

CSD Working Paper Series – 009/03

Elimination of Child Labour — A Myth or Pragmatic Reality ?

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Elimination of Child Labour — A Myth or Pragmatic Reality ?

Dr. S. Vijaya Kumar*

Introduction

Child Labour is one of the demonstrated social problem attracted International agencies, governments, activists and NGOs worldwide. India with its population explosion experiencing the outcomes associated with the consequences of child labour. It might be shocking but surprising harsh realities are - In India child labour contributes to 20 per cent of the National Product (GNP) which subsidizes higher education for privileged children. Further India cannot find jobs for 60 million adults but can find space for 111 million-child labour. These facts have to be realized and considered while addressing the problem of child labour. Having child labour in one way or the other affects the healthy growth of human capital. This in turn will have its own influence on potential human resources development within the country.

This paper examines the existing child labour scenario and the role of social partners in addressing the problem and gives scope for further debate to find practical policy solutions for certain questions which are always taking lead in the brainstorming workshops nation wide on elimination of child labour. Some of the questions – Is it possible to eliminate existing child labour for their present jobs? Whether the existing policies, strategies and activities adopted by the social partners are enough adequate to address the issue effectively? Is

* Author acknowledged the support provided by the Council for Social Development, Hyderabad, CEASE Child Labour Office and ILO – IPEC, Hyderabad. The author indebted to Prof. Mukul Asher, National University of Singapore, Singapore, Dr. Irudaya Rajan, Centre for Development Studies, Trivandrum, Dr. Pundrik Mukhopadaya, Macquarie University, Sydney, Mr. Krishna Murthy Naidu, Focul Point, NHRD, and Mr. C. S. Reddy, CEASE Child Labour Office and Dr. Srinivas Reddy, ILO – IPEC, New Delhi for their valuable discussions on the subject that lead to the drafting of this working paper.

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it necessary to reform the existing social policy on the issue? If so what are the suggestions? In analyzing such practical solutions is it necessary to study the social policies of other developing countries that are facing similar problem but doing better than India? Debate on these issues will hopefully lead to formulate better social policy.

Review based discussion

Who is Child Labour?

Conventionally, *a working child is defined as a child in the age of 5 to 14 years who is doing labour, either paid or unpaid.* This is the most common definition adopted while addressing the issues related to child labour.

Any work by children that interferes with their full physical development, the opportunities for a desirable minimum of education and their needed recreation is called child labour (Stein & Davis 1940). According to all Indian Child Labour Sample Survey commissioned by the Ministry of Labour (1980 – 81) – that child who...falling with in the five to fifteen age bracket...is at enumerated work, may be paid or unpaid, and busy any hour of the day within or outside the family – is called child labour.

Putting one step ahead *Andhra Pradesh Government defined child labour as all children below the age of 15 who are out of school.* It is also largely in congruence with the objective of the ILO Minimum Age Convention No. 130 of 1973, which prescribes that no child below the age of schooling shall be allowed to work in any manner that interferes with fullest physical and mental development of the child (Kompier & Joseph 2003).

The Government of India bases its statistics of Child Labour on the definition used by the Census and Sample Surveys. Work, in the instruction manuals to the Census – enumerators, is to be understood as “Participation in any economically productive activity” (Census of India 1981, Vol. 22, Part IV A. 13). This definition includes children working inside the household and children working in self-employment.

In this way several definitions exists but except the one adopted by Andhra Pradesh government the rest are having common parameters. What ever the definition my be the *world is hosting around 120 million child labour between the age of 5 and 14 in formal economy* (ILO 2000). Of these 61 per cent are in Asia, 32 percent in Africa and 7 per cent in Latin America.

Child Labour Statistics - Indian Situation

India society is characterized with agrarian culture where 70 per cent of the population ekes their livelihoods on agriculture and allied activities. Hence, according to the 1991 census, around *42 per cent of the child labour engaged in agriculture, animal husbandry and fishing*. The NSS 50th round (1993 – 94) also provide similar data on child labour. The urban sector is hosting 5.5 per cent of the total number of child labour.

The official statistics speaks that during 1991, 46 per cent of the rural child labour were engaged as agricultural laborer. Nearly 2.4 per cent of the officially registered working children were engaged in household industry (generally a manufacturing unit conducted by a family member) and about 4.7 per cent worked in other manufacturing units. Further construction industry is having 0.7 per cent and mining industry is having 0.22 per cent of the child labour (Lieten 2002).

Besides Census department and NSSO several other agencies also attempted to enumerate the statistics of child labour. For instance, ILO (1997) projects that during the year 2000 there will be 13,157,000 economically active children of which 5,992,000 girls and 7,165,000 boys between the age of 10 – 14 representing 12.07 per cent of this age group.

Based on the number of non – school going children and families living in destitution, CACL (1999) estimates that there are between 70 to 80 million child labourers in India. Unofficial child labour estimates are as high as 111 million, which is slightly equivalent to the number of “out – of – school” children (US 1998).

The US department of State in its Country Report on Human Rights Practices (2000) says that - interpolation of census figures by the V V Giri National Labour Institute indicates that out of 203 million children between the age of 5 and 14, 116 million are in school, 12.6 million are in full – time employment and the status of 74 million is unknown. Most if not all, of the 87 million children, not in school, do housework, work on family farms, work alongside their parents as paid agricultural labourers, work as domestic servants, or are otherwise employed. In other words such nowhere children are potential child labourers and are assumed to be staying home

from school so that they can take over some of the household duties are they themselves enter into labour market.

