Chapter 1

INTRODUCTION
CHAPTER-I

INTRODUCTION

Child Labour acquired the dimension of a major complex problem in the world and India is no exception. Though poverty is said to be primary reason for child labour, it has acquired serious socio-economic dimensions of complexity that it defies simple solution.

Despite the fact that world has witnessed phenomenal progress due to spectacular growth in science and technology in the 21st century, the problem of child labour still remains intractable in many nations of the world and also unsolved.

Though the problem is chronic in developing third world countries, the developed countries are not free from the malaise. In the England more than one million under age children are said to be at work illegally. The USA is believed to have about 8 lakh children working in various fields. In the densely populated, poor and developing countries, the child labour is passing through a miserable state.
Out of 250 million child labour, Asia represents 61.2 per cent, Africa 32 per cent and Latin America 6.86 per cent of child labour. This ILO study also reveals that 11 to 20 per cent of work forces are child labour in the third world countries. A large number of them are found in hazardous industries such as mining, fire works manufacturing, leather and tanning which deteriorate their health.

The economically active children in some of the neighbouring countries of India in 1995 (Percentage of total children in 10 to 14 years) is given in the Table 1.1 in Appendix - I.

The year 1979 has been declared as the International Year of the Child by the United Nations, a major breakthrough in the history of mankind, realizing the importance of child.

Followed by this declaration almost all international organizations, national governments, voluntary bodies and academic institutions organized seminars aimed at improving the welfare of the children, the role of children in shaping the future to emphasis the responsibilities of society towards them, the overall well-being of the child and the all-round promotion.

It is the story of one hundred years that the children who have been victimized by the onslaught of industrial revolution.

Child Labour is the product of industrial revolution that took place in England. A study of the child labour in factories
during 19th century provided a terrible picture. The condition of working children in England was thus very sad. This 19th century phenomenon has been used in modern days by developing nations to cope with the economy and industry.

The survey of the history of the children of various cultures shows that it has both better and bitter sides all over the world from the time immemorial.

The prevalence of child labour is not becoming of a welfare state. It is considered as a curse to the children and a slur to a nation. The state has to protect and promote all around development of the children, the physical and psychological dimension, of mind and body. The lack of it not only thwarts the development of childhood but of the nation as well, since only the healthy citizens alone can make an efficient nation.

There have been extensive discussions on the child labour and poverty. The global perspective on child labour has evolved in twentieth country and India accounts for the largest number of child workers in the world. So it has emerged as an increasingly important problem of India.

While child labour has previously viewed in terms, mainly, of wages employment in formal manufacturing sector, now it is viewed more broadly, from human rights and development.
The rural child labour force is mainly engaged in agriculture and its related activities. Child labour is also found in small scale industries such as, tea-stalls, restaurants, workshops, factories, and as domestic servants and on street as rag-pickers in towns and urban areas. The exploitation of female children in the form of child prostitution is also present in urban areas.

Not only does it arrest the growth and development of childhood but of the nation as well. “Every society must, therefore, pay full attention to ensure that children are properly looked after and brought up in a proper atmosphere, where they would receive adequate education, training and guidance in order that they may be able to have their rightful place in the society when they grow up”.

**Child Labour and its Background**

Child labour is not a modern or new phenomenon and it has been there in all the cultures and all the times. The concept of child labour has been varied in its nature and magnitude, depending on the existing socio-economic nature and structure of the society.

In the past, child labour was a part of the social organization in which all the members pooled their labour for their survival. This was particularly true of rural economy where the work of the child formed part of the labour and training
necessary for the production of the system and value of labour taken as a part of training of the child.

Child labour in different nations and in different cultural contexts has a chequered history. It is a globally accepted and realized that the protection of children against exploitation is essential to their mental and physical development. The minimum age for the employment of a child varies from country to country, place to place, and depending on nature of the labour.

So the problem of child labour is perceived and treated in different ways in different countries.

It's necessary for proper understanding of it as well as the evolution of acts, laws and ordinances relating to child labour in the context of the onslaught of Industrial Revolution.

The children are the politically, socially and economically the seeds of future and the national growth. Recognizing this reality, the governments in many nations and at all levels have undertaken constitutional, legal and other preventive steps to protect them, However, in law much is desired.

The employer takes the benefit of many loopholes in the law to exploit the children, so they need a special law to save them from exploitation. Quoting the Noble Laureate, Gabriel Mistal of Chile, Justice V. R. Krishna Iyer bemoans, "We are guilty of
many errors and many faults, but our worst crime is abandoning the children, neglecting the fountain of life and national asset. Many of the things we need can wait. The child cannot. Right now is the time his bones are being formed, his blood is being made and his sense being developed. To him, we cannot answer, "tomorrow." His name is "Today".²

Children are fountain of life and form the 'national asset' so there can be no divided opinion that the children are the hope of their parents and future of the nation. As such, they are to be provided enough facilities for full blown growth, and development of their body and mind, the all round growth.

The protective arm of the law has, therefore, to be, long and strong enough, if distributive justice is secured to the adults of tomorrow. However, it is true that inspite of the efforts taken by many countries, the children are not given proper attention but being exploited by the employers for their selfish ends.

