of child and look into their proper physical, mental and social, development.

Article 39(e) imposes duty on State to ensure health and safety of children and also to ensure that children are not forced by economic necessity to enter into employment unsuited to their age.

Article 39(f) makes it obligatory for the State towards the securing health and strength of the children, that they are given opportunities and facilities to develop in a

healthy manner in condition of freedom and dignity and that childhood and youth are protected against moral and material abandonment.

Article 45 instructs all states to provide free and compulsory education for children. "States shall endeavor to provide with in a period of ten years from the commencement of this constitution, free and compulsory education for all children until they complete the age of fourteen".⁹

The history of child labour legislation in India goes back to the recognition of the child labour issue as a grave problem in the nineteenth century. By enacting the *Factories Act in 1881*, the protection of law was first extended to working children. After independence *Factories Act* was amended in 1948 as a first step towards the abbreviation and eradication of heinous form of child labour. This Act repealed all previous enactments on factories and raised minimum age for employment in factories to fourteen years and also prohibited the employment of children during night.

The employment of children Act 1938 was amended in *1951* to give effect to the convention of International Labour Organization relating to night work of young children, prohibited the employment of children between 15 and 17 years at night in railways and ports and also provided for requirement of register for children under 17 years. During this year itself plantation act was enacted by the Parliament. This Act systematized working hour to be not more than forty hours a week for children. Also laid down provision under section 5,6 and 7 for education as responsibility of parents.¹⁰

⁹ Constitution of India.

¹⁰ Lyakat Ali, Law Relating to Child Labour, Legal Education Labour Law No.9, Indian Social Institute, New Delhi, 1999.

The Apprentices Act, 1961, provided that a person shall not be qualified for being employed as apprenticeship training in any designated trade, unless he is not less than fourteen years of age or satisfies such standards of education and physical fitness as may be prescribed. The Act further provided that different standard may be prescribed in relation to apprenticeship training in different designated trades and for different categories of apprentices.

Beedi and Cigar workers Act, 1966, is considered to be one of the most important step taken by the government in response to the beedi workers movement in early 1960's in Tamil Nadu, which prohibited the employment of children below fourteen years of age in any industrial premises along with prohibiting night duty from seven P.M. till six A.M. for young persons between fourteen and eighteen years of age.¹¹

State Shop and Commercial Establishment Act. Those areas where Factories Act did not apply were covered under this Act like shops, restaurants, hotels and places of entertainment, but the minimum age requirement of the children varies from State to State. The working hours of the children also vary from State to State between five to seven hours in a day.¹²

Apart from legislative laws, the government has set up various committees from time to time to understand the problem of child labour. The reports of the various committees discussed the extent, distribution, working condition and related problem of the working children. These reports are viz., The Report of the Royal Commission on Labour, 1929;

¹¹ Beedi and Cigar workers Act 1966.

¹² A Documentation on Law relating to Employment of children, National centre for Human settlement and environment, New Delhi, 1996,pp-1-2.

Report of the Labour Investigation committee, 1946; Report of the National Commission on Labour, 1969; Report of the Harbajans Singh Committee, 1977; Report of the Gurupadswamy Committee on Child Labour in Indian Industries, 1979.

A brief discussion of the Gurupadswamy Committee on Child Labour 1979, is presented here since The Child Labour (Prohibition and Regulation) Act, of 1986 has been inspired by the same. The committee in its report concluded that child labour is a product of poverty and since it is impossible to totally eliminate poverty, child labour constitute a 'harsh reality' of the Indian society. The committee did not suggest the total abolition of employment of children and industrial establishment but emphasized all round development of children including his health, education and employment in industries. It made a distinction between 'child labour' and 'exploitation of child labour'. The committee was of the view that labour becomes absolute evil in the case of child when he is required to work beyond his physical capacity, when hours of employment interfere with his education, recreation and rest, when his wages are not commensurate with the quantum of work done, and when the occupation he is engaged in endangers his health and safety i.e. when he is exploited.

The committee found that the existing legal framework for employment of children in India is dispersed and therefore, concluded that there is a need for single model legislation on child labour in India. Thus a serious reassessment of government policy on child labour took place, with the aim to identify the most effective way of dealing with the problem of child labour under Indian conditions.

Government has given consideration to these aspects of the problem of child labour, i.e., the need to protect child labour from exploitation or from being subjected to

work in hazardous conditions, which endanger children's physical and mental development, the need to ensure safety and health at their working places, that they should be protected from excessive long working hours and from night work, and that there should be regulated work even in non hazardous occupations, and that all the child labour have to be provided with sufficient weekly rest periods and holidays in their employment.

These considerations led to the enactment of the Child Labour (prohibition and Regulation) Act and the formulation of National Policy on Child Labour. *The child Labour (Prohibition and Regulation) Act, 1986*, recognized December 1979 Gurupadswamy committee report's basic distinction between 'child labour' and 'exploitation of child labour' as two different forms. And thus prohibited children under fourteen to work in any occupation connected with transport of passengers – goods or mails by railways, cinder picking, clearing of ash pits or building establishment of railways involving movement from one platform to another or into or out of moving train, work related to construction of railway station or any other work which is done in close proximity to or between railways lines.

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They are also forbidden from working in beedi- making carpet-weaving, cement manufacture, including bagging of cement, cloth printing, dyeing and weaving, manufacture of matches, explosive and firework, mica-cutting and spitting, shellac manufacture, soap manufacture and construction industry.¹³



¹³ P.D. Mathew Measures to eradication of child Labour Fundamental Rights to primary education, landmark Judgment of Supreme Court, Legal education, series no. 45, Indian Social Institute, New Delhi, 1997.

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In 1987, *The National Child Labour Policy* was adopted to deal with a situation where children work or are compelled to work, on a regular or on a continuous basis to earn a living for themselves and/or their family, and where conditions of work result in there being disadvantaged and exploited. The policy includes provision for free and compulsory education for all children up to the age of 14 and alternative forms of education for children who are unable to take full advantage of formal school education for whatever reasons. Provision for health and nutrition programme for children and measures for protecting children against neglect, cruelty and exploitation was also made under the policy. The National Child Labour Policy is to be assisted by national anti-poverty policy, National education policy and the national policy on health, in realizing its objective.

All these Laws and policies apart there is a wide gap between law and implementation machinery due to which child labour still prevails on a large scale. Among all the reasons for high incidence of child labour in India, poor implementation and loopholes in the child labour acts stand out. The major reason for the poor implementation of the legislation on child labour is the lack of uniformity. This is more so, viz., minimum age. The definition of minimum age differs not only from act to act but also from State to State and industry to industry. It is not only the minimum age that is not uniform but also working hours, rest intervals and night employment.

Almost all the acts apply to factories employing ten or more people with use of electricity or other forms of generated power or twenty or more people without the use of power. As a result the factories have become highly decentralized and fragmented

into smaller units, and because these units run on family premises registered as having less than ten persons acts become non applicable. Under these circumstances, the child gets involved in hazardous process undertaken by any of the family member (here family member could mean any individual, mother, father, uncle, aunt or even the employer who is likely to claim his parenthood during the time of inspection).

Thus being aware of the laws the employers have started distributing work at child worker's house. In this way employer is able to escape the law easily. Therefore it is necessary to have a strong movement against child labour. No law legislated to abolish child labour can be successful unless sufficient social awareness is created. Here the media, the government, non-government organization and the international organization can play an important role in raising the consciousness against the practice of child labour.

International Attention on Child Labour

It was in twentieth century that child labour began to be seen as a matter of global concern for all nations and people of the world. At the forefront of the emerging concern against child labour was the International Labour Organization (ILO), set up as a part of treaty of Versailles after the First World War, whose guiding principal of social justice militated against child labour. Starting from the preamble to the construction of the ILO, the concern for protecting children from the effect of premature work was reflected in the many conventions that the ILO adopted against child labour. IPEC is a global project of ILO and India was one of the first countries to join this programme. The long-term objective of IPEC is to contribute towards abolition of child

labour. The IPEC programme in India is the largest in the world and one of the best-implemented programmes. In India, IPEC has led to action programme benefiting around 1,00,000 working child. The CLASP another programme of ILO was aided by the Government of Germany. It aimed at strengthening the capability of agencies implementing child labour programme. Assistance taken under this programme has been used for the purpose of supporting ongoing activities under National Policy on Child Labour.

Another significant International development on child labour is the unanimous Adoption of the UN convention on the rights of the child, more popularly known as CRC, by UN general assembly in November 1989 .CRC seeks to protect a wide range of children rights including the right to protection from Economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their physical, mental, spiritual or moral social development.

United Nations children's Fund (UNICEF) is yet another International body working in India since 1949, in partnership with several minister of the Government of India and with State Government. UNICEF strategy for prevention and elimination of child labour include intervention for empowering women, emphasizing convergent community action and establishing partnership with the 'Panchayati Raj' institution, NGO's and other civil society organization. UNICEF has also been working on the issue of street children, particularly in the Metro cities in close collaboration with Municipal Corporation, State Government and NGO's.

Conclusion

In the earlier times children worked with their families in an environment free of exploitation and ill treatment. Children were sent to ashrams where they not only use to learn but also performed various duties for the 'Guru'. Their family helped in there all round development along with elementary education at the ashram. But in this entire environment there was no compulsion to work.

Industrialization of the nineteenth century brought drastic change and children were compelled to do difficult jobs. These children along with their parents were forced to offer their labour due to poverty, illiteracy and many other reasons. The conditions under which they were forced to work were most daunting. Some of them were forced to work away from their home as bonded labour to pay for their family debt. Instead of learning, playing and developing, these children, laboured till long hours with no place for education and progressive thought. The issue acquired new high in wake of International bodies like ILO and UNICEF. Indian Government in response to these bodies enacted number of laws to protect children from exploitation. But these enactments haven't achieved much because there is a wide gap between law and implementation. And even after more than fifty years of independence child labour remains a big challenge. The next chapter will be an attempt to study causes, forms and sectors of child labour

Chapter III

Assessment of cause and effect

Introduction

Even though children worked since the earliest times child work in the form of wage labour is relatively a new phenomenon that emerged along with industrialization and modernization. There are millions of children working in India, nobody is sure of how many. The estimates on the magnitude of child labour in India vary from approximately 11 million to over 100 million. This is due to multiplicity of definitions; different method of computation and collection of data at different point of time. 1991 census estimated 11.28 million children between the age group of 5-14 years engaged in wage labour. Child Labour in India has been in existence all through the history of India as we have read in the pervious chapter. While in the past, children worked in the family occupations that were determined by the caste system, in the contemporary society the children are employed as wage labourers. The child as a wage labourer is purely a phenomenon of industrialization and modernization. As industrialization required more labour force and also because of the fact that there was not enough land for cultivation, the unemployed found jobs in these industries. Later on not only women along with their men folk but children also got involved in work, slowly work acquired exploitative form.

“Farmers who, find it increasingly difficult to subsist on the income from small holdings, yield to the temptation of selling their land to developers and eventually

drift into neighbouring urban centres in search of alternative livelihood”¹ What happens to the children? Many a times these parents are forced to send their children either to Labour market or bond them to work in return of some money from the employer or the money lender.

Children are incorporated into a range of different employment relations. Till today, no systematic and documentation of the types and nature of work performed by children has been produced in India. In general children are engaged in a number of activities- visible and invisible, formal and non-formal, paid and unpaid. Besides children work varies between rural and urban areas, it also varies between boys and girls. Children are engaged in work starting from commercial agriculture, domestic services, family work to apprenticeship outside the family, wage labour, odd jobs, errands and independent activities in the street. Sometimes, working children may almost be invisible as in the case of prostitution. Moreover there are typical urban working children living with their families on construction sites, shops and restaurants. Children also perform other marginal works such as shoe- shining, looking after and washing cars and doing casual work on streets such as selling newspaper and other materials. They may be wage labourers in factories or mines. Some are out workers and other seasonal migrant workers. Many are involved in work as final link in a long chain of subcontractors. Some receive part of their wage in kind and some are paid on a piece -rate basis. “Many are unpaid and work for kin at home or on the land. The

¹ Ammul Joseph, Light at the end of the tunnel, The Hindu, New Delhi, May 10,1998.

Labour of children may or may not be productive, or may release others of productive activity”.²

Causes

There is no single cause for the problem of child labour. It is inherent in the cycle of poverty, unemployment, underdevelopment and low wages. Child labour is the cause and effect of illiteracy and of ignorance, of poor standards of living and levels of family and community life and cultural attitude. These are all intrinsically related to one another.

Poverty

The main cause responsible for the prevalence and perpetuation of child Labour is poverty. It is the poverty of the parents in the developing countries like India, which forces parents to send their small children to work. Most of the poor families are not in a position to even provide for their bare minimum, this forces them to use their children to bring in that extra money which would help them in meeting some of their basic requirement. In India a major part of the population lives below poverty line. The utter poverty of the parents forces them to think whether to send their children to school, which may or may not bring decent job for children or to send them to Labour market either as a bonded Labour in return of some loan or as a non-bonded labourer, to bring money, not only for their

² Assefa Bequele and Jo Boyden, Combating Child Labour, Child Labour: Problems, Policies and Programmes, ILO.

