CHAPTER - I
INTRODUCTION

Child labour is a global phenomenon. The world recognises it as a burning problem warranting international attention. Undoubtedly, this increased attention is due to the fact that child labour has serious social, moral, economic and demographic implications for children, households, societies and the world. Therefore, the elimination or reduction of child labour has been the aim of democratic governments in different parts of the world.¹

The problem of child labour has also engaged the minds of jurists, legislators, social thinkers, politicians, economists and philanthropists from time immemorial. The problem has changed its venues and from public platforms, it has reached the inner circle of legislative, executive and judicial chambers.

It is a universally known that children are the blooming flowers in the garden of society. They are the most valuable assets of the nation and their importance in nation-building process cannot be undermined. Children of today are the potential citizens of tomorrow. The quality of life they enjoy today would ultimately determine the quality of future population of the nation. The children have rights like other human beings, to be respected with regard to their integrity, dignity, interest and opinions. But significantly most of the children in India are deprived of even the basic human rights guaranteed to them,

in a civilized society.\textsuperscript{2} The Second National Commission on labour in India (2001) also noted that children are the future of the society and economy; and every child should have the opportunity to develop his or her skills and potential to participate both as a citizen and as a worker.\textsuperscript{3}

The existence of child labour is a slur on a modern welfare state which seeks to promote the all-round development of its citizens. Children are the future hope of the society. They are like buds which need to be properly nursed and well-taken care of so that they bloom fully and grow into able human-beings and contribute their worth to the future development of the society. On the contrary, instead of being sent to schools and properly educated, they are made to work, which amounts to squeezing the bud before it blooms. It not only thwarts the development of children, but of the society as well, since only able citizens can put the society on sound footing. Thus, child labour has become a chronic problem and has entered deep into the Indian social fabric.

Both at national and international levels great interest is being shown in the matter of welfare of children. Children need special protection because of their tender age, physique and mental facilities. They are an “important national asset”, and the future well-being of the nation depends as to how children grow and develop. They need

\textsuperscript{2} I. Subramanyam, “Child Labour Protection of their Rights in India”, \textit{Journal of Social Defence}, Vol. 56, No. 159, Jan-December, 2005, pp.5-12.

\textsuperscript{3} Neera Burra, “Crusading for Children in India’s Informal Economy”, \textit{Economic and Political Weekly}, December 3, 2005, p. 4835
special laws to protect them from exploitation and fraud, to save them from certain liabilities and to develop their personality in view of their weak position.

**MEANING OF CHILD LABOUR**

There are basically two arguments on the definition of child labour. The first argument identifies child labour to be work done by children from poor households outside their home/family for a minimal wage. Such a work done by these children and the conditions in which they work are not suited to their young age as it is detrimental to their well-being and safety. Thus, according to this argument child labour is synonymous with exploitation of poor because young children working outside their homes have to work under usurious employers. It is apparent that this definition does not consider work done by children within their home/family as being exploitative.4

The conventional definition/concept makes a distinction between child-work and child labour. Child labour is perceived to be an economic necessity of poor households and the exploitative aspect in children’s work is associated with the profit maximising motive of commercial enterprises, wherein children are made to work long hours, paid low wages and denied opportunities for education.5

This traditional concept of child labour is also endorsed by the International Labour Organisation (ILO). As the ILO states, it is “not concerned with children helping in family farms or doing household chores” and defines child labour to “…include children leading permanently adult lives, working long hours for low wages under conditions damaging to their health and physical and mental development, sometimes separated from their families, frequently derived of meaningful educational and training opportunities that could open to them for a better future” ⁶

The World Bank, on a similar vein, argued that child-work that does not involve an exploitative relationship should be distinguished from child labour. It further argued that in some instances, work done by children within the family may even contribute to the development of the child. “Not all child labour is harmful. Many working children who work under the protection of their parents/guardians can derive the benefit in terms of socialisation, informal education and training”.⁷

The other definition of child labour put forward by groups critical of this conventional definition argued that the issue of child labour is not merely a question of whether work done by a child is exploitative and remunerative or not. According to them, all forms of work are bad for children, and any form of distinction between one form of work or another form of work done by children is completely arbitrary. It is particularly so as there is nothing to prevent the child

⁶ International Labour Organisation, 1983
from transiting from one category to another. For instance, it needs to be noted that in recent years much of the paid work that used to be outside the home has now been transferred to home-based work within the home. There has been a tremendous rise of home-based work in the last decades and many activities like carpet-weaving, match-making and glass works which used to be done in factories and sheds is now done by children within the homes. Thus the distinction between work done by children within the home and outside the home has become blurred.

Further, the concept of segregating work done by a child into exploitative ‘labour’ and non-exploitative ‘work’ suffers from basic two flaws and raises more issues than it resolves.

- Under what circumstances can work be considered exploitative, especially since it is working conditions and not the work itself that determines the levels of exploitation? For instance, there may be situations where a child is working in less exploitative conditions in a carpet loom than in a family-owned farm. Hence there is no simple method by which activities done by children can be classified as either ‘work’ or ‘labour’.

- Activities done by children can be classified into more than two categories depending on the perceived levels of exploitation. Thus in reality, every working child is a child labourer, irrespective of the degree of exploitation.
DEFINITIONAL ASPECT OF CHILD LABOUR

Child Labour means the employment of children (5 to 14 years of age) in gainful occupations, which are injurious to their physical, mental, moral and social development. The child labour is, at times, used synonym for ‘employed child’ or ‘working child’. But a working child is one who subjects himself or herself to work, unpaid or free, instead of being at the school at a tender and formative stage of his or her life.8

The Operation Research Group (ORG) in India defines working children as “........ a child falling within the 5-15 age bracket and who is at remunerative work, may be paid or unpaid and busy at any hour of the day within or outside the family...........”9

The children belonging to meagre family income are compelled to join the labour force to supplement the family income. Generally, people from lower strata of our society send their children for work instead of sending them to school for education. Hence the children’s intellectual growth is hampered by depriving them of educational opportunities, minimising their chance for vocational training and condemning them to low wage all their lives as unskilled labourers.10

The growing number of child labourers all over the globe causes serious concern to those who are interested in the child welfare both

---

8 M.N. Rehman, Society, Economy and Education of Deprived, Anupama Publishers, Delhi, 1992, pp. 4-5.
9 Ibid.
in developed and developing countries. It is recognised that during the process of industrialisation child labour grows in a big way in the unorganised sectors and it is intensified more with rapidly growing population. The employment of child is more or less a global phenomenon. In every country irrespective of its economic system, children are working in one form or the other to contribute significantly to the income of their families in all countries. The incidence of child labour has become a “conspicuous problem”.\textsuperscript{11}

Child labour has been defined differently, and therefore, no universally accepted definition of child labour is available at present. In India, the definition of child labour in terms of age; differed from year to year under different legislations.

- The Factories Act, 1948 prohibits children below the age of 14 years from working in any factory.
- The minimum age in the Mines Act, 1952 is 15 years.
- It is 12 years in the Plantations Labour Act, 1951.
- The Factories Act, 1881, defined child as a person below 12 years, minimum age of employment was 7 years and hours of work for the age 7 to 12 years, were fixed at 9 with rest interval and holidays.
- Factories Act, 1891, raised the minimum age of employment to 9 years, and the hours of work for age 9 to 14 years, were fixed at 7 hours a day restricted to day light.

\textsuperscript{11} U.N., \textit{Economic and Social Survey of Asia and the Pacific}, 1981.
Factories Act, 1911, put the hours of work to 6 in textile mills and employment of labour between 7.00 p.m. and 5.30 a.m. was prohibited.

Factories Act, 1922, declared persons below the age of 15 years as children; hours of work were limited to 6 with rest interval of half an hour, minimum age of employment was raised from 9 to 12 years.

Factories Act, 1934 fixed the minimum age of employment at 12 and persons between 12 to 15 years were to be treated as children.

Factories Act, 1948, raised the minimum age of employment to 14 years, a working day of 4½ hours with a spread over of 5 hours was prescribed. Employment during night and on hazardous occupations is prohibited.

So the history of child labour legislation in India is the history of exploitation of child labour as work for the child moved out from home to and the village field to work in factories.

Homer Folks (the Chairman of the United States National Child Labour Committee) defines Child Labour as...“any work by children that interferes with their full physical development, their opportunities for a desirable minimum of education or their needed recreation”.12

---

Dr. V.V. Giri has distinguished the term child labour in two senses.

- First, as an economic practice; and
- Second, as a social evil.

The first signifies employment of children in gainful occupation with a view to adding income of the family, and the second aspect takes into account the dangers to which the children are exposed which means the denial of opportunities of development.\(^{13}\)

Taking into account the consequences of labour on children, the definition given by International Labour Organisation (ILO) seems to be more comprehensive. According to ILO, “child labour includes children primarily leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful educational and training opportunities that could open up for them a better future”.

