CHAPTER-I

INTRODUCTION
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"Children are the most vulnerable group in any population and in need of the greatest social care. On account of their vulnerability and dependence, they can be exploited, ill-treated and directed into undesirable channels in the community. The state has the duty of according proper care and protection to children at all times as it is on their physical and mental well-being that the future of nation depends".

The preamble to the children (pleading of labour) Act, 1960

Children are the future citizens of our society. There is every need to look after them, protect them and provide them better care for their physical and mental growth. In a Welfare State it also becomes the duty of the government to promote children's welfare through different schemes and policies, so that they will not be exposed to any sort of hazards which may damage their growth which ultimately damage the political, social as well as economic growth of society.

Childhood of human beings is of a prolonged duration, as a child has to use a lot of time in learning process. Creativity of human beings develops only through learning and acquiring skills in practical activity of social life, which Marx called man's species - character. This issue of child labour arose during the industrial revolution in Britain. Fortunately, the state intervention, in controlling and regulating child labour in the European countries, led to the establishment of the 'institution of education', through schools. The role of education for human beings has been highlighted by Dr.Amarthya Sen in developing basic human capabilities that help in enhancing entitlements. The Second National Commission on Labour in India (2001) also notes economy; and every child should have the opportunity to develop his or her skills and potential to participate both as a citizen and as a worker.
The child labour issue re-emerged as a public concern in 1980s and 1990s, as there developed a view that 'globalization' was increasing the incidence of child labour. Although, the immediate context was changing international economic relations and bilateral trade issues, due to globalization; the consequent paradigmatic shifts in the ideals about human rights and childhood have also contributed to increased attention being paid to the issue of child labour.

1.1. Concept of child labour:

Defining child labour is not as simple and straightforward as it may appear because it encompasses three concepts that are difficult to define: "Child", "Work", and "Labour". Childhood can be defined in terms of age, but that different societies may have different thresholds for demarcating childhood and adulthood. In some societies, age may not be a sufficient basis for defining "childhood". The fulfillment of certain social rites and traditional obligations will be important requirements in defining 'adult' and 'child status'. Still in others, the integration of children into socio-economic life may begin so early, and the transition from childhood to adulthood may be so smooth and gradual, that it may be virtually impossible to identify clearly the different life phases. We must, therefore, recognize that we are dealing with a concept, which can mean different things in different societies and different times.

However, in the context of child labour various sources defined a child as follows:

According to Article 24 of Constitution of India "Any one below the Age of 14 is treated as a child".

The Indian Penal Code (IPC) 1860, Section 82: "Nothing is an offence which is done by a child under seven years of age".

The United Nations Convention on the Rights of the Child, 1989, Article 1: defines "a child as every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier".
According to Child Marriage Registration Act, 1920: ‘Child’ is a person who, if a male has not completed twenty one years of age, and if a female, has not completed eighteen years of age.

The Children (pleging of labour) Act (Government of India, 1933) defines ‘Child’ as a person who has not completed the age of fifteen years (section-2).

Factories Act (Government of India, 1948) defines ‘Child’ is a person who has not completed fifteen years of age (Section -2(C)).

De La Luz Silva defines a ‘Child’ as “someone who needs adult protection for physical, psychological and intellectual development until he is able to become independently integrated into the adult world”.

According to the concise Oxford Dictionary of Sociology (2004), the term ‘Child’ can be used to mean either an offspring or someone who has not reached full economic and social status as an adult in a society. It further states that childhood is associated with play and education rather than work and economic responsibility.

The Plantation Labour Act, 1951; ‘Child’ is a person who has not completed his fourteen years of age.

The Mines (Amendment) Act, 1983: “No person below eighteen years of age shall be allowed to work in any mine or part thereof”.

According to Child Labour (Prohibition and Regulation) Act, 1986; ‘child’ is a person who has not completed fourteenth years of age.

The International Convention defines children as “aged eighteen and under. Individual governments may define ‘child’ according to different criteria.

1.2. Child Labour:

The term ‘Child Labour’ is used as synonym for ‘Employed Child’ or ‘Working Child’. However child labour can be defined as that segment of the
child population, which participates in work either paid or unpaid. Child labour may be defined as employment of children in gainful occupations which are detrimental to their health and deprive them the chances of development. Child Labour implies the working children in industrial and non-industrial jobs, organized and unorganized sectors, which are injurious to their physical, mental, moral and social development. This child labour assumes the character of a social problem in as much as it hinders arrests or distorts the natural growth process and prevents the total personality development of child.

According to Misra, "any physical labour undertaken by a child below 15 years of age either under compulsion or voluntarily in an organized or unorganized sector qualifies to be called child labour".

In the view of Mehta and Jaswal child labour in a restricted sense, means employment of children in gainful occupations, which are dangerous to their health and deny them the opportunities of development. The term includes wage labour as well as self employed children working independently and also in family enterprises. Child labour can, therefore be defined here as any work undertaken by children below 14 years of age, which is injurious to their health and harmful to the proper development. It follows that two major indicators i.e., age and exploitation have been used to define child labour.

Homer Folks, Chairman of the United State of Child Labour Committee - defined child labour as, "any work by children that interferes with their physical development, their opportunities for a minimum of desirable education are their needed recreation".

V.V. Gir^b has distinguished two senses of the term 'Child Labour': First, as a economic practice and secondly, a social evil.

In the first context, it signifies the employment of children in gainful occupations with a view to adding to the labour income of the family.

In the second context, it is necessary to take account the character of the job in which the children are engaged, the dangers to which they are exposed and opportunities of development which they have been denied.
According to Encyclopedia of Social Sciences\(^2\); "when the business of wage earning or of participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour".