Starving families, but also for the children themselves. Because of their poverty, parents not only cannot make any investment in their child's development, they are also reluctant even to support them. They want their children to fend for themselves as early as possible, much better if they become source of income to the family. Children too, in many cases, have the fear of being discarded by their parents, if they do not earn and prove that they are useful to the family. In some cases children run away from their houses to cities to escape poverty of their family as Birgitta and Myers point out in their book 'What work for working children', "in the poorer circumstances of developing countries, children wishing to escape from poverty, seek out opportunities to advance themselves, may find it necessary to earn their own living."³

Inadequate Income of Adult of the Family

The problem of child Labour is inter-related to the problem of low wages of adult worker. The inadequate wage, compels these parents to send their children to work in return of some wage and the employer also take full advantage of their weakness by providing work to these children on low wages. The poor parents accept low wages in return of child's labour because this small income of the child plays a crucial role in saving the family from a shipwreck. These families cannot sacrifice the smaller gains of the present for the larger gains of the future, as they do not have any surplus to sustain them. Economic

³ Jo Boyden Birgitta Ling William Myers What Work for Working Children, UNICEF, 1998, pp-116.

compulsions weighed heavily on the consciousness of the poor parents that they would not mind colluding with the child's employer in violating the law and putting the child under risk of inhuman exploitation. "Most working children begin to work at the encouragement, request or command of their families. Children are put to work in order to help the family, either by doing non-economic chores within the household, or by contributing in some way to the family's income".⁴

Large Family

Large families are major cause of family's poverty, which in turn results in child labour. These families with very low income and large number of mouth to feed, cannot provide protected childhood to their children. These families thus compensate their low income by sending their children to earn to whatever little it may be. The illiterate parents tend to think that if God has given body, he will feed also, for them extra children means more money. These parents don't believe in giving their children education or skilled training, which will help their children in getting better job in future. They believe that if ultimately, children have to work; whatever kind it may be it is better they start young. " Child labour has positive effect on fertility, to the extent that children are readily available for

⁴ Jo Boyden Birgitta Ling William Myers What Work for Working Children, UNICEF, 1998, pp-114

employment conflicting with child's schooling and effects his future performance"⁵.

Education

Absence of compulsory education along with vocational training is another important cause of child Labour. The need of the hour today is not just theoretical education but practical one, in terms of vocational training.

Non-availability of schools, school going facilities, expensive books and stationary and the entire education system in India, keeps poor parents from sending their children to school. It is also because of the fact that most of the people remain educated unemployed in India, forcing parents to make a definite choice between education and employment. And ultimately it is the latter that wins. "The weakness of education system in terms of inadequate infra structure, outdated curriculum and poorly trained teachers acts as an incentive for parents to send their children to work rather than to school".⁶

Cheap Commodity

Child labour is mostly concentrated in small-scale, unregistered and undercapitalized enterprises that operate under stiff competition from larger more

⁵ International Labour Office, "Child Labour", A Report of Director General, 69th session International Labour Conference, Geneva, 1983.pp. 18

⁶ Assefa Bequale and Jo Boyden, Combating Child Labour, problem, policies and programme, ILO, Geneva, op.cit. pp 12.

mechanized companies. These small enterprises depend on the labour of these children to earn profit; children are cheaper than adults and can be laid off when business is slack. Because these children cannot join trade union, they are pressurized upon by the employer to work longer hours without any extra

payment. This in turn ensures large production for the employer, who can compete in the local market by selling his product at cheap rates. Pointing out this fact Dr. Kulshreshtha writes, "By employing children employers save on wage bills besides children are docile, obedient and can easily be bullied into submission. These children are trouble-free as they cannot by themselves organize agitation nor can they be a part of any trade unions hence no demands for overtime, medical and other benefits".⁷

Migration

With not enough job opportunities in rural areas, the migration from these areas to urban industrialized areas, results in the problem of Child Labour. Children are found working as domestic help, at tea-stalls, dhabas, hawking evening newspaper, shoe shining, rag picking, begging are mostly from the economically backward areas. " A large number of technological innovations in agriculture have been accompanied by increasing landlessness and rural differentiation. This has led to search of wage employment in commercial farms,

⁷ Dr. J.C. Kulshreshtha, Indian Child Labour, 1994, Uppal publishing house, New Delhi, pp-37.

as well as to rapid migration away from rural areas. Children, especially from poor families are therefore forced into labour market”.⁸

Legislation

Weak legislation is another major reason for the continuation of the Child Labour. The government passes various laws, but main difficulty is faced in enforcing the law. An industrial relations officer Lakshmanan interviewed by Myron Weiner said, “it is difficult to enforce law because employers send children out when they hear inspectors are coming. Even if they are caught and sent to court, the law says there can be a fine or imprisonment, but judges usually fine the employer. Thus employer just pays fifty or hundred rupees and can break the law again. Even if he is caught again and is taken to the court then it takes months to find him guilty and then again he would just pay the fine”⁹. This particular extract makes it quite evident how and why implementation becomes difficult and ineffective, and in other cases loopholes in the law are easily availed by the employers and children are made to work in small or household units. Inspecting machinery and law enforcing machinery of the government has proved inadequate and often government official, administrator and factory inspectors fail to do their job successfully; as a result children continue to be exploited as Child labourers.

⁸ International Labour Office, “Child Labour”, A Report of Director General, 69th session International Labour Conference, Geneva, 1983. pp. 11

⁹ Myron Weiner, “The Child and the State in India”, Child Labour and education policy in comparative perspective, Oxford University Press, 1994, pp-45.

Thus, it can be said that Child Labour is a product of socio-economic condition, with extreme and widespread poverty of the masses being the strongest single factor responsible for high incident, prevalence and perpetuation of Child Labour. A child from a poverty stricken family gets employed as a wage labourer to reduce the poverty in which he is living. The smallest payments in cash or in kind are welcome in the poverty stricken home in which he lives. The problem becomes more complicated with adult unemployment, and under employment, inadequate income, low standard of living and mass illiteracy and ignorance.

Types of Child Labour

Working children in India, whether as a paid or unpaid workers at organized or unorganized sector of Urban and rural areas, perform wide variety of activities such as carpet weaving, beedi rolling, domestic work, rag-picking. Anu Saksena divides these activities into five categories.

Unpaid Domestic Work

Task such as cooking, washing, caring for younger siblings that frees adult for other work both in rural and urban area is performed by children which is generally full time unpaid job and deprives him of his right to education.

Unpaid Non-domestic Work

Children help in cultivation, protecting crops from birds, collecting fodder, which turns out to be a full-time agriculture work. They also help in cottage industries like weaving, pottery and metal ware. As this work is either on family farm or family enterprise and forms a part of family Labour, hence they are not paid for the work.

They also work as apprentices to artisans. In both the cases children working either as a part of family or as apprentices, are unpaid worker without any opportunity for education.

Wage Labour

Children work as wage labourers both in rural and urban organized and unorganized sector. They are seen working in restaurants, road-side eateries as cooks, waiters, as cleaners, helpers, mechanics at garages, in household as full-time or part time domestic servants, in mines, in industries like match, glass, carpet-weaving, diamond cutting gem polishing, lock making etc.

Self Employed Children

Children working as newspaper vendors, shoeshine -boys, hawkers, unregistered porters at markets and railway stations and car cleaners. All these children belong to the category of self-employed children. ¹⁰

Bonded Labour

Children working as bonded labourer are found in both rural and urban areas. Klaus Voll allocates bonding in India in four types.

Intergenerational bondage; where father becomes physically weak and his son replaces him as a successor in bondage

Child bondage; when child is given to the landlord by the elders of the family in exchange of certain sum of money offered by landlord.

¹⁰ Anu Saksena, Human Rights and Child Labour in India, Shipra publication, Shakarpur, Delhi, pp-62-63.

Family bondage; the father takes loan and offers his own labour in return. The initial amount is never paid because of the exorbitant interest rate, and as fresh loan is needed child is given in exchange as bonded labourer.

Independent Child bondage; here contractors themselves offer an advance for the labour of the child to the impoverished rural families and take the child away to work in urban based industries like carpet weaving, glass-manufacture, lock making, beedi - making etc.¹¹

Another form of bondage that can be included to the above mentioned forms of bondage is Occupational bondage; many a times children are kidnapped and are sold either to the owners of beedi factory, carpet factory or to dhaba owners. These children keep working as bonded labourers until they are strong or big enough to earn their freedom from bondage.

Sectors of Child Employment

Child Labour is mostly found in unorganized sector, specifically in agriculture, manufacturing industries and services with children either working along with their parents or independently as wage labourer. Around 80 percent of child workers in India are engaged in agriculture and allied occupation including plantation and remaining are engaged in various other occupation in towns and cities either on full time or on part-time basis. 1991 census on child worker presents 35.21 children in cultivation and 42.48 in agriculture (See Table 2.1, 2.2, 2.3 and 2.4)

¹¹ Klaus Voll, ed., *Against Child Labour, Indian and International Dimensions and Strategies*, Mosaic Book, New Delhi, 1999, pp-116.

Table 2.1

**Percentage Distribution of Child Workers by Sex
Rural and Urban Areas**

S. No.	State/UT	Male		Female		Total
		Rural	Urban	Rural	Urban	
1.	Andhra Pradesh	52.79	5.26	39.60	2.35	100.00
2.	Bihar	71.34	4.19	23.63	0.84	100.00
3.	Gujarat	61.20	8.34	28.81	1.65	100.00
4.	Himachal Pradesh	40.26	1.17	58.04	0.53	100.00
5.	Haryana	74.02	6.83	18.44	0.71	100.00
6.	Jammu & Kashmir	68.05	10.74	27.85	2.53	100.00
7.	Karnataka	54.87	8.36	33.11	3.66	100.00
8.	Kerala	42.77	8.60	40.80	7.83	100.00
9.	Madhya Pradesh	56.70	3.10	38.88	1.32	100.00
10.	Maharashtra	48.83	5.62	43.28	2.27	100.00
11.	Manipur	38.22	3.62	53.34	4.82	100.00
12.	Meghalaya	56.84	1.68	39.89	1.59	100.00
13.	Nagaland	41.68	2.51	54.20	1.61	100.00
14.	Orissa	71.49	3.76	23.37	1.38	100.00
15.	Punjab	83.36	12.18	3.68	0.78	100.00
16.	Rajasthan	62.13	5.52	31.13	1.22	100.00
17.	Sikkim	38.25	4.31	54.89	2.55	100.00
18.	Tamil Nadu	45.98	10.71	37.32	5.99	100.00
19.	Tripura	69.09	2.17	25.70	3.04	100.00
20.	Uttar Pradesh	75.67	8.82	14.72	0.79	100.00
21.	West Bengal	73.50	8.30	14.51	3.66	100.00
22.	A & N Islands	66.19	19.39	11.70	2.72	100.00
23.	Arunachal Pradesh	42.88	1.19	55.36	0.57	100.00
24.	Chandigarh	6.64	74.36	1.23	17.77	100.00
25.	Dadra & Nagar Haveli	50.93	2.38	44.27	2.42	100.00
26.	Delhi	5.87	80.12	2.63	11.38	100.00
27.	Goa, Daman & Diu	34.06	12.49	36.82	16.33	100.00
28.	Lakshwadeep	25.81	25.81	35.48	12.90	100.00
29.	Mizoram	42.26	2.40	53.33	2.01	100.00
TOTAL		59.83	6.60	31.31	2.26	100.00

Source: Census of India, 1981, Series-I, Part III A, General Economic Tables, Table B-3

Table 2.2

Percentage of Child Labourers in Different Economic Activities

Nature of Activity	1981*	1991**
Cultivators	35.95	35.20
Agricultural labourers	42.76	42.50
Livestock, forestry, fishing, hunting, plantations, etc.	6.30	-
Mining and quarrying	0.23	-
Manufacturing, processing, servicing and repairs	8.63	9.10
Construction	0.72	-
Trade and commerce	2.20	-
Transport, storage and Communication Services	0.29	2.30
Other workers	2.92	10.20

Sources : * Census of India, 1981

**Statistical Profile of Child Labour in India (1961-91) by D.P. Chaudhari.

Other workers include all those who work in any field of economic activity other than cultivation, agricultural labour or household industries.

The increase in certain activities over the period of 1981-91 is a result of industrialisation and urbanisation.

Table 2.3

Child Labour in India

Industry	Location	Total Workers	Child Workers	Percentage of Child Workers to Total Workers
Slate pencil	Mandsaur, Madhya Pradesh	12,000	1000	8.3
Slate	Markapur, Andhra Pradesh	15,000	app. 3750	25
Diamond-cutting	Surat, Gujarat	1,00,000	15,000	15
Agate-cutting	Cambay, Gujarat	30,000	not known	—
Gem Polishing	Jaipur, Rajasthan	60,000	13,600	22.6
Powerloom	Bhiwāndi, Maharashtra	3,00,000	15,000	5
Cotton hosiery	Tiruppur, Tamil Nadu	30,000	8,000	33.3
Carpet weaving	Mirzapur-Bhadohi, Uttar Pradesh	2,00,000	1,50,000	75
Carpet weaving	Jammu & Kashmir	app. 4,00,000	1,00,000	25
Carpet weaving	Rajasthan	30,000	12,000	40
Lock-making	Aligarh,	80,000	7,000	8.7
	Uttar Pradesh	90,000	10,000	11.1
Pottery	Khurja, Uttar Pradesh	20,000	5,000	25
Brass Ware	Moradabad,	1,50,000	40,000	20.6
	Uttar Pradesh	—	45,000	30.0
Match	Sivakasi,	not known	45,000	—
	Tamil Nadu	—	—	—

Contd. . .

<i>Industry</i>	<i>Location</i>	<i>Total Workers</i>	<i>Child Workers</i>	<i>Percentage of Child Workers to Total Workers</i>
Glass	Firozabad, Uttar Pradesh	2,00,000	50,000	25
Silk and silk products	Varanasi, Uttar Pradesh	11,900	4,409	37
Textile	Varanasi, Uttar Pradesh	3,512	1,108	31.5
Knives	Rampur, Uttar Pradesh	not known	3,000	—
Handicrafts	Jammu & Kashmir	90,000	26,478	29.42
Silk weaving	Bihar	not known	10,000	—
Brocade and Zari industry	Varanasi and other centres, Uttar Pradesh	not known	3,00,000	—
Brick-kilns	West Bengal	not known	35,000	—
Beedi	India	32,75,000	3,27,500	10
Circus Industry	40 major circuses	—	12% of the entire labour strength	—
Handloom and Handicraft Industry	Jammu & Kashmir	1,16,000	28,348	25

Source : Neera Burra, *Born to Work : Child Labour in India*, pp xxii-xxiv, as quoted by the Supreme Court of India in *M.C. Mehta v. State of Tamil Nadu*, 1996(6) SCC 756 at pp. 763-764.

