

Child Labour in India - An Overview

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ABSTRACT The prevalence of child labour is one of the most important problems confronting the world at large, especially developing countries such as India. In many cases, child labour is mainly necessitated by economic compulsions of the parents. The main reason which gives rise to child labour is widespread unemployment and underemployment among the adult poor strata of the population, inter alia, due to sharp growth of population. Large families with low income and often lack of educational facilities, illiteracy and ignorance of parents about the importance of education as well as about the impact of labour on the health of their children are some of the reasons which breed child labour. Over the years, however, global consciousness about the seriousness of the problem has created. The constitution of India also committed to the protection and promotion of the welfare considerations over the economic ones. Therefore, series of committees and commissions have been appointed by the Government of India either specifically on the question of child labour, which gives us insights into the problem and to give suggestions to alleviate this problem. Policies of modern governments in relation to child labour and child development must be pragmatic and comprehensive.

Any child out of school is a child labour. The definition of child labour therefore encompasses every non-school going child irrespective of whether the child is engaged in wage or non-wage work or whether he or she is working for the family or others, employed in hazardous or non-hazardous occupations, employed on a day wage or on a contract basis is a child labour. The Factories Act of 1948 defining that "a person below the age of 14 years is to be regarded as a child. Therefore, any physical labour undertaken by a child below 14 years either under compulsion or voluntarily in an organized or unorganized sector qualifies to be called as 'child labour.'

Child labour became a global phenomenon today and is 'harsh reality.' The 'harsh reality' of child labour arises out of the fact that in the present state of development in the country, many parents on account of poverty, have to send their children to work in order to supplement their income and the income derived from the child labour, however meager is essential to sustain the family. This is the 'poverty' argument of child labour. The problem exists in almost all countries of the world but its scale varies from country to country. However, the predominance of child labour in many Third World countries continues to be quite pronounced, even though reliable data are limited. India has the largest population of child labourers who constitute nearly seven per cent of the work force and are

contributing considerable amount of the Gross Domestic Product. The term "child labour" is at times used as a synonym for employed child." In this sense it is co-extensive with any work done by the child for a gain. But more commonly than not, the term 'child labour' is used in pejorative sense. It suggests something, which is hateful and exploitative. Thus, Homer Floks, the Chairman of the United States Child Labour Committee, defined child labour "as work by children that interferes with their full physical development, their opportunities for desirable minimum of education or their needed recreation."

The prevalence of child labour is more or less seen in all periods of time, it varies in nature and dimension depending on the existing socio-economic structure of society. Children are the blooming flowers of the garden of society and valuable asset of a nation. They constitute a hidden treasure of potential development of a growing nation, childhood has been considered as a most important period of life. During this period moulding and shaping of the life take place and the behaviour, conduct and sentiments are developed. Paradoxically, it is unfortunate to say that tragically most of the child life is lost due to poverty, destitution, malnutrition and poor and unhygienic conditions, largely in the rural sector compared to the urban counterpart.

Child labour is mainly necessitated by

economic compulsions of the parents in many cases of the children. The main reason which give rise to child labour are widespread of absolute poverty, unemployment and underemployment among the adult workers, large families, lack of educational facilities, illiteracy and ignorance of parents about the importance of education as well as about the impact of labour on the health of their children are some of the reasons which breed child labour. Diverting the child from work means the loss of income to the parents and as additional expenditure on education, however small. The economic benefits resulting from child employment are generally high as it generates an income, which is higher than what is consumed in the family. Probably this is one of the reasons where workers do not feel that it is useful to send their children, to schools. Further, there are some factors due to which employers also favour child labours. In the light of the above, a major reason for hiring children seems to be that non-economic children are easier to manage because they are less aware of their rights, less troublesome, less prone to complaint, more trustworthy, less likely to absent themselves from work and no problem of unions.