Children and youth make up a fifth to fourth or even a third of the total labour force in many of the industrializing countries. Young people between 15 to 19 years make up 20% of the labour force of the UAE, and a higher percentage in many of the less developed countries in Asia and Africa in which the great bulk of children seek to enter the labour force by the time, are below 14 years of age.
In respect of India, ILO Director General’s report says, about a third of the 10 to 14 years old children in rural areas and an eight of those in urban areas are at work. This observation was made in 1960 but still holds good with greater magnitude.

It is assumed or estimated that by 2010 A.D. more than 25% of the world’s population will be children and more than 40% of the entire global labour force will be below the age of 15. In the developing nations 40% of the total population under 15 years of age and 75% are employed as child laborers. The ILO in a study conducted states that in Asian countries 70% to 80% of children are either working or “simply wasting their lives away”. Employment of Children continues to pose as a serious problem.

**Concepts of Child and Child Labour**

A child is always a child right from the womb of its mother and until, after its birth, it attains the age of 14. The term ‘child labour’ is used as synonym for ‘employed child’ or ‘working child or ‘child worker’. Notwithstanding this, child labour can, however, be defined as that segment of the population which participate in work, either paid or unpaid. Child labour may be connoted as employment of children in gainful occupations which are detrimental, if not hazardous, to their health and deprive them of the scope of development.
Child labour denotes the working children in industrial and non-industrial jobs, organized and un-organized sectors, in rural and urban areas are injurious to their physical, mental, moral and social development. Thus child labour assumes the stature as a social evil and a chronic problem in as much as it arrests or distorts the natural growth, preventing the total personality and development of the child.

Definitions of Child and Labour

It is not easy to define precisely the components of the child labour, “the child” and “the labour.” V.V. Giri has distinguished two senses of the term ‘Child Labour’ first, as an economic practice and second, as a social evil. In the first context it signifies employment of children in gainful occupations with a view to adding to the income of the family. It is in the second context that the term child labour is now more generally used. In assessing the nature and extent of the social evil, it is necessary to take into account the character of the jobs for which the children are engaged, the dangers to which they are exposed and the opportunities of development which they have been denied.”

According to De La Luz Silva, “A child is someone who needs adult protection for physical, psychological and intellectual development until its able to become independently integrated into the adult world.”
Alain Mories emphasises that the word “child” can have several limits according to which some of the following criteria are taken: biological (puberty), legal (schooling, legislation and labour laws) and customs (e.g. status in the domestic society"). But the fact remains that child’s definition differs from one society and to another from one time to another and also according to both class and gender.

Similarly ‘labour’ too has many meanings and definitions. Labour force is a synonym for the working or economically active population. “The working population consists of those who take part in the production of economic goods and services, including unpaid family workers in an economic enterprise as well as the persons who work for pay or profit.”

The Census of India defines work as “participation in an 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, work and apprenticeship. Apprenticeship may contribute to children’s socialization and acquisition of skills, but when it is simply a device to obtain cheap labour, ‘apprenticeship’ hinders future development. This fact 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 in similar fashion.\textsuperscript{11}

**Variations in Definitions**

In India, on one hand, is the official definition of child labour, which limits it only to that in which workers get monetary benefits and on the other all those who do any work, even part-time or help at home, even if they go to school. Yet others take into account socio-economic conditions.

This variation in the definitions of child and labour is based on several factors. The first aspect on which there is difference of opinion is the age of the child worker. In this regard, the constitutional position is clear which views anyone below the age of 14 years as a child.

But there is no uniform or standard criterion for differentiating the adult and child laborers. For instance, while the Factories Act, 1948, prohibits any child below the age of 14 to work in the factory, the Mines Act of 1952, takes the minimum age of 16 years to categorise someone as child. The Apprentices Act, 1961; the Plantation Act 1961; and the Employment of Children Act, 1953, take the minimum age as 14 years, 12 years and 15 years respectively. So there are variations in the definitions of the child.
Similarly there are variations in meaning of a worker or labourer. As a consequence of differences in the meaning of the worker, the estimates of the number of child workers keep on changing. These two variables lead to the difference viz, type and amount of work they do and the nature of the wages they receive.

A careful reading of the 1971 and 1981 Censes reveals this kind of variation given in Table Nos. 1.2 & 1.3 in Appendix-II.

Similarly, there are different opinions about hazardous and non-hazardous nature of the work. If a work-culture is declared non-hazardous, even in a potentially hazardous industry, then the child labour can be allowed as a 'necessary-evil'. Many other occupations that are considered safe can, in fact, become hazardous, because children are exposed to situations that are unsafe for them. There is, therefore, urgency to search for the standard and uniform definition of the child and labour, especially in the context of policy of the governments to standardize the definitions of "child" and "child labour."

Nature of the Child - Labour in Pre - Industrial Stage

Child labour is in practice from time immemorial. It has, today, assumed the nature of a social problem.. In the pre-industrial agricultural society of India, children worked as helpers in the traditional and domestic occupations. The work place was an extension of the home and the work was very much personal
with informal relationships. The tasks and the methods of work were simple and non-hazardous which the children could learn smoothly, almost unconsciously, over the years through association and limitation.¹²

The social conditions, however, underwent radical changes with the advent of industrialization and urbanization. Under the impact of the industrial revolution and mechanization of factories, there was a continuous flow of the rural poor migrating to urban areas in search of work and livelihood. The children had to work as individuals either under an employer or independently.