The International Labour Organization (1983) states: "child labour includes children prematurely leading adult lives, working long hours for low wages under conditions damaging to their health and their physical and mental development, sometimes separated from their opportunities that would open up for them a better future".

Karl Marx\(^10\) had observed, "The result of buying children and young persons of under age by the capitalist is physical deterioration and moral degradation".

S.W. Woodwards\(^11\) defines the child labour "employment at too early an age delights a child's economic prospectus, it may be a stated as a safe proposition that for every dollar earned by child under fourteen years of age ten - fold will be taken away from it earning capacity in later years".

1.3. Child Work and Child Labour:

Hammarberg\(^12\) provides a distinction between 'child work' and 'child labour'. According to him child work is permissible and child labour is exploitative. Children are likely to welcome the opportunity to work, because they see in it a passage into adulthood. Lighter work, properly structured, and that which has not prevented the child from the other essential activities of children like pleasure, play and education, is not child labour. Work would have a positive contribution to the development of the child\(^13\).

In other words standard household work is not included in the definition of child labour. The reason is the time spent on household and farm work does not prevent them from other essential activities, like education, play and leisure. If children are employed outside their home or family for wage it is considered child labour, particularly if the conditions of work are detrimental to their well being and safety.
However, the Study Group Report\(^{14}\), rejects this difference and defines child labour as work done “outside their home/family for a minimum wage under conditions detrimental to their well being and safety”. Thus, child labour here is synonymous only with exploitation of young children working outside their houses by their usurious employers.

A careful distinction has to be made between different types of child work. Children who do hazardous work are different from children who do not do that type of work. Full time child workers are different from those who work part time or only during school vacation. Some children may do unpaid work whereas others do this work for wages.

Conventionally, a working child is defined as child in the age group of five to fourteen who is doing labour, either paid or unpaid. Child labour is a restricted definition; child work is a broad definition. One can broaden the definition of child labour or child work by defining it as a child, who is deprived of the right to education and childhood. The child population can be grouped into three categories: School going children, child labour, and nowhere children (non labour non-school goers). Adding to the last two categories (child labour and ‘nowhere’ children) gives us the number of total Child workers in a broad sense because, ‘nowhere’ children are considered as potential child labourers.

1.4. Classification of children by activity status:

(i) Children in productive activities: children engaged in any activity falling within the general production boundary of the System of National Accounts (the “SNA general production boundary”). This would include working children and, among others, children engaged within their household in unpaid household services (that is, unpaid production of domestic and personal services by a household member for consumption within the same household), also commonly called “household chores”\(^{15}\).
(ii) **Working children/employed children**: children engaged in any activity falling within the production boundary of the System of National Accounts (the “SNA production boundary”) for at least one hour during the reference week (or past seven days), or during a certain specified number of months during the reference year (or past 12 months). Such children do some work, in the reference period, for payment in cash or kind, or are in self-employment for profit or family gain in a business enterprise, a farm or a service undertaking. Fetching water, collecting firewood for their own homes, and doing paid domestic work in other households, are all counted as economic production.

(iii) **Children seeking work**: children who are not engaged in economic production but want to work.

(iv) **Economically active children**: the total of working children and children seeking work who are also available for work and without work in the reference period. Two useful measures of the economically active child population are the currently active children measured in reference to a short reference period, and the usually active children measured in reference to a long reference period.

(v) **Currently active children**: If applies to the total of (a) children at work, that is, children who are engaged in activities included in the SNA production boundary, paid or unpaid, during the specified short reference period for at least one hour; and (b) children who have a job but who are not at work (temporarily absent) during the reference period for various reasons, except unpaid workers in family businesses or farms.

(vi) **Usually active children**: it deals with children who are working for a certain specified number of months during the long reference period.

(vii) **Children in unpaid household services**: children who are engaged in unpaid domestic and personal services for consumption within the same household, such as housekeeping activities (cleaning, decorating, preparing and serving meals), caring for other children, sick or old people in their own homes, and making minor repairs in their home.
(viii) **Students:** children who are attending school, which may mean a registered and formal educational institution or a non-formal but regular arrangement for receiving education. Children not attending any form of schooling are non-students.

(ix) **Children not economically active:** children who have not engaged in activities included in the SNA production boundary in the last reference period, including children seeking work.

(x) **Idle children:** Children, who do not go to school, are not economically active, and also do not perform any unpaid household services.

1.4.1. **Classification of children in worst forms of child labour:** children can be classified here as

   a) worst forms of child labour other than hazardous

   b) Potential worst forms of child labour

 **a) Worst forms of child labour other than hazardous:**

   (i) **Child trafficking:** Child trafficking is defined by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000, (Article 3(c) and (d)) as the “recruitment, transportation, transfer, harbouring and receipt of a child [a person of less than 18 years of age] for the purpose of exploitation”. Article 3 also distinguishes child trafficking from trafficking in persons in general, which it describes as involving “the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”\(^{16}\). Inasmuch as this text applies to adults, it does not contain the necessary conditions for the identification of child trafficking. In other words, child trafficking does not necessarily entail illicit means, but it does imply the removal of children from a familiar environment (not necessarily the crossing of an international border) and that the consent of children recruited is irrelevant if there is abuse of power or of a position of
vulnerability, fraud or deception. It should be noted that in this context child trafficking is a process in which the trafficked child later becomes the victim to another form of child labour.\(^7\)

(ii) **Forced child labour:** Forced (compulsory) labour is defined by the ILO Forced Labour Convention, 1930 (No. 29), in Article 2, paragraph 1, as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". Forced child labour can be distinguished from other forms of child labour by the presence of one or more of the following elements: (i) the restriction of the freedom to move; (ii) a degree of control over the child going beyond the normal exertion of lawful authority; (iii) physical or mental violence; and (iv) the absence of informed consent.\(^8\)

(iii) **Bonded child labour:** Bonded labour is a form of forced labour in which the element of coercion flows from a debt incurred by the worker. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in 1956, in Article 1(a), defines debt bondage as "the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined". Bonded child labour would thus refer to children's underpaid or unpaid work for an employer for excessively long hours, ensuing from a debt contracted by their parents and constituting exploitative employment practices affecting the parents and involving children being pledged for credit.

