CHAPTER I
Introduction and Methodology of the Study

1.1 Problem to be Studied

In the 1930's Pandit Jawaharlal Nehru described India as a "servile state with its splendid strength caged up, hardly daring to breathe freely, governed by strangers from afar, her people poor beyond compare, short-lived and incapable of resisting disease and epidemic" (United Nations Development Programme, 1997). On being sworn in as India's first Prime Minister in 1947, he called for the ending of poverty, ignorance, disease and inequality of opportunity. Mahatma Gandhi also believed that India would become truly independent only when her poorest were free of human suffering and poverty. Since then, India has had more than 50 years of planning and programmes to promote development and eradicate poverty.

Over the last 50 years, there has been progress in Indian agriculture, industry and more recently in poverty reduction. India has economically grown and developed at an average annual rate of 3.5% until 1980 and at an average annual rate of 5.5% during 1981-1997. However, the benefits of economic growth has accrued to the top 15% to 20% of income earners in the country, while the lowest 20% seem to have gone lower down the poverty line to levels of destitution. This adverse distribution has been countered to some extent by government programmes of subsidisation and low priced food distribution for low-income groups. However, the total effect of it all appears only marginal. Poverty in India remained almost at the same level during the three decades of 1950s, 1960s and 1970s. The percentage of the population living below the poverty line started declining from early 1980 and since then, the decline has been persistent. Over the 20 years period of 1973-74 to 1993-94, the poverty
ratio has declined from 55% to around 36%. Nevertheless, due to the increase in population, the number of poor in the country remains more or less the same. There were 321 million poor people in 1973-74 and there were 320 million poor people in the year 1993-1994 (Mehta Uday, 1998).

Among the poor, a significant section is children. Many of these children are compelled to work for excessively long hours in return for low wages. They are made to work beyond their physical and mental capacity, and the time and energy that should have been utilised in acquiring formal education is consumed in activities that are undertaken for bare survival. There is little or no control over their working environment and they are forced to work in appalling conditions. They are the children of this very society, the evil ways of which has turned them into labourers. Such children are found in large numbers in Mumbai, the commercial capital of India. A study of these children can throw light on the problem of child labour and can help in dealing with it. The present study is a modest attempt in this direction. The study is restricted to Mumbai because the problem of child labour manifests itself in its acute form in this city.

Childhood is considered as the best period of a person’s life. It is the most crucial stage that determines his/her personality and future life. During this time, children should acquire formal education and training that will help them lead a more productive life. They should be nurtured by their parents, get love, affection and guidance from them and be constantly encouraged and motivated.

Unfortunately, today we find many children out of schools, working for long hours to earn a pitifully low income for themselves or for their families. Uneducated, the only work they are capable of doing, both during their
childhood as well as when they become adults, is unskilled labour. Working at a tender age is not only detrimental to their physical and mental health but it also deprives them of their primary needs like education, nutrition and recreation which are required for developing a well-rounded personality.

Child labour is not a recent phenomenon. It has existed since times immemorial in one form or another. Formerly, children were made to work within the family environment under the care and supervision of their parents. Their workplace was an extension of their home and they were given simple and light work in accordance with their age and physical strength. Work was considered as a process of socialisation and as a means of transmitting traditionally acquired skills from parents to children.

Child labour became a serious social problem during the Industrial Revolution in Great Britain during the 1700’s and the early 1800’s and the problem spread to other countries as they became industrialised. Industrialisation created an enormous increase in the production of many kinds of goods. Newly started factories required cheap and plentiful labour. Children - many of them under 10 years of age - were forced to work for 10 to 14 hours a day, under dangerous and unhealthy conditions, and were given dismally low wages.

The problem of child labour has taken a disturbing turn for the worse in the last 10 years or so. Children are now found working in all types of industrial and service establishments, both in the formal and the informal sectors and in commercial agriculture. While many of them are engaged in activities permitted by national and international standards, many more work in gross violation of these standards.
According to International Labour Organisation (1986), "to tolerate child labour is neither morally justifiable nor a good social policy. It is morally indefensible because it abandons the most fundamental purpose of all human society which is the protection and nurturing of its young and because it sacrifices the quality of human resources by squandering them prematurely".

In an epoch-making ruling on December 10, 1996 the Supreme Court Judges Justice Kuldip Singh, Justice B.L. Hansaria and Justice S. B. Majumdar stated while handing down their judgment that "abolition of child labour is definitely a matter of great public concern and significance. We part with the fond hope that the closing years of the twentieth century would see us keeping the promise made to our children by our Constitution about a half century ago. Let the child of the 21st century find himself into that ‘Heaven of Freedom’ of which our poet laureate Rabindranath Tagore has spoken of in Gitanjali; where he said, "Where the mind is without fear and head is held high, Where knowledge is free... Into that heaven of freedom, my father let my country awake" (Supreme Court of India’s Judgment, 1996).

Even today, there is an ongoing debate about whether child labour should be abolished or not? People on both sides voice their views very vocally and provide arguments favouring their stand. People in favour of the abolition say that child labour is ruinous both to the physical and mental well being of the child. They say it is a social evil, forms a vicious cycle and actually, leads to poverty by increasing adult unemployment and depressing wage rates. According to them the very idea of children working should be a source of shame to civilised society and the sooner it is abolished the better it would be for everyone concerned, especially for the children. No society can call itself civilised unless it eradicates the absolute poverty in the form of child labourers.
On the other hand, people in favour of child work say that not all work is harmful for children. Some kinds of work under regulated conditions can have positive effects for the child and the society, like acquiring skills and learning responsibilities. Child work is enabling as it contributes to their growth and development. Work to some extent prepares children for a productive adult life. They say that traditionally skills are passed from parent to child and this should continue. The question that is most often asked is, how will poor families survive without the additional income of the children? Parents are too poor to feed their children and if children do not work, they will die. It is seldom taken into account that children's earnings are pathetically meager, and considering the kinds of work that these children are forced into, they will die in any case: of burns, poisonous chemicals and gases and fatal injuries.