The Convention of International Labour Organisation stipulates in the very first article that all persons under 18 are to be treated as children. However, the Article grants the discretion to individual countries to determine by law whether childhood should cease at 12, 14, 16 or whatever age they find appropriate. In this case, the country plays mischief by rectifying the convention. The country may reduce the age upto 12 or 14 and thereby deny the child labourers benefits of the convention.

---

\(^{13}\) Ibid.
Thus, a variety of definitions of child labour have been given by various authors due to prevailing ambiguity in the definition of child labour. The various Acts have prescribed different age limits for child labour. Therefore, the owners of the factories or industrialists are exploiting child labour.

**CHILD LABOUR IN INDIA: HISTORICAL BACKGROUND**

The prevalence of child labour has been more or less in all period of time, though varied in its nature and dimension, depending on the existing socio-economic structure of the society.\(^{14}\) In the past, child labour has been a part of the social organization in which all members pooled their labour to produce for the subsistence and survival.\(^{15}\) This was particularly true of rural subsistence farming where the work of the child formed part of the labour necessary for the reproduction of the system and value of labour taken as part of child’s socialization for reproduction of the labour power.\(^{16}\) Child labour in the different periods has a chequered history and presented a vivid account of child’s sad plight.

Though there is little evidence of the employment of children for wages, but if child slavery could be regarded as that, the existence of child labour in ancient India, can not be denied. Slaves of tender ages, often less than eight years of age, were owned for doing low and ignorable work. Children of slaves were born as slaves, lived as slaves


\(^{16}\) *Ibid.*
and died also as slaves unless the master was pleased to monument them. It has been noticed that almost all the law-givers, with the solitary exception of Kautilya, were silent on this point, and did little to abolish this inhuman practice of keeping child slaves.\textsuperscript{17}

As regard child labour in ancient India, it can be said that it existed in the form of child slaves. Child slaves could be purchased or sold like commodities.

To some extent, parents’ obligations were very often involved in working for the landlord on such low wages that it created conditions for the child to work in the farms for wages. They remained as bonded labour in the landlord’s house along with the parents for repaying or minimizing the debt which their parents had taken from landlord. Children, however, helped their parents in household activities and family crafts. They learnt the skills by observing and participating in such activities. A predominantly rural society is inevitable characterized by small and marginal economic units.\textsuperscript{18}

The economic status of the slaves, hired labourers and unskilled workers was worse. The same was the position of child when he was engaged in agricultural sector. It is revealed that child labour in ancient India was very common and could be witnessed in different occupations where they were engaged by the rich landlords to carry out activities directly or indirectly related to their agriculture sector.

CHILD LABOUR IN MEDIEVAL PERIOD

Child Labour in medieval period was no exception. Increasing pressure on land led to fragmentation of holdings. Growing families had to look beyond personal cultivation for subsistence. A class of landless labourers came into existence, often bonded to the large land-owners. These labourers used their children to help in their economic activities. The rural artisan rarely worked alone. In fact, the entire family was a work unit with the ‘pater familias’ being the master craftsman. Occupations were determined largely on the basis of heredity, and children were introduced to their traditional craft at a young age.\(^{19}\)

Child labour in medieval India remained in existence on a large scale and even the rulers encourage it with an intention to make only traffic in child slaves. The child labour was found in the form of child slavery and rulers did not endeavour to weed out this practice and hence the result was that child was always exploited for this selfish ends.

CHILD LABOUR IN MODERN ERA

Children have always been used in economic activities. In pro-capitalist and socialist states including India, children were employed in guild and in trade occupations. In these societies, their workplace was an extension of the home and work relationships were informal relationship. The child grew up and found work within the family

\(^{19}\) Kautilya, *Arthashastra-III*, p.146.
environment where the child was not given hazardous and difficult task. Work was a central aspect of their socialization and training. This conception, however, underwent a dynamic change with the advent of capitalism in the industrialization during the 18\textsuperscript{th} century and child labour began to be designated as a social problem. The new economic forces unleashed by capitalism destroyed the family-based economy. A large number of labourers were displaced due to mechanisation of agriculture – the farmers were alienated from their home-based work place. They became wage-earning labourers. Extreme poverty created a situation in which the child had to be introduced in the labour market, lack of alternative employment for adults and lack of education for children reinforced this process.

In 1987 the Government of India adopted the National Child Labour Policy. Apart from this policy, many acts have been enacted by India before and after independence. To quote a few:

- Indian Factories Act, 1881;
- Indian Factories Act, 1891;
- The Factories Act, 1911;
- Indian Factories (Amendment) Act, 1922;
- The Tea District Emigrant Labour Act, 1933;
- Children (Pledging of Labour) Act, 1933;
- Indian Mines (Amendment) Act, 1935;

\footnote{Elias Mendelevitt, “Child Labour”, \textit{International Labour Review}, Vol. 18, No. 5, September-October 1979, p.212.}
- The Employment of Children Act, 1938;
- The Factories Act 1948;
- The Minimum Wages Act, 1948;
- Plantation Labour Act, 1951;
- Mines Act, 1952;
- Merchant Shipping Act, 1952;
- Apprentice Act, 1952;
- Motor Transport Workers Act, 1961;
- Bidi and Cigar Works (Condition of Employment) Act, 1966;
- Contract Labour (Regulation and Abolition) Act, 1970;
- Radiation Protection Rules, 1971 under the Atomic Energy Act, 1962;
- The Child Labour (Prohibition and Regulation) Act, 1986;
- The Juvenile Justice (Care and Protection of Children) Act, 1986;
- The Juvenile Justice (Care and Protection of Children) Act, 2000;
- The National Commissions for the Protection of Child Rights Act, 2005; and
- Right to Education Act, 2009.

**CHILD LABOUR: INTERNATIONAL PERSPECTIVES**

The malady of child labour is not a new one. Reference about child labour can be found in world history in some form or the other. But the problem of child labour has acquired serious proportions after
the industrial revolution as the capitalists have used child labour to increase their margins of profit. The issue of child labour becomes a matter of concern at the global level in the beginning of the 20th century. The employment of child labour and the resultant bad effects on them generated an international debate on the issue of protecting their rights. The international labour organization emerged as a result of the ‘Warsaw Pact’ after the conclusion of the First World War in 1919. The concept of social justice as a guiding principle of International Labour Organization has opposed child labour. The International Labour Organization took an unfavourable decision after one year of its inception that a child below the minimum age prescribed by ILO can not be employed in any industry or factory. Guidelines for employing children in agriculture, railways, mines and sea were determined. Different countries at varied level of economic development undertook minimum age characterization of child. While the developing countries fixed 14 years as the minimum age for employment. The developed countries determined 15 years as the minimum age for the purpose of work; the minimum age for employment in hazard work has been increased to 16 and 18 years in developing and developed countries respectively. The age for simple labour has been reduced to 12 and 13 years in developing and developed countries respectively. Employment of children below 12 years in any kind of labour has been banned.
The 1979 was celebrated as “International Child Year” by the Assembly of ‘United Nation’ for the development and protection of the rights of children. The ‘United Nation Organization’ passed a resolution supported by 189 members in 1989 regarding child rights. The resolution framed suitable measures for the protection of child rights and applied the member states of the UNO to take suitable legislative, legal, administrative social and educational measures for the protection of child rights and fixing minimum age for employment. Besides, different countries were also directed to determining work conditions, number of hours and service conditions for engaging child labour and provide for punishment if the above said provisions are violated.

The ‘International Labour Organization’ in 1999 prohibited the employment of child in domestic or any other work, child prostitution and smuggling of narcotics or any other work against the safety, health or moral of children and the same was characterized as “International Standard” for protection of children. According to a study of the ILO, the estimated number of children between the age of 5 to 14 years who are engaged in employment in developing countries is approximately 25 crore out of which 12 crore are in engaged in a permanent basis and 4.93 crore are from the poor African countries and same constitutes 26 percent of the population of children in African nations. About 12.2 crore (18 percent) child labourer in Asia, 57 lakhs in Latin America and Caribbean nations child labour is also
employed in large number in developed countries like America, Italy, and Spain etc. The number of child labour is also increasing in Russia because of adoption of capitalist economy following collapse of communist regime. The number of child labour in India is 5.2 percent of the total workforce and the same is 27.3 percent in Turkey, 20.7 percent in Thailand, 19.5 percent in Bangladesh, 16.6 percent in Pakistan, 11.5 percent in Mexico, 8.2 percent in Egypt, 4.4 percent in Sri Lanka and 18.8 percent in Brazil.

The issue of child labour has been seriously debated in national and international seminar/conferences with an objective to draw the attention of policy-makers. Some countries are making different laws to ban the import and export of the products made by children. Countries which are not discouraging child labour, trade and business with such countries must be banned.

