CHAPTER II

2.1. HISTORY OF CHILD LABOUR:

Child labour has been prevalent in every period of history. It had its own dimensions according to the changing social and economic need of the society. In olden days child labour was used for family subsistence. The child labour was used to carry off the parental obligations by working for the land lords. They worked for fewer wages which resulted in bonded labour. They worked until the debts were paid off. Thus it is clear that child labour was prevalent. Child labour in the past was seen differently. To a large extent parent’s obligation were often responsible for creating conditions for the child to work on the land of the landlord for low wages. They remained in the house of the landlord along with their parents to repay or to minimize the debts more like bonded labourers.

Children have been helping their parents at home and in the fields since times immemorial. The boys helped the parents in the family business or the traditional crafts and girls were found helping their mother in the house hold activities and also in the household occupations. Various stories from Hindu mythology reveal that children worked in their families to share the work of their parents. The children also worked for their gurus during Brahmacharya by doing certain work in the ashrams while they were sent for studies.

In pre-capitalist society, the work place of the child was often within the family environment. The relationships were very informal and the child was secured and remained unexposed to any type of hazardous environment. Work was considered as the most important aspect of socialization and training of the children.

It is apparent from the past observance that girl child labour is not new to the modern era. The history of girl child shows her status in the family and in the society. Their existence as alabour has been prevalent in many forms, as an agricultural worker and also as a helper at home performing all activities incidental to both the agriculture and the house. In primitive times when man was purely a farmer depending for subsistence on the land and work of child formed part as a helping hand more than labour, required for the reproduction. The girl child was an obvious choice for household work such as washing, cleaning, milking the cows and looking after the cattle shed, minding young children and also worked in the fields with her friends. She thus shouldered the dual responsibility inside the house and also outside the house. She gave a complete helping hand to her parents’ in house making and occupation.
There are traces in the history during the times of Maharajas of Jaipur, Udaipur, Rathors, the Marathas and the Mughals where there was the tradition of keeping young girls in harems as helper, as companions or maids. These were young girls and they would stay in the palaces with full dignity and respect. They were provided with cloths, food and also jewelry and lived as the member of the harem of queen or the princess. These young girls were mainly kept to accompany the queen and the princess to help in dressing, playing, to take a stroll in the garden, or even to share their emotions sometimes. These young girls were called as either “Dasi” or “Saheli”. There as instances from Udaipur that once when the princess wanted to get drenched in the rain and play but was not allowed doing so since she was a princess. The Maharaja of Udaipur then built a garden with dome like structures where artificial rainfall could be experienced and the princess could play along with her friends in the garden and no one could see them. This garden is named as “Sahelion Ki Badi”.

The concept had another dimension of “Dasi” who also was a helper and stayed in the palace from her childhood along with her mother and learnt all the customs and mannerisms of the palace so that she would work after her mother. This concept was more popular in the Mughal times. There are instances of large joint families employing girls to look after the young children of the family and also to do small chores like serving or giving messages with in the house as the houses were spread over large areas and playing with them. They were kept with dignity as a member of the family and were also respected. The conceptof child labour and specially the girl child labour has changed very gradually and transformed into as a problem of the society.

2.2. CHILD LABOUR IN ANCIENT INDIA:

The protection of child against exploitation was known to ancient Indian society. Child labour existed in all periods of time varying in its nature and extent. Its scope depended on the prevailing social and economic dimension of the society. The history of India is filled with the evidences with the presence of child labour in different forms. The problem of child labour in ancient India could be seen in the form of child slavery that was owned by the then rich class of people for doing low and ignoble work.
The harsh reality of ancient India was that the child who was born as a slave would remain as slave unless the master released him by pleasure. It has been noticed that all the law givers, with the solitary exception of Kautilya, were silent on this point, and did little to abolish this inhuman practice of keeping child slaves.²

Child labour was prevalent in ancient India in the form of child slaves where they could be bought and sold like good and commodities. While dealing with slavery Kautilya stated that the purchase or sale of children as slaves was not forbidden amongst the “Mlechchas” for they were backward and savage but an Aryan child could in no case be allowed to remain slave. Though Kautilya had forbidden children from work and slavery yet the children were treated as slaves and forced to work ultimately denying them freedom and equal opportunity.

It was only Kautilya who discarded the child labour and called it against humanity. He also spearheaded the movement of child welfare and discarded the shameful practice of child exploitation. Kautilya had even prescribed standard wage depending upon time and nature of work undertaken.³

However, despite all the prescription envisage in the era it reveals that condition of girl child in particular and child in general, was not good and they had to work even on holidays. It is observed that of children were exploited in all those sectors where they worked.