Work plays an important role in the development of the child if it involves purpose, plan and freedom. When these elements are conspicuously absent, work becomes labour (Ministry of Labour, 1981). Labour includes an element of exploitation and becomes an absolute evil in the case of the child when he/she is required to work beyond his/her physical capacity, when hours of employment interfere with his/her education, recreation and rest, when the occupation he/she is engaged in endangers his/her health and safety and when his/her wages are not in congruence with the amount of work done.

While such academic debates can go on and on, with both sides tossing arguments at each other, there exists a very urgent and immediate need to improve the working and living conditions of these working children. In addition, unless we can do that, the "Heaven of Freedom" would just be an oft-quoted cliché confined to poems like Gitanjali.
Before defining the term 'child labour', let us try to understand the concepts of 'child' and 'work' in brief.

**Concept of 'Child'**

There is no precise definition of the term 'child'. Most of the definitions are based on only one criterion, i.e. their chronological age. In India, of the 17 Acts relating to the employment of children, seven have defined the child as a person below 15 years of age, six provide for the age of 14 and four provide for the age below 12 years.

Article 24 of the **Constitution of India**, defines a child as a person below the age of 14 years (Jhabvala, 1996). According to the **Child Labour (Prohibition and Regulation) Act 1986**, a child means a person who has not completed his or her 14th year. According to Article 1 of the **United Nations Convention on the Rights of the Child** adopted by the General Assembly of the United Nations in 1989 and ratified by India in 1992, a child is anyone below the age of 18 years. (Center for Human Rights, 1993).

**Concept of 'Work'**

The **National Sample Survey 1978** defined work or gainful activity as activity pursued for pay, profit or family gain, or in other words, the activity which adds value to the national product (Sekar H, 1997).

The **1981 Census** defined work as "participation in any economically productive activity". The concept of work is attributed to a wide range of
activities taken up by children including customary domestic work, work in the family enterprise or farm and wage labour.

**Concept of ‘Child Labour’**

Ordinarily, the term child labour means the employment of children in gainful occupation. The term is at times used as a synonym for employed child or working child.

According to **Shri Giri V. V.**, ex-President of India, “the term child labour is commonly interpreted in two different ways. First, as an economic practice and second, as a social evil. In the first context, it signifies the employment of children in gainful occupation 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 on which children are engaged, the dangers to which they have been exposed and the opportunities of development that they have been denied” (Giri, 1972).

The **Committee on Child Labour** constituted under the Chairmanship of Shri Gurupadswamy, in 1979 defined child labour as “that segment of the children population that participates in work, either paid or unpaid” (Ministry of Labour, 1981).

The **Encyclopedia of Social Sciences** 1979 defines child labour as follows: “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” (Concerned for Working Children, 1990).
According to a study conducted in 1983 by the Operation Research Group, a NGO in Baroda and sponsored by the Ministry of Labour, "a working child is a child in the age range of five to fifteen who is doing labour, paid or unpaid, and is kept working at any hour of the day within or outside the family: basically a child who is deprived of the right to education and childhood" (Khatu et al, 1983).

The Concerned for Working Children, a NGO in Bangalore in 1985 defined a child labourer as "a person who has not completed 15 years of age and who is working with or without wages/income either on a part-time or full-time basis" (Sekar H, 1997). The definition does not make any distinction between children working in the so-called hazardous industries and children working as part of family labour.

Thus, we see that there is no single definition of child labour that is exhaustive and acceptable to all - the government, social scientists and voluntary organisations. For the purpose of this study, a "child labourer is a child below the age of 14 years, working either part or full time, with the family or independently in any activity".

1.3 Magnitude of the Problem of Child Labour

Today, no region of the world is entirely free of child labour. Children are found working in significant numbers throughout many regions of the world. Each region differs in the magnitude of child labour and the specific sectors where children may be found working.

According to International Labour Organisation (1996b), child labour is most prevalent in the developing regions of the globe. 250 million children between the ages of five and 14 are compelled to work for low wages and for
excessively long hours in these countries. Of these 250 million children, approximately 153 million (61%) are found in South Asia (Bangladesh, India, Nepal, Pakistan and Sri Lanka) and in South East Asia (Philippines, Malaysia, Thailand, Indonesia, Laos, Cambodia and Vietnam); 80 million (32%) are in Africa and 17 million (7%) live in Latin America (International Labour Organisation, 1996, b). The overall estimates of 250 million working children are exclusive of children who are engaged in regular non-economic activities, including those who provide services of a domestic nature on a full-time basis in their own parents’ or guardians’ households.

The pernicious practice of child labour prevails mainly in poor developing countries though it also exists in the rich industrialised countries of the world. Approximately 5% of the total child population in Western Europe, 10% in Australia, Canada and the United Kingdom and 20% in the United States live in poverty (UNICEF 1994, c). Children in these countries hold part-time jobs to earn some pocket money, after attending their school. Their working conditions are carefully regulated by law. They undertake simple and light work relative to their age and physical strength. Work is not detrimental to their physical or mental development. They are not deprived of love, care, protection and warmth of the family and continue to enjoy a happy, carefree and imaginative childhood. Nevertheless, these countries have been successful in eliminating the evil forms of child labour due to the high level of economic development, the provision of educational facilities and the strict enforcement of child labour laws.

Child labour prevails in all developing countries, but in India its nature and magnitude is alarming. In fact, India, with its second largest child population of around 300 million children, holds the dubious distinction of having the largest number of child labourers in the world. According to the Asian Labour
Monitor, every third household in India has a working child and every 18th child in the country is a labourer. Over 20% of India's gross national product is contributed by child labour (Naidu & Kapadia, 1985). Children are found working in all the three sectors of the economy - the agrarian, industrial and service sectors.