International Covenants passed by UNO has imposed legal obligation on all member countries to provide access to educational opportunity to every child together along with other forms of protection.\(^\text{22}\)

These are:

- International Covenant on Economic, Social and Cultural Rights(1966)
- The International Covenant on Civil and Political Rights (1966)

- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1957)
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)

These covenants have been supplemented and their guiding spirit of dignity and respect for children’s rights has been reinforced by numerous declarations adopted in international conferences such as:

- 1990 World Summit for Children and the World Declaration on the Survival, Protection and Development of Children
- 1990 World Conference on Education for All
- 1995 Conference of Labour Ministries action-aligned countries and the declaration that was adopted at the close of the conference
- The Stockholm Congress on Commercial Sexual Exploitation of Children held in August 1996
- The Third SAARC Ministerial Conference on the Children of South Asia in August 1996 and the Declaration for eliminating bonded child labour by the year 2000 with total elimination of child labour in the region by 2010
- The declaration adopted at the close of the two days International Child Labour in India.
- Conference held at Amsterdam in February 25-26, 1997
- The declaration and the action programme adopted at the other four day International Conference held at Oslo during October 27-30, 1997.
CONSTITUTIONAL PROVISIONS

India has followed a proactive policy in the matter of tackling the problem of child labour. India has always stood for constitutional, statutory and developmental measures that are required to eliminate child labour. Six International Labour Organisation (ILO) conventions relating to child labour have been ratified and three of them as early as first quarter of the 20th century. The framers of Indian Constitution consciously incorporated relevant provisions in the Constitution to secure compulsory universal elementary education as well as labour protection for children.

Article 24 states, “No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment”.

The Constitution of India in its Directive Principles of State Policy in Article 39 (e) and (f) pledged that (e) the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; and that (f) children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 45 states that, “state shall endeavour to provide, within 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 years”.

The policy of the Government is to ban employment of children below the age of 14 years in factories, mines and hazardous employments and regulate the working conditions of children in other employments.

The Union Government has also enacted the Child Labour (Prohibition and Regulation) Act, 1986, Right to Education Act, 2009 on October 10, 2006 prohibiting employment of children as domestic servants or servants in hotels and restaurants or in other recreational centres. The Government warned that anyone employing children in this category would be liable to prosecution and other penal action under the act.\textsuperscript{23}

\textbf{CHILD LABOUR IN INDIA}

Though the practice of child labour is widely prevalent in many of the Third World Countries such as China, Pakistan, Bangladesh, Nepal and Brazil, India has come to acquire the nasty distinction of possessing the largest child labour force. Large scale employment of the children below the age of 14 is predominantly found in glass, carpet-weaving, match and fireworks, beedis, bangle and also in rural such as construction, brick, iron ore and red oxide mines, tile manufacturing units.\textsuperscript{24}


\textsuperscript{24} ARM Ismail, “Child Labour in India”, \textit{Mainstream}, Vol. XXXII, No.52, November 18, 1995, p. 29.
According to 1981 Census, the estimated figure of working children was 13.64 million whereas in 1991, it was reduced to 11.28 and in 2001, it was again increased to 12.66 million. Punjab had 17.72 lakh working children in the state.

According to Census 2001, the state with the highest child labour in the country is Uttar Pradesh which had 1.92 million working children. Other states where child labour population is more than one million are Andhra Pradesh, Madhya Pradesh and Bihar and had 1.36 million, 1.06 million and 1.11 million populations of working children respectively.\footnote{Census of India, 1991 and 2001.}

The status and growth of child labourers as per the Census years 1971, 1981, 1991 and 2001 is presented in Table 1.1.
<table>
<thead>
<tr>
<th>S.No</th>
<th>Name of the State/UT</th>
<th>1971</th>
<th>1981</th>
<th>1991</th>
<th>2001****</th>
<th>% increase/decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>81-71</td>
</tr>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
<td>1627492</td>
<td>1951312</td>
<td>1661940</td>
<td>1363339</td>
<td>19.90</td>
</tr>
<tr>
<td>2</td>
<td>Assam *</td>
<td>2393349</td>
<td>**</td>
<td>327598</td>
<td>351416</td>
<td>7.27</td>
</tr>
<tr>
<td>3</td>
<td>Bihar</td>
<td>1059359</td>
<td>1101764</td>
<td>942245</td>
<td>1117500</td>
<td>4.00</td>
</tr>
<tr>
<td>4</td>
<td>Gujarat</td>
<td>518061</td>
<td>616913</td>
<td>523585</td>
<td>485530</td>
<td>19.08</td>
</tr>
<tr>
<td>5</td>
<td>Haryana</td>
<td>137826</td>
<td>194189</td>
<td>109691</td>
<td>253491</td>
<td>40.89</td>
</tr>
<tr>
<td>6</td>
<td>Himachal Pradesh</td>
<td>71384</td>
<td>99624</td>
<td>56438</td>
<td>107774</td>
<td>39.56</td>
</tr>
<tr>
<td>7</td>
<td>Jammu &amp; Kashmir</td>
<td>70489</td>
<td>258437</td>
<td>**</td>
<td>175630</td>
<td>17.27</td>
</tr>
<tr>
<td>8</td>
<td>Karnataka</td>
<td>808719</td>
<td>1131530</td>
<td>976247</td>
<td>822615</td>
<td>39.92</td>
</tr>
<tr>
<td>9</td>
<td>Kerala</td>
<td>111801</td>
<td>92854</td>
<td>34800</td>
<td>1352563</td>
<td>-16.95</td>
</tr>
<tr>
<td>10</td>
<td>Madhya Pradesh</td>
<td>1112319</td>
<td>1698597</td>
<td>1068427</td>
<td>26156</td>
<td>52.71</td>
</tr>
<tr>
<td>11</td>
<td>Maharashtra</td>
<td>988357</td>
<td>1557756</td>
<td>1065259</td>
<td>764075</td>
<td>57.61</td>
</tr>
<tr>
<td>12</td>
<td>Chhattisgarh</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>364572</td>
</tr>
<tr>
<td>13</td>
<td>Manipur</td>
<td>16380</td>
<td>20217</td>
<td>16493</td>
<td>28836</td>
<td>23.42</td>
</tr>
<tr>
<td>14</td>
<td>Meghalaya</td>
<td>30440</td>
<td>44916</td>
<td>34633</td>
<td>53940</td>
<td>47.56</td>
</tr>
<tr>
<td>15</td>
<td>Jharkhand</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>407200</td>
</tr>
<tr>
<td>16</td>
<td>Uttarakhand</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>70183</td>
</tr>
<tr>
<td>17</td>
<td>Nagaland</td>
<td>13726</td>
<td>16235</td>
<td>16467</td>
<td>45874</td>
<td>18.28</td>
</tr>
<tr>
<td>18</td>
<td>Orissa</td>
<td>492477</td>
<td>702293</td>
<td>452394</td>
<td>377594</td>
<td>42.60</td>
</tr>
<tr>
<td>19</td>
<td>Punjab</td>
<td>232774</td>
<td>216939</td>
<td>142868</td>
<td>177268</td>
<td>-3.80</td>
</tr>
<tr>
<td>20</td>
<td>Rajasthan</td>
<td>587389</td>
<td>819605</td>
<td>774199</td>
<td>1262570</td>
<td>39.53</td>
</tr>
<tr>
<td>21</td>
<td>Tripura</td>
<td>15661</td>
<td>8561</td>
<td>5598</td>
<td>16457</td>
<td>-45.34</td>
</tr>
<tr>
<td>22</td>
<td>Sikkim</td>
<td>713305</td>
<td>975055</td>
<td>578889</td>
<td>418801</td>
<td>36.70</td>
</tr>
<tr>
<td>23</td>
<td>Tamil Nadu</td>
<td>17490</td>
<td>24204</td>
<td>16478</td>
<td>21756</td>
<td>38.39</td>
</tr>
<tr>
<td>24</td>
<td>Uttar Pradesh</td>
<td>1326726</td>
<td>1434675</td>
<td>1410086</td>
<td>1927997</td>
<td>8.14</td>
</tr>
<tr>
<td>25</td>
<td>West Bengal</td>
<td>511443</td>
<td>50263</td>
<td>711691</td>
<td>857087</td>
<td>18.34</td>
</tr>
<tr>
<td>26</td>
<td>Andaman &amp; Nicobar Island</td>
<td>572</td>
<td>1309</td>
<td>1265</td>
<td>1960</td>
<td>-3.36</td>
</tr>
<tr>
<td>27</td>
<td>Arunanchal Pradesh</td>
<td>17925</td>
<td>17950</td>
<td>12395</td>
<td>18482</td>
<td>0.14</td>
</tr>
<tr>
<td>28</td>
<td>Chandigarh</td>
<td>1086</td>
<td>1986</td>
<td>1870</td>
<td>3779</td>
<td>82.87</td>
</tr>
<tr>
<td>29</td>
<td>Dadra &amp; Nagar Haveli</td>
<td>3102</td>
<td>3615</td>
<td>4416</td>
<td>4274</td>
<td>16.54</td>
</tr>
<tr>
<td>30</td>
<td>Delhi</td>
<td>17120</td>
<td>25717</td>
<td>27351</td>
<td>41899</td>
<td>50.22</td>
</tr>
<tr>
<td>31</td>
<td>Daman and diu</td>
<td>7391</td>
<td>9378</td>
<td>941</td>
<td>729</td>
<td>26.88</td>
</tr>
<tr>
<td>32</td>
<td>Goa</td>
<td>4656</td>
<td>4138</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Lakshadweep</td>
<td>97</td>
<td>56</td>
<td>34</td>
<td>27</td>
<td>-42.27</td>
</tr>
<tr>
<td>34</td>
<td>Mizoram***</td>
<td>6314</td>
<td>16411</td>
<td>26265</td>
<td>215991</td>
<td>159.91</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>10753985</td>
<td>13640870</td>
<td>11285349</td>
<td>12666377</td>
<td>26.84</td>
<td>-17.27</td>
</tr>
</tbody>
</table>