One important observation from the Country Reports on Human Rights (US 2000) is that in the Carpet industry alone 300,000 are children working and many of them under conditions that amount to bonded labour. The same report estimated that 40 million persons, including 15-million child labour, are bonded labourers. This report further says that the majority of bonded labourers are Dalits, and that bondage is passed from one generation to the next.

The Government of India acknowledges 17.5 million working children and ILO – IPEC (1992) estimates between 17 to 44 million of which 80 per cent are in agriculture sector. The government established Commission on Labour Standard (1994) found the number of child labourers in 1993 to be 25 million and growing at 4 per cent each year.

Estimates of number of working children in India vary greatly, and as a result there is some debate over the accuracy of figures. The Government of India mentions that the only reliable statistics on child labour are those of the national census. India's 1991 national census found that 11.28 million children are working. The 2001 statistics on child labour have not yet been released, but the 55th round survey of NSS conducted in 1999 – 2000 estimated that the number had declined to 10.4 million [World Bank, 2002]. These official figures notwithstanding, a discrepancy regarding "nowhere children" remains. About half of all children ages 5 to 14 are not enrolled in schools [approximately 105 million children], yet do not appear in the official child labour force statistics. These children are called "nowhere children". Due to high correlation that nowhere children have with child labour, many analysts and relief workers believe that 44 – 55 million working children is a more accurate figure. In 2000, the Chamber of Commerce and Industry [CCI] estimated child labour in the organized, unorganized and household sectors to be over 200 million [see US Department of Labour 2003].

This is the overall scenario and coming to the comparison between the States, as per 1991 census the level of child labour varied from 0.6 per cent in Kerala to 12.5 per cent in Andhra Pradesh. Table - 1 shows the incidence of child labour across the Indian states.

TABLE 1
Incidence of Child Labour across Indian States

States	NSS (1999-2000 Principal and Subsidiary Occupations)			Census (1991)
	5 to 9 (Rural)	10 to 14 (Rural)	10 to 14 (Urban)	
Andhra Pradesh	2.7	25.1	0.7	12.5
Assam	0.4	4.6	0.8	5.7
Bihar	0.2	5.0	0.3	4.3
Gujarat	0.7	11.6	0.4	7.1
Haryana	0.1	2.6	0.2	3.0
Himachal Pradesh	0.6	8.1	0.2	4.8
Karnataka	1.1	15.2	0.6	11.1
Kerala	0	0.7	0	0.6
Madhya Pradesh	0.3	10.6	0.3	9.9
Maharashtra	0.8	8.5	0.2	8.1
Orissa	0.4	9.0	0.2	8.5
Punjab	0.5	5.5	0.4	3.6
Rajasthan	2.5	16.7	0.5	7.8
Tamilnadu	0.4	8.6	0.5	5.9
Uttar Pradesh	0.2	6.4	0.6	4.2
West Bengal	0.4	8.8	0.6	4.8
India	0.7	9.3	0.4	6.4

Source : NSS Report No. 458.

Significant observation from this table is nearly *half of the total child labour in rural India was concentrated in Andhra Pradesh, Karnataka, Maharashtra, Madhya Pradesh and Tamil Nadu*. In general the assumption is that where poverty prevails at high rate, child labour do exists at highest rate. But surprisingly in the States where poverty is comparatively less child labour are more. For instance Andhra Pradesh, Karnataka and Maharashtra states are having high per capita state domestic product and at the same time having highest incidence of child labour.

Work Participation Rates

Based on the statistics available in 1991 census report, 20 districts with highest child labour participation rate has been computed and accordingly ranked by Chaudhri (2002). These 20 districts were labeled as worst performing districts in India. As per the data in Table 2, highest child labour participation rate -15.2 per cent was reported in Jhabua district of Madhya Pradesh. The worst performing districts are more in number in Andhra Pradesh, Madhya Pradesh, and Karnataka. The child labour participation rates in these districts are 2 – 3 times more than that of All – Indian average of 4.3 per cent.

TABLE 2
Ranking the 20 Worst Performing Districts on the basis of
Child Labour [5 to 14 years] Participation Rate

Ranks	District	State	Main workers participation rates	Marginal workers participation rates	Per cent in schools	Per cent of nowhere children
1	Jhabua	Madhya Pradesh	15.2	10.3	28.7	45.8
2	Bellari	Karnataka	14.3	1.5	52.0	32.2
3	Mahbubnagar	Andhra Pradesh	14.0	0.6	39.2	46.2
4	Kurnool	Andhra Pradesh	13.5	0.5	44.8	41.3
5	Bastar	Madhya Pradesh	13.4	4.3	38.0	44.3
6	Raichur	Karnataka	12.8	1.1	40.6	45.6
7	Mon	Nagaland	12.7	0.0	44.7	42.6
8	Betul	Madhya Pradesh	11.2	2.6	62.4	23.8
9	Guntur	Andhra Pradesh	11.2	0.8	56.6	31.4
10	Karimnagar	Andhra Pradesh	11.2	0.6	57.1	31.1
11	Vizianagaram	Andhra Pradesh	11.1	1.4	49.7	37.7
12	Nizamabad	Andhra Pradesh	10.7	0.6	46.9	41.8
13	Khammam	Andhra Pradesh	10.5	0.9	52.8	35.8
14	Medak	Andhra Pradesh	10.4	0.5	43.2	45.9
15	Tawang	Arunachal Pradesh	10.2	0.4	42.6	46.8
16	Anantapur	Andhra Pradesh	10.2	1.0	50.3	38.5
17	Gulbarga	Karnataka	10.1	1.2	46.5	42.3
18	West Nimar	Madhya Pradesh	9.8	2.8	40.5	46.8
19	Prakasam	Andhra Pradesh	9.7	0.8	52.8	36.7
20	Jaintia Hills	Meghalaya	9.7	0.8	37.7	51.8
	All – India Average		4.3	1.0	50.7	44.0

Ranked according to 1991 total child labour participation rates.