The work culture endangered their physical and mental health as well as growth. It also led to their exploitation. The protection and welfare of these tender population, therefore, became a serious problem of paramount social significance.

So there was an awareness on the problem of child labourers. It was infested with atrocious conditions and baneful effects. However, quite consciously, once the west, which had become affluent, did not fail to take appropriate measures to ameliorate the 'sinful lot'. The welfare measures enunciated by the western countries had a telling appeal to human conscience and impact on other nations.

The ILO and UNICEF came out with various resolutions in defence of the child, child-care and child labour welfare. Most
countries, including India, have incorporated them in their national charters, policies, programmes and activities with a gusto to establish the ‘normative’ superiority of welfare considerations over the ‘economic’ one in order to root out “the antagonism between child labour and child development”.

The modern advances in various sciences highlighted the evil aspect of child labour which have a serious bearing on the ‘child’ as such. “Today, scientific knowledge has revolutionized the outlook on the care of the child and his/her developmental imperatives. Diffusion of this knowledge has created a fresh awareness among people and parents and 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, and- care programmes, the child labour appears to play to totally dysfunctional role in society. Humanity should not be against human beings.”

The child labour has evoked deep concerns. So, a distinction between child labour and exploitation of child labour has to be made. While ‘child labour’ has mostly negative attributes, ‘child labour exploitation’ for the benefits of others, employers, become more harmful, because the energy that should have been diverted on the nurturing of the child’s latent powers is consumed for purposes of base survival of others.”
The dexterity of the hands or the "nimble fingers" of the children are popular for certain categories of work. Dispelling the arguments in favor of child labour for the child and its parent's benefits and those of employers, it must be conceded that child labour is as much the cause as consequence of adult unemployment and under employment or disguised unemployment. Child labour is not only as subsided to industry, but a direct inducement to the payment of low wages to adult worker.

The absorption of the children into the labour market reduces the volume of employment for the adults and lowers the bargaining power of the adult workers. The view that the employment of children increases the earnings of the family and keeps the children away from any exploitation is a 'myth', not a 'reality' and it is misleading, and that it is the reason for adult unemployment or underemployment.

There is, in fact, a vicious circle between the child labour and poverty in the society. In this regard, Mendelovich says, "the child labour increases unemployment and low wages of the adults compel them to put their children to work in order to boost the family income. Thus, child labour simultaneously increases and reduces the family income; but as is clear it reduces rather than increases that income".17
Categories of Child Labour

Neera Burra has classified child labour into four categories. Those children who work in factories, workshops and mines are included in the first category. They are usually formed in semi-urban and urban areas in both the unorganized and organized sectors.

The second category comprises of those children who are under bondage to their employers whether in agriculture or industry.

The third category of working children are the street children, who are found in the service sector of semi-urban and urban India. Children who work as part of family labour in all the contexts of agriculture, industry, home-based work and so on belong to the fourth category. Burra, however, cautions against using these categories as exclusive since many children can be classified as belonging to more than one category. These categories can be useful not only from an analytical point of view but also from the policy perspective, because various programmes relating to child labour ought to vary according to the specific category of child workers.

Child Labour and its Causes

In the Indian context child labour is a socio-economic problem. It is the result of many reasons. Poverty is considered to be the root cause for child labour. Most of the child workers
belong to poor, landless and semi-landless families whose income is meager or inadequate to keep the family alive. According to S. K. Tripathy, 92 million out of 228 million of Indian children are in the families below the poverty line. This is in agricultural sector.

As per the Government of India Report on child labour, the lower 50 percent households own only 4 percent of the land. Nearly one-third of the metropolitan population lives in slums and impoverished conditions. Extreme poverty forces people to take loans by pledging their young children who work with the masters for very low or no wages till the loan is paid.

The social customs and obligations like births, marriages, death in the families leading to celebration and drinking habits play a significant role in compelling the poor to resort to borrowing. And thus it becomes an inevitability and child labour and exploitation becomes a way of life to many of them.

In metropolitan cities the number of slum dwellers increases day by day. For example, in Chennai 90.8 percent of the families of working children have monthly income below Rs.500. In Bombay and Delhi 78 percent families of working children live with a monthly income of Rs.500 and below. In such cases, children are compelled to supplement their family income by the paltry sum which they earn. The fate of many child workers is sealed by social forces such as their low-birth, socio-economic
backwardness etc. The Scheduled Castes and Scheduled Tribes and OBCs are the main victims of the child labour problem.

Demographic factors, like the size of the family also compels children to participate in the labour force. The bigger the size of the families that are poor, greater the tendency of seeking employment for younger people for their self maintenance as well as those of the families.