Table 2.4

Child Labour Survey of Establishment

States/UTs	No. of Child Labourers		Total
	Non-Hazardous	Hazardous	
Arunachal Pradesh	1095	24	1119
Bihar	—	24879	24879
Chandigarh	44	20	64
Andhra Pradesh	39000	7769	46769
Andaman Nicobar	30	Nil	30
Goa	74	35	109
Gujarat	1417	172	1589
Himachal Pradesh	231	83	314
Haryana	2813	7	2820
j & k	3673	10373	14046
Kerala	9886	181	10067
Karnataka	70447	10782	81229
Mizoram (6314 children not going to schools)			
Meghalaya	648	252	900
Maharashtra	12959	10782	23741
Madhya Pradesh	3521	11259	14780
Delhi	—	839	839
Orissa (Past)	164783	15356	180139
(Present)	26678	8405	35083
Pondicherry	617	-	617
Punjab	3413	91	3504
Rajasthan	5081	3025	3106
Tripura	264	11	275
Tamil Nadu	8828	9493	18321
Uttar Pradesh	17440	15380	32820
West Bengal	15792	254	16046
Total	378787	129472	508259

Source : Child labour survey of establishments conducted by district authorities and reported by states during Labour Ministers' Conference on Child Labour held on 7th July 1997, for implementing Supreme Court judgement of 10 December 1996.

Beedi- Making

Beedi is a cheap local cigarette of small people made from dried tendu leaf with small amount of crushed tobacco filled inside it and is rolled with a thin piece of string to hold it together. Beedi-making is a cottage industry and employ a large number of people.

Children work either with their parents or as bonded labourer. They are mostly involved in the process of closing beedies and making bundles and as a result inhale nicotine. The working conditions are deplorable. The place where work is done is often congested and dark. The exploitation of children is vehement. Children normally have to work for ten to twelve hours a day usually without any return. Most of the children in the beedi industry are bonded labourer, work to repay the loan undertaken by their parents. The child gets bonded for life, as his parents are never able to repay the loan. They also show definite signs of chronic bronchitis and suffer from anemia. The high incidence of tuberculosis is mainly due to starting work at a tender age and working very long hours.¹²

In Beedi manufacturing units exploitation is rampant. Children start working at tender age and exert themselves for long hours in over-crowded places, all the time sitting in a particular position. This adversely affects their physical growth and development and is bound to harm their backbones. The life these poor parents lead is of sheer misery exploitation and helplessness.

¹² Klaus Voll, ed., *Against Child Labour, Indian and International dimensions and strategies*, Mosaic Book New Delhi, 1999, pp-106-107.

"In voice choked with emotion, mothers described how mercilessly their children were beaten by the money lender employers. Most of them are very young when mortgaged. "It is difficult for them to work all the time sometimes they do not go. The Sheth then beats them severally. Their fingers are injured by caning".¹³

Carpet Industry

Carpet-weaving is mostly centred in the states of Uttar-Pradesh, Jammu & Kashmir and Rajasthan. Carpet weaving is basically a cottage industry. Big export houses and multitude of smaller exporters flourish on the basis of multilayered hierarchical system of which child Labour forms the lowest part.¹⁴

The entrepreneur gets his work done through contractor. The big exporters distribute the work and raw materials to contractor. It is these contractor who hire children. The children varying from six to eleven years work for "six to twelve hours a day". In case of pit looms they sit on a plank of wood placed over the pit, and the loom stands over a pit dug in the floor. The feet of the children dangle in the dark, unhealthy pit. In the other kind of loom, which is placed on the floor, with one and half foot wooden plank in front, "on which worker squats on his haunches, he has to pull his knees close to his chest, as other wise he will obstruct the free movement of his fingers while knotting".¹⁵

¹³ This particular extract depicting helplessness of parents has been taken from Neera Burra's book, *Born to work*, which is based on the study conducted by the author. Neera Burra, "Born to Work", *Child Labour in India*, Oxford Univ. Press, 1995.

¹⁴ Klaus Voll, ed., *Against Child Labour, India and International Dimensions*, pp-102-105.

¹⁵ *Ibid.*

Carpet industry is Notorious for its exploitation of child workers, most of the children working at Carpet Industry are bonded labourers or were kidnapped and sold to the loom owners to weave carpets. The children are beaten for smallest mistake committed by them, made to sleep in locked congested loom shed, so that they don't run away, with no facilities for potable water, sanitation and medical-aid. Carpet units are mostly hidden from public scrutiny owing to India's vastness and remoteness and thus even if law exists it hardly makes a difference, hence children remain hidden and locked in these looms.

Fireworks and Match Factory

The match and fireworks factories are almost entirely based in Sivakasi, Tamil Nadu, as the climatic conditions of this region are ideally suited for the manufacture of these items. There are over 6000 match units in the area. The hand-made safety-match industry with a daily production of 2.24 lakh gross boxes contributes Rs. 8.86 lakh per day. Out of an estimated total of one lakh workers in the match and fireworks industry, over 50,000 are reported to be child workers: the single largest concentration of Child Labour in the world".¹⁶ Children who work in match factories come from families dependent to a greater or lesser extent on agriculture. Due to continuous drought the workers find alternative jobs in these factories. 1991 census put the figure to 30,000, of children

¹⁶ Vishwapriya L.Iyenger, "Pyre of Childhood:" Child Workers in the Match Factory of Sivakasi, in *Young Hands at Work, Child Labour in India*, ed., Manju Gupta, Klaus Voll, Atma Ram and Sons, Publishers and booksellers, 1987,pp-26.

between 6-14 years working in and around Sivakasi, 1994-95, a state government study sponsored by United Nations Children's Fund (UNICEF) conducted by K.Vidyasagar put the figure around 33,000. Children between three and half to fifteen years of age, work in these factories. They work as long as twelve hours a day in dingy and dark sheds, sitting in crouched position, handling dangerous and poisonous chemicals, such as potassium chlorate, phosphorous and zinc oxides. Children are carried in buses from their village to the work sites. They wake up between 3 A.M to 5 A.M. every morning are loaded to buses and taken to factories where they work for nearly 12 hours before being transported back to their homes between 6 to 9 P.M. During the busy season, i.e. just before Diwali, the weakly off on Sunday is denied.¹⁷

Children are employed in almost all stages of production. They are engaged in mixing, steaming chemicals in the boiler room; stamping frames of match splinters in tray of wet phosphorus and drying them on hot sheets of metal in a huge furnace; filling frames with sticks, placing and storing the frames in racks; filling match boxes, labeling match boxes, packing boxes into packages of dozens.¹⁸

¹⁷ William E.Myres, ed., Protecting working children Staff working paper, Number 4, UNICEF, pp-55.

¹⁸ Vishwapriya L Iyengar, "Pyre of Childhood:" Child Workers in the Match Factories of Sivakasi, pp-28.

Glass And Bangle Factories of Firozabad

Glass bangles are the most common wrist jewellery among both Hindu and Muslim women. Due to fragility, and change in fashion trends, glass bangles are no longer regular wearing accessory. And because of the intense competition, manufacturers are forced to keep their cost down. To achieve low cost of production, child workers are employed.

Firozabad has been a focal point for bangle manufacture engaging about twenty-five percent of the child workers out of the total work force. Two types of furnaces are used for making glass at Firozabad. The pot furnaces are comparatively smaller with the temperature ranging from 700°C to 800°C. The tank furnaces are much larger, with temperature as high as 1,800°C. Glass bangles are made illegally in the tank furnace as it can run round the clock.¹⁹

The most hazardous job for the children is to carry the molten glass on a long rod, from furnace to the adult worker and back to the furnace. They have to run at a fast speed on the floor, which is strewn with glass pieces and naked wires, so that the molten wire does not get cold before it reaches the adult worker, who moulds it.²⁰

Other than manufacturing glass bangle the factories of Firozabad are engaged in great variety of glass products like, bulbs, tumblers, jugs, chandelier, cut glass utility items. Children are employed in the production of all these items.

¹⁹ Myron Weiner, "The Child and the State in India", India's working Children Princeton Univ. Press, New Jersey, 1991, pp-27-28.

²⁰ William Myers, ed., Protecting Working Children, staff working paper number 4, UNICEF, pp-56.

They are paid ten rupees per twelve - hour shift and when they are old enough to move into glass-blowing position, they can double their daily wages.²¹

Labour Department of the Government of Uttar Pradesh estimates that thirteen percent of the 65,000 to 75,000 workers employed in these glass units are children, but at the same time Labour Department at Firozabad has recommended that child Labour should not be banned as they are young they can get acclimatized to the intense heat; and also because they can move at a great speed to carry the molten glass before hardening, to the adult worker.²²

These children who are engaged in all the process of bangle making and glass blowing are constantly exposed to extreme heat and inhale toxic fumes. Factories run all night to avoid the expense of shutting down the furnaces every night and children as young as seven and eight work on night shift which is forbidden under *Factories Act 1942*. Most damaging of all is the attitude of Labour Department of Uttar Pradesh who instead of protecting these children, is encouraging parents and employers to employ the children in these factories.

The Pottery Industry of Khurja:

In the pottery units of Khurja, Uttar Pradesh, out of 20,000 workers, 5000 are children below fourteen years of age²³ employed as phantiwalas, work described locally as uthai rakhai (pick up and pick down). The children pick up

²¹ Myron Weiner, "The Child and the State in India", pp-27-28.

²² Myron Weiner, op.cit.

²³ Working children of Pottery industry of Khurja, Child Labour Series, National Labour institute, Noida, pp-8.

the empty moulds from the phanti, or a piece of wood on which five or six moulds are kept, and bring it to the potter. They then carry the filled molds out into the sun to dry. The phanti, with its moulds, weighs from eight to eleven kilograms.

Children also carry half-dry pots to the workers for finishing, they stack mugs, unload the containers that contain the unbaked clay, scrape rough edges from mugs and other crockery pieces, clean the power-driven machines, remove pebbles from the clay, clean the premises, and run errands. Most of the children doing unskilled job are illiterate.

“The children working in these units are children of local workers. Most of these children are illiterate, with only few who have studied up to fourth standard. Many of the children are eight or nine years. They earn up to 150 rupees a month for an eight-hour day. Workers who started young and worked for fifteen or twenty years earned exactly the same as new adult entrants.”²⁴

Many of these units have twenty to twenty-five workers, but are listed as having less than ten workers in order to escape the factory law. As they are listed as small units employer are not required to provide facilities listed under the act. During the time of inspection they either send the child workers out or introduce them as their family member.

²⁴ Neera Burra, A report on Child Labour in the Pottery Industry of Khurja, Uttar Pradesh, 1997, quoted in Myron Weiner, ‘The Child Labour in the State in India’, pp-29.

Construction Work

Million of construction workers are employed throughout India for construction purpose. Children in the construction work are employed along with their parents and are rarely found to be working independently. Even the basic minimum welfare amenities are not available to workers engaged in building and construction. A child construction worker digs the earth, carries head loads of mud and mortar, removes debris, prepares mortar, breaks stones, straightens bends and solders heavy iron rod. As construction sites keeps changing, the families of construction workers have always to be contented with makeshift housing structure. Continuous^u traveling and change of work sites does not leave any scope for education or future prospects for the child.

Rag Picking

Large number of children in the metropolitan cities of Delhi, Bombay, Calcutta and Bangalore are seen collecting rags, waste paper, plastic bags, glass bottles, tin, iron scrap etc. This occupation is most dangerous, demeaning and destructive. The nature of their work and environment is most unhygienic. These children hail from poverty stricken families residing in slums.

These children can be recognized from distance, clothed in rags, barefoot and with a huge gunny bag slung over their shoulder, which reveals the extent of their poverty and deprivation. They scrounge dustbins and garbage-dumping grounds for waste materials like tin, glass pieces, plastic etc. and even left over food. Their day starts very early in the morning, but their earnings are meager. As

they work in extremely unhygienic conditions these children develop several kinds of skin diseases. “Most of the children suffer from hookworm, are plagued with anemia, tuberculosis, bacterial and parasitic disease, because of the unhygienic food and worse living conditions”.²⁵

Gem Polishing

Gem industry prospered in Jaipur. Jaipur accounts for 95 percent of all coloured gemstones in India. The industry is labour intensive. To cut down the cost of production children are employed on the pretext of apprentices. Even though child can learn the trade in six months, are purposely kept as trainee for years to extract free labour. Burra says “Children are not paid wages for several years. Occasionally on festival days they get Rs. 15 or less. Ustad wants to hold on to these children as he gets free labour under the guise of apprenticeship training”.²⁶ Parents accept the situation as they feel that as long as the children are getting trained it is good for them, because one day they will become trained craftsmen. But the studies conducted in these industries suggest otherwise. Only children who take up job after finishing their minimum school education till about higher secondary are able to become skilled craftsmen, children who start early without educational background remain wage labourer for their life.

There are two categories of working children in gem polishing industry. The children working full-time from 8 A.M. to 6.00 P.M. belonging to the

²⁵ William E. Myers, Protecting Working children, Staff Working Paper, pp.58.

²⁶ Neera Burra, Report of Child Labour in Gem Polishing Industry in Jaipur, National Labour Institute, Noida, 1992, pp-13.

families of manual labourers, in the age group of six to ten years, are completely illiterate belong to first category. In the second category are the children who work for about four hours a day after school. Their age group is between ten to fourteen.²⁷

All employers whether exporters, master craftsman or ustad contractor are all interested in child labour because it is the cheapest form of labour available. Child labour is largely found in the semi-precious stone industry where children are engaged in almost all the processes. In the precious stone industry they are generally engaged in cementing roughly shaped stones on sticks and polishing the finished gems with oxides.