Children are mostly employed in the unorganised sector of the Indian economy because of the relative absence of any statutory requirements concerning minimum age, easy entry, non-requirement of either education or training and the easy nature of the job initially assigned to children. The unorganised sector can be defined as a sector where the workers have not been able to organise in pursuit of a common objective because of various constraints; such as the casual nature of employment, ignorance and illiteracy, small size of establishments with low capital investment per person employed, scattered nature of establishments and the superior strength of the employer operating singly or in combination.

It is common knowledge that data on child labour is extremely scarce. Besides, there is tremendous variation between government and non-government statistics relating to child labour. Estimates of the numbers of working children run a wide gamut, from the Government of India's estimate of 17.58 million in 1983 to the estimate by the Balai Data Bank, a Manila based NGO, as 110.00 million in 1985. Whatever may be the actual figure, the fact remains that the number of working children is large enough to be a cause for national concern. In September 1995, the Chairperson of the government appointed Commission on Labour Standards and International Trade, asserted that child labour was growing at the rate of 4% per annum as opposed to the population growth of 2% per annum. Data collecting methods and findings thereof have actually, though unfortunately, converted the problem of child labour into a
statistical game. It is a tragic irony that in India few have bothered to analyse the magnitude and the plight of these silent sufferers.

Table 1.1 gives the extent of child labour in India by different organisations at different times.

**Table 1.1**

*Estimate of Child Labour in India*

<table>
<thead>
<tr>
<th>Organization</th>
<th>Year</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>The 1961 Census</td>
<td>1961</td>
<td>14.50m</td>
</tr>
<tr>
<td>The 1971 Census</td>
<td>1971</td>
<td>10.74m</td>
</tr>
<tr>
<td>The Global Labour Force Report ILO</td>
<td>1975</td>
<td>15.10m</td>
</tr>
<tr>
<td>The National Sample Survey</td>
<td>1978</td>
<td>16.25m</td>
</tr>
<tr>
<td>The 1981 Census</td>
<td>1981</td>
<td>13.60m</td>
</tr>
<tr>
<td>The Planning Commission</td>
<td>1983</td>
<td>17.36m</td>
</tr>
<tr>
<td>The Operation Research Group Baroda</td>
<td>1983</td>
<td>44.00m</td>
</tr>
<tr>
<td>The Concerned for Working Children, Bangalore</td>
<td>1985</td>
<td>100.00m</td>
</tr>
<tr>
<td>The Balai Data Bank Manila</td>
<td>1985</td>
<td>110.00m</td>
</tr>
<tr>
<td>The 1991 Census</td>
<td>1991</td>
<td>11.28m</td>
</tr>
<tr>
<td>The Labour Ministry</td>
<td>1994</td>
<td>20.00m</td>
</tr>
<tr>
<td>Bandhua Mukti Morcha</td>
<td>1994</td>
<td>60.00m</td>
</tr>
<tr>
<td>The Commission on Labour Standards and International Trade, Government of India</td>
<td>1995</td>
<td>77.00m</td>
</tr>
<tr>
<td>The ILO</td>
<td>1996</td>
<td>23.17m</td>
</tr>
</tbody>
</table>

**Source:**

2 - Campaign Against Child Labour, 1995.
4 - Indian Social Institute, 1995.
5 - Campaign Against Child Labour, 1997.
As can be seen from Table 1.1, the number of child labourers declined to 10.7 million in 1971 from 14.5 million in 1961 due to the exclusion of unpaid workers from the worker's category.

In 1981, of the total 13.6 million child labourers, 11.2 million were main workers and 2.4 million were marginal workers. The concept of marginal child workers was introduced in 1981. It included children who were engaged in economic activity for less than half (183 days) a year. The 1981 Census defined main child workers as children who have spent more than half the year (183 days) or more in economic activity preceding the Census.

As per the estimate of Planning Commission in 1983, of the 17.36 million child workers, 15.57 million (89.69%) were in rural areas and 1.79 million (10.31%) in urban areas.

Balai Data Bank estimation is based on the families living below the poverty line. If nearly half of India's population lives in poverty, the number of working children in India is likely to be 110 million.

In 1991, of the total 11.28 million child workers, 9.08 million were main workers and 2.2 million were marginal workers.

Estimates on the number of children at work vary widely for the following reasons:

1. Differences in perception about what constitutes a child. Most statistical surveys cover only children aged 10 and above.

2. Absence of an appropriate survey methodology for probing into the work of children which, for the most part, is a 'hidden' phenomenon.
3. Child labour is illegal and often not reported and there is deliberate concealment of child workers both by employers and parents. Also, there is an inherent tendency on the part of both the politicians and the bureaucracy to minimise the magnitude of child labour and to claim success in reducing its proportion.

4. Children not usually recorded as workers if they are
   - engaged in unpaid work related to the vocation of their parents, participate in contract work undertaken by their family on a piece-rate basis, or participate as family workers in a household-based industry;
   - engaged in part-time seasonal work;
   - children working in establishments that do not come within the purview of the Factories Act 1948.

5. Work undertaken by the refugee population.

In the absence of any agreed criteria and reliable data, several agencies have computed the figure of child labourers based on the number of people living below the poverty line and children not enrolled in schools. According to them, all out-of-school children are child labourers in one form or the other. To arrive at a rough estimate of child labourers it is necessary to take into account total child population in each age group correlated to enrollment in school, absenteeism and dropout rates.
## 1.4 Incidence of Child Labour in Maharashtra

The following table shows that Maharashtra has the fourth largest number of child labourers in India after the states of A.P., U.P. and M.P.