(iv) **Children in armed conflict/child soldiers:** A child in armed conflict/child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force in any capacity, including but not limited to cooks, porters, messengers and those accompanying such groups, other than purely as family members. Activities would include attending military training in the camps of rebel groups, food preparation and related activities for the benefit of the older members of the armed force where the
child is a member, being a member of the foot patrol, sentry group, blocking force, armed escorts of older officials, or participating in the paramedical team, propaganda unit or urban hit squad of the armed group. It would also include the activities of children who are used as decoys, spies or couriers. While ILO Convention No. 182 refers only to forced recruitment, in practice it may be impossible to distinguish between forced and voluntary recruitment.

(v) Commercial sexual exploitation of children: This relates to the use, procurement or offering of a child for prostitution, production of pornography or pornographic performances. According to Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, child prostitution means "the use of a child in sexual activities for remuneration or any form of consideration", whereas child pornography means "any representation ... of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes". It is entirely or primarily for financial or other economic reasons. The economic exchanges involved may be either monetary or non-monetary (that is, food, shelter or drugs) but in every case involve maximum benefits to the exploiter and an abrogation of the basic rights, dignity, autonomy, and physical and mental well-being of the children involved. It is often characterized by violence against and coercion of the child, and is frequently linked to child trafficking and forced child labour in which the victims are mostly girls. It is usually, but not always, organized by an intermediary such as a parent, family member or procurer, and includes children in sexual relationships with adults in exchange for money and family support within the context of their home, on the street or in private business places.

(vi) Children in illicit activities: When referring to children in illicit activities, Convention No. 182 focuses on children involved in the production and trafficking of drugs. The services rendered are for the benefit of a drug trader or exploiter engaged in the illegal drug business. This includes a child
carrying out tasks for his or her parents in the illegal drug business, possibly without receiving any compensation or income.

(b) Potential worst forms of child labour:

a. Street children: Children working on the streets may be classified in two groups. The first group of children works on the streets during the day, sometimes during the evening and night, but finally go home to stay with their families. The second group of children are those working and living in the streets (in front of shops, markets and other such open spaces). They are independent and have left their homes or their families have disintegrated. They are children of the streets. These children may be involved in such activities as selling napkins, light food and drink items, newspapers and magazines or flowers. Some may be engaged in car washing, shoe shining, street cleaning, garbage collection, and playing, singing or performing for profit. Street children who are independent are vulnerable to becoming involved in drug abuse, street gangs, violence, stealing and commercial sexual exploitation.

b. Child domestic workers: These are children who carry out domestic work in a third party’s household with remuneration in cash or in kind; however, when such work is performed by children below the legal minimum age, for long durations, in unhealthy environments involving unsafe equipment or heavy loads, in dangerous locations, and so on, it would be classified as a worst form of child labour.

c. Child rag-picker/child scavenger: This group includes working children collecting rags or recyclable materials that can be sold for money. Rag-picking entails sorting, collecting and selling various waste materials that can be found at dump sites, riverbanks, street corners or in residential areas, and consists primarily of plastics, bottles, cardboard, tin, aluminium, iron, brass and copper.

d. Child porters: Child porters comprise two categories: (i) children carrying loads over long distances and journeys requiring more than one day; and (ii) children working short distances in such areas as markets,
business centres, or bus and truck parks. In both cases, the children receive a payment usually in cash. Excluded from the definition are children who carry loads for their own families without any remuneration.

e. Child beggars: Begging by children may be considered as child labour, depending upon the circumstances. Begging (or stealing) by children would qualify as child labour should the child be forced, or employed by an adult for a wage, to beg and/or to collect donations (or to steal). A child beggar or thief who is not forced or employed by an adult to beg or steal would also be classified as a child labourer should the conditions under which the activity is performed be hazardous for the child, although begging and stealing are not in themselves economic activities unless the acquired goods are resolved.

1.5. Historical Perspective:

Child labour is prevalent in all most all periods of human history, though varied in nature, form and dimension, depending on the existing socio-economic structure of society.

In Koutilya’s words if any Aryan child was sold or purchased by someone, then all the parties to the contract, including the witness, are liable to be punished. He thought that getting dishonorable work from children was considered against humanity and shameful. So he prohibited the purchase and sale of slave children. However, about Non-Aryan children, no prohibition seems to exist.

Ancient Indians did not know the concept of child protection. Manusmriti reveals the fact that education was necessary for the children. It was the duty of the king to educate every boy and girl and parents could be punished for not sending their children to school called Ashrams, which were really residential schools under a guru. In other words after 8 years, no child should be left at home and they should be sent to Ashrams i.e., schools for education. However, for the children belonging to Shudras, this protection was not there.
In earlier times children used to work within their families. Gradually, not knowing consciously, they get increasing association with the work during adulthood also. This is the socialization process in which 'on-the-job' training is obtained. The child grows to physical and intellectual maturity without ill-treatment and exploitation. Child labour in Ancient India, existed in the form of child slaves who were purchased to do some dishonorable work. The children of less than 8 years were purchased as slaves as if they were like articles. And the children of slaves lived, worked and died as slaves unless the master liked to release them from slavery. Koutilya's (4th century B.C.) considered it degrading to make children work on such jobs.

