CHAPTER-II

CONCEPTUAL ANALYSIS OF CHILD LABOUR

Children are universally recognised as the most important asset of any nation. The future of a society depends directly on how the successive generations are reared and brought up to fulfill the many requirements which the society is faced with from time to time. Every country wants its child population to grow into good citizens. But this can be achieved only through proper provision of all basic necessities of life, i.e., food, clothing, shelter, education and primary health care. Children also need security, love, sympathy and kind treatment. A child is basically a product of the environment around him. In societies where the rigours of sheer survival are beset with numerous difficulties, children also are bound to suffer in their development and growth. They develop early propensities towards fending for themselves. The parental care is considerably tempered in the face of actual realities of the situation. The consequential problems are stupendous and finding solutions to these is a real challenge to both society and the State.

With the many competing demands on their resources, the developing societies, particularly are often unable to do every thing that is necessary to give the children their rightful place in the community. The result is that many children in their tender age are often exploited for work in pitiable conditions. While this could be ascribed to many socio-economic and cultural considerations, yet it cannot be overlooked any more that there is a widespread employment of children both open and disguised in environment and professions which are most detriments to their health and growth and that the State and the society must act to remedy the situation as best as possible.

In this chapter an attempt is made to inquire into the origin and historical background of child labour. It is also proposed to analyse conceptual analysis of child labour, its nature, scope and magnitude.

\[\text{\textsuperscript{1}}\text{The Report of the Committee on Child Labour, Ministry of Labour, Government of India, (1979).}\]
2.1. ORIGIN AND HISTORICAL BACKGROUND OF CHILD LABOUR:

Child labour is not a new phenomenon. Since historical times, child labour has existed in one form or another in all the societies of the world. Children of primitive man, who used to lead the life of a food gatherer or hunter, helped him in his occupation. When man started cultivation, they used to help in comparatively higher jobs. The joint and extended family systems, which were the main social institutions at that time, provided the child an atmosphere of security, warmth and compassion. With the passage of time, the school-based education started, but it confined itself to the privileged classes of the society. Mostly children learnt in the family and through work. They first joined the elders out of curiosity and then developed interest in work and derived pleasure out of it. They learnt the adult roles smoothly, almost unconsciously, through observation and association. There was no threshold of occupational entrance. Their transition on the occupational continuum was gradual, progressing from simpler to more complex tasks with the acquisition of physical and intellectual maturity. In the beginning a child worked under the guidance of his parents or master craftsman, his work was a sort of vocational training and not of the modern and impersonal exploitative nature. Work under the protective mechanism does not deprive a child of his physical and mental growth, rather it inculcates in him a positive self-image by preparing him to assume an adult role in future.

The great Indian epics, Ramayana and Mahabharata reveal that even the would-be kings of the time had to spend their childhood in, what might be termed as training for work. Rama the hero of Ramayana spent his childhood along with his younger brother Lakshmana in the hermitage of sage Vashishta. The ‘ashram’ (hermitage) was a learning place where the two brothers not only mastered in the martial arts but also helped their guru (teacher) in his household chores and economic pursuits, ex., collection of fruits and other eatables. In another epic, Lord Krishna, the hero of Mahabharata, spent his early childhood in the household of a chieftain of cowherds, where he started grazing cattle at a very young age of six years.

Going through history, one finds that Kautilya has referred to pledging of minors as slaves in his famous book "Arthashastra". He recommended various kinds of punishments for selling or keeping as a pledge a minor Arya individual. However, he felt that it was not an offence for foreigners or tribals to sell an offspring or keep it as a pledge. It is revealed that it was not uncommon to keep a slave less than eight years of age. The pledging of labour continued till the beginning of the 20th century. Under quasi-feudal relations of production parent's obligations were often involved all families working for landlords. More commonly, adults were hired as labour to such low wages that other family members including children had to remain engaged in extra work to meet the household's subsistence needs. Glimpses of this form are yet prevalent in the form of bonded labour. A survey of Gandhi peace Foundation on conditions of bonded labour in India reveals that there are about 5 million bonded labour. It further adds that there are about 21.0 percent of the bonded labour below the age of 20 years.