Source – computed from Census of India 1991.

Why Child Labour ?

To the common man the immediate striking answer is poverty. Government of India's Report on Child Labour (1979) also concluded that poverty was the primary cause behind the child labour. Some of the scholars, for instance Sharma *et al.*, (1993) found that 97 per cent of the children came to carpet weaving in Kashmir due to poverty. Some other scholars like Iftikhar (1999) argues that child labour are associated with inequalities in the society and not with poverty. In this way a debatable arguments continues within the scholars, activists and governments. Synthesizing the research outputs of Iftikhar (1999), Weiner (1991), Dyson (1991), Sharma (1993), Pichholiya (1980) and Lieten (2000) the following reasons could be put forward as the major causes behind child labour.

- Poverty and Deprivation of wants
- Illiteracy and Ignorance
- High fertility rate and larger family size
- Unemployment
- Lack of productive assets
- Inaccessible and unaffordable basic services
- Vested interests of employers
- Caste and Culture
- Urbanization
- State Government Policies
- Traditional occupations and parental attitudes
- School drop out rate
- Lack of food security and Migration

Study conducted by Amardeep Kaur (2003) suggests that chronic poverty and high birth rate are not the main causes of incidence of child labour. Experiences of Sri Lanka, Zambia reveals that expanded mass education reduced the number of children entering into labour forces. Though having low per capita income and widespread poverty countries like China, Indonesia and Taiwan introduced compulsory education. In other words child labour and compulsory education cannot co-exist and hence this could be the best model for India to introduce. On these lines Kerala and Himachal Pradesh experimented and achieved visible results.

But the scenario of the primary education system in India is very poor. Lieten (2000) in his study in Uttar Pradesh finds that poor parents want to send children to school but schooling is constrained by limited availability of facilities rather than poverty. Thus nearly half of children who enter first grade drop out by the fifth grade and most of them are likely to become child labourers.

Even after five decades of Independence it is unfortunate to say that caste also determines the status of child in the society. Studies have proved that majority of the children who are employed belong to the scheduled castes and scheduled tribes. For instance, Pichholiya (1980) study in Ahmedabad found that most of the working children hail from scheduled castes, scheduled tribes and Muslim communities. Vasanthi Raman (1997) found that these minority populations constitute the bulk of the small and marginal peasantry, landless agricultural labourers and artisan groups. These, in short are the poor of India and it is from the families and communities of the poor that child labourers come. It is therefore, not accidental that studies of many of the industries where there is a substantial presence of child labour shows that the overwhelming majority of the children working in these industries come from SC, ST, OBC and Muslim communities.

Vasanthi Raman further argues that the communities, which supply the bulk of India's child labourers, are the victims of a social system which is characterized by unequal access to the principal productive resources and assets. The agrarian structure is still by and large characterized by extreme inequalities, with a small handful of land owners owning and controlling most of the land, and the vast majority of small and marginal peasantry operating small and un-economic land holdings, forced to turn to agricultural and non-agricultural labourers. This resulted in large-scale migration and child labour.

Besides, unemployment among elders, urbanization and state government expenditure policy on social services are also contributing factors to the child labour in India. All these studies are concluding that social, cultural and economic poverty influencing the poor families and forcing their children into labour markets.

Child Poverty

During Beveridge lecture (1999) Tony Blair said – “our history aim will be for ours to be the first generation to end child poverty and it will take a generation. It is a twenty years mission but I believe it can be done”. Such political will can lead to effective policy making and implementation. Particularly in Britain, Child Poverty Action Group is fighting against childhood deprivation by bringing pressures on policy makers. Unfortunately in India we don't have such pressure group exclusively working on child poverty. Further there is no reliable data that focuses on Child Poverty in India.

Specifically child poverty can be determined by certain basic parameters such as malnutrition, no schooling, neglected parental care, single parent, large family, family on means – tested benefits, abuse, physical desirability and neglected child rights policy by the state. These parameters are mostly outcomes of poverty. Because of their greater needs and dependency, children are far more vulnerable to the effects of poverty and thus run much more risk of experiencing the most harmful consequences such as severe under-nourishment leading some times even to death (Seure 2002); illiteracy that hinders mental maturity and poor health and several forms of exploitation, including child labour, leads to unhealthy human capital.

Hill and Tisdall (1997) in their study highlighted few factors that are correlated with child poverty – poor health, poor cognitive development, low self esteem, poor education and lack of literacy and numeracy skills, poor employment prospects, behavioural problems, truancy, offending, drug and alcohol use, child abuse and neglect, experience of domestic violence, poor housing conditions, homelessness and parent becoming a lone parent.

Poverty therefore reduces children's abilities to participate in consumption, and their consequent exclusion from participation is a crucial aspect of contemporary society. Thus Karen Rowlingson (2001) argues that the problem of child poverty is often seen in terms of its effects on individual children. It is also seen to be an issue about the long term future of society. If we consider children an investment in the future – poor children are therefore seen as poor investments in the future. Another perspective is to consider the indirect social effects of the consequence of child poverty.