### Table 1.2


<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>1,627,492</td>
<td>1,951,312</td>
<td>1,661,940</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>1,326,726</td>
<td>1,434,675</td>
<td>1,410,086</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>1,112,319</td>
<td>1,698,597</td>
<td>1,352,563</td>
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<tr>
<td>Maharashtra</td>
<td>988,357</td>
<td>1,267,756</td>
<td>1,328,418</td>
</tr>
<tr>
<td>Karnataka</td>
<td>808,719</td>
<td>1,131,530</td>
<td>976,247</td>
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<tr>
<td>Bihar</td>
<td>1,059,359</td>
<td>1,101,764</td>
<td>942,245</td>
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<td>Rajasthan</td>
<td>587,389</td>
<td>819,605</td>
<td>774,199</td>
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<tr>
<td>West Bengal</td>
<td>511,443</td>
<td>605,263</td>
<td>711,691</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>713,305</td>
<td>975,055</td>
<td>578,889</td>
</tr>
<tr>
<td>Gujarat</td>
<td>518,061</td>
<td>616,913</td>
<td>523,585</td>
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<tr>
<td>Orissa</td>
<td>492,477</td>
<td>702,293</td>
<td>452,394</td>
</tr>
<tr>
<td>Assam</td>
<td>239,349*</td>
<td>**</td>
<td>327,598</td>
</tr>
<tr>
<td>Punjab</td>
<td>232,774</td>
<td>216,939</td>
<td>142,868</td>
</tr>
<tr>
<td>Haryana</td>
<td>137,826</td>
<td>194,189</td>
<td>109,691</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>71,384</td>
<td>99,624</td>
<td>56,418</td>
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<tr>
<td>Kerala</td>
<td>111,801</td>
<td>92,854</td>
<td>34,800</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>30,440</td>
<td>44,916</td>
<td>34,633</td>
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<tr>
<td>Delhi</td>
<td>17,120</td>
<td>25,717</td>
<td>27,351</td>
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<tr>
<td>Manipur</td>
<td>16,380</td>
<td>20,217</td>
<td>16,493</td>
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<tr>
<td>Tripura</td>
<td>17,490</td>
<td>24,204</td>
<td>16,478</td>
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<tr>
<td>Nagaland</td>
<td>13,726</td>
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<td>16,476</td>
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<tr>
<td>Mizoram</td>
<td>***</td>
<td>6,314</td>
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<tr>
<td>Arunachal Pradesh</td>
<td>17,925</td>
<td>17,950</td>
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<td>Sikkim</td>
<td>15,661</td>
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<tr>
<td>Goa</td>
<td>-</td>
<td>-</td>
<td>4,656</td>
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<tr>
<td>Dadra &amp; Nagar Haveli</td>
<td>3,102</td>
<td>3,615</td>
<td>4,416</td>
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<tr>
<td>Pondicherry</td>
<td>3,725</td>
<td>3,606</td>
<td>2,680</td>
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<tr>
<td>Chandigarh</td>
<td>1,086</td>
<td>1,986</td>
<td>1,870</td>
</tr>
<tr>
<td>Andaman &amp; Nicobar Islands</td>
<td>572</td>
<td>1,309</td>
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<td>Daman &amp; Diu</td>
<td>7,391</td>
<td>9,378</td>
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</tr>
<tr>
<td>Lakshwadeep</td>
<td>97</td>
<td>56</td>
<td>34</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>70,489</td>
<td>258,437</td>
<td>**</td>
</tr>
<tr>
<td>**Total</td>
<td>10,753,985</td>
<td>13,640,870</td>
<td>11,285,349</td>
</tr>
</tbody>
</table>

* - Includes figures of Mizo district which then formed part of Assam

** - Census could not be conducted

*** - Census figures of 1971 in respect of Mizoram included under Assam

**Source** - Saini Debi, 1997.
The working child population of Maharashtra increased from 1.26 million in 1981 to 1.32 million in 1991. Of this, 90% work in the rural areas while only 10% are urban based. The state, unfortunately, accounts for about 11.7% of the country's child labour. (Chaudhri, 1996).

**Table 1.3**

**Distribution of child labourers in relation to total child population (0-14 years) in Maharashtra in 1991**

<table>
<thead>
<tr>
<th>Sex</th>
<th>Total child population</th>
<th>Total child workers</th>
<th>% of child workers to total child population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>1,21,35,000</td>
<td>7,11,417</td>
<td>5.86%</td>
</tr>
<tr>
<td>Female</td>
<td>1,14,74,000</td>
<td>6,09,593</td>
<td>5.31%</td>
</tr>
<tr>
<td>Total</td>
<td>2,36,09,000</td>
<td>13,21,010</td>
<td>5.59%</td>
</tr>
</tbody>
</table>

**Source:**
1 Ministry of Labour, 1995 a
2 Chaudhri, 1996

As seen from Table 1.3, child labour accounted for 5.59% of the entire child population of Maharashtra in 1991. There is not much difference between the percentage of child workers to total child population among boys and girls.

Following the order of the Supreme Court on December 10, 1996 the Maharashtra State Government conducted a survey on child labour from March 1997 to June 1997 covering 10.75 lakh establishments. The survey claimed that there were only 13,919 child workers in the state including 1,007 children working in hazardous occupations. On the other hand, the 1991 Census states that there are 13.21 lakh child workers in Maharashtra.

The Labour Commissioner of Mumbai had admitted that the survey had not thrown up realistic estimates. The Government's plea was that "the survey did
not look into child labour in rural areas and non-hazardous industries, since it followed a specific set guidelines set by the central government. The most hazardous employment may rank first in priority, to be followed by comparatively less hazardous and so on. We, therefore, did not look into children in rural areas and those working in non-hazardous occupation who account for more than 90% of child labourers. Even within the given rules, the survey should have identified close to 1.5 lakh workers since the Census data estimates that there are 13 lakh child workers in the state and children working in hazardous industries account for 10% of the child labour force. Although labour officers visited several places, they did not find many child labourers. Employers were probably aware of the survey and may have withdrawn the children from employment. In that case, the judgment has served its purpose” (Bunsha Dionne, 1996 b).

1.5 Incidence of Child Labour in Mumbai

Rapid urbanization and crippling poverty in villages have led to a phenomenal rise in the number of children working in metropolitan cities of New Delhi, Calcutta, Chennai and Mumbai. Mumbai, the capital of Maharashtra, occupies a privileged position as the commercial and financial capital of India and the economic core of the nation. It is believed to have the largest number of working children among all the metropolitan cities in the country. This is because it offers job opportunities to almost all children who come here in search of work.