In agrarian society, children of agriculturists had to perform specific tasks. Children were entrusted with the work that was time consuming, while elders were busy in more effort intensive, labourious skilled tasks. The children from agriculturist families from their early ages started learning and functioning as participants and productive members of the family and community. Children thus form an integral part of the agricultural household economy. India being predominantly an agricultural country, large number of children work in this sector even today.

In 18th century, Industrial Revolution gave a new turn to the history of mankind. It brought a change in the over all economic and social order, which was far distinct than earlier period. Industrial revolution destroyed the village and household industries making poorer those people, who are engaged in these activities. For their survival not only the females but even the children of the poor had to get inducted into economic activity. By the 19th century it had become common for the children to work in factories in abysmal working conditions involving a daily stint of some 14 hours and with almost no means of protection against the risk of accidents. For instance, the cotton factories established in Lancashire and Yorkshire towards the close of the 18th century engaged by pauper children from London and other towns and the atrocities visited on these boys and girls housed in horribly over crowded and insanitary dormitories and literally driven to death in mills form one of the darkest chapters in the history of mankind. The technological revolution increased

the pace of industrialisation and urbanisation and also resulted in a significant change in the social scenario. The joint families, which were more capable of providing social and economic security, started disintegrating. Everyone in the family had to struggle hard to survive. 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 the land and drifted from their home based work place. They became wage earning labourers. Extreme poverty made possible a situation in which the child had to be introduced in the labour market:

Thus, it was not for the family to support the child, rather it was for the child to support the family. The machines, after industrial revolution did not depend on more muscular power of its operator. It could have been operated by any adult or child with least efforts. It sometimes, even required more supple movements of limbs which is normally found in women and children. Moreover, the labour of a 'child' or a 'woman' was also cheaper than the labour of a 'man'. The large number of children therefore, were appointed by the millowners and the factory owners. Thus, the demand for cheap labour increased the demand for child labour.

2.2. CONCEPTUAL ANALYSIS OF CHILD LABOUR:

The concept of child labour is a complex one to define. A consensually validated definition of child labour is not available either in the national or international context. The term child labour is defined differently by different organisations and by legislations at different time. To define child labour it is necessary to define the terms 'child' and 'labour'. It is very difficult to define precisely both 'child' and 'labour' components of child labour. This is compounded by differences in social perceptions. The notion of childhood, for example is not as straight forward as it might appear. While in many societies age can be an adequate basis of definition, in others this may not be so. There may be socially and biologically defined life phases which may involve different obligations, behaviour and work patterns. The transition from one category to another may well be based on social and customary practices. For example, upon the completion of certain initiation rites “child play” may gradually be interpreted as “work”, even if the activity itself remains unchanged. Hence both age and cultural values influence societies perception of what constitutes child work. This in turn influences the inclusion or otherwise in statistical reporting of this category of employment.

a. Definition of the term 'child':

The United Nations Convention on the Rights of the child, 1989, defines the term child under Article 1, "as every human being below the age of eighteen years unless, the law applicable to the child, majority is attained earlier:"

A child is defined as "someone who needs adult protection for physical, psychological and intellectual development until able to become independently integrated into the adult world." According to another definition, the word 'child' can have several limits according to which some of the following criteria are taken: I. biological (puberty), ii. legal (schooling, legislation and labour laws) and iii. customs (status in domestic unit). The definition of 'child' varies from one society and from one time to another, and also according to gender. Even within India, child has been defined differently from State to State for different pieces of legislation. The Acts, which have been formulated to prevent the exploitation of the young, define a child as a person under 16 years in Madhya pradesh, UP and Punjab; under 18 years in Saurashtra and west Bengal; under 16 years in Telangana but under 14 years in rest of Andhra pradesh. In the Union Territories, a boy is defined as a child if he is under 16 years and a girl if she is under 18 years.