For instance if child poverty eventually leads to love parenthood and unemployment, other member of society will have to pay higher tax towards the benefits for these groups. Thus according to Karen the consequences of child poverty touch us all.

While examining the child labour and poverty, it is essential to define poverty not only as an economic state in which a lack of income or consumption prevails, but also as lack of access to health, education and other services or inaccessible basic needs including those provided socially (Townsend 1993). Broadly speaking poverty breeds the population and population growth in turn patronizes poverty.

In this cycle poverty and deprivation in all their dimensions have to be shared by population of all ages irrespective of caste, class and religion. In this context some groups are more vulnerable and experiences poverty with various intensities.

Here it is important to recall the words told by Mac Pherson (1960) in his presentation on Preamble to the Children Act India – “Children are the most vulnerable group in any population and in need of the greatest social care – the state has the duty of according proper care and protection to children at all times, as it is on their physical and mental well-being that the future of the nation depends”.

Child labour at risk – some realities

A common attitude towards child labour in India is to *accept it as an unavoidable consequence of poverty*. In other words given the low quality and implied cost of the education services available to the poor, many parents, having them worked as child labour, tend to consider an early entry into the labour market, rather than schooling, as the best way to equip their children with skills useful for their future as adults. Some of the existing facts are –

Mirzapur: Children are kidnapped, tortured and forced to work in sub-human conditions in the carpet industry of Mirzapur. A survey ordered by the Supreme Court found that 41 per cent of the Carpet Weavers in Uttar Pradesh are under the age of 14 years. Of this 48 per cent received no wages, but only food. The rest get Rs. 5/- to Rs. 10/- per day. The kind

of work they do causes eye problems, skin problems, asthma, TB, filaria and enlarged lymph glands.

Surat: The diamond cutting units based at Surat employing about two lakh workers of whom 15 per cent are children. They live and work in poorly ventilated factory premises for 12 to 15 hours per day and earn Rs. 15/- to Rs. 25/- day on an average as wages. Health hazards like eye strain, headache, TB, skin diseases, viral and urinary infections are more common rewards for them.

Sivakashi: Production of matches and fireworks are entirely non-mechanical. About 50,000 children below 15 years of age work in this sector. Here working environment is more hazardous to the child labour. For instance, between 3 a.m. and 5 a.m. children are woken up and about 22 hundred children are put in a bus and taken to factories and they return between 6 p.m. to 9 p.m. Most children are below 7 years of age and girls outnumber boys (3 to 1 ratio). The wages they get ranges from Rs. 10/- to 15/- per day. More importantly TB, urinary infections, lung cancer, skin diseases are commonly found health hazards here.

Dahance: In balloon factories children work for 9 hours a day in the atmosphere with a thick pall of dust and chemicals filling the small poorly ventilated rooms. In return they have pneumonia, breathlessness and heart failures.

Ferozabad: About 40,000 children below the age group of 14 years are working 10 to 15 hours per day and receiving Rs. 10/- to Rs. 20/-. They are not paid any extra incentives for overtime work. It takes only 3 to 4 years to destroy their lungs and one-third reduced their life span, as they are exposed to 1300 degree Celsius heat every day. This leads to cancer, anemia, retardation of growth, muscle cramps and respiratory ailments.

Biwandi: Nearly 15,000 children are working in the power loom industries. The cotton dust causes fibrosis of the tissues in the lungs resulted in TB and lung cancer.

Markapur: Slate industry where children work for longer hours. The nature of work they do (cutting slates) causes lung diseases worse than TB and most of them generally choke to death.

Hyderabad: In slaughter houses and leather tanneries children in the age group of 10 to 14 years are working. Their main role is to clean the skin of slaughtered animals with salt and water and also have to help the adult worker in processing the skins with chemicals. These activities are causing health hazards to the children. Out of this work they earn Rs. 10/- per day.

Besides, a larger number of children work in hazardous industries, such as carpet weaving in Jammu and Kashmir, pottery in Khujra, gem polishing in Jaipur, Lock industry in Aligarh, Mines in Meghalaya, stone quarries in Mandsaur, Markapur, Hosiery in Tripura, fishing in Kerala and handlooms in Trivandrum. Children who work in most of these sectors inhale ammonia, acetic acid fumes and French chalk for more than 8 hours a day for 6 days a week. Inhalation of such acids burns the respiratory system and causes pneumonia, broncho-pneumonia, cough, breathlessness and even heart failure / cardiac arrest.

Elimination of Child Labour

“Elimination of Child Labour by 2004” is another political slogan which is practically impossible at present scenario. If the governments have strong political will they would have improved or reformed the existing legislations (ban child labour) more effectively. Thus in course of time this problem might have disappeared. But whatever measures taken so far on this issue is mostly ad hoc in nature. Now the magnitude of the problem has reached at the level where the existing solutions cannot give intended results. Hence it is essential to search for new solutions and strategies.

Institutional Response to the Issue

Central and State Governments, ILO and other International agencies, UNICEF and other similar donor agencies, Trade Unions, NGOs, Social Activists, Community, Family and Child Labour are the major social partners in the program of elimination of child labour.

Child and Labour Laws

Recognizing the magnitude and issues related to Child Labour, Government of India has initiated and implemented several protective measures. Indian

Constitution speaks volumes on how to regulate the society and thereby authorized the government with regulatory powers. In this process to protect the children from exploitation provisions were made under Article 24, 39 and 45. At the same time Indian government also adopted Article 24, 28 and 32 under the United Nations Convention on Rights of the Child.