Note:
*1971 Census figures of Assam include figures of Mizoram.
** Census could not be conducted.
*** Census figures in respect of Mizoram Included under Assam.
**** includes marginal workers also.

It is observed from the Table 1.1 that except a few small states, the highest growth in child labour from 1991 to 2001 has contributed by the state of Haryana, followed by Himachal Pradesh, Punjab, Uttar Pradesh and Rajasthan. Most of other states had negative growth in child labour.

Table 1.1 clearly depicts that the state of Haryana is the major culprit in sheltering child labour in the state. Comparatively, on the other hand, Maharashtra another industrialized state depicted entirely different scenario. For all the census period, except 1981-1991, it has registered a negative growth. Implying that the child labours are not employed and the enforcement of the Child Labour Act and Rules are monitored effectively. In the neighboring state of Punjab, however, the pattern was same as observed in case of Haryana, but differed in degree, in the growth of child labour.

**NATURE OF CHILD LABOUR**

In rural areas children work in various agricultural and allied activities such as sowing reaping, grazing cattle, keeping a watch on (fields) birds and beasts, collect fuel, water, fishing and such other activities. In villages children work as family labour in the occupation of the family along with other family members, or they work as part of contract family labour where men, women and children all work together, or as hired wages labour and even as bonded labour (to repay debts of parents). In urban areas, majority of children work in small factory units or households units, in shops, restaurants, hotels,
in garages and petrol pumps, as domestic servants as petty hawkers, rag pickers and often in illegal antisocial activities like prostitution, in smuggling goods, liquor and drug traffic. The concentration of child labour is found in many hazardous industries such as glass making units in Ferozabad, match making and fire works units in Sivakasi in Tamilnadu, carpet weaving in Jammu and Kashmir and in the whole of Mirzapur Bhadohi carpet belt in U.P; diamond polishing/cutting and jail in Surat, Gujarat, lock-making in Aligarh, tea plantations in Darjeeling areas.²⁶

According to one estimate about 40,000 children work in Sivakasi, 20,000 in fish freezing and allied work in Quilon, Kerala, 23,000 in mines near Meghalaya 6000 to 7000 in glass factory in Ferozabad, 13000 in Kerala handloom units, 50,000 to 1.5 lakh in Mirzapur Bhadohi carpet belt in U.P.²⁷

Employers engage middle men or contractors, to bring large number of children to work for them from nearby rural and interior areas. They lure them with the advance money, often pressurise parents, and even kidnap children to work in these factory units. The working and living condition is utterly inadequate; children work in unsafe surroundings, crowded, dingy places in severe health hazards. They are provided food and make-believe shelter. They are paid meagre wages or paid low piece rate, sometimes nothing paid in the

²⁷ Ibid.
beginning as they consider them as apprentices. Children work long hours from early dawn to late night without rest periods and holidays in crowded dark dingy, unsafe surroundings adversely affecting their health and growth. There is no educational or training of skills, no recreation or leisure, even home and family environment is denied to those children.

Working and living conditions are equally deplorable when children work in cities in restaurants, hostels, shops,’ or petrol pumps, garages etc.; so many a migrant child works long hours for meagre wages, and sleep on pavements or nearly the work place in dingy dirty places with no toilet/bathing facility. Compared to this working children of agriculture and allied work are better off, there is less health hazard, no crowding and they have open air surroundings.

Children in almost all societies do one kind of work or other. Work, to some extent, prepares them for productive adult life. But, when children’s work involves deprivation of their basic needs of education and recreation and is hazardous to their health, it amounts to child exploitation.\textsuperscript{28}

**CAUSES OF CHILD LABOUR**

The causes of child labour are many and varied. Thus, a variety of factors can be attributed for the employment of child labour.

- Easy availability of child labour without many obligations for employers.

\textsuperscript{28} Ibid, p.26
Poverty – poverty is the single important reason for child labour. The poor parents in order to supplement their income allow the children to work even on un-remunerative jobs. Abject poverty and unemployment forces the children to take up un-remunerative jobs. Thus, “economic compulsions weigh heavily on the consciousness of the poor parents and they would not mind colluding with their children’s employers in violating the laws and putting their children under the risks of inhuman exploitation. Parents want their children to earn for themselves as early as possible, much better, if they become a source of income to the family”. Since the child is put to adult role at an early age, he/she also marries early and breeds early, thereby increasing the liabilities of his/her family and also of the whole nation.

Many employers prefer to engage children, because they are cheap. Moreover, children tend to be less troublesome, more disciplined and: highly adaptable.

- School drop-outs.
- Loss of an earning member of the family.
- Absence of any State sponsored scheme of family allowance in India.
- Non-existence of any general scheme of compulsory education upto a minimum age.
- Slow advance of protective labour legislation.
• The evasion of the existing laws for the protection of children.
• Introduction of the factory system.
• Death of parents.
• Habituated father or any adult male member of the family spending money on drinking etc.
• Illegality of child.
• Sometimes social structure of the society becomes responsible for child labour. The social structure in our country is characterized by caste system. The members of low castes and down-trodden communities are supposed to be for the service of the upper castes. Thus, they are deprived of their aspirations.
• The problem of child labour in India is rooted in the exploitative socio-economic set-up and poor and backward economy. Ignorance, lack of job opportunities and other socio-economic institutions perpetuate this evil. Mass awareness does not prevail in our society which is also an important cause of child labour.

EFFECTS OF CHILD LABOUR

Child labour in general is a great social ill and a national waste, as the economic necessity for wage earning to support the family, deprivest the child of an opportunity for education, play and recreation, stunts his physical growth, interferes with the normal development of child’s personality and thwarts his preparation for responsibility. The hazards suffered by the child workers are of no
one’s concern. Among the main hazards is the health which causes the following diseases in various occupations.

- Tuberculosis and bronchitis
- Muscle atrophy
- Weakening and malformation of bones
- Eye diseases
- Stunted growth
- Finger Arthritis
- Damage to the finger nails
- Excessive fatigue and malnutrition effects, functioning of endocrine glands.

**Economic and Social Evils**

- Child labour gives birth to numerous economic problems such as the use of labour at its lowest productivity implying thereby an inefficient utilization of labour power.

- The practice of employing children permits unfair competition with adult labour with the result that there may be an excessive unemployment of adult labour, low wages and less satisfactory working conditions.

- Child labour tends to interfere with normal family life and encourages the breakdown of the social order, child used to early economic independence starts an early sex life acquiring venereal diseases and addition to intoxicants. Generally, he/she also marries young and starts early procreation.
• The worst effect of child labour is that it interferes with their education and minimizes the chances for their vocational development. They neither acquire any skill nor do they receive any education thereby condemning them to a status of illiterate, oppressed and trampled worker for the rest of their lives.

• The effects of poor and unsafe working conditions on working children take the form of fatal accidents that result in deformities. The vulnerability of children is increased by the high incidence of malnutrition and under-nourishment and making them less resistant to debilitating diseases.

• Children in some work situations are exposed to physical and mental abuse. This involves long and often permanent separation from parents and isolation, sometimes amounting to virtual imprisonment and physical cruelty. Child participation in labour force activity reduces the potential for schooling and educational development. Given the low educational or skill content of many of the jobs in which working children are involved, the possibilities for acquiring remunerative or satisfying skills become still more remote, children, thus, find themselves locked in unskilled, low paying situations and permanently disadvantaged in the labour market.

• There are also other kinds of deprivations from which labourers suffer, including the absence of clear and written contractual
agreements, the dearth of feeding programmes, health care facilities and other welfare services and the lack of insurance and social security. The regulation of employment of children by law covers only a fringe of these occupations and even where regulation has been sought, the enforcement is extremely half-hearted and tardy.