Lock Industry of Aligarh

The lock industry of Aligarh is over a hundred years old and is considered to be the traditional occupation of the people of Aligarh district, in the state of Uttar Pradesh. It is clustered in Aligarh city and its adjoining areas. Children do not work with dhalais, (moulder), in dhol (drum) polishing, dhol plating or on power-presses. But children are used in all other processes like working on hand presses, polishing on buffing machines, in electroplating and spray painting units, for filing components, making spring and assembling and packing of locks. As most of these like buff polishing electroplating hand presses and spray painting

²⁷ Ibid.

are also done for hardware industry, therefore it can't be said that children work exclusively for lock industry.²⁸

Children start working at the age of six or seven years. In the first year, the child gets nothing as wage as he is employed as apprentices, in the second year he gets Rs. 50 a month and it is only after three years that he starts getting Rs. 150-250 a month. An average working day is between twelve to fourteen hours.²⁹

Domestic Work

In the urban household children are often left by their parents as domestic help. Their day begins early in the morning, taking dogs for walks or fetching milk till late in night and usually go to sleep after every one in the house has gone to sleep. Their condition depends on the socio-economic status of the families.

Thus it becomes apparent that children are employed in all the three sectors be it agriculture, manufacturing industry or services. More than eighty percent are engaged in agriculture and related occupation, while the remaining are engaged in various other occupation such as domestic services, hotels, restaurants tea stalls, other eateries, auto mobile workshops and fueling stations, small factories, workshops and repair shops, beedi and agarbatti rolling, garment manufacturing, shoe making and shoe shining, transport, fireworks and match

²⁸ Lakshmidhar Mishra, Oxford University Press. pp-108-109Burra.op.cit

²⁹ Burra,op.cit

factories, zari and zaradosi industry, carpet weaving, handloom and powerlooms, food processing, food packing and labeling, packing of consumer articles, cycle repairing, box making, basket making, construction industry, rag picking, street trades like vegetable and fruit vending, traditional occupations, like carpentry, tailoring, pottery, hair trimming and dressing, laundry, retail outlets, load carrying, news paper setting etc. etc., the list goes on as children are seen virtually in all kinds of occupation.

Working Conditions And Environments

As evident from previous pages children work in almost all the sectors. The environment determines nature and condition of work where the child works. Great variations are found in hours of work, rest intervals and leave, income they receive and job difficulties and hazards, depending on the different occupation he is engaged in or how economic active the child is?

Children working with their families either in agriculture or manufacturing units work for about two to three hours a day, most of these children attend school and help their parents in their spare time. These children do not have fixed rest intervals, but have the option of taking weekly off and leave whenever they feel like. At the same time they usually receive no payments for their work, since the family income is considered to be one indivisible whole.

When the child is dependent on the employer, it is the employer who, in vast majority of cases, fixes child's condition of work. And thus the treatment he gets depends on employer's character; the mood he is in and on local customs.

Self employed children and family labourers who are engaged as rag pickers, newspaper hawkers, vendors, brick-kiln workers, bazaar coolies, poultry farm labourers and manufacturing /processing industry work for about four to eight hours a day. Most of these self - employed children have the option of taking rest intervals whenever they feel like, except for children working in manufacturing/processing units, rest interval depends on their employers and most of the time it is fixed, for about half an hour. The earning of children, who are self-employed, depends on the nature of work and place of work and the amount of labour put in.³⁰

Children in occupation like shoe shining, construction, bookbinding, manufacturing, and coolie's work for about eight to ten hours. Most of the children get rest intervals for about half an hour. There is great variation in the income they earn. These children have to work many a time in open air without any shelter from sun in searing heat. These children complain of various problems such as giddiness, tiredness, pain in legs, knees and back for squatting long hours in same posture.³¹

Children employed as apprentices, regular workers or casual workers work for ten to twelve hours a day. Children working, as apprentices do not get paid as they are getting trained in the particular job. Casual and regular workers get paid according to piece - work children working in gem polishing industry, carpet industry, glass industry, fire -match units, beedi sector fall under this category.

³⁰ Parveen Nangia, Cause and Effect Syndrome, Janak Publication, New Delhi, 1997, pp130-134.

³¹ Elias Mendelivich, ed., Children at work, International Labour Organization, 1979, pp-37-41.

In these industries the unhealthy conditions have great impact on the safety and health of child worker. These industries have shortage of security and prevention equipment such as masks and special gloves. In glass works, children suffer greatly from suffocating heat and run the risk of sustaining cuts and burns. Beedi workers show signs of chronic bronchitis and also suffer from anemia. Children employed in carpet manufacturing breathe wool dust, which penetrates deep into their lung. Condition of children working in gem polishing is no better they complain of eye stain and get allergic dermatitis of hand due to constant use of dirty water.³²

Table 2.5

Occupational Hazards

Occupation	Health Hazards
Beedi	Chronic bronchitis and tuberculosis
Glass	Asthma, bronchitis, T.B and eye defects
Match and Firework	T.B., respiratory diseases, eye defects
Zari	Eye defects
Gem cutting and diamond	Eye defects
Construction	Stunts growth
Rag picking	Tetnus, skin diseases
Pottery	Asthma, bronchitis
Stone quarries/ Slate	Silicosis, asthma

Source : Children in darkness: A manual on child Labour in India by Rural Labour Cell of Academy of Gandhian Studies, Hyderabad, 1998, pp13.

³² Elias Mendelivich, ed., Children at work, International Labour Organization, 1979,pp-37-41.

Conclusion:

India probably has the highest number of child workers in the world. It is difficult to be sure about the number of working children due to dispersed nature of work carried out by them and also because of the fact that it is mostly in the unorganized sector.

Child workers in India are largely illiterate. Most have never been to school and those who have attended school dropout before completing four standard. Since education is not compulsory, children began to work at very young age. The 'skill' acquired by children are rarely those that could not be acquired at an older age. The conditions of work are often sub-human, which hinder their future development, health, freedom and dignity of children. Even though law forbids children to work in night shifts and their employment in hazardous industries, children many of them five to six years old continue to work under deplorable conditions, without proper training. The work done by these children that endangers his safety, health or welfare, work that exploits the child as cheap substitute for adult labourer, work that uses the child's effort but does nothing for their development, work that impedes the child's education or training and thus prejudices his future must be the target of national and international action.

Chapter IV

ILO, UNICEF and the problem of child labour and child welfare

Introduction:

Child labour came into direct conflict with children education and their social development .the past few years have brought unprecedented public awareness on the problem of child labour and need to do something about it. The previous chapter also makes it quite evident that work at an early age is a serious problem, not only because labour by children is performed under exploitative and hazardous condition, but because it interferes with child's all round development.

Children and their work has become a major preoccupation of UNICEF and ILO today. UNICEF in the beginning helped children of the war torn nations particularly after the Second World War and was centred mainly in Europe. "The work of UNICEF began in 1946. UNICEF was asked to help million of children with milk and medicines, blankets and materials to make clothings and shoes".¹ ILO's involvement with child labour can be traced back to 1919. Protection of children from work is the basic principle of International Labour Organization. The ILO has concerned itself with the question of child labour throughout its existence and called in the Preamble of its constitution for the protection of children and young persons. Acting on this injunction the international labour conference adopted the first of eleven conventions on minimum age for

¹ Jean Spencer, UNICEF and the world, New York, pp.1-2.

employment at its first session in 1919.² Since the time two organizations have been associated them with the problem of child labour the world's position on child labour has evolved and expanded over the years.

This chapter will be an attempt towards the ascertainment of the work done by these two international organizations i.e. the UNICEF and ILO regarding child labour in India.

UNICEF and Child labour:

UNICEF (united nations children's fund) began a year after United Nations came into existence, with the aim of working towards the welfare of the children. UNICEF is the part of UN that began in 1946 and works only for children and helps governments train doctors and nurses, teachers and social workers to care for their children.

United Nation's General Assembly gave UNICEF a job to care for boys and girls of the war torn Europe later on it found itself helping children throughout the world, as number of children, who needed help kept growing. The UN General Assembly, seeing that UNICEF had more and more work to do, voted to keep it going as long as might be needed. "Child rights have come a long way since 1946, when UNICEF was founded to help girls and boys suffering from the destruction of World War II. Most landmark human rights convention did not yet exist, and children's right were barely recognized. Two years later, in 1948, the unanimously endorsed Universal declaration of Human rights laid

² Mark Lansky, International Labour Review, vol.136, no.2, Summer 1997, pp-234.

much of the ground work for today's greatly expanded rights landscape, which included treaties devoted entirely to women and children. In 1989, the convention on the rights of the child codified the world's youngest citizens. Since the convention came into force 10 years ago, child rights have become the driving force of every one of UNICEF's country report."³ As the UN's lead agency for children, UNICEF has a special responsibility in this regard and it tries to gather international cooperation, to help and to ensure that their activities in all areas create and support an environment conducive to the optimum development of children. UNICEF acknowledges the need to tackle the problem of child labour in order to implement the convention on the rights of the child and thus tries to achieve goals for improving the conditions and well being of children.

UNICEF has responded to the urgent and basic needs of the children for over five decades now, and while this continues to be the primary mission of the organization, it has also been developing as a major channel through which child-related issues can find expression at the international level. Whether it is for their education, food, health or providing him a care free childhood. One of the tenets of the convention is that in all action concerning children, their best interest should be taken fully into account. Therefore UNICEF's planning, since the adoption of the convention has been guided by the consensus view of children's rights embodied in the convention. The preamble of CRC recognizes that, "the child by reason of his physical and mental immaturity, needs special safeguard

³ Kofi A. Annan, Secretary-General of the UN, quoted in UNICEF annual Report, 1998.

and care, including appropriate legal protection, before as well as after birth.”⁴ This recognition by UN’s CRC helps UNICEF in raising up any issue concerning children that it thinks as a breach towards their all round development. UN Convention on the Right of the child, 1989, enshrines as interdependent and indivisible, the full range of the civil, political, economic, social and cultural rights of all children that are vital to their survival, development, protection and participation in the lives of their societies, Because of this connection between children's rights and their survival and development, virtually all the conventions articles address issues - such as education, health, nutrition, rest and relaxation, social security and the responsibilities of the parents.

It is this concern for children rights that has made child labour a major issue for UNICEF. Though rights of the children were not the cause that led to the emergence of UNICEF in 1946, it was to help the children of the war-torn nations. It was only later on that UNICEF started venturing into other needs of the children in developing countries. It came to address their all round development, Rights of the child developed over the years. The Convention on the Rights of the child was adopted by General Assembly in 1989 that serves as a guiding principal for UNICEF today. “The need to extend particular care to the child was stated in the Geneva Declaration of the Rights of the child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20th November 1959 and recognized the Universal Declaration of Human Rights,

⁴ "187 countries ratified the CRC as of mid September 1996. India ratified CRC in Dec. 1992", State of World's Children, 1997, UNICEF, p.19.

the international covenants on civil and political rights, in the international covenant on economic, social and cultural rights and in the statutes and relevant instrument of specialized agencies and international organization concerned with the welfare of children.”⁵

UNICEF, Supported Programme on Child Labour in India:

History of co-operation between Government of India and UNICEF can be traced back to 1947, when UNICEF’s interaction with the government began through the Department of Women and Children, its various programme sections have regular working contacts with the ministries/ department of education, health and rural development, urban development, Welfare and information and broadcasting, but UNICEF's cooperation with the Ministry of Labour on the issue of child labour began in 1983. Since then UNICEF has been involved in a variety of activities concerning the elimination of child labour in India with main emphasis on prevention through primary education. Considering that a child out of school is engaged in work in some form or another either helping in household cores or working as wage labourer. And because there exist a direct relationship between literacy rate and working children ratio, as can be understood from table 3.3, UNICEF aims at tackling the problem of child labour through education, and believes the basic cause of child labour is illiteracy therefore defines “any child out of school as a child labourer or potential child labourer”.

UNICEF has been funding governmental and non-governmental organizations for the elimination of child labour in India. UNICEF provides support for financial

⁵ Preamble of the Convention on the Rights of the Child.

and technical assistance for training of factory and labour inspectors, government officials, and NGO's for the organization of meetings and workshops and for studies on street children in various cities and child labour in various occupations in all these efforts it is supported by the Indian Government. "For every country their are people who are eager to bring better opportunities to their children. The goal of UNICEF is to encourage their efforts, UNICEF never gives aid unless it agrees with the country. The country inviting UNICEF to help, is to give at least as much money (or goods) as UNICEF. This is called "Matching Funds".⁶ India is among top 20 donors to UNICEF. The table –3.2, shows contribution of top 20 donors to UNICEF.

The problem of child labour is not an isolated problem; it is interrelated with their education, health giving them proper environment. Therefore UNICEF aims at providing aid in all the areas concerning children. This will not only help in progressive elimination of child labour. But will also help in creating better environment and for children. Table –3.1 shows UNICEF's expenditure on programmes related to children.

⁶ Jean Spencer, UNICEF and the World.

Table 3.1.

UNICEF EXPENDITURE ON PROGRAMME BY SECTOR 1997.

(in percentages)

Programme	Percentage
Child health	33
Water supply and sanitation	11
Child Nutrition	6
Community development, Women's programmes and Children need of special Protective measures	12
Education and early childhood Care and development	14
Planning, advocacy and Cross- sectoral support	24

Includes programme expenditure that cannot be directly identified to specific sectors. These costs relate to programme planning, monitoring, evaluation, statistics, social mobilization, advocacy, technical assistance and other support.

Source-UNICEF Annual Report 1998, pp.53.

 Table 3.2.
 Top 20 Donors to UNICEF (1997)

Governments	Contribution (in US \$ thousands)	Per Capita contribution (in US \$)
United States	165,097	0.62
Sweden	71,130	8.08
Norway	62,408	14.18
Netherlands	54,528	3.52
Denmark	36,099	6.81
United Kingdom	35,352	0.62
Japan	31,030	0.25
Canada	22,346	0.74
Italy	18,286	0.32
Finland	14,756	2.89
Switzerland	12,931	1.82
Australia	12,555	0.69
France	8,867	0.15
Germany	6,401	0.08
Ireland	4,070	1.13
Belgium	3,586	0.35

Contd...