The prevalence and persistence of the problem is also due to the fact that the employers prefer children to adults for various reasons, such as 'detexrity of hands' or "nimble fingers". Apart from this, children are more amenable to discipline, command and control. "They can be coaxed, admonished, pulled up and punished for defaults without jeopardizing relations. Children are not organized on lines of trade unions which can fight for their rights. They are paid minimum wage to work for long hours. Children paid lower wages than their adult counterparts on the pretext that they are less efficient, their requirements are less and they are learning the job. This keeps the cost of production low. Even the poor parents want their children to work as they see several advantages in child taking up a job. They feel that the job disciplines them, terminates their dependency and protects them against the infection of delinquent culture".21

Lack of compulsory education has also been a contributing factor to child labour. Many children stay at home as their parents
cannot afford their school requirements leave alone that in the remote areas of the countryside, educational facilities are scarce, inaccessible and unsatisfactory. Besides presenting a drab and dismal picture, the schools fail to attract and retain the children. This coupled with economic reasons, lead the poor children to drop out of the school, and the drop out both boys and girls, stand at between 73% and 80% respectively. While the free education and noon meal programmes are available, ignorant and illiterate parents think that sending their ward to school is a waste and make them work. Thus, the vicious circle continues. Unemployment of the educated young people is also a strong deterrent and disincentive to the weaker sections in putting their children to school.

Migration of children to cities is yet another factor. Migrant children account for 20% in urban areas. They come to urban areas to avoid economic helplessness and poverty in their villages. The progressive mechanization of agriculture has resulted in the squeezing of farm lands which encouraged child employment.22

The field studies show that the inadequate legislation with its inefficient enforcement are also contributory factors for the continuation of child labour. The employers are adept in evading the existing laws for the protection of children due to incompetent inspection machinery evolved by the state and the persons selected. The prevalence of child labour has also been due to the state’s failure to produce the social safety net and due to the
overall apathy of the administrative machinery. The inadequate social security measures compel some children to work upon the death of their parents/guardians.

**Child labour and its Consequences**

The problem of child labour has triggered various far-reaching socio-economic consequences. It deprives the children of the opportunity for education, play and recreation, which arrests their physical growth, prevents the development of their personality; and thwart their preparation for adult responsibility. The employment of a child in the place of an adult, lowers the wages and increases unemployment of adults.

Child labour not only disfavours general physical growth, but also leads to defects and ailments. Different kinds of ill effects are produced by different types of labour. Though some industries are intrinsically hazardous, in many cases, an industry may not be intrinsically hazardous, but it becomes so because of lack of precaution or because no care is taken of the surroundings.²³

The health hazards of the children working in the unorganized sector industries are many and varied.

When children work, besides health, their education also suffers. The future of a working child is thwarted and endangered as he/ she cannot go to school, or bound to leave school before time
or unable to co-ordinate the two activities. In most cases, a working child lacks fundamental, general and professional knowledge, which is required for normal mental and intellectual development and to be proper in the social and occupational fields.

Child labour is infested with adverse economic consequences and certain social implications. The entrance of children into the labour market results in the maintenance of low wages for the labour force as a whole and increases the adult unemployment and under-employment.24

It is held that if child labour is eliminated, at least 15 million unemployed adults would get the employment opportunity and under-employment would become gainful.25 Thus child labour is bound to weaken and damage the labour force.

Certain social implications follow from the economic effects of child labour. "The adult unemployment leads to iniquitous distribution of income, which, in turn, leads to labour displacement, migration, break-up of family and kinship bonds, and competition for survival".26

In the external jobs done in the streets, the children are exposed to "social perils" and even crimes, such as drugs, prostitution, child abuse etc. Apparently then, child labour is economically unsound, psychologically disastrous, and physically as well as morally dangerous and immoral.
Magnitude and Incidence of the Child Labour Problem

The total number of child workers has always been a matter of conjuncture or controversy. An estimate of the magnitude of child labour in India is difficult to be made because of several limitations i.e., their preponderance in un-organized sectors, multiplicity of the concepts of child labour, methods of estimation and source of the data. Even in organized sector true figures are concealed because of the Penal Code that estimates about child labour in India vary from about 14 millions to 44 millions, though these are considered to be about underestimates by some demographic experts.

In the organized sector, the census is the major and the only reliable source for research on a subject of this kind. It gives comparable data and also distribution of workers by sex, residence and activity. From the Census of India, wherein the country's population is cross-classified by sex, age-groups and economic activity, it is possible to obtain information on individuals below the age of 14 who are workers. It can be assumed that all children below the age of 5 cannot be engaged in any 'gainful economic activity'. Hence, the child workers may be assumed to belong the age group of 5-14 years, notwithstanding some exceptions here and there.
Variation in the Definition of Worker

The Indian Census, over the decades, have not defined the 'worker' uniformly. For instance, there are substantial differences in the definition of the worker in 1961 and 1971, and the change of definition has mostly affected women and children.

In the 1961 Census, a person was counted as a 'worker', if he/she had some regular work of more than one hour per day throughout the greater part of the working season and in the case of the person engaged in any seasonal work like cultivation, livestock, dairy, domestic work etc. If the person was engaged in any trade, profession, service, business or commerce, the basis of work was satisfied, has he or she been employed on any of the 15 days preceding the day in which the enumeration was conducted. As a consequence of this change in the definition, a large number of persons, especially women and children, became workers, even if they were only marginally related with the work force. This caused serious criticism.