Unless a systematic evaluation is made from time to time in respect of jobs in which children are employed and certain purposeful policy decisions are taken to meet the deficiencies, the existing situation is not likely to undergo any dimensional, qualitative or quantitative change.

**REVIEW OF THE LITERATURE**

A brief review of some of the important studies is given below:

A.K., Kanth and A. Sahay\(^2^9\) held the opinion the micro level poverty within the family is the major factor behind the prevalence of child labour. All parents prefer to send their children to school but due to lack of resources, parents are compelled to push their children into child labour to meet their basic needs for their survival. They concluded that the world’s poorest nations mostly account for greater percentage of child labour population as compared to the richer and affluent countries with relatively higher per capita income and GDP. They examined that on the domestic front in India, child labour is more concentrated in the states of Uttar Pradesh, Bihar, M.P, Andhra

---

Pradesh, Orissa, Karnataka and Tamilnadu. In India, backward and poverty stricken states account for a large percentage of child labour, but may not always hold true since there are instances of growing child labour in better off states like Punjab and Haryana. They also observed that incidence of child labour is higher wherever the access to primary education is low and globalization has increased demand for child labour in the exportable commodity production.

Rita Rani\textsuperscript{30} examined the main problems and socio-economic conditions of child labour in small town Dhuri in district Sangrur of Punjab. She found that majority of the working children belonged to 10 to 14 years age group. The medium size families, most of them worked as regular full time and part time and are earning between Rs. 200 to 700 per month. She also revealed that child respondents mainly worked in domestic activities, in shops or were self employed, they worked due to socio-economic, demographical and educational reasons. As far as religion of child workers is concerned, a sizeable majority of the respondents belonged to Hindu religion, whereas Sikhs, Muslims and others were less. She gave suggestions, proper implementation of poverty alleviation programmes, generating awareness among parents about the free and compulsory education provided by the government, restricting the entry of children in labour marketing, strict enforcement of labour legislation to eradicate child labour.

\textsuperscript{30}Rita Rani, “Child Labour in Punjab: A Case Study of Dhuri”, \textit{M. Phil. Dissertation}, Department of Correspondence Courses, Punjabi University, Patiala, Punjab (India), 2008.
Chanyoung Lee\textsuperscript{31} examined the interrelationships between child labour, schooling and health, using nationally representative data from the United States and from Brazil. She examined that in developing countries, child labour can begin at an early age. However, child labour can be found in developed countries as well, particularly in the teen-age years. She observed that U.S. child labour laws were not effectively enforced in limiting teen-age labour supply or in improving schooling outcomes. The policies adopted by U.S. in eradicating child labour are be justified as means of improving the child’s welfare later in life but due to weak enforcement meant that such policies had been only modestly successful in the past.

Niti Mehta\textsuperscript{32} found that apart from caloric norm, incidence of child labour was an important non-caloric parameter of poverty. She analysed illiteracy and deprivation were strongly associated with problem of child labour. She suggested that proper implementation of poverty alleviation programmes, creating avenues for productive employment, educating parents, improving literacy etc. and framing a realistic policy on the part of Government is required to tackle the problem of child labour.


M. Biggeri and S. Mehrotra\textsuperscript{33} held the opinion that children from home workers household had a higher probability of working than the children from control group or non-home workers households. Further they revealed that the mother’s education level and per capita income/expenditure or assets of the household were important determinants of child’s activity status. They found that education, joint action and social protection were keys to the human development level of the home workers household.

B. S. Rao\textsuperscript{34} and M.R.S. Babu conducted a case study of Pedrakakani Village in Guntur District of Andra Pradesh to examine the impact of the poverty upon child labour. They observed that the economic problems of the poor people is the main factor for compelling the parents to send their children to employment. Denial of opportunity to children for their proper physical development and education should be considered as an issue of a serious nature. They suggested that effective implementation of programmes for eradication of poverty, providing free and compulsory education for all children below 14 years, effective implementation of labour acts, and fixing minimum wages are required for the eradication of child labour.

\textsuperscript{33} Mario Biggeri and Santosh Mehrotra, “Child Labour in Industrial Outworker Households in India”, \textit{Economic and Political Weekly}, Vol.XIV, No. 12, 2009.

M.C. Naidu and K.D. Ramaiah\textsuperscript{35} observed that the prevalence of child labour was one of the most important problems confronting the world at large, especially developing countries such as India. They expressed the view that child labour was mainly necessitated by economic compulsions of the parents. The main reason which gave rise to child labour was widespread unemployment and underemployment among the adult poor strata of the population, inter India, due to sharp growth of population. They also observed that large families with low income and often lack educational facilities. Such families are illiterate ignorant about the importance of education as well as about the impact of labour on the health of their children.

L. B. Suresh and S. Reddy\textsuperscript{36} conducted a study on “Child ragpickers” in Warangal City of Andhra Pradesh. They observed that informal sector of the rural and urban economies of the developing countries is an important source of employment for child labour. They also examined that in the urban areas, child labour exist both in formal as well as informal sector enterprises, though its presence in the later is more frequent. After identifying socio-economic background of the sample respondents, they concluded showed that majority of the child ragpickers were male. They also revealed that nearly 80 per cent of the sampled child ragpickers’ families were

under heavy debts. Debt was also identified as one of the reasons for child ragpicking, majority of the sampled child ragpickers went for collection of garbages on foot. Nearly 91 per cent of the ragpickers suffered from ill health and a majority of them were spending money on unproductive items, such as cinema, bidi, wine and tobacco.

R. Chamarbagwala\textsuperscript{37} observed that besides poverty and credit constraints, parental expectations of future earnings for their children affected schooling and child labour decisions. He also found that child labour was negatively correlated with returns to primary schooling. He examined the evidence from India that higher regional returns to primary education not only increase the likelihood that boys and girls attend school but also decrease the likelihood that they work, these relationships held only for the top three quintiles of the income distribution and mostly for children in the age group 10-14 years. He suggested that liquidity constraints might not allow poor households to respond to the economic benefits of education.

ILO\textsuperscript{38} brought out the fact that the prevalence of child labour was strongly correlated with the average level of income in a society. Mere survival sometimes made it necessary for parents of the poverty-stricken families to send their children to work, and the survival strategy was the ‘push’ factor for child labour. Most children started work by helping their families, before they went out to work for others.


They did so partly because of poverty but also, in many societies, because cultural values and expectations view this as a natural and ‘right’ way to introduce a child to the roles and responsibilities as a member of a family. This occurred throughout the world in millions of agricultural families. Furthermore, the demand side referred to the factors that induced employers to engage children as workers. The more pressure was exerted on the demand side (i.e. the more uses for child labour were generated), the more productive and remunerated it will be.

N. Gaur\textsuperscript{39} highlighted the socio-economic profile of female child labourers in Patiala district of Punjab state. She found that out of the total sample of 103 respondents, 90 respondents were domestic servants, out of these 90 domestic servants 57 were part-time workers and 33 were full time workers. She examined that the girls working as full-time workers were enjoying better living conditions as they got good food to eat for three times in a day and other facilities. But on the other side, part-time workers were found to be living in unhygienic conditions and were getting fewer facilities. She further pointed out that more families preferred to employ the girls as domestic workers. To improve the status of these child workers, she suggested to change the attitude of society towards these child workers.

\textsuperscript{39} N. Gaur, “Socio-Economic Profile of Female Child Labour in Punjab: A Case Study of Patiala City”, \textit{M. Phil. Dissertation}, Department of Economics, Punjabi University, Patiala, Punjab (India), 2004.
Navneet Kumar⁴⁰ examined the socio-economic conditions of child labour in Ludhiana and found that the proportion of child labour in the unorganised sector was high i.e. 28.4 per cent as compared to organised sector where it was 6.9 per cent. Most of them belonged to age group of 10-14 years both in organised sector (68.7 per cent) and in unorganised sector (68 per cent). He also found that in the unorganised sector they mainly worked in homes, dhabas, tea stalls or were self employed, ragpickers etc. poverty and large family size forced children to work.

Mamta⁴¹ conducted a study on child labour in Automobiles Workshops in Punjab found out that 96.47 per cent of child workers in two wheeler workshops belonged either to scheduled castes or backward classes. 24.8 per cent respondents from two wheeler workshops took up the jobs because of poverty while 11.2 per cent were disinterested in studies. 91.6 per cent of total respondents claimed that temperature and ventilation were not normal at work place. They also claimed that there were no proper toilets and lighting. Her study also revealed that most of the work was carried out on the roadside, so working children were exposed to health hazards.

Jauyantilal Bhandari⁴² observed that the child labour problem was an intense socio-economic issue in India that required a long-term multi-pronged strategy to be carried out on a continuous basis.