Governments	Contribution (in US \$ thousands)	Per Capita contribution (in US \$)
New Zealand	2,623	0.73
Korea, Rep	2,400	0.05
Austria	2,295	0.28
India	1,732	...

Population figure based on the monthly Bulletin of statistics of the United Nations, August 1997(mid-1996 data).

Source-UNICEF's Annual Report 1998.

UNICEF also supports studies to compile state profiles of child labour, which have been important for creating awareness about the issue and generating action by the state governments and NGO's. The state of Andhra Pradesh, Tamil Nadu, Uttar Pradesh have the highest incidence of child labour in India. According to 1991 census, Andhra Pradesh has 9.98 i.e.1, 661,940, Tamil Nadu has 4.88 i.e.578, 889 and Uttar Pradesh has 3.81 i.e. 1,410,086 number of child labourers (see table-3)². UNICEF has come forward with various programmes that will gradually help in eliminating child labour in these states. "In Andhra Pradesh, UNICEF has supported state level studies on child labour, orientation workshop for government officials, trade unions meetings, innovative NGO projects, and efforts for the convergence of programmes. In Uttar Pradesh, UNICEF provided supplementary funds for an initiative focusing on the

elimination of child labour in carpet weaving. In Bihar, it initiated UN inter-agency efforts to assist the Bihar Government in developing a strategy for the labour. In Tamil Nadu, the state government and a UNICEF task force formulated a plan of action for the elimination of child labour in Sivakasi.⁷

UNICEF has also played an important role in the Rugmark labeling⁸ initiative. UNICEF with other organization helped develop an inspection system to ensure that Indian carpets are child labour free. UNICEF is a board member of Rugmark foundation, which supervises this system while also managing the rehabilitation funds collected under this scheme. The funds are mobilized by implementing a levy of 1-2 per cent on the export value of the carpets. This is used to rehabilitate children released from the carpet industry. Maneka Gandhi chairperson of Rugmark on being interviewed by Klaus Voll on 30th November 1998 at New Delhi explained why Rugmark labeling with carpets have turned out to be successful. She says, “The reason why Rugmark has worked is that on the one hand we have inspectors who go and check whether the children are involved in looms, and on the other hand we have an incentive, which is, that if you buy a ‘Rugmark’ Label, we will be able to generate business for you.” Other than Rugmark, Kaleen label for carpets, the Care and Fair label for carpets, the Step label for carpets, the Double Income Project and the Abring labeling play a similar role of rehabilitating children released form industry.

⁷ Maussun, L.R., U.N. System in India, Position Paper on Child Labour, pp.27.

⁸ Rugmark Labelling ensures that carpets produced under this label are free of child labour.

Other than this UNICEF office in India collaborates with jurist in making CRC compulsory reading for law students. Helps the government in training the police, probation and factory inspectors to be child supportive in enforcing law. It also collaborates with restaurant association of Goa in preventing child employment in these sectors. Helps Parliamentarians in assessing the nature and extent of child labour in their respective constituencies. Along with Lal Bahadur Shastri Academy it has helped in making CRC a part of the preservice training of Indian Civil Servants.⁹ These efforts by UNICEF in India have helped it to move towards its goal of elimination of child labour in India.

Thus as an elimination strategy against child labour UNICEF provides technical inputs and capital for education and training, advocates revision and enforcement of legislation to prohibit child labour, particularly in hazardous industries, assists central and state governments to develop and implement programme and action plan for the withdrawal and rehabilitation of child labour in India. The primary focus of UNICEF is preventing child labour through primary education, because there exists a direct relation between child labour and illiteracy.

Table-3.3

Working child Ratio for the age group 5-14 years and literacy rate in India for the year 1991.

States.	Working children	Literacy rate
Andhra Pradesh	9.98	44.1
Arunachal Pradesh	5.65	41.6

Contd...

⁹ Child labour in South Asia: towards UNICEF Strategy Rosa Report NO.3, 1995.

States.	Working children	Literacy rate
Assam	5.46	52.9
Bihar	3.99	38.5
Delhi	1.27	75.3
Goa	1.95	75.5
Gujarat	5.26	61.3
Haryana	2.55	55.8
Himachal Pradesh	4.55	63.9
Karnataka	8.81	56.0
Kerala	0.58	89.8
Madhya Pradesh	8.08	44.2
Maharashtra	5.73	64.9
Manipur	3.72	59.9
Meghalaya	7.39	49.1
Mizoram	9.40	82.3
Nagaland	5.29	61.6
Orissa	5.87	49.1
Punjab	3.04	58.5
Rajasthan	6.46	38.5
Sikkim	5.18	56.9
Tamil Nadu	4.83	62.7
Tripura	2.29	60.4
Uttar Pradesh	3.81	41.6

Contd...

States.	Working children	Literacy rate
West Bengal	4.16	57.7
Andaman & Nicobar Islands	1.82	73.0
Chandigarh	1.40	77.8
Dadra & Nagar Havali	13.22	40.7
Daman & Diu	3.89	71.2
Lakshdweep	0.27	90.2
Pondicherry	1.54	74.7
INDIA	5.37	52.2

Sources- Census of India 1991 and National Sample Survey Organization for the year 1991.

Though the states like Bihar, Uttar Pradesh and Tamil Nadu show comparatively less child labour and also low literacy rate one should remember that it is in these states that there are large number of unorganized, small-scale industries like beedi, carpet and firework those which do not register child workers. That is why these child labourers remain unnoticed in the sample surveys. Otherwise while comparing the working children ratio and the literacy rate ratio it becomes quite evident that states with low working children ratio have high literacy rate and vice versa. Considering this relationship between child labour and education

UNICEF is attaching so much importance to education as a tool for elimination of child labour.

ILO and Child Labour

Child labour has been a major preoccupation of the ILO since its foundation in 1919. It has been in forefront of action against child labour for 80 years now. Commencing with the commitment that ILO has made against the exploitation of children in the Preamble of its constitution, a number of conventions and Recommendations, specifying the minimum age of entry to employment or work and defining the conditions under which children may be allowed to work, have been adopted by the International Labour Conference over the years. While ILO's concern for child labour has been visibly present throughout these eight decades, it is however most vitally reflected in its convention no. 138 concerning Minimum Age for admission to employment adopted in 1973 and in its accompanying recommendations no. 146, the Recommendation concerning Minimum Age for admission to employment. The objectives, principles and guidelines set out in these international labour standards have been incorporated into national legislation and regulations throughout the world. The office has also intensified its technical advisory services, as well as training, research and the dissemination of information, in support of national action to eliminate child labour and provide protection to working children.

One of the most important tools available to the ILO for Improving the legislation and practice of its member states in the fight against child labour is the adoption and supervision of international labour conventions and recommendations. These labour standards have turned out to be international landmarks in protecting children e.g. “minimum age (industry) convention number 5, 1919 adopted at the first session of the international labour organization, was ratified by 72 countries, and it established fourteen years as minimum age for children to be employed in industries”.¹⁰ It was probably the first international effort to regulate children’s participation in the work place. India ratified the Convention and consequently the Factories Act, 1948, The Mines Act, 1952, The Employment of Children Act 1938, The Beedi and Cigar Workers Act, 1966 and the Motor transport Workers Act 1961 were passed.

Minimum Age (Agriculture) convention No.10, 1921 prohibited children under the age fourteen to be employed in any public or private agricultural undertaking during hours fixed for school attendance. The convention was not ratified by India because agriculture is the most unorganized sector in India.

Minimum Age convention number 138 (1973) is the fundamental international standards on child labour. The convention was ratified by 72 States as of March 1999¹¹, but India has not, however, ratified this convention. The principal difficulty in India’s ratifying Convention No.138 appears to be that in India child labour is not prohibited in all occupations and sectors of employment.

¹⁰ Report on State of World children, 1997, UNICEF, pg.19.

¹¹ Strengthen International Law against child labour: A look at the proposed ILO Instrument, ILO, pg.4.

Major sectors of economic activities, such as agriculture, transport, storage and communication, household industry and domestic service among others are excluded from any requirement of a minimum age for admission to employment. All or most of these sectors have to be brought within the purview of the country's child labour legislation before Convention No. 138 can be ratified

Among all the conventions the ones ratified by India are Minimum age Convention No. 5, 1919; The White Lead (painting) Convention, No.13, 1921; Minimum age (Trimmers and Stockers) Convention, No.15, 1921; Radiation Protection Convention, No.115, 1960; Minimum age (Underground Work) Convention, No.123, 1965 and Night Work for Young Persons (Industry) Convention, No.6 and No.90, 1919,1948.

The ultimate goal of all the ILO conventions relating to children is the total abolition of child labour. Though it is widely accepted that this will take time, there is a growing international consensus on need to immediately abolish the most intolerable form of child labour, namely the employment of children in slave like and bonded conditions and in the dangerous and hazardous work, the exploitation of very young children and commercial sexual exploitation of children, remembering that these children cannot wait for developmental issues to be resolved before they are freed from their intolerable situation, has prompted the development of new standards on the worst form of child labour to ensure that these forms are priority for national and international action. This led to the proposal on the most intolerable form of child labour in 1996. The proposal was

discussed in June 1998 at International Labour Conference. The convention was adopted on 17th July 1999.¹²

All these convention since the time they have been adopted, world's position on child labour has evolved and expanded over the years. It has come to address non-industrial work by children, to prohibit any kind of work, paid or unpaid, that is injurious to children, and to set out safeguard and protection for children who work. States parties to the convention are required to provide for a minimum age for employment of children. It is also important to note that whether or not countries actually ratify ILO Conventions, these Conventions and Recommendations exert a great influence on Member States and have resulted in the adoption of national legislation that are often close to international standards.

Other than adopting Conventions, the International Labour Organization makes special efforts to improve and protect the condition of working children. It seeks to promote not only a greater awareness on the problem of child labour, but also its gradual elimination, striving at the same time to improve the conditions of work. For this purpose International Programme on the Elimination of Child Labour (IPEC) was launched by the International Labour Organization in December 1991.¹³ IPEC supports national efforts to combat child labour and

¹² The adoption of the convention on 17th July at 87 International Labour Conference on worst form of child labour turned out to be one of the most historic moments as all 415 Members voted for the convention on the elimination of worst kind of child labour, World of Work, The Magazine of ILO, no.3, July 1999.

¹³ Lee Swepston, International Labour Review, Vol.121, No.5, September-October, 1982, pp-577.

strives to build up a permanent national capacity to tackle the problem. "IPEC programme covers more than 20 countries, and the level of contribution in the 1996-97 biennium was around US\$ 24 million".¹⁴

IPEC pursues, multi-sectoral strategy, beginning with 'situational analysis' of the nature and magnitude of child labour in a given country. Subsequent steps in its strategy include assistance in policy design, institution building, awareness raising, development and application of protective legislation and support to direct action. IPEC thus strive to support, rather than supplant, national efforts to combat child labour. It emphasizes preventive measures and tries to build sustainability into demonstration programme, while asserting their potential for integration into the regular programme of the partner organization.

India was the first country to sign the Memorandum of understanding (MOU) with the ILO for implementing IPEC. The MOU signed in 1992, laid down the principles, areas and modalities of cooperation between the Indian Government and ILO for the elimination of child labour. It was agreed that the cooperation would be based on ILO convention in particular convention no.138 "concerning minimum age for admission of children to industrial employment", with the aim of progressively eliminating child labour. The programme is implemented through action programme selected by a National steering committee of the minister of labour. This committee includes representative of the government, representative of employers and workers organization and

¹⁴ Kari Tapiola, Deputy Director General, ILO, Revisiting the Child Labour Issue in Terms of ILO Standard Setting.

representatives of NGO's active in the field of child labour. The secretary of the minister of labour is its chairperson.¹⁵

An important strategy adopted was to set up non-formal education centres, drawing local working children into these centres and often boosting the basic curriculum with low level vocational skills, supplementing children's diet, providing health care, along with conducting awareness arising campaigns for children, their parents, the community and employers.

Later on since 1993, the focus of IPEC programme shifted from providing welfare inputs to combating child labour at the local level through community support and involvement. It also stressed ensuring sustainability of these initiatives. Preventive strategies were also under taken such as enrolling children into schools before their entry into labour force, mainstreaming them into formal schools and providing follow-up assistance to prevent dropping out. In this entire programme IPEC is assisted by NGOs, trade unions, other organization of the country. "Five major central trade union organization in the country Indian National Trade Union Congress (INTUC), Bhartiya Mazdoor Sangh (BMS), Centre for Indian Trade Union (CITU), All India Trade Union Congress (AITUC), Hind Mazdoor Sabha (HMS) employers organization such as Council of Indian Employers (CIE), the All India Organization of Employers, the Federation of Indian Chambers of Commerce and Industry (FICCI) and PHD Chamber of Commerce and Industry and regional employers organizations such as the Punjab, Haryana and Delhi Chambers of commerce and Industry

¹⁵ M.P.Joseph, 1992-95 : looking Back, IPEC In India, 1997, pg.5.

(PHDCCI) have collaborated with IPEC in various key projects and programmes, mobilizing workers and employers against child labour".¹⁶

A total of 99 agreements have been signed for implementing action programmes under IPEC in India, of these 57 were funded using the US \$ 2.251 million allotted to India in the 1992-93 biennial budget of IPEC. Forty-two action programmes have been funded from the US \$1.4 million allotted to India in 1994-95 biennial budget. Most of the action programmes of 1992-93 were implemented through NGOs. Out of 57 agreements signed two action programmes were completed, of those signed in 1994-95, many continued into 1996.¹⁷ The very sustainable impact of the IPEC programme has been the introduction of child labour as an issue of concern to many national, regional and state level organizations. Through its work in India IPEC has demonstrated that families are willing to accept adjustment, to send their children to school IPEC also demonstrated that given the right conditions child labour can end in the country.