The true magnitude of the problem of child labour in Mumbai is not known because of the varying nature of work done by these children. Most of them are found working in the unorganised sector. The most difficult problem is faced when it comes to document the number of children engaged in marginal activities on the streets. They are highly visible at practically every turn of the
road in Mumbai; fetching tea, selling newspapers, flowers, hairpins, eatables in the trains, polishing shoes, cleaning cars and working as rag pickers evoking pity at their plight. A casual look at their physique and clothing reveals the extent of their poverty and deprivation. Children working and living on the streets of Mumbai constitute one of the most vulnerable groups of child labourers.

According to the Government of Maharashtra Draft Report on State Program of Action for Children (1995b), Mumbai has 75,000 child labourers. The unorganised sector employs a large number of child labourers.

Following the order of the Supreme Court of December 10, 1996, a Committee was set up in Mumbai jointly by the Ministry of Industries, Energy and Labour, the Municipal Corporation of Greater Mumbai, the Labour Commissioner and the Collector of Mumbai city to undertake the survey on child labour. The survey was conducted from March 10, 1997 to March 31, 1997.

According to the survey, Mumbai City has only 555 child labourers working in non-hazardous occupations while merely 25 are working in hazardous occupations!

Mumbai suburban district has 905 working children, which includes 26 working in hazardous occupations.

Thane district has the highest child labour population with 2,955 child workers of which 115 are working in hazardous industries.
Social activists working for the welfare of children in Mumbai maintain that there were various shortcomings in the compilation of the data and the survey hardly depicts the true picture of the magnitude of child labour problem. The survey has grossly underestimated the severity of the problem. The survey teams appointed to conduct the survey were not properly constituted, and were not given proper training and orientation. The methodology used was faulty since only the regular shops and establishments were visited. This automatically leaves out major areas of child employment like agriculture, animal husbandry and home-based industries. Children are mostly employed in the unorganised sector. Those working as domestic servants, in garages, manhole cleaning, garbage combing and kids working with their families in stone quarries and brick kilns have not been covered by this survey.

**1.6 Employment of Children in Different Occupations in India**

Even until today, no systematic and exhaustive documentation of the types and nature of work performed by children has been produced in India. In general, children are engaged in a number of activities - visible and invisible, formal and informal, paid and unpaid. Besides, children's work varies between rural and urban area. In the urban areas, children do a much larger variety of jobs compared to children in the rural areas. Moreover, work varies between boys and girls.

The **Committee on Child Labour (1979)** has observed that child workers are found in the following occupations: -

1. Agriculture
2. Plantations
3. Mining and quarrying
4. Beedis
5. Glass and bangles
6. Handloom and carpet weaving
7. Zari and embroidery
8. Gem cutting and polishing
9. Match and fireworks
10. Machine tool, repair shops and petrol pumps
11. Cashew processing and manufacturing of coir products
12. Domestic work
13. Helpers in hotels, restaurants, canteens, tea-stalls, shops and way side establishments
14. Rag picking
15. Constructions
16. Hawkers, vendors, newspaper sellers
17. Coolies.

Source: Chaudhri, 1996.

This list covers only some of the known occupations employing child labourer. Child labour is much more widespread and found in many other occupations besides the ones listed above.

A. Within the family (unpaid)

(i) Domestic / household tasks (e.g. cooking, childcare, fetching water, cleaning utensils, washing clothes, etc.). These are termed 'invisible work'.
(ii) Handicrafts / cottage industries (namely, weaving, leather and woodwork).

B. With the family but outside the home

(i) Domestic service
(ii) Construction work
(iii) Mining
C. Outside the family

I. Employed by others

(i) Tied / bonded labour

(ii) Apprentices

(iii) Skilled trades (e.g. carpets, embroidery, brassware works, gem polishing)

(iv) Industries / unskilled occupations, mines etc.

(v) Domestic

(vi) Shops and commercial establishments

(vii) Begging

(viii) Prostitution and pornography.

II. Self-employed, e.g. shoe shining, car washing, recycling rubbish, running errands, selling newspapers etc.


The table (1.4) on the next page gives details about the number of children employed in various occupations in India.
Table 1.4
Employment of Children in Different Occupations in India

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Industry</th>
<th>Location</th>
<th>Total Workers</th>
<th>Child Workers</th>
<th>% of Child Workers To Total Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bangle and Glass making</td>
<td>Firozabad, U.P.</td>
<td>200,000</td>
<td>50,000</td>
<td>25</td>
</tr>
<tr>
<td>2</td>
<td>Brass ware industry</td>
<td>Moradabad, U.P.</td>
<td>150,000</td>
<td>40,000-45,000</td>
<td>26.6 - 30.0</td>
</tr>
<tr>
<td>3</td>
<td>Carpet-weaving</td>
<td>Mirzapur-Bhadohi, U.P.</td>
<td>200,000</td>
<td>150,000</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rajasthan</td>
<td>30,000</td>
<td>12,000</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jammu and Kashmir</td>
<td>400,000</td>
<td>100,000</td>
<td>25</td>
</tr>
<tr>
<td>4</td>
<td>Diamond cutting</td>
<td>Surat, Gujarat</td>
<td>100,000</td>
<td>15,000</td>
<td>15</td>
</tr>
<tr>
<td>5</td>
<td>Gem polishing</td>
<td>Jaipur, Rajasthan</td>
<td>60,000</td>
<td>13,600</td>
<td>22.6</td>
</tr>
<tr>
<td>6</td>
<td>Lock making</td>
<td>Aligarh, U.P.</td>
<td>80,000-90,000</td>
<td>7,000-10,000</td>
<td>8.7</td>
</tr>
<tr>
<td>7</td>
<td>Match and Firework making</td>
<td>Sivakasi, T.N.</td>
<td>Not known</td>
<td>45,000</td>
<td>-</td>
</tr>
<tr>
<td>8</td>
<td>Powerloom industry</td>
<td>Bhiwandi, Maharashtra</td>
<td>300,000</td>
<td>15,000</td>
<td>5</td>
</tr>
<tr>
<td>9</td>
<td>Silk weaving</td>
<td>Varanasi, U.P.</td>
<td>11,900</td>
<td>4,409</td>
<td>37</td>
</tr>
<tr>
<td>10</td>
<td>Slate making</td>
<td>Markapur, A.P.</td>
<td>15,000</td>
<td>3,750</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mandsaur, M.P.</td>
<td>12,000</td>
<td>1,000</td>
<td>8.3</td>
</tr>
</tbody>
</table>