The legal conception of a child varies depending upon the purpose: whether it is for imposing legal disabilities (ex. in the political rights sphere) for spelling out duties and obligation (ex. in juvenile justice system), for affording protection (ex. from exploitative or hazardous employment) or for establishing eligibility to receive benefits for special service (ex. health, education and maintenance benefits). Underlying these alternative definitions are also very different conceptions of the child. These include viewing children as a burden which invoke rights to maintenance and support; regarding children as undergoing temporary disabilities making for rights to special treatment and special discrimination; treating children as specially vulnerable for ensuring rights of protection; and recognising children as resources for the country's development giving rise to rights of nurturing and advancement. Under different economic and socio-cultural circumstances, the child has also been regarded as a commodity, as an insurance, as a source of labour, and as a social burden.

In India too the definition of child varies with the purpose. The legal definition of a child depends very much upon the specific legislation.

11. Definition of a child
   i. Constitution of India: Illustrations from the law in India
      Article - 24 provides: No child below the age of 14 years shall be allowed to work in a factory, a mine or in any hazardous employment. According to Article 45, State shall strive to provide free and compulsory primary education for all children until they complete 14 years of age.
   ii. Census of India: Child means, a person below the age of 14 years.
   iii. Criminal law: Indian Penal Code 1860
      Nothing is an offence which is done by a child under 7 years of age. (Sec. 82). Nothing is an offence which is done by a child above 7 years of age under 12, who has not attained sufficient maturity of understanding to judge the nature and consequence of his conduct on that occasion (Section 83).
      'Juvenile' is a boy who has not attained the age of 16 years, and girl who has not attained the age of 18 years.
   v. Family law: Child Marriage Restraint Act, 1929
      "Child" means a person who if a male, has not completed 21 years of age, and if a female, has not completed 18 years of age
      a person who has not completed 18 years of age is incompetent to enter into a contract (Section 11)
      a child below 14 years of age is not allowed to work in certain occupations and workshops (Section 3)
      b) Mines (Amendment) Act, 1983
      No person below 18 years of age shall be allowed to work in any mine or part thereof.
      c) Factories Act, 1948
      No child who has not completed 14 years of age shall be required or allowed to work in any factory.
      d) Motor Transport Workers Act, 1961
      a child below 15 years of age is not allowed to work.
      e) The Apprentice Act, 1961
      a person shall not be qualified to be engaged as an Apprentice unless he is not less than 14 years of age.
b. Child Labour:

Labour force is a synonym for the working population or economically active population. According to Multilingual Demographic Dictionary the working population consists of those individuals who take part in the production of economic goods and services, including unpaid family workers in an economic enterprise as well as persons who work for pay or profit. The census of India defines work as "participation in any economically productive activity. Such participation may be physical or mental in nature. Work involves not only active work but also effective supervision and direction of work".

In the case of children, 'work' is often on the borderline between work and play, work and vagrancy, and work and apprenticeship. Apprenticeship is a second highly important element. It may contribute to children's socialisation and acquisition of technical skills, but when it is simply a device to obtain cheap labour, 'apprenticeship' hinders future development. This element highlights the specific kind of exploitation inherent in child work, which is additional to the direct exploitation also experienced by adults entering the productive system of similar fashion. A definition of work should be related not only to the activity itself but also to its economic and social context, i.e., the exploitative and non-exploitative nature should also be taken into consideration.

Children's work can also be defined as any activity done by children, which either contributes to production, gives adults free time, facilitates the work of others, or substitutes for the employment of others. The definition of work or employment largely on the basis of the volume and destination of the product of child's activities. Far from invariably implying exploitation, the work of children can be, according to cultural context, an expression of an educational principle according to which, if only in anticipation, each individual makes a sacrifice to the community who, then, accepts him or her as a member.

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However, we must make a distinction between child labour and exploitation of child labour. Both are a problem, though of different orders. Child labour as distinguished from work experience has mostly negative attributes. It can now be asserted on scientific grounds the work as a direct fulfilment of child’s natural abilities and creative potentialities is always conductive to his healthy growth. But work when taken up as a means for the fulfilment of some other needs, becomes enslaving in character and deleterious in its impact. Labour is the work of latter type irrespective of the degree of strain or exploitation involved in it. Work by its very nature is enriching. The basic attributes of work are purpose, plan and freedom. When they are conspicuously absent, work becomes labour. Labour in the case of child, especially is harmful because the energy that should have been expended on the nurturing of his latent power is consumed for purposes of bare survival. Child labour assumes a character of a social problem in as much as it hinders, arrests or distorts the natural growth processes and prevents the child from attaining his full-blown manhood. “When the business of wage earning or of participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour. The function of work in childhood is primary developmental and not economic. Children’s work then as a social good, is the direct antithesis of child labour as a social evil.”