The Global Programme of IPEC launched by ILO in December, has turned out to be an 'operational arm' of ILO in its fight against child labour, it gives priority to the eradication of the most abusive and exploitative types of child labour. "It is active with varying degrees of intensity in some 50 countries

¹⁶ International Programme for Child Labour, MPJ/ rkt /g: 11, 95, 17/02/2k.
¹⁷ M.P. Joseph, IPEC in India.

in Africa, Asia and Latin America. It has received US\$ 87 million in total resources to date, with allocation of about US\$ 20 million for 1996-98.¹⁸

International Landmark on Child Labour:

The 1990 world summit for children and its resulting world declaration on survival, protection and development of children signed by over 150 countries, was an important international event with bearing on child labour. The declaration called upon countries to work for the special protection of the working child and for the abolition of illegal child labour.¹⁹ It was also supported by a plan of action, which required countries to work towards ending the employment of children under hazardous and exploitative conditions, and providing opportunities for their healthy development.

The 1990 world conference on Educational for all was also a significant step for child labour, which called for increased flexibility in the educational systems, which can be adapted according to children circumstances.

More recently, there have been several meetings and resolutions on hazardous and exploitative forms of child labour. The declaration of the 1995 conference of Labour Ministers of the Non-Aligned Movement and other developing countries refers to child labour as a "moral outrage" and developed plan of action to eliminate child labour. The Stockholm Congress on commercial Sexual Exploitation of Children held in August 1996 brought child prostitution,

¹⁸ International Programme for Child Labour, MPJ/rkt/g:11, 95, 17/02/2k.

¹⁹ The World Summit on Children 1990.

formally on the global agenda for the first time. In 1996, the Non-Aligned Movement Conference in New Delhi called for eliminating child labour in hazardous employment. The third SAARC Ministerial Conference on Children of South Asia held in August 1996, called for eliminating bonded child labour by 2000, with total elimination in the region by 2010. A major conference was held in Oslo in October 1996, organized by Norwegian Government, ILO and UNICEF on child labour. It urged the countries to progressively eliminate all forms of child labour for children of school going age with priority to be given to the immediate removal of children from the most intolerable form of child labour and to other physical and psychological rehabilitation. At the 87th International Labour Conference on June 17th 1999 new convention on the worst form of child labour was adopted. It was a historic moment as all the 415 votes went for the convention. The conventions reflect widespread recognition that there should be an immediate and new attack on the worst form of child labour. International instrument such as the ILO's Minimum Age Convention and United Nations CRC remains the bedrock of national and international action for the eventual total abolition of all child labour.²⁰

Although these conferences, meetings and summits are no doubt play a great role in creating awareness on the topic, the real thrust is on the national government to play a positive role in this regard. As ultimately, the responsibility for protecting child workers and ensuring the observance of national and

²⁰ UNICEF and ILO Sources.

international standards on rights and the welfare of the children lies with the government.

Integrating International Standards into the National Context:

"No Child below the age of fourteen years shall be employed to work in any factory or mine or engage in any other hazardous employment, we might search our hearts and ask ourselves whether we have done everything possible to implement this directive".

Our First President Dr. Rajendra Prasad.

It is difficult to be sure about the total number of child labour in India. This is due to number of factors such as children working as apprentices; children enrolled in schools and work part time, children helping in family's workshops etc. All these factors make it difficult to prevent an accurate picture of child labour in India. "1991 census estimated about 11.28 million child labours between the age group of 5 to 14 years". However, other estimate of child labour in India ranges from 40 million to over 100 million. This is due to multiplicity of definitions, different method of computing and the collection of data at different point of time. 'Over "80" percent of child labour in India is found in the rural areas with the remainder in the urban informal sector. About "two million" children are believed to be engaged in hazardous employment.²¹ Government

²¹ Taken from Chaudhuri, A Dynamic Profile of Child Labour in India, 1951-1991, ILO, New Delhi, 1996. Dr. D.P. Chaudhuri, professor of economics at Australian university made these estimation based on the governmental sources such as census of India, on the request of ILO's Child Labour Action and Support Programme (CLASP), to study the trends of child labour in different states and in different sectors of India.

Policy has been pro-active in the area of child labour for quite some time. The United Nations General Assembly on the 21st December 1976 adopted, the resolution 31/169 proclaiming the year 1979 as the 'International Year of the Child'. With the background of the 'International Year of the Child, government felt the need for a thorough stocktaking of the situation. It is for this reason, in 1979, the Gurupadaswamy Committee was set up to look into the problem child labour. This committee issued a report on child labour in December 1979, which distinguished between "child labour" and "child exploitation". The latter was defined as the case "when the child is required to work beyond his physical capacity, when hours of works interfere with his education, recreation and rest, when his wages are not commensurate with the quantum of work done and when occupation he is engaged in endangers his health and safety". Apart from recommending proper enforcement machinery and minimum age of 15 years for employment, Gurupadswamy committee report laid emphasis on the importance of education.

India ratified six ILO conventions relating to child labour, three of them as early as the first quarter of the 20th century. The International Labour Conference adopted a resolution in 1979 on child labour. The resolution called for combination of efforts for prohibition of child labour and measures for humanizing child labour, whenever the same cannot be eliminated. In accordance with the ILO's convention and in the spirit of resolution of 1979 adopted in the International Labour Conference, National Policy on Child Labour was announced. The National Policy on Child Labour aims at prioritizing the elimination of child labour, focusing on "sectors or establishments where children

are deployed in wage or quasi-wage employment outside the family, where there is most likely to be exploitation, in whatever form it might be". It envisaged the strict enforcement of the provision of child Labour (Prohibition and Regulation) Act 1986 and other child related legislation.

India as a founder member of the International Labour Organization was a signatory in 1919 of the first convention banning child labour. The first Act to focus on children was the Employment of children Act 1938, which banned hiring of individual below 15 years of age in limited areas. Though the government of India has been concerned with child labour ever since the country's independence in 1947, 1980's saw focused initiative against child labour. These include the promulgation of a new law on child labour called the Child Labour (prohibition and regulation) Act, which entered the state books in 1986 and the framing of a National Child Labour policy in 1987. That the state government is committed to provide protection to the child and to prohibit the employment of children below certain age is obvious from the fact of constitutional provisions, ratification of several ILO conventions, enactment of a number of statues on the subject, and the adoption of other measures in connection with child labour.

In 1992, the Government of India signed memorandum of understanding with the ILO for implementing the International Programme on the Elimination of Child Labour (IPEC). Under IPEC, many action programme have been implemented which provide education in part or full-time at non-formal education centres with the goal of mainstreaming children into the formal school system. These programme have also assisted in training labour inspectors, teachers and NGO's. The entry of the Government of India into ILO's IPEC programme in 1992 indicates the government's growing concern about child labour and need to act against it. The advent of IPEC in India coincided with government initiative to tackle the problem systematically. These included the historic declaration made on 15th August, 1994, by the Prime Minister, that child labour would be abolished in hazardous occupation by the year 2000. Along with this the government provided for special fund of Rs. 850 crores (US \$ 250 million) for this purpose. A National Authority for the elimination of child labour was established to oversee the implementation of schemes using the fund.²²

Government policy does not aim to encourage employment of children. It tries to enforce some minimum standards and facilities in regard to hours of work, minimum wages and so on. The government policy towards child labour has wavered between the intention to ban it and the desire to regulate it; the concept of regulation by comprehensive legislation appears to be gaining momentum. Some have accepted child labour as 'harsh' reality that cannot be easily done away with. This difficulty, along with the importance of affirming the

²² Reading material for training programmes conducted by VVG NLI, Noida.

moral objective, were frankly set out in the declaration that the Government of India made upon acceding to the United Nations Convention on the Rights of the Child.

"While fully subscribing to the objectives and purposes of the convention, realizing that certain of the rights of the child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and with in the framework of international cooperation, recognizing that the child has to be protected from exploitation of all forms including economic exploitation, nothing that for several reasons children of different ages do work in India; having prescribed minimum ages for employment in hazardous occupations and in certain other areas having made regulatory provisions regarding hours and conditions of employment; and being aware that it is not practical immediately to prescribe minimum ages for admission to each and every area of employment in India - the Government of India undertakes to take measures to progressively implement the provisions of Article 32 particularly paragraph 2(a),²³ in accordance with its national legislation and relevant international instruments to which it is a state party."²⁴

It is worth nothing that of all the developing countries that have ratified this convention India is the only country to have entered a declaration-concerning

²³ State shall take legislative, administrative, social and educational measures to ensure the implementation. They shall in particular provide for a minimum ages for admission to employment, UN's CRC, Article 32 2(a).

²⁴ Mark Lansky, International Labour Review, Vol.136, 1997, No.2, summer 1997, pp240

minimum age under Article 32 of Convention on the Rights of the Child. Yet there can be little doubt that India's realistic declaration is indicative of the situation faced by many other developing countries as well. This becomes quite clear in the statement of the Minister of Labour of China to the ILO's Informal Tripartite Meeting at the Ministerial Level on Child Labour in June 1996: "Child Labour in a Phenomenon that was not desired by any country. Talking account of differences between countries in terms of the environment, socio-economic conditions, ideology, traditions, means and models of economic development, the international community must display full comprehension with regard to developing countries in the area of the elimination of child labour and refrain from imposing a time scale on them or leveling accusation on this subject."²⁵

Conclusion:

The focus on child labour in recent years has resulted from increased global pressures, media attention and pressure from international agencies like UNICEF and ILO. Even though India has not ratified fundamental ILO Minimum age Convention No.138, room for optimism however exists in the fact India has ratified the U.N. Convention on the Rights of the Child. This Convention contains inter alia some important clauses on child labour. It requires State to: a) provide for a minimum age for admission to employment; b) provide for appropriate regulation of the hours and conditions of employment; c) provide penalties or sanctions for infringement of these provisions. Having accepted these clauses, it may be seen that though Indian government does not ban the

²⁵ Ibid.

employment of children it intends to regulate it through better conditions at work and better wages, and it is perhaps only a matter of time before the ILO Minimum Age Convention is also accepted by India.

To conclude, it can be said that child labour cannot be abolished simply through legislation whether international or national. Several facets have to be kept in mind while dealing with the problem. The problem requires a multi-dimensional approach in terms of legislation better condition at work, education health etc., and can only be eliminated progressively. Both the Organization i.e. ILO and UNICEF, accept education to play a key role in progressive elimination of child labour either given in formal or informal way. Thus the next chapter will not only deal with various aspects that can help in combating child labour, but will acknowledge education as important tool in combating the same.

Chapter V

Towards a bright future

The problem of child labour is so deeply rooted that it does not lend itself to any simple or quick solution but requires a multi-dimensional approach for its progressive elimination, in terms of improving their working conditions, providing them with better health and education. Children are preferred because they are cheaper than adults and can be laid off when business is slack. Henceforth, an attempt is made to understand, what effective principles, policies and action are necessary for protecting children? What kind of action by Governments, Non – Governmental organisation and International agencies will shield the children from the most serious risk of work until such time as economic and social progress renders their labour unnecessary for survival? And what is involved in changing the social attitude? The objective of the elimination of child labour can only be attained as an integral part of the developmental process, policies aimed at raising income and employment opportunity, along with this the policy instrument by which the state effectively removes children from the labour force is compulsory primary education, must be the basis for long term action to abolish child labour. Myron Weiner has advocated the importance of education as an instrument for abolishing child labour in his book 'The child and the state in India'. This chapter thus will be an effort to discover various contributions that can be made by different channels towards the child labour cause. As Bequele and Boyden in their book 'Combating Child Labour', propose, "Labour

legislation must be accompanied by a wide range of measures encompassing employment and income generation and reforms and expansion in education if the problem of child labour is to be fully dealt with".¹

Trade Unions

Child workers are mostly centred in unorganized and undercapitalized sector that are not organized, and because change and reform require organized effort trade union can turn out to be the most effective and authentic institution towards protection of children and eradication of child labour. For this reason it is important that powerful and organized trade unions make their presence felt in these unorganized sector. Their mass base has been instrumental in carrying social and political message to vast audience. Elimination of child labour is a task that not only requires for its success the spread of such message, but also has social, moral, ethical and economic dimensions. And a campaign against child labour if under taken by trade union would thus take a mass appeal, which is the first important step towards the amelioration of child labour.

Yet many trade unions have not fully understood the damage they are doing to themselves and their workers by permitting child labourers to continue. Every working child weakens the trade unions in two ways. Firstly, it is argued that one adult can perform work of more than one child worker therefore every child worker discontinuing work will not necessarily provide employment to one adult worker. Here we should understand one thing that even if one child cannot provide job for one adult, two working children can provide job for one adult, that brings the ratio to 2:1

¹ Bequele and Boyden, combating child labour, ILO, 1998, Geneva, pp16.

i.e. for every two child labourer one adult can be employed. With this ratio in mind, if we look at the census estimate of child labourers in the year 1991, that is around 11.28, thus if these children were not working then on the basis of the ratio, it will create at least 5.5 million jobs for the adult workers. Therefore even if the generation of employment is a matter of prime concern for trade unions they ought to have self-interest in the elimination of child labour.

Secondly, studies suggest that children are paid much lower wage than adult doing the same work. In any industry, occupation or process where children work, the wages of adult worker gets heavily depressed. The adult and his trade union lose much of their bargaining power. If a worker or his trade union ask for higher wages, in the establishment where children are also working, the employer would simply hire a child worker at a low wage rather than paying more to the adult worker. This is the reason why in some industries only children are employed and that leaves adult unemployed. For example, carpet industry in Uttar Pradesh, uthai rakhai (pick up and pick down) work at the pottery industry of Khurja.

Trade unions should fully understand the damage they are doing to themselves and their workers by permitting child labour to continue. Their lack of enthusiasm and low response might be due to the fact that big trade unions are not confronted with the problem of child labour as child labourers are mostly found in the unorganized sector. Therefore big trade unions with mass appeal confine themselves to the traditional role of protecting the interest of their workers, bargaining for better wages, better conditions of work etc. It is in the unorganized sector where children work and where either the trade unions do not exist or plays a negligible part, as their

own children or the children of their colleague are working, they do not want to take up the issue of child labour.