The Ancient Law reveals that in ancient societies belonging to Anglo-Saxon, the Romans, the Hindus, Celtic, Hebrew and Germanic communities the plight of child had been always been miserable where the patria families shaped the entire destiny of the child. The study of ancient treatise discloses that parent’s obligations played a great role in determining the working conditions of the children. They worked on low wages as bonded labourers in the fields and in the house of the land lord along with their parents to repay the debt.⁴

In earlier days children worked with in the family helping in its family business along with the adults. It was thought that in the process they would learn the skills of family business,

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² Deshtasunil & Kiran, 2000, Law and menace of child labour, Genesis of child labour in India, Chapter 3, pg. 41-42.
³ Radha Krishna Chaudhary, 1982, Economic history of ancient history, pg. 131
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the art of work and were being trained for the future. While the child worked for a small period of time and due care was taken of factors such their age and personal capacity. Children within the community were asked only to work for minimum time and in areas suitable for them. But when the society got transformed from hunting and gathering community to agricultural society, children started working in the fields for long hours which resulted in child labour and exploitation. However they were found working now not only in the fields but also performing domestic work.

With the growth of feudal relation of production, which demanded maximum production from the society, which compelled the all the members of the society to lead a life of desires. These poor peasants in order to fulfill the minimum economic needs of the family had to use the children in the production process without considering the tender age and conditions of work. Now the children were engaged in the economic wellbeing of the family at the cost of their personal welfare. Hence we never realized that when a “child” became a “working child” and then a “child labour”.

5. Pattnaik N C, 2001, Let the child learn while he earns, child labour-retrospect & Prospect, pg 23.

2.3. CHILD LABOUR IN MEDIEVAL TIMES:

The medieval period was not an exclusion from the problem of child labour. This morally disturbing social pain can be attributed to the constantly increasing force on land which ultimately forced the destitute parents to deploy their children to help them in earn a course of life and the child had no choice of his own. His condition was no better than a slave. Ain-I-Akbari, reveals that children were frequently purchased and sold like chattels. Children were exploited to the extent of selling them for the economic necessity of the parents. The decree of Akbar of 1594 A.D. clearly ordains, “A father or a mother might, if forced by hunger and extreme misery, sell their child and afterwards when they had the means to pay, might buy it back again after servitude.”

The Moughal period King Jahangir seems to have condemned the practice of child labour, but the post Jahangir era saw the condition of children worsened more and more where child
labour was considered a way to earn money even by rulers themselves. The rulers who enjoyed the privileged positions used their might to make money by illegally trading these helpless children. It is thus observed from the study that child labour in medieval India grew unchecked and the rulers did not give any serious thought to this issue. The rulers had become so self-centered that they tried to make their maximum thoughtlessly which ultimately aggrieved the problem.

It is observed from the study that in the medieval period however, children helped their parents in family crafts and household activities. They worked as apprentice and learned the skills by observing and participating in family crafts and business. There were small and marginal economic units which emerged from predominantly rural society. The increasing pressure on land fragmented the holdings. The families were forced to search new avenues of survival even on other lands.

Hence a class of landless labourers came into existence which was bonded to the land owners. These labourers also included their children as helpers in their economic activities. The entire family was a unit of work, using their skills and teaching their children the same skills for generations to follow.

6. Al-Badayuni Murtakhabir-Tawarikh (vol. II), pg. 404.

Occupations were mainly determined on the basis of heredity and children worked and learned the skills of their traditional crafts at a very young age as apprentice. Thus they were engaged as trainers under the guidance of their parents so that the traditional and family craft and business could be retained and flourish. Hence the problem of child labour was like a sugar coat under the family business umbrella. They existed in the form of slaves, helpers, trainees or apprentice.

However, with the advent of capitalism the concept of child labour had a dynamic change as a result of which child labour emerged as a social problem before the society. The family structure was totally shattered by the new economic forces of capitalism. The traditional family business and craft were not only in danger but were also destroyed due to industrialization and advent of machines. The farmers now transformed from their original work places to become wage earning labourers. The family system was broken up and landlessness and migration forced the children into labour market. It was lack of alternative
employment opportunities for the adults which were also one of the reasons of increase in the child labour force.