This strategy should include enforcement of child labour acts, strengthening of child labour, improvement of economic conditions of the child’s parents through various poverty alleviation and employment generation programmes. He examined that various child labour elimination programmes and projects should also be strongly evaluated. A strong enforcement of the labour acts might be done to ensure legal actions against those who employed children for work, this evil required awareness and change of approach in all sections of the society. He suggested that both the government media and non-government organisations had to unite to play their proper role in this holistic task, only then child labour problem could be solved effectively.

D. B. Mello43 said that problem of child labour was embedded in the larger problem of India’s backward capitalist economy. Poverty, misery and degradation derived millions of parents against their very inherent human inclinations to allow the exploitation of their own children. He made an attempt to understand the circumstances in which a technologically backward industrial capitalist enterprise, situated within the institutions and structures of underdeveloped capitalism, might change the incidence of employment and exploitation of child labour.

---

O.P. Maurya\textsuperscript{44} observed that though India had definitely made a marked progress in overall social development and implemented various measures for the protection of working children. He felt the need to expand the network of enforcement machinery for implementing various existing laws on child labour in the country.

V. Chopra and H. Kaur\textsuperscript{45} studied that the extent of child labour in India increased from 10.75 million in 1971 to 23.6 million in 1991. During 1991, 21.27 million (91.84 per cent) children were found to be working in rural areas as against 12.57 million (92.84 per cent) in 1981. In urban India, more males than females worked as child labourers, though in percentage terms, males were substantially lower in rural India. They also found that the share of child labour was diminishing at faster rate in Punjab and Haryana than that in Bihar and Orissa which might be due to the fact that Punjab and Haryana had been placed better economically (in terms of income) and socially (in terms of education) than Bihar and Orissa. Furthermore, they examined that children in urban areas were working mainly in small manufacturing units whereas in rural areas, they were mainly engaged in agricultural sector. They suggested that to reduce the incidence of child labour and to build up a strong and developed India, efforts should be made to eradicate illiteracy and raise the level

\textsuperscript{44} O.P. Maurya, “Child Labour in India”, \textit{Indian Journal of Industrial Relation}, Vol. 36, No. 4, April, 2001.

of education and income, particularly in those states where the problem was very acute.

K. Mathur and P. Bhargava\textsuperscript{46} conducted a study on the problem of child labour, particularly in gem-polishing industry, in Jaipur and other areas of Rajasthan. They found that people’s ignorance is responsible for the problem of child labour. Most of parents whose young children work in these industries were not aware of the various welfare schemes frames by the Government for the welfare of the children. Secondly, many parents do not mind in sending their children to work from an early age, they were more concerned about the children’s ability to be able to earn wages by becoming skilled, rather than about their academic education. Schools had a low priority in their eyes.

Pramila H. Bhargava\textsuperscript{47} examined the need for the convergence of various departments and ministries as a pre-requisite for the elimination of child labour. NGOs and private social organisations are playing very important role in eliminating child labour. But it has been found that NGOs are not equipped with proper training to handle this wide-spread socio-economic problem. But if the Government adopts the practice of supporting the NGOs, they can play more effective role in eliminating child labour.


Elizabeth D. Gibbons, Friedrich Huebler and Loazia\textsuperscript{48} identified factors like indifferent attitude of teachers and administrators, biased and irrelevant curricula discriminatory and abusive treatment of children such as corporal punishment and sexual abuse, or deprived conditions which are mainly responsible for poor attendance in the schools. They said that in reality, the lack of respect for children’s rights has deprived to get education and motivated them to work as child labour.

S.P. Singh\textsuperscript{49} identified poverty, unemployment, illiteracy and rising population as the main bottlenecks in the elimination of child labour in India. He suggested that these bottlenecks must be removed by a multiplicity of action both by government and public at social and individual levels. Universalisation of elementary education is the only way through which we can liberate child labour from the clutches of exploiters. Government should adopt a two pronged strategy for achieving this goal. First, the supply side constraints to the access on education must be removed through allocating more public expenditure on creating new schools in rural areas, strengthening the existing educational infrastructure and giving new shape to existing curriculum to make it more useful and interesting for children. Second, the demand side constraints on access to education should be removed by in testifying the on-going rural development and


poverty alleviation programmes on the one side and direct transferring of the financial resources to the families of child labour to schools on the other so that the constitutional provision for universalisation of elementary education be implemented in letter and spirit.

Umesh Chandra Sahoo\textsuperscript{50} analysed that invariably, backwardness and poverty are considered as the driving forces for the employment of children. Illiteracy, low social status, lack of schooling facilities is the reasons to reinforce and stimulate employment of children. It is no wonder then that the legislative measures have remained more or less ineffective, except perhaps in organized industries. He found that the “political will” is strongly biased in favour of the proprietary classes. So long as, the masses are inert and unorganized, the ruling coalition will try to gain at their expenses.

D.P. Chaudhri\textsuperscript{51} introduced the concept of the “no children, i.e., children neither in school nor in the economically accountable activities. According to him, this concept should mark the start of empirical research as to what these children are really doing, or whether they are just ‘deprived children’. Child in Indian states has been divided into three distinct subsets: those in schools, those who are economically active on a full time basis, and those who participate in household activities not classified as gainful employment which can be termed as nowhere children. He reported that the male child

\begin{flushleft}
\end{flushleft}
population almost doubled over 30 years with a decline in percentage of male child workers from 14.6% in 1961 to 9.9% in 1971, further declining to 8.7% in 1981 and 5.7% in 1991. Expansion of schooling of male children is also reported which is rather impressive but falling short of the need, thus swelling the ranks of nowhere children from 2.68 crores in 1961 to 6.17 crores in 1991. As far as female children are concerned the study reported an increase in the population of girls in age group of 5-14 years from 5.5 crores in 1961 to 10.06 crores in 1991. In 1961, a large majority of them (69.4%) are nowhere girls, 10.6 percent in full-time labour force and 26.1 percent in schools. In 1991, more than half of these (50.7 percent) are nowhere, 5.1 percent in labour force and 44.2 percent in schools.

T.N. Kitchlu\textsuperscript{52} established the fact that socio-cultural factors have a decisive part to play in perpetuation of child labour. He suggested that this pernicious problem can be tackled through a concerted drive, aimed at awareness generation, public education, adult literacy etc.

Lakshmidhar Mishra\textsuperscript{53} analysed the oppressive reality of Indian labouring children and provided a macro perspective on the nature and scale of the problem, as well as what this problem means in human and economic terms. He felt the need for examining the constitutional and legal provisions on child labour, the national policy and programme of action, international instruments and recent


international initiatives. The role of NGOs, trade unions and the media is also of crucial importance to address the problem on a war footing.

Arun Kumar\textsuperscript{54} said that the development of children should form an integral part of development planning. Policies and approaches meant for child development must be highlighted. He suggested that strict action should be taken for the prevention of child atrocities and the like.

P.G.V.Antony\textsuperscript{55} while differentiating between child work and child labour argued that child work is more generic and implies children who are engaged in work – whether paid, or unpaid, economic or non-economic, at home or outside the home. This rests on the basic premise that the engagement of children in work affects their growth. On the other hand, child labour tends to be more specific, indicating labour market involvement of children, which is detrimental to their development.

Helen R. Sekar \textsuperscript{56} analysed the impact of various rehabilitation programmes initiated by the government and NGOs on child labour. He examined the existing inputs in the policy framework and the programmes of action for dealing with the issue of child labour. He pointed out that the establishment and running of the special schools is the major activity under the National Child Labour Project (NCLP) at the ground level. On the basis of field studies and secondary data, an

\textsuperscript{56} Helen R. Sekar, \textit{Impact of Rehabilitation Programmes on Child Labour}, Commonwealth, New Delhi, 2002.
attempt has been made to examine the effectiveness of the National Child Labour Project in this study.

T.K Shandilya and S.A.Khan\textsuperscript{57} dealt with all major issues concerning the child labour. They identified the causes of child labour and gave valuable suggestions based on the findings of various past studies in India. All children welfare legislations in pre and post independent India, rules, regulations and ILO conventions have been examined for dealing with the global challenges in regard to child labour.

Arshad Ahmad\textsuperscript{58} put the main thrust on socio-economic and political-legal study having deep bearing on child labour in India. He has examined the problem of child labour comprehensively taking into consideration the magnitude of the problem. He has also identified the causes of child labour. He has also made an attempt to examine the constitutional and legislative measures adopted by the Government for containing the problem of child labour in India. He has also examined the provisions of many International concerts held the U.N. level to combat child labour.

C.S. Aggarwal\textsuperscript{59} brought out that, among other things, poverty and illiteracy have a bearing on child labour. A policy is needed to make education more meaningful and rewarding so that households


are motivated to send their children to school and keep them there. He suggested that Government should take concrete steps to combat rising poverty in India. Apart from it the physical and social infrastructure developments are required to reduce child labour.