A more comprehensive definition, taking in account the consequences of labour on children has been provided by the international labour organisation, according to which, “...child labour includes children prematurely 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.”

17. The Report of the Child Labour, 1979, op.cit., p.8
Article 24 of the Constitution of India provides that no child below the age of fourteen years shall be employed to work in any 'factory' or 'mine' or engaged in any other 'hazardous' work. Though the Constitution of India does not define the term 'hazardous', one can infer from Articles 39(e)20, 39(f)21 and 4522 of the Constitution that any occupation that stunts a child's mental or physical growth is hazardous. Any employment is hazardous to children since it prevents the child from going to school.

The ILO Convention No. 138 requires to ensure the effective abolition of child labour, to set caution for all children until they complete the age of 14 years, a minimum age for admission to employment or work and to raise this progressively to a level consistent with the fullest physical and mental development of young people. This minimum age must not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years23.

The Report of the Committee on Child Labour, 1979, strongly recommended that the minimum statutory age for entry into any employment should be 15 years24. Operations Research Group, Baroda, which carried out an all India child labour survey in 1980-81 defined a working child, as a


20. Article 39(e) of the Constitution of India provides that the State shall in particular, direct its policy towards securing...that the health and strength of workers men and women, and tender age of children are not abused and that citizens are not forced by economic necessity to enter into avocations unsuited to their age or strength.

21. Article 39(f) of the Constitution of India provides that...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.

22. Article 45 of the Constitution of India provides that the State shall endeavour to provide within a period of 10 years from the commencement of the Constitution for free and compulsory education for all children until they complete the age of 14 years.


child falling within 5 to 15 age group and who is at remunerative work, may be paid or unpaid and busy any hour of the day within or outside the family.\textsuperscript{25}

These recommendations are not considered by the Government of India, in enacting the Child Labour(Prohibition and Regulation) Act, 1986\textsuperscript{26} (here in after called the Act). The Act, under Section 3 provides that no child below the age of 14 years shall be employed or permitted to work in any of the occupations and processes, set forth in part A and part B of the Schedule is carried on, provided that nothing in this Section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from Government. Part III of the Act, permits the employment of children below the age of 14 years, in establishments by regulating the working conditions.

Despite many recommendations, the definition of child labour is narrowed down by the Act. The Act, reduced the minimum age of employment to 14 years in numerous hazardous occupations. The Act legalised the child labour, as it prohibits child labour in certain occupations and permits the employment of children below the age of 14 years in some other occupations. The Act left certain other activities like agriculture, ragpicking and some other activities in unorganised sector to which neither prohibition nor regulation applies, and in which child labour is rampant. The Act, does not ban child labour even in “prohibited occupations” if the work is carried on by the occupier with the aid of his family or if the work is carried on to any school established by, or receiving assistance or recognition from the government. A hazardous process does not become less so merely because it is carried on in a school or by a family. Thus this defective definition of child labour does not protect the interests of working children, and also leads to underestimation of the extent of child labour in India.

Therefore, there is an urgent need to amend the present definition of child labour so as to make it comprehensive and effective, keeping in view the recommendations of the ILO. Minimum Age Convention No.138, the Report of the Committee on Child Labour, 1979, and the Convention on the Rights of the Child, 1989. The ideal situation should be that a child who has not completed the age of 15 years should not be allowed to work in any occupation. An adolescent, who as completed 15 years of age and not completed 18 years, can be employed in permissible occupation under regulating condition of work.