The 1971, Census report laid emphasis on the main activity of each individual, that is, how each person was mostly engaged, as a worker or non-worker and that person was defined as a worker, whose main activity was participation in an economically productive work by his physical and mental activity. Work included not only 'the actual work', but also 'effective supervision and direction of work'. The reference period was one week from the
date of enumeration in the case of regular work in trade, profession etc instead of one fortnight as in the 1961 Census. If a person had participated in any regular work on any day during the reference period, he or she was classified as a 'worker'. In the case of seasonal work, a person's 'main activity' was ascertained with reference to 'such work in the last one year' though he/she was not economically active in the week prior to enumeration.²⁸

The changes in the definition of worker between these two Censes (1961 and 1971) was the exclusion of those persons, who were only 'marginally connected with the activity'. Hence, whereas the total population of India increased from 439 million in 1961 to 458 million in 1971, the 'absolute size of the working population' declined from 189 million to 180 million during period.

The size of the female workers fell from 59.5 million in 1961 to 31.3 million in 1971. Similarly, the number of child workers below the age of 15 declined from 14.5 million in 1961 to 10.8 in 1971. This decline was observed in the case of both males and females.²⁹

**Main and Marginal Workers**

In the 1981 Census report, 'work' was defined as 'participation in any economically productive' activity. This Census made a distinction between the 'main' and 'marginal' workers, defining the former as those who worked for the major part of
the year (183 days), preceding the date of enumeration and whose main activity was cultivation or agricultural labour or household industry or other ‘paid work’. The ‘marginal’ workers are those who have done “some work”, but cannot be classified as a main workers.”

If one goes by the Census of India, 1981, there are 263 million children aged 14 years or under, comprising 39.5 percent of the total population of the country. Nearly 78 percent of the child population is in the rural areas. The share of males among them is 51.64 percent. Around 11.2 million children are notified as ‘main workers’ and 2.4 million as ‘marginal workers’. The Table No. 1.4 and 1.5 in Appendix - III show the percentage of work-force of the children below the age of 15 years.

The definitions used by the Census of India, 1991, for ‘main’ and ‘marginal worker’s are the same as in the previous Census of 1981. There was, however, a significant change in the 1991 census in that, for the first time, an effort was made to compute unpaid work on farms or in family enterprises so that women and children’s work could be better reflected. Thus, participation in any economically productive activity also included unpaid work on farms and family enterprises. These are only broad figures taken from the provisional ones of the 1991 Census. The 43rd round of the National Sample Survey conducted in 1987-1988 estimated the child labour population to be 17 million, while the 1991 put it as 11.28 million.
Evidently then, the estimate of child labour in the country differ. But, undoubtedly, there is rising number of child labour. The Table No. 1.6 in Appendix - IV provides an idea of estimate of child labour in India.\textsuperscript{32}

As per the estimate, number of child labour is projected to rise from 13.64 million in 1981 to over 20 million by the turn of the 21st century. But these projections seem to be on the lower side. When there has been a rise of 4 million between 1981-1985 period, only 3 million projected as addition during 1985-2000, appears to be unrealistic. Unofficial estimates are, however, much higher, ranking between 40 million to 100 million.\textsuperscript{33} Some of these estimates may be exaggerated, but the bare fact cannot be denied that there are large numbers of child workers in India, reeling under pathetic conditions.

It is evident from the newspaper "The Hindu" that reported on 9th February 2001 that five children, who were employed in a 'murukku' (light eatables) making unit at Hinjilikat in Orissa, were rescued due to the efforts of Madurai-based Society for Community Organization (SOCO). Again, the next day the same newspaper reported about the need for establishing a protection network to guarantee the rights of children right from the womb, as those rights are being violated involving harassment that affects the child physically and mentally, directly or indirectly. It is happening everywhere, homes, school, juvenile home, work
spots and other industries. Child labour, sexual abuse of girl children are on the increase.\textsuperscript{34}

The magnitude of the child labour in India is quite evident from the figures depicted as under, which is in relation to total population, Labour force, child population and child labour.

The following facts are inferred from the Table No.1.6 in Appendix IV. The total population increased by 24.9\% in 1971 and 51.6\% in 1981, keeping 1961 as the base year. Likewise, the child population decreased by 27.9\% in 1997 and 46\% in 1981. Child Labour decreased by 25.7\% in 1971 and 22.8\% in 1981, keeping 1991 as the base year. During 1961-1981, the average child population was 22,44,97, 302 and average child labour was 1,21,302,859 i.e., the ‘child labour was 5.66\% of total labour force and 2.31\% of total population on an average during the period from 1961 to 1981.

There are other dimensions about the child labour problem. These items relate to region-wise distribution of child workers; percentage distribution of child workers by sex, rural and urban areas; sector distribution of child labour and sex. All these items are tabularly furnished in the Appendices I to IV.

A recent state-wise figure reveals that Andhra Pradesh topped the list with over 19 lakh child labour (8.50\%) followed by Meghalaya (6.91\%), Karnataka(6.58\%), Madhya
Pradesh (6.38%), Sikkim (6.32%), Arunachal Pradesh (6.02%), and Tamil Nadu (5.14%). For others, the percentage of child ranges form 0.19 (Lakshwadeep) to 4.93 (Orissa). The highest percentage of child labour is found in the agricultural and other allied sectors, while the least being, transport and storage (0.57%). More child labour force is found in the rural areas (6.30%) than in the urban areas (2.46%). Likewise, the female child labour is also found more in the rural areas (3.53) than in the urban areas (0.88%). The high incidence of child labour in India is not only shocking from the moral point of view, but also represents a waste of resources. All the more, this phenomenon has led to a number of socio-economic, psychological, legal problems and various health hazards.