2.4. CHILD LABOUR IN VICTORIAN ERA:

Domestic work or the employment of people for wages in their employer’s residence was simply termed as “service”. It had by now due to gradual changes developed into a system called ‘hierarchy’ and spread to many countries in different times. Until the passing of The United Kingdome’s Master and Servant Act of 1823 the domestic workers had no protection and were at the mercy of the masters. But unfortunately this legislation also favored the employers and less was done to secure the life of the servants. Before the Act was passed the domestic workers was provided food, accommodation and sometimes cloths in addition to wage which was just adequate for survival. Service given by them was like training system. In Britain this system peaked towards the close of Victorian era, perhaps reaching its most complicated and rigid structured state during the Edwardian period, which reflected the limited social mobility of the time. The equivalent in the United States was the Gilded Age.8

During the Victorian times girl child labour was used as chimney sweeps, factory workers, and street sellers and in coal mines. They performed work as crawling, underneath machinery or sitting in coal mines to open and close the ventilation doors where adults could not reach. History of child labour can be traced in some dark realms of industrialization and had before industrialization in various forms like child slavery. Children, boys and girls accompanied their parents to aid in agriculture, coal mining weaving and other jobs. But industrial revolution gave way to dispute over child labour as schooling became more important and child rights gained prominence. In the Victorian era some girls also worked as seamstresses and dressmakers.9

2.5. CHILD LABOUR IN MODERN ERA:

The problem child labour underwent a drastic change during the British India period. The implementation of new economic policy and capitalism were responsible for the destruction of family business. Workers became jobless due to mechanization of agriculture and the farmers were displaced from family work place. With the advent of capitalization and industrialization during the 19th century child labour emerged as social problem with new dimension. The irregular development of industries gave birth to child labour. This as a result
changed the overall socio-economic condition of the family. Joint family system continued to be destroyed and people started to leave their original habitants in search of jobs. Every member of the family became a wage earner and the child was no exception to it. The children were in to the labour market. They had to earn wages for the survival themselves and their families.

It was revealed that displaced family business, and extreme poverty created such circumstances by which a child had to be introduced in the labour work force. The advancement of industrialization gave impetus to uneven development of the society that disturbed the whole economic order. The state during this period failed to regulate the conditions of employment. Neither the employers nor the state had any control over the labour market. This resulted in exploitation of labour to the benefits of the employers. The State had no regulatory measures on the issue of the type of to be performed by the child. The children were employed in all types of work in the industry which further led to their exploitation. It is also revealed from the study that the position of the girl child had even worsened during this period.

9. Miller Fiona, April 2011, what kinds of job did people have during the Victorian era? e How contributor.

The result of uneven development of industrialization was destruction of large scale family organization and conversion of people into labourers as wage earners in turn forced the children to earn not only for themselves but also for the family. With the commencement of factories the first enactment was enacted as Indian factories Act, 1881. This Act provided some protection to the child by forbidding employment of children under the 7 years in factories. The Act also limited their working hours to nine, four compulsory holidays in a month and rest intervals. The Act also provided for safety measures for children.

The modern era brought one more evil for the society in the form of domestic workers and specifically the induction of the girl child in this category of workers of domestic help. She came very silently with her mother first in the fields and then to help her mother as domestic help. The job was easily found required no or less skills and was in the form of job security of the future.

2.6. INDUSTRIAL REVOLUTION AND GIRL CHILD LABOUR:
Prior to Industrial Revolution the child was in the house was considered as a helping hand but due to separation of joint families into small families, industrialization, lust for earning more, aspiration to have ownership of one’s own family as the head and the lucrative urbanization, all this changed the “helping child” into “child labour”. Industrialization on rapid scale forced the child of the house to work in factories, workshops and other unregulated occupations to meet both ends of the family and the girl child was very easily drifted to take up as maid servant or as domestic help.

The main reason that gave rise to this segment of girl child labour as domestic help are unemployment and underemployment due to displacement and migration of large number of families to the urban areas. The families had left their traditional business and migrated in search of new job opportunities to fulfill their aspirations for a better living but could not anticipate that this shift from rural to urban would push their child into the labour market. This proved to be a disregard of moral and social values that any civilized society would be expected to maintain. It also is the economic misuse of the potentialities that could have served the future towards much more productivity than what they are contributing at present.\textsuperscript{10}

\textsuperscript{10}\textit{Sunil & Kiran Deshta, 2000, Genesis of child labour in India, pg. 34}

When Industrial revolution first came to Britain and the US there was high demand for labour. Families quickly migrated from the rural farm areas to the newly industrialized cities to find work. Once they got there, things did not look bright as they did. To survive in even the lowest level of poverty every able member of the family had to work. This led to high rise in child labour. Industrial revolution also saw the children working in factories, mines having small business like selling food, flowers and laundry boys and girls. Some children worked as tourist guides, some set up small shops of their own and some opened up restaurants in their backyard and worked as waiters and cleaners and some chose to be street actors and singers.\textsuperscript{11}