Near the middle of the 19th century, the mechanized large-scale production came into existence. The need for using helping hands as working hands arose in production. At that time, state regulations were lacking over the conditions of employees in any industry. The employers were forced to bargain with labour. Therefore, the employers for their benefits, exploited the labourers in this country employed in cotton, and jute mills and in coal mines for underground work. So this is the time the child exploitation got intensified throughout the country.

The practice underwent a drastic change with the rise of Capitalism in the context of Industrialization during the 18th century. The growth of Market Economy or Capitalism was the result of several interrelated phenomena like an increase in industrial production, the shift to cash crop farming and commercialization of agriculture, which led to growth of landless population, migration and urbanization and wide-spread unemployment in different forms.

The new economic forces influenced capitalism, destroyed the economy supported by family occupational culture. A large number of agricultural labourers were rendered jobless due to mechanization of agriculture. Farmers were alienated from their home-based work. Lack of alternative employment for adults forced children to enter the labour market.
Industrialization led to the employment of children in factories, workshops and other places on a large scale. Rural poor migrating to urban centers in search of livelihood was a continuous process and the child was forced to work as an individual labourer either under an employer or independently. The work was one of exploitation. The hours of work were from morning to night, which seriously affected and the child's ability to grow and develop into a mentally and physically sound adult.

Srinivasan and Gandotra, has shown from their study that in the medieval period, children were from artisan castes, normally placed as trainers under artisans and craftsmen. The nature of work was essentially not hazardous and it was with the basic aim of passing on art and craft to the next generation. During this period, the child worked as a protection and care towards the child. In this period, the labour of a child was not exploited. But the children in agrarian sectors who worked as labourers were exploited.

During the British period, the introduction of permanent settlement by Lord Cornwallis in 1793 resulted in the collection of land revenue, which far exceeded that collected in the past. The small holding farmers and landlords were factors, which were directly responsible for increasing indebtedness of rural population. The salt peter, glass making, papermaking and handlooms etc., which had provided jobs to the surplus population, got a worst hit by the British policy on industry and tariff. The industries started declining. This led to the increasing pressure on land. It was this policy, which caused the vicious circle of poverty operating in India as it resulted in the pressure of population on the soil, mass indebtedness in rural India and created conditions unfavorable to the health of the rural economy. Smallholding and indebtedness of the agrarian economy in the modern times resulted in the problem of child labour.

Child labour was an accepted part of the economic and cultural behaviour in much of the developing world till the 19th century, and is so to a lesser degree even today. In rural areas child labour was considered part of a
socializing process and the only means of acquiring necessary traditional
skills. For the vast majority of children in the rural areas, the workplace was a
traditional farm or their own home\textsuperscript{22}. The burden of child care, cooking,
housekeeping, and fetching water and fuel often fell on the shoulders of the
family's eldest daughter or son, when their parents went out for work.

Children work along with their parents, in both domestic and non-
domestic tasks in the agrarian societies without any social taboos, in
preparation for their entry into the adult world\textsuperscript{24}. Feminism was the dominant
sentiment and the family prepared its members for the roles they were
expected to play at various stages and in various situations in their lives. The
family guaranteed maximum security in all eventualities. In such a scenario,
the child learnt adult roles smoothly almost unconsciously through
observation and association\textsuperscript{25}.

The social scenario today, however, is completely different. The forces
of industrialization, urbanization, and modernization are sweeping every part
of the developing world and more so India, and the rural communities are not
immune to these influences. Caste restrictions are breaking down under the
impact of a democratic polity and social group relations are undergoing
radical transformation. The joint family is disintegrating and it is no longer
capable of providing social and economic security. A distinction should be
made between a) child-friendly forms of sociolisation, including light work,
(b) child labour at specific ages and up to specific degrees of strain but not
interfacing with school (c) non-environmental in school even if not
labouring, (d) child labour inter farming with school and (e) the worst and
intolerable forms of child exploitation on, even amounting to child
bondedness\textsuperscript{26}.

1.6. Extent of child labour: A Global Perspective:

Even after the definitions are sorted out (to the extent that they can be)
official data on child labour tends to be deficient because of the likelihood of
under reporting. In most of the countries there are laws that place restrictions
on child labour, ranging from an outright ban (as in most industrialized countries) to other kinds of limitations such as an outright ban on child labour for very small children, and for all children in hazardous industries (as, for instance in Bangladesh, India and Pakistan). Thus, it is natural for guardians and employers to hide the information of ‘illegal’ work by children.”

Distribution of child labour population for the years 1980, 1985 and 1990 shows that there is a decrease of number of children working from 89 million in 1980 to 79 million in 1990. In 1980, Asia had the largest share of 76 per cent in world child labour population. The child labour population of Asia accounts more than 70 per cent in the world child labour population in all the years. The child labour population of South Asia which is 20 million in 1980 increased 28 million in 1990 which constitutes 35 per cent of World child labour population. The child labour population of Africa which is 17 per cent of world child labour population in 1980, increased to 22 per cent in the year 1990. The child labour population of America is less than of other Continents in all the years. Even though the International data on child labour is shown decreasing over the years, it is significant. These details are presented in Table 1.1.