But some important central trade unions in the recent times have resolved to work towards elimination of child labour. 'Indian National Trade Union Congress at its 25th session held in Cuttack adopted a resolution on child labour. The highlight of the resolution was a call by INTUC to all its State branches and affiliated federation to identify the areas of child labour concentration in their region and towns and explore ways and means of evolving strategies to eliminate child labour and to draw up an action plan to mitigate the evil'.²

All India Trade Union Congress (AITUC) mobilized their members against child labour in slate mining in Markapur, Andhra Pradesh, Amarjeet Kaur, All India Secretary of AITUC, who visited the site wrote "The slate mines in Markapur were fifty feet deep and the children working in them were mostly under twelve. Women and children were getting same wages. Labour Laws were flaunted and safety measures were non – existent. We were horrified by the scene in Markapur, especially the sight of little ones climbing down mines with trembling feet. A visit to Markapur sensitized our workers more than our workshop".³

The central trade unions such as the Indian Trade Union Congress (INTUC), Bhartiya Mazdoor Sangh (BMS), Centre for Indian Trade Union (CITU) and All India Trade Union Congress (AITUC) have collaborated with IPEC in the fight

² Journal of labour legislation val. XX No. 7-12, July-Dec., 1994.

³ Michele and Nelien ed. Action against child labour, ILO, pp.259.

against child labour, on various key projects and programmes, mobilizing workers and employers against child labours.⁴

Today we see an increasing awareness and mobilization among the trade unions on the issue of child labour. 'Mohan Kumar rose from the pity position of child labourer at the age of 11 to the position of trade union leader. Today with the help of CITUC he has not only formed night school for workers but also a child labour welfare organization' to help working children.⁵ Since trade unions are morally committed to promote social justice and to fight all forms of injustice, education to all their members will make them aware of their rights and will help them to be better equipped to fight all forms of injustice, of which child labour is needless to say, one of the worst instance.

Removal of poverty and Unemployment

Poverty is undoubtedly the principal cause of the perpetuation of several social evils, among which child labour is one of them. It is the poverty of the parents that forces them to send their child to the labour market defying their social and moral obligation of sending them to school. Because of their poverty, parents not only cannot make any investment in their child's development, they are also reluctant to even support them. They want their children to fend for themselves as early as possible, much better if they become source of income for the family. The contribution of the child worker to family income though substantial, is viewed as a means to alleviating poverty at the level of the household. These families cannot

⁴ MPJ/rkt, g: 11:95, 17/02/2k.

⁵ Showing the way, Trade Union against child labour in India, ILO, New Delhi, pp.12.

sacrifice the smaller gains of the present for the larger gains of future, as they do not have surplus to sustain them. Viewed on a larger scale child employment is associated with higher levels of adult unemployment and greater inequality of income and wealth.

As discussed under the previous heading, the employment of children helps to maintain low wages for the labour force as a whole since, as cheap labour, they can be substituted for adults, hence, through its impact on both the level of unemployment and the wage rate, child labour reduces the total income share of working household and thus leads to increase in the degree of income inequality and also poverty within the society. Therefore, if all the child labour is taken away from the labour market, it might be possible to eliminate at least a part of the chronic and hardcore unemployment, along with creating higher wages. The place left vacant by the working children would become available to able workers between the age group of 15-59 who would be willing to take up the job with increase in wages, which are otherwise heavily depressed because of the child labourers. And as the job will bring money to the parents, they would be less inclined to send their children to the labour market.

The additional way, child labour is accountable for unemployment and poverty is due to child labourers economic value to his parents, child labour has positive influence on fertility. The economic value of children therefore favours large family. This in turn, in the longer run leads to poverty and unemployment. This is so because the parents don't have enough money to feed their large family they use their only economic asset viz., their children and these children in turn create labour

surplus and hence unemployment and low wages. It is a continuous cycle, which has to be broken. And the first step in this direction is to eradicate child labour and to educate not only the children but also their parents and to make them understand that Child labour contributes to adult unemployment and therefore at the same time, perpetuates child labour because children grow up unskilled, enfeebled adults, not fit for employment, in the industry they earlier worked in. It is thus very important that children should be allowed to work only after attaining certain age.

Role of Non – Governmental Organization

The Constitution of India declared India a welfare State, but it soon became apparent that State alone cannot perform welfare task, as the scope of action is so vast and demands so complex. This realization led to the emergence of number of Non – Governmental Organizations (NGO's). In the recent years there has been a significant growth of NGO's in India. The most important propelling force of NGO proliferation in recent years has been the increased supply of direct and indirect international financial support. "Private grants by International Non – Governmental Organization (Ingo's) and from Other Economically Developed Countries (OEDC) increased from about \$ 2.5 to \$ 4.5 billion between 1971 to 1988".⁶

Like trade unions NGO's can help to discover and publicize specific cause of abusive child labour. NGO's have potential to implement action programme on behalf of children in the labour market. As these NGO's work in close proximity with children, they get new ideas and try to evolve better tactics to deal with the problem,

⁶ Srivastava, S.P., social Action, Vol.49, January-March, 1999, No. 1, pp.7.

example, giving children non-formal education, night schools for children and adults who cannot attend formal school, giving them training that would help them with better income opportunity in future. With these, innovative and experimental approach NGO's have been successful in reaching, close to children. It is also because of the fact of their one to one relationship at the grass root level that they have been able to attain more success in their programmes.

The non – governmental organizations are involved in two kinds of services, one these NGOs have their own programme, two they participate in programmes initiated by the government. In all these efforts NGO's need financial support without which it would be difficult for them to function. It is here where the government and the international organization steps in. Sometimes, independent international and national donors also fund them.

Butterflies a Delhi based NGO with its own programmes targets street children. One of its most visible activities is a restaurant run by street children near Inter State Bus Terminus (ISBT), New Delhi. 'Opened in 1990 is a training centre, source of income and home' for street children. They receive training in food preparation, earn Rs 500 every month working five hours per day and have free accommodation, food, health care and compulsory education. A bank account has also been opened where boys deposit Rs 300 per month leaving the rest for daily expense.'

Prabhatara is another such NGO; the target group includes programmes for slum community children between the age group of six to 17 years. Its activity includes Non - Formal education, value education and recreation. It also has, earn

while you learn schemes for girls in which they teach various activities such as applying mehendi, making lace bangles.

Ragpickers Education and Development Scheme (REDS): This NGO from Bangalore operating since 1979 focuses on education development needs of the children who work as ragpickers. REDS provides shelter and training to these children. The idea of providing shelter came from children themselves, as their main concern was safe place to stay. Apart from giving them training as mechanics and tailors lessons are also given in English, Math's and Geography.

Ankuran: The best thing about this organization is that child labourers started it. Now it has five centres and 150 boys running the organization. It has contact with 'open school', and with companies for placement and runs a centre where screen-printing is taught.

Indian Institute of Rural Workers: the government initiates the programme for this NGO. It tries to rehabilitate children withdrawn from the labour market. The institute train children in trade such as horticulture, forestry, dairy farming, construction, leather work, chalk and doll making, basket – weaving, painting, drawing, tailoring, embroidery, ambar charkha (spinning cloth) and domestic electrical wiring.

These are few example of various other NGO's working through out India on similar fundamentals. In most of these centres run by NGO's, provide training as well as stipend, for work done under training, to compensate for the income these children were drawing from the previous job. But these training centres should not be

confused as the work place where children labour through the day, whether as worker or as an apprentice, because in these centres all round development of children is taken care of be it in the form of giving training, education or medical aid with the idea of taking them out of the labour force and getting them to schools, till they are old and skilled enough to enter the job market.

Accordingly it can be said that though situation and possibilities vary not only among countries but also with in country. It is therefore difficult to prescribe specific models or practices applicable to all situations. In spite of these difficulties non-governmental organization's initiatives have shown that it is still possible to coordinate effort in the field of child labour. Their initiative have shown that it is not only possible to raise the income of child worker but even remove them from highly exploitative and dangerous work which is an advancement towards elimination of child labour.

Boyden accepting the initiative of NGO's points out that " One of the most interesting and indeed promising development in the field of child labour in recent years is the growth of grass-root initiative and public sector projects focusing on child workers. Certain types of inputs such as nutrition are not only important in them but can also be a means of promoting other objectives such as school enrolment. Given that many children have to work out of economic necessity, it is important that this desire or need be respected by NGO's along with organizing working children into cooperatives, offering skills, training, providing enriched employment in sheltered workshops"⁷

⁷ Bequele and Boyden, ed. Combating Child Labour, International Labour Office, Geneva. pp.23-24.

Role of Media

Perhaps one major reason, for the prevalence and persistence of poor working conditions and abusive practices from which children suffer, lies in ignorance. It must be pointed out that many parents and others employing children do not have harmful intention. They genuinely consider work by children as the part of the natural state of things, necessary for the welfare or even survival of the family and also for child's discipline and personal development. This may be true in certain circumstances when they are genuinely getting trained in particular skill free from exploitation. But it is equally true that in reality the nature of work and the condition under which it is carried out is mostly detrimental to the health, the well-being and the future development of the child. There is surprisingly high degree of ignorance about the consequence of child labour in general and ill effects of unsafe working condition in particular. There is thus a clear need, not only for policy measure and legislation but to create awareness of the potential damage that inappropriate work, poor working condition and insufficient education and training can do to children.

Seen from this angle, Media can play an important role towards amelioration of child labour. Every now and then we read articles in newspaper and magazine challenging the claims of the government towards bringing an end to bonded or violent domestic child labour. A recent article in frontline, May 12, 2k throws light on continued child labour in Sivakasi in Tamil Nadu defying the claims by the Tamil Nadu's 'Firework and Amorce Manufacture Association (TFAA)' that there is no child labour anymore in the firework units in and around Sivakasi.

There was yet another article in 'The Times of India' recently on 17th May 2k about the boy who was rescued by Bandhu Mukti Morcha (NGO) and Delhi Government officials. His father bonded the boy for Rs 3,500 for working as domestic help, where he was treated violently. These articles and coverage by media helps in bringing about awareness among the people against the evil of the worst form of child labour. As the worst form of child labour flourish away from public awareness, the general public remains unaware about the situation and environment in which these children work and therefore consider child labour as a 'harsh' reality for poor children who must work to help their parents. The media by bringing to light these hidden areas of child labour to public will not only help in educating people but also will also help in bringing about mass movement by the public in this direction. This fact is also pointed out by Bequele and Myres in their book 'first thing first in child labour', "any effective efforts to protect children from workplace hazards must begin by making invisible visible, bringing to light and public consciousness both the children who work and dangers they face. Perhaps the single greatest obstacle to protecting work – imperiled children is the refusal of societies and government to 'see' them or to acknowledge their existence. Frank recognition of the situation is the first necessary step towards dealing with it".⁸

Media has the capacity to challenge and expose government. Coverage of child labour issue should not be concentrated in newspaper and television but other medium should also be used such as puppet show and street theater. Due to the

⁸ Bequele and Myers, First Thing First in Child Labour, eliminating work detrimental to children, ILO, Geneva 1995, pp.22.

media's mass appeal, it can turn out to be a viable weapon for creating awareness about education and the evils of starting work at an early age.

International Organization

International Organization drawing on the experience and human resources all over the world could be especially useful in promoting, training and supporting national groups of citizen dedicated to the protection of working children and abolition of child labour. It is due to the efforts of the international organization that considerable attention is being paid to the problem of child labour. The best example of this is the United Nation's Convention on the Right's of the child that serves as foundation stone for dealing with the problem related to children. Its other agencies though not directly concerned with child labour, but include in it as a component with in the overall programme, or have an indirect impact in this area through some of their activities. Given below are some of these activities.

UNESCO's learning without frontiers programme targets the outreached and the disadvantaged who have no formal access to education, either due to geographic, social or economic cause. Since, it is mostly the child worker and their families, who are among the marginalized and disadvantaged, the programme activities have implication on child labour.

UNFPA supports the Indian Government in its adult literacy programme that includes preparation of booklets and materials for literacy campaigns targeting the 9-15 age group; most of whome are child labourers.

WHO runs project on street children that include running informal course on health and awareness with the help of NGOs.

Other than this ILO and UNICEF has a joint protocol that has direct bearing on child labour. It is based on the recognition that ILO and UNICEF have complementary and mutually supportive role to play in the progressive elimination of child labour and protection of working children. Both these organization attach importance to education. The main objective of UNICEF is to promote compulsory education as a fundamental strategy for the elimination and prevention of child labour. Similar strategy is also adopted by ILO's IPEC that provides non – formal education to child workers as a step towards progressive elimination of child labour.

The framework cooperation between the two organizations includes; regular consultation and coordination of policies regarding priority categories of child labour, encouraging member States to ratify and implement international standards. Collaboration on research and exchange through regional and sub-regional workshops as well as development of methodologies for asserting and improving the condition of the working children and technical cooperation especially in field activities of the two agencies.

It is due to these International Organizations that the problem of child labour has become an issue of concern around the world. The efforts of these agencies in preparing programme for education, preparing booklets and materials, conducting research and studies, coordinating with Ministries and NGOs have had an impact on Indian society.

What Government can do?