\textsuperscript{11}Industrial Revolution was one of the darkest periods in the history of mankind. The deserted children were sold as apprentices who worked without any payment and as bonded labourers. Children of poor and working class families had to work for centuries before industrialization. Helping around the house or assisting in the family’s enterprise when they were able, was a common practice for a girl child of any family. The practice of sending children to work was first cited in the Medieval Era when fathers had their children spin
thread for them to weave for further process. Children performed a variety of tasks that were incidental to their parents work but critical to the family economy.

Children also worked in the fields planting seeds, looking after the animals, pulling weeds etc. The girls usually milked the cows and cared for the chickens. They received training instead of wages. Around the age of 12 the girls left their homes to work as domestic helpers in the homes of artisans, traders, shopkeepers and manufacturers. They received a low wage and room and board in exchange for doing household chores like cleaning, cooking, caring for children and shopping. The girl child who was employed as assistant in domestic production was in the best situation because she worked at home for their parents. They were helpers in the family business received training in a trade and their work directly increased the productivity of the family and hence the family’s income. Girls also helped in dress making, hat making and button making.


This form of child labour was not viewed by society as cruel and abusive but was accepted as necessary for the survival of the family and development of the child. 12

Child labour initially existed only in the agricultural sector. Children along with their parents used to work in the farms owned by them. The lighter and easy task of taking the cattle to graze was always allotted to children. This work was tiring because it involved long distances to walk yet, it did not hamper the physical or mental development of the child. In fact, the thought of physical and mental development of the child never touched the parents mind. They worked in a very casual manner. Schooling was not available in most villages and most of the jobs were still in the agricultural sector. In fact imparting education to the girl child was out of question and no one thought of giving the girl child, at the lessons from the religious books. Hence, the work which was performed by the children served as training for their future.

The fluctuating industrial development gave a new turn to the history of mankind. The families which previously carried their own business and tilled their agricultural land were now suddenly jobless. The result of which was that the family based economy was destroyed and large number of people were converted into wage-earning labourers and, as a
result, the child were forced to earn wages not only for themselves but for their families as well.\textsuperscript{13}

The family business had by now vanished and the child was separated from the family environment and exposed to industrial unhealthy environment. The boys were sent to work in the factories and the girls remained at home doing the household chores. Further the girl child drifted in to the household industry as a domestic worker requiring to work in the field and inside the house. All these created a chaotic condition and worsen the problem of the girl child was the most affected by this changed situation. It can be thus summed up from the study of child labour history that the problem is not new to Indian society. The history unfolds the kind of work children performed either in the fields or within the homes along with their parents.

\textsuperscript{13} Deshtasunil & Kiran, 2000, Law and menace of child labour, pg. 45.

History also reveals how children were used to satisfy elder’s selfish ends. It is also revealed from the study that the girls of young age were preferred in the harems or palaces of the queens and the princess not only as helpers, but even to entertain them and play games and assist them while they went out of the palaces. It is also observed that the girl child helper was then treated with dignity and given all facilities and also looked after with care and love. A slow and gradual change has been observed in the attitude of the society towards the girl child as helper. It is also found during the study that the work performed by the girl child was looked down and she lost the love, care and dignity which she enjoyed during the ancient period.

The economic changes brought about by industrial revolution destroyed the family culture, displaced a large number of people from rural to urban, agriculture to industrial work, increasing family needs along with adjustment to the new environment and work culture, need for more money to establish themselves in the urban area, all resulted in introduction of the child in the labour market. The study discloses that in none of the periods, ancient, medieval, Victorian and modern could do much to protect the child labour. The enactments could only regulate the conditions of work and working hours to some extent.
It is observed that the legislators very easily neglected this section of the society, the girl child labour as domestic help, and no special attention is given to this vulnerable group. This group of the society is the most neglected group but the fact remains that it does exist as a large working group in the society. The fact is also revealed that the society is also in need of the work performed by the girl child as domestic help.

It is observed that in the ancient period though the child was only as a helping hand to the family, he was gradually working in the family as a trainee or an apprentice who would learn family crafts and skills so that the next generation would take over the business without any problem. Later in the 18th century, with the industrial revolution, capitalism and mechanization, breaking of family system and destruction of family business, the nature of child labour had changed to a wage earner who was support to his family.