<table>
<thead>
<tr>
<th>Region</th>
<th>1980</th>
<th>1985</th>
<th>1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>15</td>
<td>16.85</td>
<td>15</td>
</tr>
<tr>
<td>Americas</td>
<td>04</td>
<td>4.49</td>
<td>5</td>
</tr>
<tr>
<td>Asia</td>
<td>68</td>
<td>76.40</td>
<td>61</td>
</tr>
<tr>
<td>East Asia</td>
<td>40</td>
<td>44.94</td>
<td>34</td>
</tr>
<tr>
<td>South East Asia</td>
<td>7</td>
<td>7.86</td>
<td>7</td>
</tr>
<tr>
<td>South Asia</td>
<td>20</td>
<td>22.47</td>
<td>20</td>
</tr>
<tr>
<td>World</td>
<td>89</td>
<td>100</td>
<td>81</td>
</tr>
</tbody>
</table>


Details relating to region wise distribution of child labour are presented in Table 1.2. the total number of working children 5-14 years of age
is 250 million in the year 1996, of which the child labour population of Asia is 61 per cent, Africa 32 per cent and Latin America 7 per cent. Boys were more in number than girls. World’s child labour population is reduced to 182 million in 2003 compare to the year 1996. The percentage of Asia’s child labour in 61 per cent of world child labour population in the year 2003. The details are presented in Table 1.2

<table>
<thead>
<tr>
<th>Region</th>
<th>1996</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Boys</td>
<td>Girls</td>
</tr>
<tr>
<td>Asia</td>
<td>85.68</td>
<td>67.32</td>
</tr>
<tr>
<td>Africa</td>
<td>44.80</td>
<td>35.20</td>
</tr>
<tr>
<td>Latin America</td>
<td>11.39</td>
<td>5.61</td>
</tr>
<tr>
<td>Oceania</td>
<td>0.28</td>
<td>0.22</td>
</tr>
<tr>
<td>Transitional Countries</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>World</td>
<td>140</td>
<td>110</td>
</tr>
</tbody>
</table>


The Asian figures are very large, but it has to be kept in mind Asia’s population is very large. So, we get a better idea of the magnitude of the problem, we should look at the ‘participation rate’, that is, the percentage of children of the relevant age group who work as labourers. In terms of participation rate, for the 10 - 14 years category, the problem in 1990 was most serious in Africa, with a figure of 27.87 per cent. The participation rate of Asia was 15.19 per cent. The inter-country data on child labour from 1950 to 1995, along with projections up to 2010 is also shown in Table 1.3.

The first five rows show the distribution of child labour across the main continental regions of the world. In addition, a sample of five nations, from among those that had a participation rate of over 20 per cent in 1950, is represented in the table to have a glimpse of how varied the experience the different nations have been. As per the details available from the table, the
problem is enormous, but the trend fortunately, is in the right direction. From some countries such as China, India and especially Italy, the decline in the participation rate of children has been quite rapid. For most Latin American nations, such as Brazil, the decline is notable but less marked. The problem has been extremely persistent in large parts of sub-Saharan Africa, as illustrated by Ethiopia, but even here the trend is downwards. For China, interestingly, the decline is most rapid between 1980 and 1990, which happens to coincide with the period of rapid growth in incomes.

<table>
<thead>
<tr>
<th>Table 1.3</th>
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<tbody>
<tr>
<td>Child labour participation rate (10-14 years)</td>
</tr>
<tr>
<td>World            27.57  24.81  22.30  19.91  14.65  13.02  11.32  8.44</td>
</tr>
<tr>
<td>Africa           38.42  35.88  33.05  30.97  27.87  26.23  24.92  22.52</td>
</tr>
<tr>
<td>Latin America &amp; Caribbean 19.36  16.53  14.60  11.64  11.23  9.77  8.21  5.47</td>
</tr>
<tr>
<td>Asia             36.06  32.26  28.35  23.42  15.19  12.77  10.18  5.60</td>
</tr>
<tr>
<td>Europe           6.49   3.52   1.62   0.42   0.10   0.06   0.04   0.02</td>
</tr>
<tr>
<td>Ethiopia         52.95  50.75  48.51  46.32  43.47  42.30  41.10  38.79</td>
</tr>
<tr>
<td>Brazil           23.53  22.19  20.33  19.02  17.78  16.09  14.39  10.94</td>
</tr>
<tr>
<td>China            47.85  43.17  39.03  30.48  15.24  11.55  7.86  0.00</td>
</tr>
<tr>
<td>India            35.43  30.07  25.46  21.44  16.68  14.37  12.07  7.46</td>
</tr>
<tr>
<td>Italy            29.11  10.91  4.12   1.55   0.43   0.38   0.33   0.27</td>
</tr>
</tbody>
</table>


For over a decade, child labour has been recognized as a key issue of human rights at work together with freedom of association, the right to collective bargaining, the abolition of forced labour, and non-discrimination in occupation and employment. However, despite the large social reform movement that has been generated around this issue, more than 200 million children worldwide are still in child labour and a staggering 115 million at least, are subject to its worst forms.

Child labour continues to decline, but only modestly — a three per cent reduction in the four year period covered by the new estimates (2004 - 2008).
In the previous report (covering the period 2000 – 2004), there had been a 10 per cent decrease. Among 5-14 year olds, the number of children in child labour has declined by 10 per cent and the number of children in hazardous work by 31 per cent. Whilst the number of children in hazardous work, often used as a proxy for the worst forms of child labour, is declining, the overall rate of reduction has slowed. There are still 115 million children engaged in hazardous work. There has been a welcome 15 per cent decrease in the number of girls in child labour and a 24 per cent decline in the number of girls in hazardous work. Boys, however, saw their work increase, both in terms of incidence rates and in absolute numbers. The extent of hazardous work among boys remained relatively stable.

There has been an alarming 20 per cent increase in child labour in the 15-17 years age group from 52 million to 62 million. With regard to children aged 5-14 in economic activity, the Asian-Pacific region and Latin America and the Caribbean experienced a decrease. In contrast, for the same age group, the number of children in economic activity is increasing in Sub-Saharan Africa. The situation is particularly alarming in Sub-Saharan Africa, where one in four children aged 5-14 are child labourers, compared to one in eight in Asia-Pacific and one in ten in Latin America and the Caribbean.