\textsuperscript{25} Khatau KK., et.al., \textit{op. cit.}, p.102
\textsuperscript{26} Central Act No.61 of 1986.
2.3 NATURE OF THE PROBLEM:

Child labour is not a new phenomenon to our age. It has existed in one form or another in all historical times. What is however, new is its perception as a social problem. There has been a distinct change in the recent past in the value orientation and attitudinal ethos of the legitimising groups of society vis-à-vis child labour because of various developments. In the pre-industrial agricultural society of India, children worked as helpers and learners in hereditarily determined family occupations under the benign supervision of adult family members. The work-place was an extension of the home and work was characterised by personal and informal relationships. The tasks and technology that work involved were simple and non-hazardous which the child could learn smoothly, almost unconsciously, over the years through limitation and association. Familism was the dominant sentiment and ‘each for all and all for each’ was the general norm that governed the family functioning. The child’s interests and welfare were well protected in the family and the family guaranteed maximum security in all eventualities.

The social scenario, however, changed radically with the advent of industrialisation and urbanisation. Under the impact of the newly generated forces, there was an unbroken stream of the rural poor migrating to urban centres in search of livelihood. The new habitat vouchsafed them survival but reduced their life to a heap of miseries. The family members no longer worked as a team and in caste-sanctioned occupations. The child had to work as an individual person either under an employer or independently without enjoying the benevolent protection of his guardian. His work place was divorced and totally dissimilar from his home. His job exposed him to various kinds of health hazards emanating from the extensive use of chemicals and poisonous substances in industries and the pollutants discharged by them. His work was repetitive, monotonous and unpromising. His hours of work stretched long but his earnings were meagre. His employer, in most of the instances, maltreated him and exploited him unscrupulously. His work environment thus endangered his physical health and mental growth. The protection and welfare of these children, therefore, becomes an issue of paramount significance which society could have glossed over at a great peril.

27. The Report of the Committee on Child Labour, 1979 op.cit., p.10
28. Ibid.,
Another sociological factor accentuating the visibility of the problematic aspect of child labour was the emergence of welfare consciousness on a global scale. The industrial revolution in the west generated such vast demands for man power to handle a wide variety of jobs that even children had to be pressed into service. Contemporary writing reveal under what atrocious conditions these children had to work in coal mines and textile mills. However, once the west built its affluence and baneful effects of child labour became outrageously manifest, the state took appropriate measures to undo the evil. Yet another factor highlighting the evil aspect of child labour was the recent advancements in various sciences having a bearing on the child. In olden days, it is true child was viewed with a tender feeling and reared with love and compassion. But the fund of knowledge about his developmental needs and the consequences of their deprivation was rather meagre. Today, scientific knowledge has revolutionised our outlook on child care and his developmental imperatives. The diffusion of this knowledge has created a new awareness in the major institutions of society as to the relationship the child should have with his milieu, his need objects and his work etc. Against the backdrop of modern scientific knowledge about the child, child labour appeared to play a totally dysfunctional role in society.

Child labour, of late, has evoked deep concern among all who link the future of the country with the present of the child. Child labour is viewed no less a scourge effecting the destiny of the child than his mal-nutrition or morbidity. However, we must make a distinction between child labour and exploitation of child labour. 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 in endangers his health and safety i.e, when he is exploited. As the problem of child labour cannot be understood apart from the standpoint of human values, its extent as a social evil can be determined only by methods of qualitative analysis, the jobs they are engaged in, the dangers they are exposed to, the desirable opportunities they are deprived of by reason of their being gainfully employed.

Child labour is as much the cause as consequence of adult unemployment and under-employment. It at once supplements and depresses the family income. Child labour is not only a subsidy to industry but a direct inducement to the payment of low wages to adult workers. The

29. Ibid., pp 7-8

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entrance of children into labour market reduces the volume of employment for the adult and lowers the bargaining power of adult workers. Rigours of childhood employment result in a permanently weakened and damaged labour force. Child labour involves the use of labour at its point of lowest productivity, hence it is an inefficient utilisation of labour power. Child labour represents premature expenditure rather than saving.