**Tamil Nadu Scenario - Socio-Economic Profile**

"Tamil Nadu is one of the 30 beautiful flowers that go to make the glorious garland, that is India. Constituted under the States Reorganization Act of 1956, the State comprises the Tamil speaking area in the southern most part of the Indian Peninsula. Madras State was renamed as Tamil Nadu in December, 1968. It is bound on the north by Andhra Pradesh and Mysore, on the west by Kerala, on the east by the Bay of Bengal and on the south by the Indian Ocean. It is the eighth largest state in the country."
Significance of the Study

The present study is of enormous significance on the grounds discussed below:

1. Children are the most valuable assets to mankind and any nation owes to the child the best it can give.

2. Fundamental rights and the Direct Principles of the State Policy discussed in the Constitution of India and various conventions of ILO prohibit employment of children below fourteen years and insist on the education of the children, protection from abuse, exploitation, neglect and for providing just and humane conditions.

3. A large number of children are found suffering from different kinds of behavioural problems, health hazards and skin diseases.

4. The recent controversy over child labour by the developed countries that insist on international labour standards.

5. The need to emphasise on a need-based corrective and rehabilitative strategy for the children engaged in child work. It is necessary to study the problem and come out with corrective welfare programmes suitable to the children in the area of study.

Choice of the Study

The problem of child labour has attracted the public consciousness seriously only during the recent years. Since then
an ever increasing number of individuals and government and non-government organizations have been involved in producing films, audio-visuals, researching different areas where child labour is widely prevalent, writing in the press and conducting seminars and so on to comprehend the problem.

But, so far, no significant research work has been focused on child labour in the unorganized or informal sector and various kinds or categories of work done by children in the Chennai city region in which child labour concentration is found most and the present study is a modest attempt to bridge of this gap, and the kinds of labour in which the children are involved. Incidentally, the present study of the child labour problem in Chennai city constitutes a micro-level case study.

**Objectives of the Study**

- To assess the child labour and the reasons for its prevalence in India and Tamil Nadu in general and in Chennai city in particular.
- To study the role of international organisations (ie.) ILO and UNICEF in combating child labour as well as Indian judicial response to it.
- To examine the various reasons for the child labour, as the socio-economic conditions and the family background of child workers in the informal sector of Chennai city.
- The role of Governemnt and Non-Governemntal organisation in ameliorating the conditons of child labourers.
Hypothesis

The researcher after careful reading of the books, reports and policies- international, national and regional (Tamil Nadu), and undertaking personal interviews, with a selected population of children employed, their parents and employers in the Chennai city, formulated the following hypotheses.

Child Labour cannot be eradicated because:

- Family environment is the main cause of child labour.
- Illiteracy and low educational level of the parents is an important contributing factor for the persistence and prevalence of child labour.
- The available facilities, services etc. in Tamil Nadu in general, and particularly in Chennai city are inadequate to contain the problem of child labour.
- Poverty is one of the reasons, not the only reason for the cause of child labour.
- Most of the child labourers have no interest in education.
- Most of the child labourers working in Chennai city are satisfied with their work and other related matters like wages, employers’ treatment etc.
- The NGOs are doing better services than the Government in dealing with the problems of the tender-aged labourers.
Scope and Limitation of the Study

Of all the categories of child labourers, only eight categories alone taken for study and research as they are considered most hazardous. The thesis relies on the data provided by the Government and Non-Government organisations which are at variance. So cause and consequence are given importance. This does not include non-school going, and non-working children who out number the child labourers in Chennai city.

The data used in this thesis is from the data collection made during the field survey and all the variables are used in the description. As one could verify the data have been thoroughly examined to provide a pattern of interpretations and their relationships, though it is a descriptive and analytical.

The random sampling method has been used as it is difficult to conduct door to door census survey in view of large number of working children involved in the entire Chennai city. Hence, it has been decided to conduct a sample survey in selected categories to make it a universal study of the child labour by the representative method.

Survey of Literature

Various studies on child labour have been conducted since 1979, the international year of the child, at different levels and
industry wise. A plethora of literature on several aspects of child labour is available. Looking at the child labour as a multi-dimensional social problem, many scholars, planners, researchers, journalists, have analyzed it from different angles. A few of them can be reviewed thus.

R. Asha, *Child Labour in the Informal Sector of Chennai city: Problem and Prospects*, Department of Politics and Public Administration, University of Madras, Doctoral Thesis submitted in September 1999. This research work claims to have covered the informal sector of Chennai city but it is not so in its variety and complexity. The available materials are compiled neatly without major focus on Chennai city’s informal sector child labour despite certain perceptive observations.  

J.C. Kulshrestra’s “Child Labour in India” reveals that the prevalence of child Labour in India is due to poverty, large families, ignorance of parents, absence of family allowance, an absence of compulsory education. Besides, inadequate legislation and their indifferent enforcement also account for the continuation of child labour.  