Literature Review

A study of the Committee on child labour (1979) appointed by the Ministry of Labour, Government of India examined various dimensions of child labour in different occupations. The study revealed that the incidence of child labour was highest in Andhra Pradesh, where it accounted for about 9 percent of the total labour force, 9.2 per cent of the total child population and 3.7 percent the of the total population of the state in 1971. The child labour was more prevalent in rural areas than in urban areas. The participation of children in the labour force in the age group of 10- 14 years was very high (28.9%) for males as compared to females (20%).

Another study on the working children in Bombay by Singh, M.(1980) reveals that in the age group of 6- 15 years found that most of the working children belonged to low income groups in urban centers who generally reside in slums and depressed areas. This study was conducted on 203 boys (67.7%) and 97 girls (32.3). Out of these 300 working children 211 (70.3%) worked under employer and 89 (29.7%) were self-employed. The study stated that male children

shouldered the family's economic responsibility to a large extent than the female.

A study by Singh, R. (1980) revealed the implementation of various laws for the working conditions and welfare of child labour is concerned that employees had colossal ignorance about the existing laws. Only 20 were in favour of legislation for regulating employment of children. Similarly,

The study by Sharma (1982) reveals on the working children to examine the extent of exploitation and socio- economic background of child labour found that 565 of the respondents had to work for 15 to 18 hours per day for earning their livelihood 44% for 10 – 15 hours per day. As for as payment of wages, 815 of the respondents were receiving up to Rs.50/- per month, while only 35 respondents received more than Rs 100/- per month.

The study by Weiner (1990) reveals that, historically in our country child labour has been seen as an economic phenomenon. As per his study the relationship between children and work is dictated to a great extent by the state of economic development or the system of production prevalent in the country. Another survey conducted by Vemuri and Anand (1998), reveals that child labour contributes to over 20 percent of GNP in India.

The child labour continues to be a reality in almost all parts of the world. Although, the number of children working throughout the world is unknown. It is very large indeed and unquestionably in the hundreds of millions. In recent years the child labour problem and its impact have received increased attention. Undoubtedly this increased attention is due in part to the fact that child labour often has serious social, moral, economic and demographic implications for children, households, communities, societies and the world. Therefore, the elimination or reduction of child labour has been the aim of numerous fields in different parts of the world.

Over the years, however, global consciousness about the seriousness of the problem has created several non-government organizations that are working towards the welfare of these children. The constitution of India is also committed to the protection and promotion of the welfare considerations over the economic ones. It was not surprising, therefore, that a series of committees and commissions have been appointed by the Government of India, either

specifically on the question of child labour or on labour conditions in general which give us insights into the problem and suggestions to alleviate it. These are (i) The Royal Commission on Labour (1929); (ii) The Labour Investigation Committee (1944); (iii) The National Commission on Labour (1966); (iv) Gurupadaswamy Committee on Child Labour (1966); and (v) Sanat Mehta Committee (1986) which deserves special attention.

The constitution of India includes specific provisions against the use of child labour and seeks its ultimate elimination. In India, the problem of child labour in its nature and magnitude is complex and gigantic. Millions of children are working in large number of different industries and occupations all over the country. Today, India is the home of the largest number of working children. A large number of them are found in hazardous industries such as mining and fireworks manufacturing.

The United Nations Children's Education Fund (UNICEF) states that in the World Children Report 1997 indicates even highly developed countries like the United Kingdom and the USA have a large number of children as workforce. Some 250 million children between the age group of 5-14 are working in developing countries, of which 120 million full-time and 130 million part-time. Some 61 per cent of this total (nearly 153 million) is found in Asia, 32 per cent (80 million) are in Africa and 7 per cent (17.5 million) live in Latin America. These estimates are based on a new and more accurate methodology recently tested by the International Labour Organization's Bureau of Statistics in Ghana, India, Pakistan, Senegal and Turkey.

In respect to India, (regarding child labour) occupies the top rank among the neighbouring countries in the South Asian region. According to Census of India 1991, there was 11.29 million child labour. According to a study conducted by the International Labour Organization, child labour forms 11 to 20 per cent of the workforce in the Third World countries. The study further revealed that despite efforts to eradicate child labour in the past two decades at least one hundred million children are still being exploited by the labour market. The study reveals that poverty and unemployment are twin ills that perpetuate child labour. According to it, in certain case children's earnings constitutes as much as 30 per cent or even more of the total family

earnings. Thus, poverty happens to be not only the cause of employment of child labour but also one of its results.