Children, by and large, have to do action jobs which are not mentally stimulating and career promoting. After their initial interest wears off, they soon discover that the job is leading then nowhere and they have landed into a cul de sac. These dead-end kids seeking a precarious living, therefore, tend to shift about frequently from one job to another with consequent idleness interspersed between jobs. Child labour swells the number and cost of accidents to which children are far more liable than adults. Long hours of work, late hours of night employment, continuous standing, sitting or use of single set of muscles, emphasis on the finer neuro-muscular co-ordinations with attendant nervous strain, indoor confinement in noisy factories and dusty trades, carrying heavy loads under the arm or lifting heavy weights, pressure of speed in the performance of simple mechanical acts, contact with industrial poisons exposure to inclement weather are unsuitable occupations and provide harmful conditions for the growing child peculiarly susceptible to certain deformities and diseases. Child labour not only disfavours general physical vigour and energy, it may aggravate defects and ailments. Different types of labour may produce different kinds of distortions and disproportions in the body habitue in the child.

Leaving school and going to work is a major step in a child’s life. It involves breaking away from childhood dependencies and is accompanied by diverse external and internal compulsions. The transition aggravates the usual emotional stress and instability of the period which are induced by environmental forces as well as by physical and organic changes. The new occupations may involve difficulties of adjustment in a new and complex set of relationships. The child is subjected to the rigidities and restraints of his job for 8 to 12 hours a day requiring his unremitting attention. Fatigue, more so cumulative fatigue, which lowers the psycho-physical tone and heightens suggestibility is an important factor in the development of neurotic tendencies among working children. Employment considerably decreases opportunities for vigours, outdoor play, recognised as far more prophylactic in mental hygiene than the indoor commercial amusements usually sought by the working child. Repression of normal impulses, desires and powers of children at work, especially in street occupa

tions, tends them towards, delinquency in their hours of freedom, seeking to have a good time or to exalt their submerged and humiliated selves. The argument that employment of children increases the earnings of the family and keeps children away from mischief is misleading. It glosses over the fact that child labour deprives children of educational opportunities, minimises their chances for vocational training, stunts their physical growth, hampers their intellectual development and by forcing them into the army of unskilled labourers or blind alley jobs, condemns them to low wages all their lives. To conclude, child labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful.

2.4. MAJOR FORMS OF CHILD LABOUR:

Most children in almost all societies work in one way or another, though the types of work they do and the forms of their involvement vary among societies and over time. The major forms of child participation in economic activities can be broadly summarised as follows.

**Domestic work**, such as cleaning, cooking, child-care and other chores in the child's own household undertaken by children in almost all societies. The intensity of their involvement varies among societies depending on their technological development and also among socio-economic classes.

**Non-domestic but non-monetary work** is another important form of child Labour. This covers such activities as farm work, fuel and water collection, and hunting. In agrarian economies children form a major proportion of the workforce engaged in such activities and spend a significant amount of time on them. Even in the Urban sector, many Urban household production units engaged in trade and services as well as artisanal manufacturing production rely on children for activities such as running errands, guarding goods, marketing etc. These can be extremely valuable in complementing adult activities or in relieving adults for other directly productive activities.

32. The Report or the Director General, International Labour office, 1983, op.cit., p.8
33. Ibid.,
Bonded Labour is another form of child activity. Usually illegal, this epitomises the most exploitative feature of child labour in agrarian societies. It arises either as one of the obligations to landlords whereby the provision of child labour is part of the family's rent or in a situation where children are given in settlement of debts\textsuperscript{34}.

Wage employment is another important form of child activity. Children working either as a part of a family group or individually in agricultural work sites, in domestic services, in manufacturing and service activities etc., are found throughout the developing world and, to some extent, in developed countries as well. They are found working under various types of employment relationships such as, on a piece-rate or time-rate basis as regular or casual workers, in jobs that may or may not involve some training, legally or clandestinely along with or at the expense of their schooling. Many work as apprentices with little or no pay, sometimes over an extended period of time and not infrequently as a cheap form of disguised wage labour\textsuperscript{35}.

Marginal work is a different type of activity in which a large number of children are involved. The types of activities in this category vary in nature and intensity. They may be irregular or of a short-term nature such as selling newspapers, shoe-shining, ‘Looking after’ vehicles, garbage collection and sorting out objects from garbage\textsuperscript{36}. Then there are the altogether different forms of child activity such as theft, prostitution and other social undesirable or illegal activities.