In this direction the first step has been taken during 1881 when Indian Factories Act 1881 was passed. This Act provided protection to children employed in factories by fixing minimum age [9 to 14 years] of employment and 9 hours of work. Later on it was amended several times and the present Factories Act 1948 defines child as a person who has not completed "15 years" of age [section 2c] and prohibits the employment of children in a factory [section 67]. Contradictory to this, the same Act facilitates the employment of children less than 15 years through Section 71, which says – no child shall be employed or permitted to work in any factory for more than four and a half hours in any day. Section 73 says that the managers of every factory in which children are employed should maintain a register of child workers. The Minimum Wage Act 1948 also supports the same procedure.

The Mine Act, 1952 [section 45], The Merchant Shipping Act, 1958 [109], and Motor Transport Workers Act, 1961 [section 21] prohibits employment of children under the age of 15 years. However, though Merchant Shipping Act prohibits child employment but giving scope for such employment if the family members of the children are employed in the ship.

The Beedi and Cigar Workers [condition of employment] Act 1966 through Section 24 prohibits the employment of children by saying "no child shall be required or allowed to work in any "industrial premises". Since beedi manufacturing mostly done by women and requires no machinery equipment the employers have made it as unorganized work through contracting system. Studs carried out by Vijaya Kumar [2001, 2003], Jhabavala [2000] Rajesekhar [2001] and Meena Gopal [1999] concludes that no child is employed in " industrial premises" of beedi manufacturing. However the data in the same studies speaks about girl child labour that are extensively involved in home based beedi manufacturing. The law itself has given scope to employer of beedi industry to employ child labour indirectly in the process.

Bonded Labour System [Abolition] Act, 1976 through Section 4 abolished bonded labour system and accordingly no person shall compel any person to render any bonded labour or other form of forced labour. However Human Rights Watch 1996 confirms that there are bonded child labour in India. Anti – Slavery International reported in 1991 that India had fifteen million bonded child labourers working in agriculture alone. The magnitude of children in bondage could be found in the Industries with specialized products - Handwoven Wool Carpets, Beedi, Silver, Synthetic Gemstones, Silk, Leather and Agriculture.

More importantly the Child Labour [Prohibition and Regulation] Act was enacted in 1986 to prevent employing children. It was the culmination of Gurupadaswamy Committee and Central Advisory Board on Child Labour recommendations. Some of these recommendations further wetted by the Child Labour Technical Advisory Committee (Bupinder Zutshi et al, 2002). However, unfortunately it does not prohibit child labour per se, nor does it set a minimum age for the employment of children. Instead, it regulates the hours and conditions of work for child labours, while prohibiting the employment of children in twenty-five hazardous industries. Three of the enumerated hazardous industries – beedi industry, carpet weaving, and cloth printing; dyeing and weaving rely heavily on bonded labour and were included in the Human Rights Watch investigation. Implementation of the regulatory provisions of the act require each state to formulate an act-specific set of rules and regulations; the majority of states have not done so as of 1996, ten years after passage of the act [see Human Rights Watch – The Small Hands of Slavery 1996].

Such loopholes in these Acts are giving scope to the employers to violate the law and hence child labour remains as child labour without any rehabilitative measures.

During August 1974 government has adopted National Policy for Children and in 1975 a National Children's Board has been established to sensitize the society on the issue and promote the welfare of children. In 1979 Gurupadaswamy Committee on Child Labour came out with a distinction between Child Labour and the exploitation of Child Labour. This Committee has pointed out – Labour becomes an absolute evil in the case of the 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 are dangerous to health and safety.

Interestingly this Committee did not suggest the total abolition of employment of child in Industrial establishments, but emphasized overall development of child including his / her education, health and employment in industries. It also suggested constituting a special Central Advisory Board on Child Labour to review existing legislation.

A Child labour cell, established in 1979, is now a part of the Labour Ministry formulates, coordinates and implements policies and programs for the welfare of the child labour. This cell has financed four major projects – Agricultural Child Labour near Aurangabad, Maharashtra (Indian Institute of Rural Workers), Urban Child workers in Calcutta (Institute of Psychological and Education Research), Child Workers in Ahmedabad (Self-Employed Women's Association) and Rag-picker Children in Bangalore (Karnataka State Council for Child Welfare).

National Policy of Education 1986 suggested the establishment of non-formal education (NFE) Centres to supplement the formal education schemes. It also recommended that the required funds could also generate from the National Rural Employment Programme (NREP) and the Rural Landless Employment Generation Program (NLEGP) on priority basis to create infrastructure for NFE Centres. The State Governments were advised to intensify medical inspection of children in child labour prone areas including NFE centres.

Consequently National Child Labour Project (NCCP) came into existence and it has identified 10 areas with high incidence of child labour in hazardous industries such as Match industry of Sivakasi (Tamilnadu), Diamond polishing industry of Surat (Gujarat) and Slate industry in Markapur (Andhra Pradesh). As on June 2000, Government of India is implementing NCLP in 93 districts.

In September 1994, government has constituted a National Authority for Elimination of Child Labour (NAECL), which adopted a scheme on Identification, Release and Rehabilitation of Child Labour.

Supreme Court

Besides, Supreme Court in its judgment dated December 10th 1996 (Ref. Writ Petition – Civil No. 465/1986) Court has given certain directions regarding the manner in which the children working in the hazardous occupations are to be withdrawn from work and rehabilitated as also the manner in which the working conditions of the children working in non-hazardous occupations are to be regulated and improved upon.