Source: Supreme Court of India’s Judgement, 1996.
Child labour is universally considered as undesirable because it is detrimental to the physical and mental well being of the children. One may well ask the question, why does it persist or why do parents allow or encourage their children to work? The reasons include a range of micro and macro causes. Child labour is the outgrowth of circumstances of the family and the poor economic conditions of the nation. Widespread poverty, unemployment, inadequate legislation combined with poor enforcement of existing legislation and the lack of baseline information and monitoring mechanisms contribute towards child labour. The main reasons are discussed below:

**Poverty**

In low-income countries like India, where nearly half of its population live below the poverty line (United Nations Development Programme, 1997) parents have no alternative but to send their children for work. Economic compulsions weigh so heavily on the conscience of poor parents that they do not mind putting their children under the risk of inhuman exploitation for a pittance (Srinivasan & Gandotra, 1993). Acute poverty within a household makes the child’s participation in work almost inevitable. Children work to supplement their family’s meager income. In some cases, the child’s income is not supplementary but the sole source of the family’s income. However, the child’s participation in productive work substitutes adult working hours and in no way alleviates the household’s poverty. It, therefore, forms a vicious cycle and there is no chance to come out of this situation for the poor family.
Lack of Employment Opportunities

According to the Planning Commission, nearly 16 million people in India were unemployed as on April 1, 1990. Economic growth since the adoption of the New Economic Policy, 1991 also has proved to be jobless growth, having adverse impact on the growth of employment in the country. Restructuring of industries, subcontracting, the policy of stopping recruitment and voluntary retirement has drastically reduced the strength of permanent workers (Mehta Uday, 1998).

Parents who cannot find work to support their families often sent their children to work. Lack of employment opportunities for adults have caused children to be employed in the small-scale unorganised sector.

Lack of Educational Facilities

The Government of India has miserably failed in its efforts to provide free and compulsory primary education for all children until the age of 14, which is deemed as their right by the Constitution of India (Anto J, 1993). Although the literacy rate in India has increased from 18% in 1951 to 52% today, yet half the population is still illiterate, and for females aged 7 and above the proportion of illiteracy is 61%.

Many children in India go to work rather than to school either because there is no school within easy reach of the children or because the parents are not in a financial position to meet the expense of schooling. Where schools exist, they are poorly maintained and there is paucity of essential learning materials. 35% schools have just one teacher to teach four different classes (Grover, 1986). 94,000 schools in the country are functioning without buildings and of which 88,000 are primary schools. (Varghese, 1989). 40% have no pucca (permanent) building, 14% of the schools are run in open spaces or tents, 33% of the primary schools have just one classroom. More than 1,92,000 schools do not have any furniture or mats, 39.72%
have no blackboards, 80% have no benches and 72% have no books (Swamy, S. 1995). 50% do not have drinking water facilities while 15% of the schools do not have urinal facilities (Dave Anish, 1998). Such is the state of elementary education in India!

There are no government schemes besides the provision of free primary education, to encourage parents to enroll their children in schools. Although education is free upto primary level, yet parents cannot afford to educate their children, since it involves twin liabilities; firstly, there is expenditure on uniforms, books and stationery. According to the Saikia Committee Report submitted in January 1997, the average expenditure per student in class I to VIII in 1995-96 was Rs. 948/- p.a. (National Law School of India University 1998). A family, which just manages to make ends meet, finds even this expenditure a burden. Second is the loss of earning of the child who goes to school and hence does not work. Therefore, instead of sending him/her to school, the child is put to gainful employment.

Many times, since many parents themselves are illiterate, they fail to understand what use schooling would be to their children due to the overall ineffectiveness of the educational system. There is a general feeling among the parents that school education does not mean any great improvement for their progeny (Khulbe, M. 1998). They feel that even if the child goes to school there is no guarantee that he/she will get a job on completing his/her education but if the child receives some on-the-job training he/she would be assured of a job on completion of that training.

Stage of Economic Development

Child labour exists in inverse proportion to the degree of economic advancement of a country. More economically advanced a country, less is the proportion of child workers and vice versa. Child labour is essentially a development problem. In those countries where economic conditions have improved, child labour has
virtually disappeared, while it persists in the developing countries in an alarming proportion.

**Parent's Desire**

The main reason responsible for child labour is that the parents look at children as a source for augmenting the family's income. Parents believe that children should work to support themselves and their families (Khulbe, M., 1998). The general perception is that children should work to develop a sense of responsibility. Employment is supposed to equip the children with the right attitude and work habits at an early age.

Some parents also consider children's work to be an antidote to vagrancy and feel that child labour is a part of a strategy to minimise the risk of any interruption in their income that may be due to job loss, failed harvests due to natural calamities etc. As they have no savings or assets, they feel they need the income of the child, not his/her education.

**Employer's Preference**

Employers prefer child workers because children are perceived to be hard working, docile, vulnerable, easy to control and discipline as they are accustomed to obeying adults, are not unionised, and can be made to work uncomplainingly for longer hours as compared to adult workers. Their small hands can do work much faster than adults. They are ideal for 'off the record' employment and, therefore, need not be provided statutory benefits. They can be paid wages much below the rates fixed by the Minimum Wages Act, 1948 and thus provide economic advantage to them.