The study of Neera Burra’s “Born to work Child Labour in India” is about the working children of specific industries of glass making, diamond cutting, and polishing at Ferozabad. She describes the socio-economic condition of the child labourers and hazardous process involved in the work. She also quotes a
number of incidents where "children are kept like slaves and punished, fined, caned or hung upside down for coming late, absenting themselves from work or even for attending nature's call, without the permission of the employer". She has also pointed out that there is a blatant violation of the Child Labour (Prohibition and Regulation) Act, 1986. The inadequacy of the governmental supervisory machinery has also been brought out."³⁹

"B. K. Sharma and Vishwa Mittar Child Labour and Urban Informal Sector" by highlights the significant role that the urban informal sector has come to play in providing employment to child labourers in developing economy. Keeping in view of the city of Patiala in Punjab, the authors have analyzed the socio-economic structure, the family base, the level of income and employment, the occupational mobility and the contribution of the child labourers towards the family income. They also points out that the working hours of the children vary from one occupation to another, depending upon their nature. He observes that the problem of child labour will not be solved, unless the households are provided with basic facilities and assuring employment to the adult members in the family.⁴⁰

A new line of thinking about the real cause of child labour has emerged with the publication of Myron Weiner's The Child and the State in India. It refutes that poverty leads to child labour. According to winer, child labour is the consequence of
vested interests. He points to latent link between the values and belief system prevailing in the Indian society and the evil practice of child labour. The hierarchical caste system occupies the base of these beliefs. According to which individuals are assigned their respective positions in the stratification system on the basis of the relative purity of their birth and occupation. Thus social order was traditionally maintained by the institution of education, whereby education was limited to upper caste children. Even today according to him, such an attitude is popular among the influential sections of the Indian society. The vicious circle of poverty, illiteracy and child labour is allowed to perpetuate by this thinking.\textsuperscript{41}

The work of\textbf{ Mandelievich Elia's, Child labour}, seeks to highlight the problem of child labour in India and its causes. The author holds that the problem of child labour are the result of the traditional attitudes, urbanization, industrialization, migration, reluctance of the parents to sent their children to school and so on. However, the prime cause of child labour is the appalling poverty.\textsuperscript{42}

\textbf{A.N. Singh's "The Child Rag-Pickers – Socio Economic Perspective and Intervention Strategies"} is a multi disciplinary investigation into various aspects of the pressing socio-economic problems facing the child rag-pickers in the slum areas of Kurukshetra, Haryana. The study provides a comprehensive evaluation of children's participation at work in general and rag-
picking in particular. He maintains that poor economic conditions of the child worker’s families force them to undertake in one other work, viz. carpet weaving.⁴³

Mohd. Mustafa and Onkar Sharma have in their work, “Child Labour in India: A Bitter Truth” dealt with the problems of children working in domestic service, shoe-polishing, auto-repair workshops, and collection of rages. The authors also finger at poverty as the main cause of child labour and exploitation. According to them, child labour problems can be mitigated through short-term and long term policies which must lay emphasis on the removal of poverty, illiteracy and through increasing public awareness, role of trade unions and socio-economic development. Due concentration must be laid on improving the existing working conditions as detailed in various child labour laws and other welfare programmes.⁴⁴

“The State of the World’s Children – Focus on Child Labour” deals with the Conventions of the Rights of the child. It explains the profound shift in the world’s thinking about children and their rights that have taken place in the last fifty years. The conventions obligates the ratifying countries to protect children’s right and do ensure that the children’s best interest are taken into account when actions are undertaken for them. It also emphasizes the need to do away with child-labour exploitation and to protect the working children from hazardous work by adopting corporate codes of conduct.⁴⁵
Nazir Ahamed Shah’s “Child Labour in India” throws light on the causes and effects of child labour, taking child labour legislation as a case study in the unorganized sector of Kashmir.\textsuperscript{46}

Child labour, a Sociological Study by Parchi Jaiswal, covers various aspects of child labour. The author observes that “the states have been making continuous efforts enacting various legislations and NGOs are playing their own vital role for these tiny hands but there is a long way to go.”\textsuperscript{47}

Economics of Child Labour and Fertility” by M. Sumangala and B.S. Nagarajan, is micro-level study of child labour in India and discusses several aspects of the subjects-economic, sociological and demographic. It also mainly focuses light on its linkage with high fertility in the State of Tamil Nadu. The authors observe that child labour is a serious problem in several states of the country. Existing literature does not do justice to the problem nor does it unravel motivations behind it. This innovative study through analyses of 1961, 1971 and 1981 census reports, underlines the importance and direction of causal relationship between child labour and fertility behavior and their major antecedent variables. Besides analyzing the demographical and social profile of Tamil Nadu and India, the study covers the trends and differentials in child labour in Tamil Nadu particularly in the districts of the Dindigul, Ramanathapuram, Madurai and Thanjavur.\textsuperscript{48}
Quite recently, Joseph Gathia, Executive Director of the I.L.O. has come out with a handy work "Overview 2000 Child Labour in India". It contains, besides various other aspects, the definition, magnitude, incidence, causes and effects, policies and actins and factors affecting child labour which have been critically examined. Quoting the ILO Convention on the elimination of the worst forms of child labour, Juvan Sonario, the Director General of the I.L.O., has remarked that "with this Convention, we have now the powers to make the urgent eradication for the worst forms of child labour, a new global course. This cause must be expressed, not in words, but course deeds, not in speeches but in policy and law". What is important today in India is the development of a culture where the citizens will have to be educated to make sure that the children are supported, protected and encouraged in creative activities and learning. 