Most child labourers continue to work in agriculture, commercial hunting and fishing or forestry (70 per cent), in manufacturing 8 per cent, in wholesale and retail trade, restaurants and hotels 8 per cent and in community, social and personal service, such as domestic work 7 per cent.

There has been considerable progress in the ratification of ILO standards concerning child labour, namely of Conventions 182 (on the worst forms of child labour) and 138 (on minimum age). However, one third of the children in the world live in countries that have not ratified these conventions.
1.7. Child Labour in India:

Progress in getting children out of work and into school has been made in India. A comparison of the results of the NSSO surveys covering the 1993–1994, 1999–2000 and 2004–05 reference periods shows an overall decline in Indian children’s involvement in employment (from 8 to 4.2 per cent) and an accompanying rise in children’s school attendance of 14 percentage points (from 72 to 86 per cent). The results extend to the entire 7–14 years age range. While important challenges remain, India is moving in the right direction towards achieving universal enrolment in basic education and eliminating child labour among the remaining core of hard-to-reach children.

School and work are largely mutually exclusive activities in India – few children perform both, even in 1994 when the first of the comparator surveys took place. Children have, therefore, largely moved from being involved exclusively in employment to exclusive involvement in schooling. The category of children in employment, however, accounts for only part of the rise in school attendance. There was also a large movement of children from “inactivity” into school over the 10-year period. Many of these ostensibly inactive children were also undoubtedly involved in other forms of production, and in particular household chores for their own families.

Table 1.4 indicates that the progress over the 10-year period in terms of both increasing schooling and reducing child labour in India was broad based. Progress extended to both male and female children, and to children living in both rural and urban settings. However, the incidence of children’s employment remains relatively high for older children. Disparities in sex, residence and region, however, were not eliminated over this period. In 2005, female children were still less likely than their male counterparts to attend school, and children living in rural areas were still much more likely to be involved in employment and less likely to be in school than children living in cities and towns.
Table 1.4
Trends in the division of children’s time between employment and schooling 7-14 years age group by sex and residence.

<table>
<thead>
<tr>
<th>Activity status</th>
<th>Sex</th>
<th>Residence</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only Employment</td>
<td>6.6</td>
<td>4.9</td>
<td>3.5</td>
</tr>
<tr>
<td>Only Schooling</td>
<td>77.5</td>
<td>80.9</td>
<td>88.0</td>
</tr>
<tr>
<td>Both Activities</td>
<td>1.4</td>
<td>0.6</td>
<td>0.7</td>
</tr>
<tr>
<td>Neither Activity</td>
<td>14.6</td>
<td>13.7</td>
<td>7.8</td>
</tr>
<tr>
<td>Total in Employment*</td>
<td>8.0</td>
<td>5.5</td>
<td>4.2</td>
</tr>
<tr>
<td>Total in Schooling**</td>
<td>78.8</td>
<td>81.5</td>
<td>88.7</td>
</tr>
</tbody>
</table>

*Refers to all children in employment, regardless of school status. **Refers to all children attending school, regardless of work status.

When we look at the trends for the major Indian states, the states that had higher child labour incidence in 1994 were the ones that showed a faster decline. Within the overall declining trends, it should be noted that some states did show an increase in the percentage of children’s employment either in 2000 or in 2005. This indicates that while the trend towards reduction of the percentage of children in employment appears to be well established, the danger of reversal cannot be fully ruled out. The details are presented in Table 1.5.

Table 1.5

<table>
<thead>
<tr>
<th>State</th>
<th>1994</th>
<th>2000</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>17.9</td>
<td>13.2</td>
<td>8.2</td>
</tr>
<tr>
<td>Bihar</td>
<td>4.2</td>
<td>3.8</td>
<td>1.8</td>
</tr>
<tr>
<td>Delhi</td>
<td>1.2</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>Goa</td>
<td>1.8</td>
<td>3.9</td>
<td>3.7</td>
</tr>
<tr>
<td>Gujarat</td>
<td>4.2</td>
<td>3</td>
<td>3.1</td>
</tr>
<tr>
<td>Haryana</td>
<td>3.8</td>
<td>1</td>
<td>2.1</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>17</td>
<td>6</td>
<td>3.6</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>6.5</td>
<td>1.8</td>
<td>3.2</td>
</tr>
<tr>
<td>Karnataka</td>
<td>14.2</td>
<td>5.6</td>
<td>5.9</td>
</tr>
<tr>
<td>Kerala</td>
<td>1.1</td>
<td>2.1</td>
<td>0.5</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>8.1</td>
<td>8.4</td>
<td>3.8</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>6</td>
<td>0.5</td>
<td>4.1</td>
</tr>
<tr>
<td>Manipur</td>
<td>1.8</td>
<td>4.8</td>
<td>0.7</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>3.8</td>
<td>4.2</td>
<td>5.9</td>
</tr>
<tr>
<td>Orissa</td>
<td>7</td>
<td>3.8</td>
<td>6.1</td>
</tr>
<tr>
<td>Punjab</td>
<td>3.2</td>
<td>5.3</td>
<td>2.1</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>15</td>
<td>2.9</td>
<td>6.1</td>
</tr>
<tr>
<td>Tamilnadu</td>
<td>9.9</td>
<td>3.8</td>
<td>1.8</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>6</td>
<td>1.8</td>
<td>4.2</td>
</tr>
<tr>
<td>West Bengal</td>
<td>5.95</td>
<td>5</td>
<td>4.2</td>
</tr>
</tbody>
</table>