An important motive for employment of children by employers is to minimise cost and maximise profits. They are bled for profit in highly exploitative and low
paying occupations. According to Karl Marx, “a capitalist producer employs women and children for increasing surplus value or profits. Child labour is the source of profit to employers and is thus inherent in a capitalist system of wage labour. The decrease in the rate of profit led capitalists to increase their exploitation of labour. As profits declined, the capitalist buys with the same capital a greater mass of labour power, as he progressively replaces skilled workers by less skilled, mature labour-power by immature, male by female, and that of adults by that of young persons or children. Capitalists in their blind unrestrained passion and wolf’s hunger of surplus labour, overstep not only the moral, but even the merely physical maximum bounds of the working day which usurps the time for growth and maintenance of the body” (Weiner M, 1988).

**Nimble Finger Argument**

Some industries like carpet weaving, diamond cutting and polishing, match and fireworks manufacturing employ children since they require their young nimble fingers. The nimble fingers of children are more dexterous that enables them to do work that an adult cannot do as well. Children can roll hand-made cigarettes, pick leaves in the tea gardens, and carry molten glass - tasks that need diligence, dexterity and speed rather than physical strength. Without children in the labour force, these tasks would not be performed as well.

The delicacy of the borders of the Kanchipuram silk sarees is a result of the work of very small fingers of children ranging from five to nine years. As soon as they grow up and their fingers become too large for the delicate weaving, they are discarded (Gupta & Voll, 1987).

The Bhodohi-based All India Carpet Manufacturers’ Association in a statement clearly acknowledged that the availability of children has helped the carpet industry in the production of fine quality carpets and it would be suicidal for the
carpet industry to force out child labourers (Juyal, 1988). The nimble fingers of children can produce a greater number of knots in the weaving of carpets than can adults. If any restrictions are imposed on children, it will result in a steep fall in the production of carpets, which in turn will adversely affect their exports.

However, it should be noted that scientifically it has not been proved that children can tie more knots per square inch, which would enhance the value of the carpets. It is a fallacy that children weave especially well, just because they have nimble fingers. Adults are equally dexterous. China, which produces the world’s finest carpets, does not employ a single child for this work (Times of India The, 1990).

### 1.8 Objectives of the Study

This study is a modest attempt to highlight the variety, complexity and seriousness of the problem of child labour in the city of Mumbai. The study seeks to find answers to questions like: How old were they when they started working? Why do they work? Do they also go to school? If not, why? What are their earnings? How are they treated? What are their working and living conditions? Do they face any exploitation and abuse at work?

The study was undertaken with the following objectives:

1. To understand the personal and socio-economic characteristics and the working and living conditions of child labourers in the city of Mumbai.

2. To identify the factors that have compelled the children to participate in economic activities at an early age and the consequences of work on their lives and future.
3. To examine the laws prohibiting employment of children and focus on the inadequacies and inconsistencies in their effective implementation.

4. To suggest measures that will help to eradicate and/or reduce the unhealthy and undesirable practice of child labour.

The findings of the study, it is hoped, will lead to creating greater understanding of the issue of child labour. The researcher would consider herself successful if the study helps in some measure to understand and reduce the menace of child labour, leading them into a better future.

1.9 Details of Research Methodology

The study is exploratory and seeks to explore facts regarding child labour in the city of Mumbai. One of the greatest disgraces of the modern world is that, although people know about the existence of working children, relatively little is known about their working and living conditions. The study was designed to get relevant information about child labour in Mumbai from the available sources of data.

1.9.1 Sources of Data Collection

The data for the study was collected from the following two sources:

I. Primary sources
II. Secondary sources

I. **Primary sources** included
   a. Interview
   b. Observation
The data was collected by participatory and in-depth discussions with working children, their parents and employers, social workers, government officials and trade union leaders. Interviews were conducted with the help of interview schedules. Keeping the objectives of the study in mind, five interview schedules were separately and specifically designed to interview children, their parents, employers, social workers and government officials.

The interview schedule for children consisted of 19 sections (Appendix A 1). It was aimed at getting detailed information about the socio-economic conditions such as personal characteristics, educational status, income and expenditure pattern, working and living conditions and aspirations of working children and details of their families.

The schedule helped in putting the questions in a systematic manner. The questions were both closed and open-ended. Close-ended questions provided a series of possible alternative answers, considering the age and the level of education of the child workers. The answers were pre-coded for computer analysis. Open-ended questions allowed the children to express themselves more freely.

The schedule was pre-tested on 10 children as a preliminary exercise to test the effectiveness of the questions in the schedule. It was a productive exercise as it revealed some of the limitations of the questions, the need of clarifying concepts and the kind of approach needed. Consequently, some modifications were made to the original interview schedule.

The data collection lasted for about one year from May 1998 to April 1999, a period longer than that which was originally planned. The initial reluctance on the
part of respondents to answer the questions was mainly responsible for the prolongation of the data collection period.

Generally, parents influence the lives of their children to a large extent, particularly in the matters of education, work, etc. Keeping this in view 10 parents, whose children were involved in remunerative activities, were interviewed (Appendix A 2) to ascertain the major factors leading to the employment of children and to gain an idea of their opinions and attitudes concerning child labour.

10 employers were interviewed (Appendix A 3) to get their perception concerning wages, working conditions prevailing at the work place, the welfare measures provided by them to the children and their knowledge about child labour Acts. They were generally from the same units as the children interviewed.

Social workers who work for the welfare of the children are closely associated with the issues of these kids and have a broader perspective about their problems. Many a time, they are confidantes of the children, who tell them about their problems, hopes, fears and aspirations. 10 social workers were interviewed (Appendix A 4) to get an insight into the lives of the children and help and facilities offered by them to help these unfortunate children lead a better life.

Various voluntary organisations and the Principals of night schools where some of the children studied were also contacted. The involvement of these organisations and persons went a long way in winning the children’s co-operation, to such an extent, that some of them used the interview as an opportunity to ventilate their frustrations, conflicts and failures besides sharing their hopes, desires and future expectations.
Discussions were also held with the concerned authorities of the government department including the offices of the District Collector of Mumbai city, the Director of Maharashtra Institute of Labour Studies and the office of the Labour Commissioner. Seven labour officials were interviewed (Appendix A 5) to get information on the implementation of the laws and the difficulties they face and the action taken by them to reduce the practice of child labour.