The activities identified above do not always exist or are not necessarily carried out independently or in isolation from each other. In fact, many are carried out or found complementary. Thus domestic work may be carried out along with farm work, which again may be carried out along with schooling. However, the identification of the dominant forms of child activity can be a useful basis for identifying the quantitative and qualitative dimensions of the problem of child labour in given situations and for effecting concrete improvements.

\textsuperscript{34}. Ibid., p.9
\textsuperscript{35}. Ibid.,
\textsuperscript{36}. Ibid.,
2.5. EXTENT OF CHILD LABOUR IN INDIA:

The plight of children in India is similar to that of children in most of the developing countries in the world. The gravity of problems confronting Indian planners and decision makers is comparatively greater because India has the second largest child population in the world, China being the first\(^{37}\). There were about 300 million children between 0 -14 years of age in India in 1991, representing a little over of one third of India’s population. Despite the reduction in the birth rates from 41.9 per 100 population in 1960-61 to 29.5 in 1990-91, the child population has continued to increase. It is expected to reach a high of 307 million in 1996 after which there is likely to be a gradual reduction in child population with the decline of birth rates\(^{38}\).

The census of India 1991 indicates that there were 150 million children between 6 and 14 years of age. Also, there were an estimated 7.8 million fewer girls than boys in 1991. 240 million children live in rural areas and the rest in urban areas. It is estimated that about 120 million or nearly two-fifth of the total Indian child population, live in conditions adverse to survival\(^{39}\). The size of the population of children between 5 and 14 years, obviously plays a dominant role in the supply of child labour.

It is not easy to ascertain the real extent of child labour in India, mainly because of the informal and unorganised nature of the labour market. On the other hand the precise definition of child labour is not available. Due to multiplicity of the concepts, methods of measurement and the sources of data, it is difficult to estimate the overall magnitude of child labour in India.

Many children who work without wages in the fields or in cottages alongside their parents are unreported by the census. Large number of children work in cottage industries without wages along with their parents. On tea plantations, children pluck leaves that they add to their mother’s baskets and only when they reach the age of 12 or 13 are they given a basket of their own. Children who tend their parent’s cattle, fetch water and wood and prepare meals are not classified as working children, although they are, if they do the same work for pay for others. Even those who are paid wages are not easily counted. The number of children employed in cottage industries is

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39. Right to be a Child, 1994, 5-6
not reflected in census data. Not are many children employed as domestic servants for the middle class. Nor are children working in restaurants, tea stalls and in wayside shops. Children are hawkers, newspaper vendors, ragpickers, shoeshine boys, helpers on construction sites. They break stones in quarries, load and unload goods. Many children who work as "apprentices" are not reported as employed. And there are street children, especially beggers and prostitutes who are not under-reported 40.

Given the uncertainties of definition and the complexities of enumeration, it is no wonder that estimates of child labour vary so greatly in India. According to the 1981 census, India has 272 million children between the ages of 0-14 years, which nearly accounts for 42 per cent of the total population, out of which 97 million are below 5 years of age41. Article 45 of the Constitution of India obliges the states to ensure that all children under 14 years of age are in schools. Whereas, out of 175 million children between 6-14 years only 42.69 million children were attending schools. A majority of 132.31 million children were not in schools42. It can reasonably be concluded that this majority was engaged in some kind of work either as wage labour or were supporting their families by looking after their siblings, thereby making adults free to work or sometimes street children. But India's 1981 census reports only 13.6 million children in the work force43. The official National Sample Survey of 1983 reports 17.36 million child workers44, while a study by the operations Research group of Baroda, sponsored by the labour Ministry, Government of India, quotes a figure of 44 million working children between the ages of 5-15 years in 198045. The Balia Data Bank, a Manila based non-Governmental organisation puts the number of working children in India at 111 million 46. The international labour organisation conferred upon India the dubious distinction of harbouring the largest number of child workers in the world. According to ILO, India contributes about one - fourth of the world's working children47. According to Asian Labour Monitor, every

44. Kesava Menon, "Children of lesser god" ,FRONTLINE, September, 5-18,(1987),108.

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third household in India has a working child and 20 percent of Indian Gross National Product is Contributed by children. According to estimates of the 43rd round of the National Sample Survey conducted in 1987-88 the number of working children in India is about 17.02 million. The census data of 1991 on child labour has not yet been compiled by the Registrar General of Census Operations. But, 1991 census reports that about 50 million children have got primary education as against 150 million children between the ages of 6-14 years. It can be pointed out that these children who are not in schools, directly or indirectly are involved in labour force.