In addition to these books, countless documents, reports, and articles are published in the reputed journals and newspapers over the decades. Incidentally, the researcher has been very much selective in culling out the details from them and using them as the major sources for the macro-level studies. For the micro-study of the child labour patterns, problems etc. in the area of Chennai city informations are elicited from the selected population of the working children dividing them into three regions and their parents and employers with the help of a questionnaire and discussions. The questions were administered orally as the respondents were mostly illiterates and they felt shy of identifying
themselves. The methodology adopted in writing out this thesis is, therefore, descriptive and analytical.

CHAPTERISATION

Commensurating with the stated objectives, this thesis is designed to contain seven chapters.

The **Chapter I** observes that the problem of child labour is not only specifically related to India alone but also a universal phenomenon from time in memorial that existed under different names and times. As such it explore child labour concept which entered into the 21st century though it was of the 19th century in origin with the advent of industrial revolution in England, that both the developed and under developed nations exploit the children.

The concept of child labour with its varied nature has been explained along with variations in the definitions of the terms, the child and labour. The categories of child labourers, the causes and the consequences are also detailed out along with magnitude of the problem.

The concept of the worker and its variations are pointed out tracing the problem that children in India, as elsewhere, have not been given due attention but only exploited for personal profit.

The **Chapter II** exposes, in detail, the historical background and the evolution of child labour laws. The major focus is on child labour in England from ancient times to the end of the 20th Century.
This apart, the child labour problem in America during the colonial era and later periods are traced. The child labour in the erstwhile USSR as well as in the present Russia and other countries are also observed.

The history of the problem has also been traced from ancient to medival India, industrial era, and from pre-independence to post independence days along with protective legalisation for working children.

**Chapter III** describes the role of the International Labour Organization and UNICEF in combating the exploitation child labour. The ILO has adopted several conventions that directly address the problem of child labour. In the session in 1999, the ILO has adopted new Convention No. 182 on the elimination of the worst forms of child labour. UNICEF is concerned with universalisation of basic education. It's also observed that child welfare legalisation and programme have been influenced by UN conventions and recommendation adopted by ILO from time to time.

The ILO and UNICEF are also extending their assistance to National and State Government in combating and eradicating the child labour. There are international programmes like International Programme on Elimination of Child Labour (IPEC) and Child Labour Action Support Programme (CLASP) to supplement and strengthen the governmental initiatives to eliminate child labour.

**Chapter IV** examines the Indian constitutional and judicial activities of child labour welfare in the light of the Fundamental
Rights, the Directive Principles of the State Policy, and judicial response. National Policy on child Labour, educational programmes and the project based plan of action are the other matters of analysis.

Many provisions have been incorporated in Indian Constitution to promote the interest of the child welfare and save them for exploitation. Recognising the need for granting special protection to children and to ensure their distributive justice, numerous provisions have been envisaged in Part III and Part IV of the Constitution. The state has also been put under the constitutional compulsions to generate social and economic conditions conducive for their health and growth. The primary duty imposed upon the state is to provide free education upto 14 years along with food. The judiciary has always made efforts to safeguard the children against the exploitative tendencies. The Judicial response to child labour welfare as empowered is praise worthy.

Chapter V examines the present Indian Child Labour market scene and the categories of hazardous occupations have been listed out along with the attitude of the parents, employer and Government.

In spite of an array of child welfare legalisations, programmes and services observed, there seems no improvement at all in the working conditions of children as the employer violates the provisions of law. The list of hazardous industries and the child population involved in it are explained. The attitude of the parent, employer and government are analysed. The socio-economic
conditions are observed to be explored and the reasons are poverty and illiteracy for the current exploitive situation. The attempts made by the international agencies like UNO. ILO and UNICEF which show seriousness and make provisions for child right and child labour elimination are yet to achieve their target in India.

In the chapter VI an attempt is made to focus on the informal sector, the nature and position of child labour force, the factors that bring them together, their wages, family, education, conditions of living and the ameliorative measures taken by Governments.

The definition of informal sector is at variance, which are listed out and the factors responsible for employment of children in this sector are analysed along with protective and regulative labour legalisation.

The magnitude of the problem and some of the hazardous occupations listed out. The causes and problems of migration of child labourers are also observed and eight categories of child labourers of the unorganised sector of Chennai city have been taken up for study and analyse.

Based on the analysis and interpretation, certain measures are suggested as recommendations in the Chapter VII.
REFERENCES


4. Ibid., p.6.


8. Ibid., p.172.


11. For more details please see, Rodger Garry and Guy Standing, *op.cit.*, pp.164-166.


33. The Operations Research Group, Baroda, Commissioned by the Ministry of Labour in 1980-81, put the figure of working children at 44 million. Concern for working children, a voluntary organization in Bangalore, estimated about 100 million children as workers. The National Consultation, organized by the Indain Council for Child Welfare in collaboration with the UNICEF put the figure of child workers at 90 million (1994) while the Bandhua Mukti Morcha puts the figure of child labourers at 65 million, the South Asian Coalition on Child Servitude (SACCS) claims there are 55 million child Labourers.