Further the important direction given in this judgment include completion of the survey of children working in hazardous employments within a period of six months, payment of compensation amounting to Rs. 20,000/- by the offending employer for every child employed in contravention of the provisions of the Act, giving alternative employment to an adult member of the child withdrawn from the hazardous occupation or payment of an amount of Rs. 5,000/- for each child employed in hazardous employment by the appropriate Government, payment of interest on the Corpus of Rs. 25,000/- (Rs. 20,000/- to be paid by the employer and Rs. 5,000/- to be contributed by the appropriate government) to the family of the child withdrawn from work, provision of education in a suitable institution for the child withdrawn from work and constitution of a separate cell in the Labour department the appropriate Government for the purpose of monitoring.

In a related Judgment on May 7th 1997, the Supreme Court in Writ Petition Civil No. 12125/84 and 11643/85 has also given a number of directions on the identification, release and rehabilitation of child labour.

Role of Non-Government Organizations

In the recent past NGOs have proved their capabilities in the development of the society. They came out with historical achievements in the field of socio-economic developments. Reacting to the issue of servitude conditions of child labour, 410 NGOs, Human Rights Organizations, Trade Unions and Child Rights Groups from South Asia came together and formulated South Asian Coalition on Child Servitude (SACCS) in 1989 to protect the neglected child labour under conditions of bondage and servitude and to promote primary education to such children. Primarily SACCS is working

with police, government and judiciary departments. Its sister concern Bachpan Bachao Andholan (Save Children) has set up a transitory rehabilitation cum vocation training centre at New Delhi in 1991.

Besides, several NGOs at grass root level are also working towards the elimination and rehabilitation of child labour from formal economy.

International Donor Agencies

By and large Child Labour exists both in developed and developing countries. Sensitized with this problem several donor agencies focused their attention on elimination and rehabilitation of child labour. Of such donor agencies Terra Das Hommes, Bread for World, Rugmark Foundation, Care and Fair, Misesior (German based), Christian Aid, Anti Slavery – International and Project Mala (UK based), Asian American Free Labour Institute, Child Labour Coalition and International Labour Rights Education and Research Foundation, National Consumer League (US based) and Radda Barmer BLLF (Sweden based) are some of the pioneering agencies supporting several action projects on child labour.

International Labour Organization (ILO)

ILO initiated two parallel programs to build financial and human capacity of government and NGOs to work on this issue. Child Labor Action Support Program (CLASP) sponsored by the Government of Germany is mainly supporting ongoing activities under National Policy on Child Labour.

Besides, in 1992 ILO has launched International Program on the Elimination of Child Labour (IPEC) to strengthen the activities of member countries related to elimination of child labour. This program mainly focused on ILO Convention No. 138: minimum age for admission to employment. This particular action program presently exists in some of the states [eg. Andhra Pradesh] and its main focus is on – setting up of non-formal education centres for working children; teaching low level vocational skills along with basic curriculum; supporting nutritional and health care; organizing awareness raising project for the children; their parents and community and employers; elicit community support and involvement for sustainability of welfare programs. ILO further focuses on Convention 182: prohibition of worst forms of child labour and child right convention.

UNICEF

Another International Organization primarily concern on Protecting and Promoting Rights of Child. Most of its programs focused on health, nutrition and well being of mother and child and their main thrust is ensuring survival rights of children. Besides, promote compulsory primary education; advocate revision and enforcement of legislation to prohibit child labour, particularly in hazardous industries and strengthen alliance between NGOs, media, industry and legal set up for social mobilization in support of elimination of child labour.

All these social partners are, for decades, putting their best efforts to eliminate child labour. However the results are showing mixed picture. This could be because of our mismatched policies, lack of proper coordination between the social partners, different priorities with different strategies and approaches, and defective implementation procedures.

Other country experiences

Think Globally and Act Locally – this is what we need now. Child labour persists in many countries including the developed countries like United States. Binding to the United Nations declaration of the Rights of the Child, each and every country engineered their own action plan and implementing mechanisms to eradicate child labour. In some countries NGOs have come out with innovate and effective rehabilitation programs for child labour. For instance –

Nepal : Underprivileged Children's Education Program in collaboration with Asian – American Free Labour Institute implemented a program for children released from carpet factories. This program includes free food, lodging and a mix of formal and non-formal education to the released child labour.

Kenya : Undugu Society runs five schools for children who earn their living collection scrap. The school operate half-days to accommodate work schedules and classes emphasize numeracy to enable children to avoid exploitation by scrap dealers.

Senegal : ENDA Tiers Monde organization in collaboration with the Ministry for Social Development executing a program to improve the self-esteem

of teenage girls working as domestics, as well as giving them professional opportunities. This program includes basic literacy and vocational training to raise their chances of obtaining better jobs, as well as counseling on health matters including AIDS.

Bangladesh : Independent Garment Workers Union opened schools for children who lost jobs in the apparel industry receive free books and hot lunches. More than two thousand young street workers have benefited from formal and non-formal education at Project Alternatives & Opportunities, which provides health care, counseling, school supplies, uniforms and, when needed, partial scholarships and nutritional supplements.

Ecuador : Foundation CISOL pays weekly stipends that approximate the earnings of a shoeshine boy, while teaching handicrafts production and ensuring the regular participation of children for this vocational schooling.

Brazil : An innovative program implemented by the Federal District pays an education grant equal to the minimum wages to poor families whose children do not miss more than two days of school per month. The School Savings Program, which also includes a savings and credit plan, has dramatically lowered the drop out rate among poor students. Brazil's widely acclaimed Projector Axe offers primary school age children remedial classes to help them enter the formal system. It also works with teenagers, teaching every thing from dance and printing techniques to remedial education, to provide "a transition from a street past to a citizen present".