Ultimately, responsibility for protecting child workers and ensuring the observance of national and international standards on the rights and welfare of children lies with the government. Government should give top priority to the protection and development of their children, not only for moral and philosophical reasons, but because their long term success depends on it. The attitude of the government towards the needs and rights of the children is decisive for their protection and the promotion of their welfare, as the presence of State can be felt in practically all the aspects of national life be it agriculture, industry, in village, urban development, health, education in the media and in wide range of social activities. The essential commitment to compulsory education for all goes hand in hand with the policy to release poor children from burdensome work that obstructs their access to education and achievements. Government needs to become more serious about the protection of children in the workplace and implementing compulsory education. The governments policy be it in the form of passing of laws or the way they are enforced are very crucial towards eliminating child labour. Pointing out to the role of government in their book ' First Thing First', Bequele and Myers writes, "The role of government is so central that mere absence of a national policy or even a sign of ambivalence towards protection of children who work tend to be read as tacit consent to their exploitation".⁹

Noting that the role of Government is so central and its policies play an important role, it is necessary to understand where these policies can prove

⁹ Bequele and Myers, First thing First in child labour, ILO, Geneva, 1995.

meaningful and realistic. Considering that there is a wide gap between law and ^{mere passing of policies by} implementation machinery, government will not be fruitful, for example where work by children is truly part of socialization process and a means of transmitting skills from parent to child, it is hardly meaningful to speak of child labour. And thus a government policy to ban child work in this area would neither be in the interest of the child nor his family. But as child labour is rooted in poverty, the impact of policies or measures which may not be specifically directed towards children but requires general improvement in the economics of the country can have a significant and even decisive impact on the incidence and extent of child labour. Such policies may include agrarian reforms, employment creation schemes, greater access by the poor to improved technologies, informal sector promotion policies, creation of cooperative and social security programmes. These and similar measure can lead to broad based growth, a more egalitarian structure of asset and income distribution and, consequently, reduction in incidence of child labour.

The improvement of economic conditions to the point where it will no longer be necessary or profitable for children to work, efforts must be made to complement long term employment and development policies with progressive measures aimed at regulating and humanizing child work so that children are provided with some protection against condition that jeopardize their normal physical and mental development, deny them education and skill development and block their lifetime opportunities.

Another set of policies that can have bearing on the incidence and extent of child labour relates to education, training and apprenticeship. The extension and

application of training and apprenticeship schemes along with compulsory education can have significant potential because they could not only reduce the number of children out of school but also provide skill acquisition and later employment. Pointing out the familiar gap between law and implementation machinery of governmental policies Baquele and Boyden write “ Legislation should not be viewed more or less as an end in itself but a means for legislative action and enforcement and clearing way for programmes aimed at the provisions of welfare services and protection of working children.

Though the announcement by the Prime Minister of India on Independence Day, in 1994 that child labour would be abolished in Hazardous occupation by the year 2000 reflects the commitment of the Government of India, the fundamental problem in this direction is the lack of political will, the commitment and determined administrative action. What is needed is vision and leadership, not only to bring rule of law to bear on the problem of child labour, but also to promote and support community initiative in protecting children who work. In all these efforts it is the Government that can and should play a major role towards progressive elimination of child labour.

Education and Vocational Training

The importance of education to children in their formative years is widely recognized. Article 45 of the Indian constitution provides that State shall endeavor to provide “with in a period of ten years from the commencement of the constitution for free and compulsory education for all children until they complete the age of 14

years". Most of the organisation concerned with child labour attaches importance to education for the elimination of child labour. Weiner in his book 'The Child and the State in India' also affirms education as a necessary tool for the elimination of child labour, According to him it is the illiteracy, which is the root cause of for the perpetuation of the practice of child labour. Introduction of universal compulsory education through legal enforcement of school attendance will act as an effective policy instrument by which state can remove children from the labour force.

Contrary to these notions India has retreated from its constitutional commitment of providing compulsory education. At the same time, serious doubt are raised about the usefulness of the present system of education. And therefore, because of the absence of compulsory education and also due to ineffective education system children stay at home to care for cattle, tend younger children, collect firewood and work in fields They find employment in cottage industries, tea stalls, restaurants, as domestic workers in household. They become prostitutes or live as street children, begging or picking rags and bottles from trash. Many as bonded labourers tending cattle and working as agricultural labourer for local landowners.

Child participation in labour force activity clearly reduces the potential for schooling and educational development. Children start working at early age because poor families do not have much access to education even though education facilities might be available, because their parents cannot afford direct and indirect cost of schooling. Additionally, parents perceive several advantages in child's taking up a job viz., the job disciplines the child, it terminates his dependency, it plays a crucial role in saving the family from a shipwreck, it protects him against the infection of

delinquent culture. And, therefore the chances of benefiting from school diminish even further. The low educational and skill content of many of the jobs in which children work, the possibilities for acquiring remunerative or satisfying skills become still more remote. Children thus find themselves at disadvantage in the employment market.

The main reason why child labour continues in India is the inability of the government to provide effective compulsory education. Though education will not by itself eradicate child labour but it will reduce and discourage it. Employers will find child labour uneconomical if it is available for only half a day. In today's World education is no longer children's right but duty of State. India is a significant exception to the global trend towards the removal of children from the labour force and the establishment of compulsory universal primary school education. Many countries of Africa with income levels lower than India have expanded mass education with impressive increase in literacy, example, Botswana, Cameroon, Equatorial Guinea, Gambia, Ghana, Ivory Cost, Lesotho, Libya, Madagascar, Mauritius, Rwanda, Swaziland, Zambia and Zimbabwe have literacy rate in 50 to 75 percent range. China, which had literacy rate comparable to that of India forty years ago, now has half the illiteracy rate of India. South Korea and Taiwan both poor countries with high illiteracy rate a generation ago moved towards universal and compulsory education while their per capita income were close to that of India. Today, adult literacy rate in both countries are now over 90 percent.¹⁰

¹⁰ Myron Weiner, 'the Child and the State in India', 1991, pp-4

According to Weiner, the real cause behind not implementing compulsory education lies in the vast gap between official rhetoric and policy in India, by a set of belief shared by state bureaucracy, educators, social activist, trade unionist, academic researcher and by number of Indian middle class. At the core of the belief are the Indian view of the social order, notion concerning the respective roles of upper and lower social strata, the role of education as a means of maintaining differentiations among social classes and concern that “excessive” education for the poor will disrupt the existing social arrangement. In India the concept of ‘children’s work’ is widely accepted as a useful skill acquiring experience and a necessary contribution to the family income and the nations economy.¹¹

Weiner further says, in India education has been largely an instrument for differentiation by separating children according to social classes. For this reason, those who control the education system are remarkably indifferent to the low enrolment and high dropout rate among the lowest social class. The result is one of the lowest rate in school attendance and a literacy rate that has fallen behind most of the third world.

The view held by Myron Weiner about the belief system in India might be true partially, but the major reason for dropout rates in schools is the present system of education that does not cater to most of the children in terms of timing, session, language and curriculum. The increase and decrease in the enrolment and dropout rates also depends on how effective the education system is in terms of school facilities viz. number of students per teacher and school, teaching methods and educated environment of the area.

Compulsory education is no doubt an important apparatus for eradicating child labour equal concern needs to be given towards improving the present education system that produces large number of educated unemployed and caters to the children in urban areas in terms of timings and session and not to the children in the rural areas. School session must be linked to the agricultural activity or any other seasonal activity of the area. Efforts should be made to incorporate words of the local dialects

¹¹ Myron Weiner, ‘The Child and the State in India’, 1991, pp-5.

into the textbook so that it becomes easier for the children to understand the text. The educational curriculum must help the children in bringing maximum of skills and competence in view of the environment he is living in.

“The reason for continued child labour and dropout rate in schools is the very poor quality of education. Teachers who may be poorly trained, poorly prepared and over worked, many schools do not have adequate infrastructure; the curriculum may be out of touch with local needs and aspiration and schooling may be completely at variance with the resources and skills requirement of the labour market. These weakness in education acts as an added incentive (along with economic incentive) for parents to send their children to work rather than to school”¹²

Compulsory education along with skill training will provide better employment opportunities to children. Therefore, there is a major need to incorporate practical and vocational training to the regular curriculum of formal schools according to the environment of rural and urban children. These changes in the education system will not only encourage the parents to send their children to schools, but in long run help in eliminating child labour

Therefore, till the time education becomes compulsory and till the time school curriculum remains traditional working children should brought into the circle of non-formal education. Various NGOs have come up, providing non-formal and vocational training to the working children. Due to irregular hours and variable condition of work, many children cannot take advantage of the regular school system, with schools relatively inflexible hours and curriculum. Therefore, flexible education or training arrangement outside the formal school will prove successful in reaching working children. These adaptable Non-formal education should be supplemented with services such as meals, vocational skills and health, that would help in making education programme more attractive, accessible and effective. Case studies undertaken by the non-governmental organization, ‘The Concern for Working Children’, show that the working children are enthusiastic about education, especially if curricula are adjusted to their needs and circumstances”.¹³As a next step in this direction, efforts should be made to incorporate these children to formal schools with immediate implementation of compulsory education.

Conclusion

All over India children are found working in agriculture in small-scale enterprise, as domestic servants or simply on streets. This chapter focuses on what is being done and what can be done that will help in bringing about better future to these children. Though poverty is understood to be the major cause of problem, it should not be held as an excuse for inaction. Continued effort, be it in the form of improving their working condition or providing them with education should be made by the government.

¹² Baquele, Boyden ILO.PP.12

¹³ Willem E. Myers ED. UNICEF staff working paper No. 4. Protecting Working Children.

Conclusion

Conclusion

No study however exhaustive can do justice to highlight the magnitude of the problem of child labour. What has been discussed here is a modest survey of the incidence of child labour in India. It is by no means exhaustive study and is based on primary and secondary sources. What is presented here is a general observation on preceding pages.

Children are employed in a variety of work situation and for a wide range of reasons. Not all work is necessarily harmful for children. Some activities under regulated conditions may have positive effect for the child and society. This may include handicraft production and traditional agricultur . What is of concern is work that endangers child's safety, health or welfare, work that exploits the child as a cheap substitute for adult labour, work that is bias or harmful for child's education and training, work that deprives the child of the essential qualities of childhood and forecloses his future.

Child labour is not a new phenomenon and has existed through out the history. Child labour is basically an offshoot of wage labour that emerged with industrialization and modernization. Similar to the concept that existed during ancient time and still prevails is the subjugation of lower class. Education during the ancient times was considered necessary for the children of higher caste but for the lower caste children education was considered unnecessary and undesirable. These children were required to follow the occupation of their parents with actual training in that activity. Child labour in the ancient time existed in the form of child slaves, the cruel practice of purchasing children. It were these poor children generally belonging to lower caste, who were sold as slaves. In the contemporary society the word child slaves has been replaced by bonded

child labour, under which child is pledged to work in return of loan offered or given to child's parent.

The brief survey of sources reveal that India perhaps has the largest number of working children, with estimate ranging from 11 million to over 100 million. This is due to multiplicity of definitions, different method of collection of data at different point of time. Children are found working in all the three sectors of the Indian economy, agriculture, industry and services. Studies reveal that children are gruesomely exploited in most unhygienic and deplorable condition. The condition of work are often sub-human that hinder their future development, health freedom and dignity. Studies conducted in these sectors reveal children as young as five or six years old start working in these industries making the situation even more worrisome.

Regarding the cause of child labour studies suggest that there is no single cause for the problem of child labour. It is inherent in the cycle of poverty, unemployment underdevelopment and low wages. Child labour is the cause and effect of illiteracy and ignorance, of poor standard of living and levels of family and community life. Above all the major cause that can be attributed for the perpetuation of child labour is poor implementation of legislation and absence of free and compulsory education for all children.

Though laws for protecting children have existed for a long time, loopholes have also emerged as a part of these laws. Major loophole in this direction can be understood to be poor implementation machinery. Other than this it can be said that the provision in the act are such that they turn out to be ineffective. The acts were mainly implemented to protect children in the industries where child labour predominates and to improve the

general working condition of the children working in these industries. But because these acts lack uniformity in terms of minimum age, hours of work and conditions of employment the situation of these working children continues to be miserable.

Along with this the foregoing analysis show that there is a close relationship between child labour and education. Absence of compulsory education has left more than half of the Indian population illiterate. Direct and indirect expenditure on education along with outdated curriculum acts as an incentive for parents to send their children to work.

Working children received some attention only after '1979', The International Year of the child', declared by United Nations General Assembly. The ILO convention Number 5(1919) and convention number 138(1973) though laid much of the foundation on the issue of child labour, it was only in decades between 1979(International Year if the Child) and 1989(Convention on the Rights of the Child) that brought about awareness on the evil of child labour around the world. Indian Government is signatory to these international conventions and it is because of the pressure from them that the Indian government has become more aware of its responsibility towards children. The announcement by the prime minister of India on Independence Day, in 1994 that child labour would be abolished in hazardous occupation by the year 2000 reflects the commitment of the Indian Government. Indian Government has collaborated with the two organizations for the progressive elimination of child labour. ILO and UNICEF have been collaborating with the Indian government for over decades now and both agree that there is no quick solution to the problem of child labour; efforts have to be made to fight child labour from all the direction. Therefore supports the Indian Government on related issues such as health, education, community development and woman empowerment.

Apart from providing funds in this direction ILO and UNICEF sponsor studies, conduct workshops and seminars for raising awareness about the problem of child labour. It is because of the two organizations that the issue has acquired increased attention from the Indian Government.

In conclusion we must understand that the problem of child labour is so deeply rooted that it does not lend itself to any simple or quick solution but requires a multi-dimensional approach for progressive elimination of child labour in terms of improving working condition, providing them with better health and education and improving the implementation machinery. The problem of child labour is related to the problem of ignorance. There is surprisingly high degree of ignorance about the consequence of child labour in general and ill effects of unsafe working conditions in particular. This makes it necessary to make invisible visible, and to bring to light and public consciousness both children who work and dangers they face.

Education is yet another tool that can play an important role in the elimination of child labour. The reason for continued child labour and dropout rate in schools is very poor quality of education and absence of free and compulsory education for children. Hence, efforts are needed to not only bring about compulsory education but along with it the educational curriculum must be such, that will help the children in bringing maximum of skills and competence in view of the environment he is living in.

Important role can also be played by NGOs in organizing communities and implementing small local projects. Government can focus on the establishment of a conducive legislative and policy climate, the provision for universal compulsory education, increasing the access of poor household to employment and income and

ensuring strict adherence to certain minimum labour standards such as the prohibition of work in hazardous occupation or activities. The respective function and role of government, non- government organization, international organization and media must develop and evolve with in the framework of partnership to have a sustained impact on the problem of child labour.

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