Informal discussions were held with a few trade union leaders to get their view about child labour and to know if they had any plan of action to move towards a solution for the problem of child labour.

The Remand Home at Dongri was visited to observe and get an insight into the rehabilitation programmes for the children who were brought there under different circumstances.

b. Observation

It was thought necessary to observe the behaviour, physical environment and social conditions of the working children to get better understanding of the lives of these children during the fieldwork. Observation and noting of interesting facts concerning the life of the children made the results more accurate and dependable.

II. Secondary source

To supplement the information that was collected through interviews and observation, documents were referred to provide a broad framework and perspective for the study. They included statistical information from the Census, National Sample Surveys, Bureau of Economics and Statistics, Labour Inquiry Commissions, research documents and situational analysis reports prepared by
research organisations / institutions and non-government organisations besides writings from books, journals and newspapers.

1.9.2 Sample Selection and Size

It was decided to have a purposive and representative sample so that child labourer of different ages, areas and occupations could be covered. The sample consisted of 250 children. They were selected randomly and were interviewed in person with the help of an interview schedule. Care was taken to interview only one child worker from one establishment.

1.9.3 Method of Analysis of Data

The responses to close-ended questions in the schedule were given codes to enable computerised coding. While administrating the schedule, the coding sheet was utilised and appropriate codes according to the answers were recorded. The processing of the data was subsequently done on the computer using the Microsoft Excel spreadsheet programme. The data was analysed by simple frequency and cross-tables. The information collected was then classified through various tables followed by their analysis.

1.10 Chapter Outline

The study has been divided into six chapters to present it in a detailed and systematic manner.

Chapter I introduces the problem of child labour to the reader in all its gravity. It gives various definitions and estimation of child labour by different individuals and agencies, explains the causes of employment of children and the impact of work on them in terms of physical, mental and intellectual abuse. It also spells out the
objectives of the study and the methodology adopted for conducting the research and the limitations and problems faced therein.

In chapter II an endeavour has been made to present a review of literature relating to children working in different sectors and industries in India in general and in Mumbai in particular. The literature available is significant and provides comprehensive data on the magnitude, causes and consequences of child labour in India.

Chapter III discusses the Government of India’s concern for the working children. Various legislative and non-legislative measures taken by the government and the limitations in their effective implementation are brought forth. The role of non-government organisations (NGO), trade unions, media, international organisations like the ILO and UNICEF, the Municipal Corporation of Greater Mumbai and the Sheriff of Mumbai city is discussed in this chapter.

The profiles of sample child labourers and their families constitute the fourth chapter. Personal characteristics such as age, sex, religion, place of birth, educational status and family’s details are discussed in this chapter. It also tries to find the income, the expenditure pattern and the contribution of the children to their family’s income.

The working and living conditions of child labourers covered in the sample is the subject matter of the fifth chapter. The chapter begins with a brief analysis of the reasons why children start working at a tender age, the nature of the work they do, hours of work and the leave and other facilities available to them. It also seeks to gather information regarding the occupational hazards, treatment, awareness about legislation, migration, harmful habits, mode of recreation and the aspirations of these child labourers.
Chapter VI attempts to summarise the findings drawn from the analysis of the study and puts forth certain recommendations to reduce and/or eliminate the evil practice of child labour.

The study ends with a section containing appendix, which include interview schedules for the child, parents, employers, social workers and labour officials followed by a bibliography.

1.11 Problems faced during the study

It was difficult to collect data from illiterate child workers. Even obtaining descriptive answers to the questions was difficult from young children who had little experience in self-expression. Some of them preferred to nod or shake their heads rather than say anything. When they talked, it was restricted to a maximum of one or two words. They had to be questioned twice or thrice for the same response.

They were suspicious of the true purpose of the study and were not willing to talk about themselves. It was sometimes traumatic, painful and even demoralising for them, especially if they were unhappy with their lives. Under such circumstances, inquiries had to be made with caution and tact. I had to meet them many times to gain their confidence.

Every possible effort was made to put them at ease and to remove their hesitation so that complete and accurate data could be obtained. The interviews were made as informal as possible and assurance was given to them that the information would not be passed to their employers.
To get a better insight into their lives and to try to establish a rapport with them, it was essential to spend more time with them, not asking questions but being with them and observing what they did in their own surroundings. At first, they were asked general questions like age, educational status, the type of job undertaken, followed by more personal and specific questions like hours of work, rest intervals, salary, employer’s treatment, habits and aspirations. Responses to certain questions - like sexual harassment and bad habits were hard to bring out.

The place where they were interviewed was constantly charged with noise and activity so it was necessary to find a quiet place where there would be less noise and distractions. Interviews were conducted at different times and in diverse settings: not just at the place of work, but also on pavements, railway platforms, in night schools, day-care centers and night shelters where the children felt sufficiently safe and comfortable and revealed their feelings. Access to children working in domestic services was very difficult.

The employers were quite apprehensive and refused permission to interview the children. In the cases where they were willing to let the children talk, the children were not ready to give correct information regarding their wages, working and living conditions, treatment and the facilities provided to them since they feared offending their employers and losing the jobs.

1.12 Limitations of the Study

This is a sample survey, not a statistically representative study of child workers in Mumbai. It illustrates the problems of working children without any claim to comprehensiveness or to depth of analysis. It is at best a first look at a social evil that has lived too long in the city of Mumbai.
The conclusions of this sample survey can hardly be claimed to be of general applicability and they should be interpreted with caution. In fact, conservative statisticians would probably be tempted to dismiss the findings on the ground of possible biases of a small sample size. However, the researcher feels that under the given constraints of time, resources and efforts, the sample is quite significant, if not large and that adequate and useful insights can well be derived even from such micro-level data.