Similarly Reach Up of Phillippines, Uganda's Africa Foundation and Undugu Society of Kenya, CREDA project of Uttar Pradesh, BGUS project in West Bengal, BYSC project in Bangalore, M.V. Foundation project in Andhra Pradesh are some of the best examples for rehabilitation of child labour.

All these projects are focusing on empowering the child labour by improving their basic literacy, training, them for a new trade. Providing "functional literacy" is their focused objective. Here it is important to quote UNICEF document, which says "any improvement made to education – whether by changing existing schools, by setting up creative and flexible approaches to education or by targeting working children specifically – will have a positive impact on child labour".

What Next

"Illiterate Child can never become an Artisan". It is absolutely true but do we have user-friendly schooling system? The inaccessible, inadequate and irrelevant education system is also one of the catalyst motivating parents to put their children in work. Panic but the fact found in a recent survey is that – for a population of 329 million we have five lakhs formal schools. Of which 14 per cent have no school buildings, 38 per cent have no black boards, 30 per cent have only one teacher and 58 per cent have no drinking water. As a result 70 per cent of children drop out before they enter class V. Such scenario could be one of the reasons for having 86.4 per cent child labour employed in agriculture and allied sectors in rural India.

Poverty of Resources, Poverty of Opportunities and Availability of Work are the three major factors determining the life styles of children from poor families in rural and urban areas. The prevailing scenario says that many children do not go to school because their labour is essential to supplement as well as substitute their family income. Within the family they are considered as economic assets or family insurance. As discussed earlier child labour in India contributing 23 per cent of the total family income. This situation is largely due to the prevailing economic conditions and therefore, children should be allowed to work but at the same time should be protected from abuse. This is the logical argument made in the report of the Anti – Slavery Society submitted to the Sub – Commission of the UN Human Rights Commission.

Though this could be debatable, honestly we should accept this argument. Forceful enforcement of law will throw many child labours, who are from hand to mouth sustenance families, into streets. Present legislations and rehabilitative measures could not yield desired results.

Three key elements – *Protection, Prevention & Promotion* – concept of Amartya Sen suits more appropriately to the situation. We must protect the young by preventing their entry into the labour force. At the same time protect the basic needs of existing child labour by preventing exploitation. Protect both these categories by promoting their well-being. If our planners put a thought on these lines, definitely a comprehensive plan of action could be engineered and the problems could be addressed

more effectively. This could also be debatable by looking at the existing scenario as well as the impacts of external forces such as globalization on economic conditions and social policies of the country.

Issues for consideration

To conclude, to eliminate child labour Indian government has an impressive number of laws, decrees and orders, national policies, project reports, special standing committees, commissions and recommendations. However, unfortunately all such laws and recommendations are *rarely enforced*.

In this context Commission on Labour Standards and International Trade comments that *it is not poverty which prevents India from investing more on its children, but rather the prejudices and values of those who create and implement policy in India.*

Child labour is a complex problem and one should accept the fact that eliminating child labour and mainstreaming them is a difficult task and no single partner, neither Government nor NGOs, can do this. Several socio-economic, cultural factors are associated with the problem of child labour and each one of such factor has to be considered while discussing about this issue. This requires collective action and should ensure the social partners participation together with Child Labour, Government, Political Parties, NGOs and CBOs, Industries and Corporate, and Trade Unions on Social Partnership and Cost sharing basis.

(1) Empowering the poor, particularly women in rural areas, (2) Ensuring food security to poor, (3) Addressing social exclusions, (4) Improving educational facilities and their accessibility, (5) Sensitizing the society, (6) Concentrate on functional literacy with vocational skills, (7) Accountability among the government machinery, (8) Increasing the corporate social responsibility, (9) Strengthening the Legislations and implementing them without any compromising and (10) Motivating the Media - These are some of the issues which required through debate and should be considered while planning a policy to eliminate the child labour thereby establishing child labour free society.

If the new policy is going to recognize all these issues and have its strategic issue based plan it is possible to give better future to the future children by ensuring – *survival, protection, development and participation rights of children* in the changing world.

With this I am leaving further discussion to the readers in anticipation of brainstorming that could help the policy makers. The existing scenario of elimination of child labour looks like a myth but the collective action could lead to *pragmatic reality*.

References

- Amardeep Kaur & Kuldip Kaur 2003, "Child Labour in India : Causes and Implications" in Raj Kumar Sen & Asis Das Gupta (eds) Problems of Child Labour in India, New Delhi : Deep & Deep Publications Pvt Ltd.
- Basu, K and P.H. Van 1998, "The Economics of Child Labour" American Economic Review, No. 3.
- Bupinder Zutshi, Momdira Dutta & Sudesh Nangia 2002, In the Name of Child Labour, Delhi : Shipra Publications.
- Burra, Neera 1998, Born to Work : Child Labour in India, Delhi : Oxford University Press.
- Chaudhri D.P & Wilson E.J. 2002, "Nutritional Poverty, School Education and Supply of Child Labour: Exploitations with States, Districts and Household Data for Rural India" in Nira Ramachandran & Lionel Massun (ed) "Coming to Grips with Rural Child Work : A Food Security Approach", New Delhi : Institute for Human Development.
- CACL 1999 "An Alternative Report on the Status of Child Labour in India" submitted to the UNCRE
- Commission on Labour Standards 1993 El Barometer on Human and Trade Union Rights in Education Sector, 1998, New Delhi : Ministry of Labour (GOI).
- Dak T.M (ed) 2002, "Child Labour in India, New Delhi : Serial Publications.
- Dyson, Jim 1991 "Child Labour and Fertility : An Overview, An Assessment and An Alternative Frame Work" in Ramesh Kaubargi (ed) Child Labour in the Indian Subcontinent : Dimensions and Implications, London : SAGE.
- Ganguly, Piyus 1984, Child Labour Rules Flouted with Impurity, Calcutta : The Telegraph, April 16, 1984.
- Human Rights Watch 1996, 'The Small Hands of Slavery – Bonded Child Labour in India', New York: Human Rights Watch.