Child labour in major states of India

The case of Andhra Pradesh, the state with the highest incidence of children’s employment, offers many lessons for the country. A recent UCM study focused on the state of Andhra Pradesh. While not immediately applicable to India as a whole, the results are nonetheless, suggestive of the main factors lying behind the trends. From the analysis, it emerges, first of all, that urban and rural realities are very different in terms of relevance of interventions and impact of macroeconomic trends and this has important policy implications. In urban areas, the changes in child labour and school attendance have been driven mainly by changes in living standards and in local labour demand. Increase in income plays a large role in explaining the observed improvement in the situation of children. On the other hand, local labour demand seems to influence the decisions of households, especially if poor, about the time allocation of their children. The positive impact of living standards on children’s work in urban areas is counterbalanced by the impact of increased labour demand, limiting the overall reduction in children’s work involvement. A very different picture emerges in the rural areas, where
improved access to school seems to have been the driving force behind the large reduction in children's work. Improvement in living standard has played a role as well, but it appears less relevant than in urban areas. The policy implications from the recent experiences in India in reducing child labour are clear cut. In urban areas support to the living standards of the vulnerable groups is essential. At the same time, through appropriate measures aiming at increasing the returns from education (both actual and perceived); more attention should be paid to preventing children from premature involvement in the labour market which would be due to periods of high labour demand. In rural areas, ensuring children's access to quality schools seems to be the highest priority, especially if accompanied by protection measures for the most vulnerable. Beside these general policies, the role of child labour -targeted policies is also very relevant and should, possibly, be integrated into the more general strategies aimed at promoting school attendance and school retention.

1.8. Causes of Child Labour:

1.8.1. The argument of poverty: Child labour is a complex phenomenon, deeply rooted in the economic and cultural characteristics of the society in which it exists. Though poverty is believed to be the main reason for child labour it can't, however, be said that poverty necessarily causes child labour. There are reasons in poor counties where child labour is extensively practiced which in other equally poor regions in the same country it is not. Kerala stands out as the best example to the above phenomenon. Evidence from Kerala also suggests that literacy and education have got a direct link with the incidence of child labour. There are only 21156 child labourers in the entire state of Kerala which is less than 0.5 per cent of its total child (5-14 years) population as against 7.7 per cent of the children in the state of Andhra Pradesh found engaged in labour force.

The percentage of population of India living in poverty is high. It has an obvious relationship with child labour and studies have revealed a positive correlation – in some instances a strong one – between child labour and such
factors as poverty. Families need money to survive and children are a source of additional income. Poverty itself is an underlying determinant, and another is caste. When analyzing the caste composition of child labourers, it is observed that "if these figures are compared with the caste structure of the country, it would be realized that a comparatively higher proportion of Scheduled Caste children work at a younger age for their own and their families' economic support". Scheduled Caste (lower caste) children tend to be pushed into child labour because of their family's poverty. Nangiah (1987) goes on to state that in this study 63.74 per cent of child labourers said that poverty was the reason for their working.

The combination of poverty and lack of social security network form the basis of the even harsher type of child labour - bonded child labour. For the poor, there are few sources of bank loans, Governmental loans or other credit sources and even if there are sources available, only a few Indians living in poverty qualify. Here enters the local money lender; for an average of Rs.2000, parents exchange their child's labour to local money lenders. Since, the earnings of bonded child labourers are less than the interests on the loans; these bonded children are forced to work, while interest on their loan accumulates. A bonded child can only be released after his/her parents makes a lump sum payment, which is extremely difficult for the poor. Even if the bonded child labourers are released, "the same conditions of poverty that caused the initial debt can cause people to slip back into bondage".

The statistics on literacy are very vital to understand the causes of child labour. Even in the states like Orissa the literacy levels are high compared to the state of Andhra Pradesh and why it is even below than the National average in the state is the crux of the issue. If poverty is the main reason for illiteracy and child labour the highest child labour should be elsewhere for example in Bihar, Uttar Pradesh and Orissa but in Andhra Pradesh. It can be, therefore, inferred that low literacy and child labour are closely interlinked and there are reasons other than poverty which are very vital for causing the two.
1.8.2. Parental illiterates: Literacy of the parents is one of the major contributing factors for child labour. Parental literacy and more importantly the literacy level of the mother has a direct link to the incidence of child labour in the family. However poor the family may be, if the parents are educated, they tend to send their children to school and offer minimum education so that the child can lead an enlightened life. The reverse is true in case of illiterate parents.

According to Myron Weiner, a forced advocate of this position, it is the failure of the education system in India that fuels child labour. Education simply is not available for millions of children. Despite constitutional undertaking, education has not been made compulsory in any state, even at a basic level. There are not enough schools for everyone to go to, nor are there sufficient trained teachers to staff those that do exist. That is the part of the problem. For most of the children in India, public primary education cannot be proposed as an alternative to work\textsuperscript{13}.

Equally important is the utility and relevance of education, especially to the families on the bread-line. If the formal education that is accessible does not lead to employment opportunities, schooling will not emerge as an alternative or viable option to work with indirect costs, such as books and transport, not to mention the loss of the child’s earnings, education does not come free either. In this situation parents may well decided, if they have a choice that is more sensible, certainly more remunerative for children to become breadwinners as soon as they can\textsuperscript{14}.

1.8.3. Insufficient Protective Legislation: The practice of engaging child labour is an indicator of the backwardness of rules and regulatory measures. India has passed laws for almost all the industries which engage children as labour, specifying their hours, terms and conditions of work, education, wages etc. but no industry so far strictly adhered to the laws and rules and no administrative machinery has ever undertaken to enforce the same on employers. Poor children get sandwiched between the atrocities of both the sides. There is no organizational or institutional setup which can protect them from their miseries.
1.8.4. Source of income for poor families: Child labour is a source of income for poor families. A study conducted by the ILO Bureau of Statistics found that "children's work is considered essential in maintaining the economic level of households; either in the form of work for wages, of help in households enterprises or of household chores in order to free adult household members for economic activity elsewhere." In some cases, a child's income accounted for between 34 to 37 per cent of the total household income. A child labourer's income is important to the livelihood of a poor family.