There is a great variation of child labour both state-wise and sector-wise. Agriculture and allied activities account for more than 80 per cent of the total working children, half of them working as agricultural labourers and the other half engaged as cultivators and plantations, livestock, forestry, fishing, hunting etc., and the remaining 20 per cent engaged in manufacturing, processing, servicing and communications. The table shows the state-wise break-up of the labourers (0-14) as per 1991 Census.

According to Census state-wise figures reveals that Andhra Pradesh topped the first followed by Uttar Pradesh, Madhya Pradesh, Maharashtra, and Karnataka.

CAUSES OF CHILD LABOUR

Child labour is a socio-economic phenomenon. The socio-economic backwardness followed by poverty, illiteracy, unemployment, demographic expansion, deep social prejudices and above all the Government apathy are commonly considered as the most prominent causative factors for large-scale employment of children. It has been officially stated that "child labour is no longer a medium of economic exploitation but is necessitated by economic necessity of the parents and in many cases that of the child himself." Gangrade (1978) believes that child labour is a product of such factors as customs, traditional attitude, lack of school or reluctance of parents to send their children to school, urbanization, industrialization, migration and so on.

In addition to the above mentioned factors responsible for child labour, there are several other causes too. Firstly, the provisions of the protective labour legislations are lopsided and do not cover agriculture and small-scale industries. Secondly, the enforcing machineries, which are provided by the state governments, are inadequate almost everywhere and fail to check up on child labour.

The children are mostly silent listeners or non-listeners of the policies / programmes meant for them and hence, their problems are not properly realized, for which nobody pays serious attention to their plights and the safeguards extended for the prevention of child labour are

Table 1: The state-wise distribution of child workers (10-14) age group according to 1971, 1981 and 1991 Census

S No.	State / Union Territorie	Child workers in the age group of 0-14 (millions)				
		1971	1981	1991		
				Main child workers	Marginal child workers	Total child workers
1	Andhra Pradesh	1,627,492	1,951,312	1,537,293	124,647	1,661,940
2	Assam	239,349*	**	259,953	67,645	327,598
3	Bihar	1,059,359	1,101,764	795,444	146,801	942,245
4	Gujarat	518,061	616,913	373,027	150,558	523,585
5	Haryana	137,826	194,189	89,030	20,661	109,691
6	Himachal Pradesh	71,384	99,624	30,771	25,667	56,438
7	Jammu & Kashmir	70,384	258,437	0		
8	Karnataka	808,719	1,131,530	818,159	158,088	976,247
9	Kerala	111,801	92,854	28,590	6,210	34,800
10	Madhya Pradesh	1,112,319	1,698,597	997,940	354,623	1,352,563
11	Maharashtra	988,357	1,557,756	805,847	262,571	1,068,418
12	Manipur	16,380	20,217	13,478	3,015	16,493
13	Meghalaya	30,440	44,916	30,730	3,903	34,633
14	Nagaland	13,726	16,235	16,106	370	16,476
15	Orissa	492,477	702,293	325,250	127,144	452,394
16	Punjab	232,774	216,939	132,414	10,454	142,868
17	Rajasthan	587,389	819,605	490,522	283,677	774,199
18	Sikkim	15,661	8,561	5,254	344	5,598
19	Tamil Nadu	713,305	975,055	523,125	56,764	578,889
20	Tripura	17,490	24,204	13,506	2,972	16,478
21	Uttar Pradesh	1,326,726	1,434,675	1,145,087	264,999	1,410,086
22	West Bengal	511,443	605,263	593,387	118,304	711,691
23	Andaman & Nicobar Island	572	1,309	758	507	1,265
24	Arunachal Pradesh	17,925	17,950	11,632	763	12,395
25	Chandigarh	1,086	1,986	1,839	31	1,870
26	Dadra & Nagar Haveli	3,102	3,615	2,677	1,739	4,416
27	Delhi	17,120	25,717	26,670	681	27,351
28	Daman and Diu	7,391	9,378	741	200	941
29	Goa	3,938	718	4,656		
30	Lakshadweep	97	56	17	17	34
31	Mizoram	***	6,314	6,391	10,020	16,411
32	Pondicherry	3,725	3,606	2,565	115	2,680
Total		10,753,985	13,640,870	9,082,141	2,203,208	11,285,349

not implemented effectively.