- Iftikhar Ahmed 1999, Getting Rid of Child Labour, EPW, Vol. 34, No. 27.
- ILO 1997, "Economically Active Population 1950 – 2010", STAT Working Paper, Geneva : Bureau of Statistics, ILO.
- ILO – IPEC 2003 'Every Child Counts – New Global Estimates on Child Labour, Geneva. www.ilo.org/public/endlish/standards/ipec/simpoc/others/globalest.pdf.
- Indian Council for Child Welfare, 1998 'Child and Law in India' Chennai : Information, Documentation and Research Centre, Indian Council for Child Welfare Tamil Nadu.
- Jhabavala Renana, Neelam Gupta and Nita Mishra 2000, "Losing work – A study of beedi workers in India, New Delhi : ILO.
- Juyal, B.N. et al 2000, Child Labour : The Twice Exploited Varanasi : Gandhian Institute of Studies.
- Karen Rowlingson 2001, "Child Poverty and the Policy Response" in Margaret Marg et al (eds), Understanding Social Problems, Oxford : Blackwell Publications Ltd.
- Kompier, Coen, Joseph MP et al 2003, "Discussion Paper on a Comprehensive New Legislation on Child Labour in Andhra Pradesh" submitted to the first State level Consultative Workshop on "Comprehensive New Legislation on Child Labour" organized at Dr. Marri Chenna Reddy Human Resource Development Institute.
- Lieten, G.K. 2002, "Child Labour in India : Disentangling Essence and Solutions" EPW Vol. 36, No. 52, 2003.
- Lieten, G.K. 2002, "Child Labour and Poverty", The Indian Journal of Labour Economics, Vol. 45, No. 3.
- Mac Pherson 1987, Five Hundred Million Children, Poverty and Child Welfare in the Third World, New York : St. Martins Press.
- Maxwell, S 1999, The Meaning and Measurement of Poverty, ODI Poverty Briefing (3rd February 1999), London : Overseas Development Institute.
- Meena Gopal, 1999, Disempowered despite wage work – Women Workers in Beedi Industry, Economic and Political Weekly, Vol. XXXIV, No. 16/17.
- Menon, Sadananad 1979, Sivakashi : The Little Japan of India, New Delhi : The Times of India (Sunday Magazine October 7, 1979).
- Misra, Rabi Narayan 2003, Child Labour in Hazardous Sector, New Delhi : Discovery Publishing House.
- NSSO 2000, Employment and Unemployment Situation in India, Report No. 458, New Delhi : NSSO.
- Pichholiya, K.R. (1980) Child Labour in Metropolitan City : A Study of Ahmedabad, Indian Journal of Labour Economics, Vol. XXII, No. 4.
- Rajsekhar, D & Sreedhar, D, 2001, Identifying Alternative Employment and Income Opportunity for Women Beedi Workers, report submitted to ILO, New Delhi.

Sen, Amartya 1982, *Poverty and Famines : An Essay on Entitlement and Deprivation*, Oxford : Clarendon.

Sen, Raj Kumar & Asis Das Gupta (ed) 2003, *Problems of Child Labour in India*, Delhi : Deep & Deep Publications.

Seure, Ilona 2002, *Citizens of Tomorrow Let them Speak Today*, Ph.D. Thesis submitted to Utrecht University, The Netherlands.

Sharma, Indradeo et al 1993, *Child Labour in India : An Anatomy* in B. Singh & S. Mahanty (eds), "Children at Work : Problems and Policy Options", Delhi : B.R. Publications.

Stein, E and Davis J (eds) 1940, *Labour Problem in America*, New York : Farrar and Richer.

Reddy, Srinivasa & Ramesh K 2002, *Girl Child Labour : A World of Endless Exploitation*, New Delhi : Dominant Publishers.

Townsend, Peter 1993, *The International Analysis of Poverty*, London : Harvester Wheatshea.

UNDP 1998, *Human Development Report 1998*, New York : Oxford University Press.

Department of Labour 2003, 'The Department of Labour's 2002 findings on the Worst Forms of Child Labour', Washington DC : Bureau of International Labour Affairs, US Department of Labour.

Department of Labour 1998, *Sweat and Toil of Children : Efforts to Eliminate Child Labour*, Washington DC : US Department of Labour

Vijaya Kumar, S and Smita Ghatate, 2001, *Restructuring Beedi Workers Welfare Fund – Conceptual Model*. Report submitted to the Second National Commission on Labour, Min. of Labour, New Delhi.

Vijaya Kumar, S. 2003, *Socio-economic implications of elimination of child labour from selected industries*. Unpublished draft report, CSD, Hyderabad.

Weiner, Myron 1991, *The Child and the State in India : Child Labour and Education Policy in Comparative Perspective*, Princeton : Princeton University Press.

World Bank 2002, 'World Development Indicators 2002', Washington DC. World Bank.