Eric V. Edmonds⁶⁰ observed that child labour is the outcome of difficult household decisions. Parents weigh the cost of child labour against its return. The return to child labour is the additional income that child brings into its household. The cost of child labour include any direct health or weakening cost of child labour as well as the opportunity cost of child labour that depends upon what the child would do in the absence of work. Children may attend the school or have more time to play, both of which may have immediate and long-term consequences for the welfare of children. Thus the model point out that child labour is a rational household decision. Child labour occurs because the return to work is relatively high or return to not working is relatively low.

P. Deb and F. Rosati⁶¹ used an econometric model of fertility and children’s activities to examine the causal effects of fertility on child labour and schooling, taking into accounts the possible endogenous fertility. The sample of households for the study was drawn from the Human Development of India Survey (HDIS) conducted in India in 1994, carried out by the National Council of

---

Applied Economic Research, which is multi-purpose, nationally representative sample survey of rural India. They found that households in which the oldest child was male had fewer children supporting the claim of gender bias in India. Households with more educated mothers had fewer children. Contrary to this, they observed that household with educated fathers had more children probably the education of the father acted as proxy for income, being consistent with the findings that relatively richer households and those owning livestock had more children.

S. Bhalotra and Z. Tzannatos\(^62\) collected micro-data from several developing countries which revealed that parental income on child labour has a surprisingly impact and found a considerable prevalence of child labour amongst households that cannot be classified as subsistence-poor. These findings potentially challenge parent altruism because altruism predicts a negative effect of parental income on child labour, that is, larger the parental income, larger is the degree of altruism.

S. Dessy and S. Pallage\(^63\) held the opinion that child labour has its origin due to lack of a coordination mechanism between firm’s decisions to invest in skill based technologies and parent’s decision to send children to school.

Nitya Rao\(^64\) concluded that government should emphasis on

quality education rather than quantity. Most government initiatives towards education have focused primarily on the need to raise literacy rate, ignoring the vital quality aspect. The gap between policy statements and their actual implementation is too much. That holistic education, integrating different aspects and stages of education from early childhood to youth and adulthood has been reconciled as important achieving not only the goal of education for all, but also, quality education for all.

A. Raja found that poverty and economic activity were the important reasons for dropout/non-enrolment among children, though male children dropout rates were more dependent on these reasons in three districts of Andhra Pradesh. The economic activities included wage labour besides/unpaid labour such as work on own farms, supporting the parents in their activities. He concluded that while poverty appeared to have greater influence in the backward regions, economic activity seemed to play a vital role in the developed regions. This might have been due to the pull factors consequent to greater labour, especially during the peak seasons in the developed region.

N. Singh held the opinion that non-formal education can be one of the main planks of strategy for improving the lot of the street and working children. Flexible solutions have to be worked out so that

---

this problem can be tackled without subjecting the families to further economic stress.

Bimal Chandra Nanda\textsuperscript{67} made an attempt to examine the various provisions of the Declaration of the Rights of the Child adopted by the UN General Assembly on November 20, 1959. He also envisaged that there is no universality of opinion across the globe regarding the age group of persons whose work should be construed as child labour. Majority of the nations in the world today have acknowledged “child-labour” as a serious problem. Every country has however defined the child taking into consideration its own socio-cultural milieu. He condemned that despite the existence of a plethora of laws to deal with child labour the evil of child labour still persists in Indian. This is due to the poor implementation of the existing laws, rampant corruption among the authorities and some practical and ethical problems faced in the process of implementation. He highlighted the problems faced by government officials in the identification of working children particularly in agricultural and informal sectors like domestic labour.

T. Sivalingam and T. Vel Nambi \textsuperscript{68} analysed the magnitude of problem of child labour. He said that 90 per cent child labourers are concentrated in Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamilnadu, Uttar Pradesh


and West Bengal. He also examined the impact of various schemes to eradicate child labour. He suggested that Government must try to understand the micro-dimension of child labour with the macro-policy considerations.

Gopal Bhargava\textsuperscript{69} said that the economic exploitation of children has always been an area of concern in the world over. He highlighted initiatives that are yielding encouraging results in preventing child labour, as well as in rescuing and rehabilitating bounded children. He suggested ways to expand and accelerate these initiatives by linking them more directly with national programmes and international mechanics specifically designed to combat child labour.

Babita Agarwal\textsuperscript{70} said that child labour is a worldwide phenomenon. This practice exists in India due to socio economics and cultural conditions. She identified poverty, un-employment and illiteracy are the main causes of this problem. She examined the areas of work of child workers widespread. She also identified agriculture, manufacturing industries and domestic and other services as the main sectors of their work. She also examined the adverse effect of child labour created several problems for the nation. She also analysed various efforts have made by the Government and the social organizations to eradicate the problem. But the results are not much satisfactory due to poor implementation of acts and rules.

Anoop K. Sapathy, Helen R. Sekar and Anup K. Karan\textsuperscript{71} analysed the impact of National Child Labour Projects by encompassing 70 National Child Labour Project districts located in 15 different states of India. They presented in details the practices, gaps, challenges and impediments of the project. They also gave some recommendations to strengthen the programme and its implementation.

M. Koteswara Rao\textsuperscript{72} made an effort to examine the gravity of the problem of child labour in various states, districts and cities of India. He presented the position of child labour in different industries such as Diamond Cutting and Polishing, Brick and Tiles industry, Garbage units and Handloom Industry in different parts of the country. He analysed socio-economic characteristics of this problem, such as age and sex, caste, education, levels of living, levels of earning and impact on household incomes. He also discussed various aspects of migrant child workers. He gave suggestions for curbing the problem of child labour in India. He also examined the impact of various legislations, constitutional provisions and legal provisions which meant to curb the child labour.

Helen R. Sekar\textsuperscript{73} focused on child labour legislation in India. He traced the underlying features behind legal provisions pertaining to child labour and examined their proper implementation. He made an

\textsuperscript{71} Anoop K. Sapathy, Helen R. Sekar and Anup K. Karan, \textit{Rehabilitation of Child Labour in India: Lessons Learnt from the Evaluation of NCLPs}, V.V. Giri National Labour Institute, Noida, 2010
\textsuperscript{73} Helen R. Sekar, \textit{Child Labour Legislation in India: A Study in Retrospect and Prospect}, V.V. Giri, National Labour Institute, Noida, 1997.
attempt to examine the impact of two legislations—Employment of Child Act, 1938 and the Child Labour (Prohibition and Regulation) Act, 1986.

P.L. Mehta and S.S. Jaswal\textsuperscript{74} made an attempt to analyse the problem of child labour working in stalls, sweets shops and dhabhas in Shimla town and concluded that the problem of child labour is very serious which requires concrete steps on the part of government to solve it. Children of various age groups have been employed in large number in industries, hotels and other places on account of poverty. They are deprived of education, proper health and basic amenities of life. Independence and fundamental rights have no meaning to them.

Usha Sharma\textsuperscript{75} held the opinion that the child labour has emerged out of the prevalent socio-economic conditions. She identified the reasons why the children below the age of 14 years are compelled to work under hazardous conditions detrimental to their health, welfare and development. Most of these children are deprived of even schooling opportunities. However, this social evil has attracted, over the year, the attention of the Government, academicians, trade unions and number of welfare and social organisations.

S.S. Tiwana\textsuperscript{76} analysed the problem of child labour both at India and global levels. He made an effort to analyse the constitutional


\textsuperscript{75} Usha Sharma, \textit{Child Labour in India}, Mittal and Mittal Publications, New Delhi, 2006.

\textsuperscript{76} S.S. Tiwana, “Child Labour in India: An Appraisal”, N-72.
provisions and policy framework relating to child labour in India. He has also traced the history of child labour in India and examined various resolutions passed by International Labour Organisation (ILO). He also narrated the various legislative measures undertaken by the Government of India to curtail the problem of child labour. He also analysed the role of judiciary against the practice of child labour.

Jayanti Alam\textsuperscript{77} depicted the pitiable position of child labour in India. He narrated that 82.82 million children between the age group 6-14 are not in schools because they are forced to work at home tendering cattle, taking a care of siblings, collecting firewood, water or even working in the fields or outside cottage industries, small eating houses, tea-stalls or as domestic worker in middle class houses. Quite often they are doomed to beg, pick rags, work as bonded labour or even as prostitutes. About 13 to 44 million or more belong to the latter category of unfortunates. He suggested that compulsory schooling is a proper solution of child labour in India.

A.R.M Ismail\textsuperscript{78} identified systematic destruction of rural life, menacing spread of urbanization, commercialization of education and drastic cut in the budgetary allocation towards various poverty alleviation schemes as the main factors behind the alarming spread of child labour in India. He also said that India has come to acquire hasty distinction of possessing the largest child labour force in the

\textsuperscript{77} Jayanti Alam, “Child Labour: Compulsory Schooling is the only Solution”, \textit{Mainstream}, Vol. XXXIII, No. 16, March 11, 1995.