CHILD LABOUR POLICIES

National Authority on the Elimination of Child Labour (NAECL) established by the Government of India in September, 1994 with Minister of State for Labour as Chairman and nine secretaries to the Government of India as members with the Secretary, Ministry of Labour working as the Member-Secretary of NAECL was a major initiative of the Government of India to orchestrate its policies dealing with the elimination of child labour. In view of its paramount concern for the elimination of child labour from hazardous industries and activities culminating in the then Prime Minister of India, Sri P.V.Narasimha Rao, promising to have this component eliminated within a grossly unrealistic time-frame of only

five years. This has been restricted the focus of NAECL to a small subset of child labour in India. ILO (1996) *targeting the intolerable* and its proposed convention to be adopted in 1990 have again restricted itself to the so-called hazardous and intolerable forms of child labour.

UNICEF's views on child development and child labour, as can be inferred from UNICEF (1994, 1995, 1996, 1997) is somewhat broader than that of the narrowly targeted child labour policies of the Government of India. It out to deal with child labour as part of broader concerns of child development with a major emphasis on primary and middle school education and poverty reduction.

A number of initiatives and programmes have been undertaken in India over the last decade. The formulation of a New National Child Labour Policy, the enactment of the Child Labour

(Prohibition and Regulation) Act 1986, the setting up of a Task Force on Child Labour, the adoption of the Convention on the Rights of the Child and so on have all formed a part of this process. Corresponding initiatives were taken in the related area of Education where a New Education Policy was formulated, which incorporated a separate component for working children.

CONCLUSION AND POLICY IMPLICATIONS

A child labour policy, which defines the target group in the true spirit of Article 32. All non-school going children are child labourers in one form or the other. Agricultural child labour constitutes the core of the problem. Without tackling this issue, the more emotive issue of child labour in hazardous occupations cannot be handled.

Compulsory education has historically been one of the most effective instruments for eliminating child labour in practice. It is evident that children in school are less likely to be in full-time or close to full-time employment or work. Conversely, who are not obliged to attend school or who realistically do not have access to education have little alternative to working or falling into begging, delinquency or worse.

Child labour policies and education policies have to be formulated and be operated in tandem and not independent of each other. The relation between education and child work is complex, however, and seemingly obvious solutions may not always work. Shortcomings in the public education system can and do actually encourage the flow of children into work place. At the very least, schools must be available, accessible and affordable and as far as possible free.

In the context of child labour it is important to emphasise that policies relating to population, education (primary and middle school education) investment, trade and labour productivity influence every aspect of economic growth as well as child labour. Therefore, adopts a more positive attitude towards child labour, parents do want their children to be educated and poverty as a limiting factor is highly over-rated. Recognise the fact that even today there are 'poor' parents sending their children to school instead of work. Motivation and availability of infrastructure rather than poverty are the key factors.

Realised the NFE cannot be a solution to

either the problem of illiteracy of child labour. It is at best a temporary solution, which has no relevance unless simultaneously backed by adequate strengthening of the formal education structure.

Efforts of the Government of India in establishing a National Authority for the Elimination of Child Labour created machinery for coordination among nine major ministries of the federal government are important steps in the right direction. However, the fragmentary nature of our approach to different facets of child welfare, rural education, rural development and child labour policies at the local level needs to be recognized and machinery for a coordinated effort at the village level has to be put in place. Without such a coordinated effort, we cannot successfully deal with the issue of child development of which labour is a part.

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