1.8.5. Family occupation and piece rate wages: Certain areas and certain families have a tradition of children following the parent's footsteps. If the parent's are engaged in a hazardous occupation, it is likely that children will be caught up in the same occupation. Family occupation pulls children into the arts and crafts of the family. Certain families believe that if the children are trained from early childhood in their own crafts, they will be able to stand on their own feet by the time they attain adulthood. In industry and occupation, where payment is on piece rate basis children are frequently called upon to help other members of the family.

1.8.6. Cultural practices: Certain deep rooted social practices are associated with the caste Hindus in Indian society. The social fabric is developed in such a way that some employments are inherited and caste specific in India. Taking the state of Andhra Pradesh as an example, a Brahmin family, however poor they may be, do not wish to send their children to labour. Whereas a family from a back ward class, though not in absolute or any necessity of having earnings of the children to sustain the family, send their children to work as a matter of routine. It indicates that employment of children is also closely associated with the caste groups and the experience reveals that most of the child labourers are from backward classes, Schedules Castes and Scheduled Tribes. If one understand existence of child labour in such families is due to poverty, it is a serious lack of understanding of the circumstances in which it exists.
1.8.7. Gender bias: The distinction based on sex is highly prevalent in India: society. The value for girl child is very low in certain families and the parents feel that no useful purpose would be served if the girl child is educated. Therefore, they prefer to send boys to school and spare girls to attend to a variety of household chores. The girls slowly land up in avocations generally pursued by women of that area depending mainly on the availability employment opportunity itself.

1.8.8. Family size: Large families are another reason for child labour. The illiterate and ignorant parents who are caught in the vicious cycle of poverty, illiteracy, less incomes, least capacity to rear the children see every child as another earning member and prefer to put the child to work as soon as he/she can walk freely. The population explosion at macro level is therefore, responsible for child labour

1.8.9. Parental habits: Parental habits are not far from the reasons for child labour. Several studies have revealed that bad habits of the parents, mostly of the father of the children push children to work. Alcoholism is one of the main reasons which push children into labour market. Injury or illness to an adult earning member in the family, disruption resulting from abandonment or divorce are other factors which are often at the root of child labour.

1.8.10. Demand factors: We often forget or do not recognize the demand factors for child labour as important or relevant as supply factors. Why children are in demand is a crucial reason to be understood. Arguments of nimble fingers and low productivity cost are generally advanced as explanations for employing child labour. But the field research of the ILO conclude that the nimble fingers argument is entirely fallacious and the economic irreplaceability is also found to be not true. The children are not only cheaply available but certain non-economic reasons are also found to be vital even from demand side.
The reasons for employers preference to child labour are the following:

a) More docile and less troublesome
b) Less aware of their rights
c) Greater willingness to do repetitive, monotonous work
d) More trustworthy and innocent, so less likely to steal
e) Do not form Trade Unions.
f) Less likely to be absent from work, in addition to the fact that they are less expensive.

The generally advanced explanations that the parents force them to employ children and they are protecting the children by offering food, shelter etc., are therefore, convenient arguments but the real reasons are entirely different.

1.9. Consequences of child labour: Employment from early childhood affects the health and psyche of the children and consequently affect their future earnings. It increases the risk of contracting chronic occupational diseases. Evidence suggests that early involvement of children in hazardous jobs, have a devastating effect on productivity in future. Due to long association with certain repetitive, monotonous and hazardous jobs, these children become impoverished and render themselves unsuitable to carry out any job by the time they attain 35-40 years (middle age).

In a study conducted by Usha Naidu and S. Parasuraman on the health of children working in Hotels and Restaurants and construction sites in Mumbai, symptoms of muscular, chest abdominal pain, headache, dizziness, respiratory infections, diarrhoea and worm infections are found.

1.9.1 Impaired physical growth: As the children differ biologically from adults in their anatomical, physiological and physiological characteristics, the impact of the occupational diseases on children pursuing the same jobs as adults will be devastating. Children undertaking heavy work, carrying heavy loads and maintaining awkward body positions for a time, can develop deformation of the spinal column and sometimes of the Pelvis because
excessive stress may be placed on the bones before the epiphysis has fused and may result in skeletal damage or impaired growth.

WHO reports indicate that working children suffer significant growth deficits compared with children in schools. They grow up shorter and lighter and their body size continues to be smaller even in adulthood. The effects on girl child are cyclical. A shunted girl child becomes a small mother. A small mother gives birth to a small baby and they in turn grow less as well.

1.9.2. Premature ageing & low self esteem: WHO reports indicate that children as household helpers in Kenya suffered psychological stress, symptoms of withdrawal and regression, premature ageing, depression, and low self esteem. Girls working for long hours, receive less schooling and may face consequences such as social rejection, psychological trauma and unwanted motherhood.

Some occupations can cause serious psychological and social adjustment problems to children. The domestic service is one such occupation where girls routinely work very long hours, under pressure among unloving adults and almost in total isolation from family and friends.

1.9.3. Long range consequences: The consequences of child labour are both immediate and long term in nature. Adults are denied jobs and paid less, while children work under bad conditions and lead a life of ignorance. While there may be short term financial gain to the employer or the child and his family, it is in the long run loss to the child, to the society at large, and ultimately to the country. Thus, child labour is both a cause and effect of illiteracy and ignorance, low wages and unemployment, standards of living and levels of family and community.
References


18. Forced Labour Convention, Report; ILO; in Article 2, paragraph 1, 1930.


29. Hand Book on Child Labour; government of Andhra Pradesh, Labour