The State with highest child labour population in the country is Andhra Pradesh which, as per 1981 census had 1.95 million working children, whereas the State with lowest child labour population is Kerala with 0.092 million. Other States where child labour population is more than one million are Bihar, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan and Uttar Pradesh. Bulk of Child labour is engaged in rural areas and in agriculture and allied employments. Cultivation, agricultural Labour, livestock, forestry and fishery account for 84.98 per cent of child labour. In Urban areas, manufacturing, servicing and repairs, etc, account for 15.02 per cent of child labour is more than their proportion amongst total workers, i.e., 20.6 per cent against 17.4 per cent.

Whenever school-dropout rates are high at the primary and middle level, the incidence of child labour is also high. A comparision of child labour and school drop-out rates among the states is revealing that Andhra Pradesh has the highest rate of drop-out at primary and middle level of schools with 71.68 per cent in 1987-88, where as Kerala has the lowest rate of drop-out with 15.49 percent.

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50. Ibid.,
51. Right to be a Child,1994, op.cit, p.15
52. “Children and Work : Current Status”, op.cit, pp. 11-13
53. Ibid.,
2.6. SUMMARY:

Child Labour is not a new phenomenon. In all primitive communities, children used to work according to their capacities with adults often making not much distinction between vocational training and productive activities. It was then considered as a process of socialisation. Today, children at work are not for this noble purpose of socialisation but they are assigned very specific goal of earning and thus help increasing their respective family incomes. During the Industrial Revolution the exploitation of working children had reached its zenith. Children are found in almost all economic activities which are hazardous for their physical growth and mental development. In rural as well as urban areas. The major forms of child participation in economic activities can be broadly summarised as, domestic work, non-domestic but non-monetary work, bonded labour, wage employment and marginal work, etc. Child labour deprives children of educational opportunities, minimises their chances of vocational training, stunts their physical growth, hampers their intellectual development and by forcing them into unskilled labourers condemns them to low wages all their lives. Thus, child labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful.

There is no uniform and comprehensive definition of the term child labour at national and international level. Various definitions have been given by different authors and organisations and legislations to the terms ‘child’ and ‘labour’, two components of child labour. The International Labour Organisation in its convention No. 138, provides that the minimum age ‘for any employment’ must not be less than 15 years of age. The Committee on Child Labour, 1979 and some other organisations, strongly recommended that the minimum statutory age of entry in any employment should be 15 years. Despite these recommendations, the Child Labour (Prohibition and Regulation) Act 1986, narrowed down the definition of child labour by prohibiting child labour below 14 years in certain occupations and by permitting child labour below 14 years in some other establishments under regulating conditions of work, and by providing exemptions to the workshops run by occupier, with the aid of his family and by schools receiving assistance from the government. The ideal definition of child labour should be that, the child population below 15 years of age that participates in work, either paid or unpaid, part-time or full-time, within or outside the family.

It is very difficult to ascertain the real extent of child labour in India, because of the informal and unorganised nature of the labour market and due to multiplicity of concepts, methods of measurement.
and the sources of data. Different organisations, governmental and non-governmental quoted different numbers as the extent of child labour in India. India’s 1981 census reports the number of child labour as 13.6 million. According to some non-governmental organisation this number varies between 44 and 111 million. There is a corresponding relationship between school-dropout rates and the extent of child labour. Whenever, school-dropout rates are high at primary and middle levels, the incidence of child labour is also high. In 1991, 99 million children as against 150 million children between the ages of 5-14 years enrolled in primary schools, but only 52 percent of the enrolled have completed their V grade. Nearly 100 million children between the ages of 5-14 years are not in schools. It can be concluded that this majority is engaged in some kind of work either paid or unpaid. India has the largest number of working children in the world. The state of Andhra Pradesh is the largest producer of child labourers in India, whereas the State of Kerala stands for the lowest.