\textsuperscript{78} A.R.M. Ismail, " Child Labour in India", \textit{Mainstream}, Vol. XXXIII, No. 52, November, 18, 1995.
world, despite various measures undertaken by government and non-governmental agencies to tackle the exploitation of children.

K.N. Bhatt\textsuperscript{79} analysed the role of primary education in eliminating child labour. He highlighted the socio-economic factors responsible for the existence of a large number of working children in the country. He tried to find out why India has utterly failed to fulfil our constitutional obligation to provide free and compulsory education to every child up to age of 14 years. He did an attempt to show how it affects the problem of child labour. He concluded that there is no alternative to free, compulsory and quality primary education to eliminate child labour. He ensured the right of each child to education without any further delay. In the end he gave concrete suggestions to combat the problem of child labour in India.

Ashish Ghosh and Helen R. Sekar\textsuperscript{80} analysed the impact of legislation on the status of child labour in the home-based brassware industries in Moradabad specially Child Labour (Prohibition and Regulation) Act, 1986. They felt that child labour does exist despite the constitutional, legal and governmental commitments. They wanted that reasons responsible for child labour must be identified and impediments removed. They also suggested innovative and constructive ways to end this unfortunate practice in recognition of


\textsuperscript{80} Ashish Ghosh and Helen R. Sekar, \textit{Child Labour in Moradabad Home Based Industries in the wake of Legislation}, V.V. Giri, National Labour Institute, Noida, 2000.
the emerging trends and compulsion with which child labour is associated.

Asha Bajpai\textsuperscript{81} made an attempt to integrate the law in the history and field practice. She examined the important legislation and judgments on the subject, along with the initiatives for legal reform, interventions by some non-governmental organizations (NGO), and international legal trends. She also highlighted various relevant regional and international mechanism and international standards of behavior towards children. She examined the inadequacies in laws and procedures and looked at some examples and approaches of current NGO interventions and strategies in the field to enhance and protect the rights of the child. She also focused on some legal strategies and law reform recommendations to be carried at all levels—from local and national, to regional and international.

V.K. Dewan\textsuperscript{82} presented the global scenario of child labour and highlighted their problems. He also analysed the national laws on child labour and action plans and programmes being followed for the elimination of problem of child labour in India. He critically analysed child labour rules and related initiatives vis-à-vis various attempt being made towards elimination of child labour globally.

\textbf{OBJECTIVES OF THE STUDY}

1. To build conceptual framework of the study.

\begin{flushright}
\end{flushright}
2. To examine the constitutional provisions provided in the Indian constitution for the protection of child labour in India.

3. To examine the magnitude of the problem of child labour in Punjab.

4. To examine the gravity of the problem of child labour in Punjab with special reference to Barnala and Sangrur Districts of Punjab.

5. To identify the factors that forces the parents/ family members to send their children to the labour market.

6. To examine the various international resolution and convergent passed by United Nations for the protection of child labour.

7. To analyse the various schemes/plans adopted by Government of Punjab to combat the problem of child labour.

8. To give suggestions for combating the problem of child labour in Punjab.

**SCOPE OF THE STUDY**

Scope of the study was confined to analyse the gravity of the problem of child labour-in Punjab with special reference to Barnala and Sangrur districts. Few research studies have been made to throw light on the issue of child labour but these attempts have been made in organised and industrial sector. The present study was conducted to cover children working in unorganised sector. Endeavour was made to classify the child labour as school going children, child labour, nowhere children (non-labour and non-school goers). The study examined the constitutional framework relating to child labour. The study also analysed the response of judiciary against the practice of
child labour. The study also focused on various legislative and non-legislative measures undertaken by Government and Non-Government Organisations to curve the menace of child labour in Punjab. The study examined the recommendations of various committees constituted by Punjab Government to curtail the problem of child labour.

**HYPOTHESES**

1. Child labour in Punjab is prevalent in almost all sectors of unorganized sector of economy including agriculture, households, brick kiln and carpet weaving because of their availability at low wages.

3. Many legislative measures and strategies were adopted to provide protection to children and impart education. The efforts to eliminate child labour and achieve universalisation of primary education have utterly failed in the country.

4. The provision of free, compulsory and quality primary education can help a lot to solve the problem. But inspite of constitutional provisions of free and compulsory education at primary level, the problem of child labour has not been contained due to poor implementation of constitutional mandates.

5. In India in the early stages of the development process, the incidence of child labour is noticed as a symptom of poverty and structural changes in the economy. The government directed its policies towards accelerating the transition process by development
efforts to check the growing child labour. But problem could not be tackled due to wide-spread illiteracy and poverty.

6. The legislative measures have failed to eliminate child labour even from hazardous occupations.

7. After the initiation of India’s New Economic Reforms in the early 1990s, the issue of child labour has acquired a great deal of prominence and became increasingly linked with the major forces of globalization.

RESEARCH METHODOLOGY

The data for the present study was collected through primary as well as secondary sources. The primary sources include Annual Reports of Ministry of Labour, parliamentary debates on enactment of child Labour Legislations like Juvenile Justice (Care and Protection of Children) Act, 2000, the Commissions for Protection of Children Act, 2005 and Right to Education Act, 2009 etc. The secondary sources include books, articles published in journals and newspapers.

As the child labour is available in different professions as household servants, Brick kiln, Carpet Weaving, Dhabhas, shops, agriculture etc. So a list of professions was prepared, where the children are working in maximum numbers. The house-hold, the agricultural and brick kiln workers are more in the villages. So the sample was selected on the basis of the nature of work.

The child workers were divided in the following categories:

(a) Household Workers and Domestic Servants

(b) Brick Kiln
(c) Agricultural

(d) Carpet Weaving

Four blocks from Sangrur district and three blocks from Barnala district were chosen and two villages from each block were chosen on random basis as is shown in the following table:

<table>
<thead>
<tr>
<th>Districts</th>
<th>Block</th>
<th>Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sangrur</td>
<td>Sangrur</td>
<td>Mangwal, Badrukhan</td>
</tr>
<tr>
<td></td>
<td>Sunam</td>
<td>Cheema, Neelowal</td>
</tr>
<tr>
<td></td>
<td>Malerkotla</td>
<td>Flaund Khurd, Jaati Majra</td>
</tr>
<tr>
<td></td>
<td>Sherpur</td>
<td>Roorgarh, Chaangli</td>
</tr>
<tr>
<td>Barnala</td>
<td>Barnala</td>
<td>Taula, Badbar</td>
</tr>
<tr>
<td></td>
<td>Sehna</td>
<td>Jodhpur, Taajo</td>
</tr>
<tr>
<td></td>
<td>Mehal Kalan</td>
<td>Chhapa , Wajid Ke</td>
</tr>
</tbody>
</table>

320 child labour respondents (160 from Sangrur District and 160 from Barnala District) have been chosen on random basis who are working as Domestic Workers, Brick Kiln Workers, Agricultural Workers and Carpet Weavers. 40 child respondents were chosen in Sangrur district from each Block and 20 from each village on random basis. Barnala is comparatively a small district and is comprised of three blocks only. The number of child labour respondents chosen
from each block of Barnala District is more than four blocks of Sangrur District. This has been done so as to choose equal number of respondents from each district.

Information was collected from the children and their parents by applying personal interview to elicit their views on the issue of child labour. Information was also collected from NGOs through Questionnaire method on various issues relating to child labour.

CHAPTERISATION

The study has been divided into eight chapters.

In the first chapter, attempt has been made to build conceptual framework of the study. An exhaustive review of existing literature has also been undertaken. Objective of the study had been identified and hypotheses had also been framed. Efforts have been made to test the hypotheses in the later part of the study. Research methodology adopted in the completion of the study had also been explained.

The second chapter examines the gravity of the problem of child labour in India with a special focus on Punjab. The pattern of concentration of child labour across regions, states and sectors and literacy level among children have been investigated as they have a significant impact on child labour.

Attempt has been made in third chapter to examine the socio-economic profile of Sangrur and Barnala districts.

The fourth chapter examines constitutional provisions relating to child rights in India. This chapter also examines the steps taken by U.N. at the global level to check the problem of child labour. Apart
from it, endeavour has also been made to analyse the impact of various legislations passed by both the successive Union Governments as well as the Punjab Governments from time to time to eradicate the evil of child labour.

The fifth chapter examines judicial response against the practice of child labour.

The sixth chapter is empirical and examines the perception of parents of children on the problem of child labour in Sangrur and Barnala districts of Punjab. Attempt has also been in this chapter to examine the working conditions of child labourers in Sangrur and Barnala districts. The chapter also analyses the level of satisfaction of the children from the nature of work and attitude of employers towards them.

In the seventh chapter the anti child labour agenda of the two Punjab based Non-Governmental Organisations has been examined.

Last chapter sums up the main finding and gives suggestions.