CHAPTER - I

INTRODUCTION

The prevalence of child labour is one of the most important socio economic problems confronting the world at large, especially developing countries such as India. Over the years, global consciousness about the seriousness of the problem has been created. Because of the seriousness of the problem many efforts have been made in this direction to find out its consequences, effects and also suggest policy measures to combat it. Even the constitution of India is committed to the protection and promotion of the welfare considerations of the children. Therefore, series of committees and commissions have been appointed by the Government of India either specifically on the question of child labour, which gives us many insights into the seriousness of the problem and to give many suggestions to alleviate this problem. The commitment of the government in this direction becomes clear from the ban on the employment of children under the age of 14, as domestic staff or in roadside restaurants and hotels, which came into force on 10 October 2007. The International Labour Organisation (ILO) estimates that in India there are 44 million child labourers—the largest under-age workforce in the world. The government added the latest jobs to its list of 'hazardous' lines of work in which child labour is already banned, including mining, cigarette manufacturing and glass making. Anyone found violating the recent ban will be penalized under the Child Labour Prohibition and Regulation Act of 1986. Punishment can range from a fine of US$200-400 to a jail sentence of three months to two years. India's Prime Minister Manmohan Singh said "let us create a moral force to build our country free of child labour, paving the way for children to enjoy the
right to education". The Ministry estimates that the ban will affect 185,000 children working as domestic help and 70,000 who work in roadside food stalls. The majority of children affected are in five Indian states – Bihar, Jharkhand, Orissa, West Bengal and eastern Uttar Pradesh. UNICEF Child protection officer, Carlotta Barcaro described the latest law as "a sign of political will and an essential step" to eliminating child labour in India. A campaigner against child labour in India, Arya Samaj, said that "under previous laws the state had to pay for the care of each child freed" and expressed concern that if children are not properly cared for, they will end up continuing to work illegally. A helpline has been established and members of the public are urged to call if they suspect individuals or companies of employing under-age workers. Consequently it becomes all the more important to analyze the various aspects of this problem in detail, which necessitates some explanation of the following aspects.

CHILD LABOUR DEFINED

The phrase ‘Child labour’ might seem straightforward which can easily be defined. However, both component words have ambiguities attached to them. Neither the ‘child’ nor the nature of ‘labour’ in the context of child labour has been well defined. Whether the age of an individual at which he/she ceases to be a child should be 14, 15 or 18 years; whether adolescence is a stage of childhood or must be considered separately; and whether an individual attending school remains a child until he/she graduates or not; are a few debatable issues. Moreover, whether the term labour needs to be used on the basis of economic activity; or for any inherent activity; whether ‘labour’ and ‘work’ mean the same thing or not, have also become issues of debate. Thus, a brief outline of what these two terms namely- ‘child’ and ‘labour’ imply is essential to understand the meaning of child labour.
DEFINING 'CHILD'

For understanding the meaning of child labour it is first essential to define the term 'child'. There are different aspects regarding definition of the term 'child'. The word 'child' has been differently employed to refer newborn infant, a toddler, a young person of either sex before the age of puberty, etc. Determination of childhood solely by age or by other characteristics too is open to question. Even such an apparently simple issue as age has its complications like a division between childhood and adulthood, or a tripartite split among child, adolescent, and adult. In India, the legal definition of a child is a person below the age of eighteen years, after which the person becomes an adult who then has a right to vote. The word 'child' has been used in various legislations as a term denoting relationship, as a term indicating capacity; and as a term of special protection. However, for the purpose of child labour, a child is defined in different ways in different context and in different countries on the basis of his age.

The United Nations (UN) Convention on the Rights of the Child (CRC) defines a child as a person “below the age of eighteen years unless, under the law applicable to child, majority is attained earlier”. The International Labour Organization (ILO) has designated 15 years as an appropriate minimum age for entering the labour force, and 18 years if the work is hazardous.

The Dutch law considers children below the age of 13 for the case of child labour. The Census of India defines persons below the age of fourteen as children. The child labour (Prohibition and Regulation) Act, 1986, says that child means a person who has not completed his fourteenth year of age. According to the Factories Act, 1948, “a child below 14 years of age is not allowed to work in any
factory. An adolescent between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorized medical doctor. A child between 14 and 18 years of age cannot be employed for more than four and half hour”.

Therefore, it can be concluded that there is no single acceptable or proper definition of a child and, assorted organizations and different countries denote the term ‘child’ differently.

**NATURE OF LABOUR**

Turning to the meaning of the word ‘labour’ diverse opinions come to surface. ‘Labour’, at times implies any economic activity, and at other times is determined by the activities undertaken. A distinction is also made between ‘labour’ and ‘work’ every now and then. Those who are in support of this distinction argue that ‘work’ means light work, which does not hamper the growth, and development process of a child rather it helps in his socialization process. The concept of work describes the physical or mental involvement in any activity, which rather than being harmful may be beneficial for the child in its formative years. Whereas ‘labour’ is arduous, affecting the child’s physical and mental development adversely, work may not adversely effect the child’s physical and mental development. Another view regarding what child ‘labour’ entails is that work undertaken outside home for payment of wages is labour, however, work done on farms within the family does not imply child labour. However, Lieten (2003) argues that the nature of labour relation (paid or unpaid, hired or self-employed, full-time or part-time) is immaterial to the definition and rather the concept of labour should be restricted to the production and services, which interfere with the normative development of children as defined in the UN Convention.
Thus, the meaning of ‘labour’ for the purpose of child labour is a debatable issue. Nevertheless the term ‘labour’ denotes work done by a child, which may or may not be harmful for him, and is defined to suit specific purposes.

WHAT 'CHILD LABOUR 'CONNOTES

According to the reports of the National Commissions on Labour, Economica India, 2003, there are two perceptions of what constitutes child labour. The first identifies child labour as work done by children from poor households outside their home/family for a minimal wage. As per this perception child labour is synonymous with the exploitation of poor, young children working outside their homes, by greedy and exploitative employers. It is apparent that this definition does not consider work done by children within their home/family as being exploitative and therefore meriting description as child labour.

Similarly a child is classified as a 'labourer' if the child is 'economically active' (Ashagrie, 1993). Governments and International Organizations usually treat a person as economically active or 'gainfully employed' if the person does work on a regular basis for which he or she is remunerated or that results in output destined for the market (Basu, 1999).

The ILO says, "it is not concerned with children helping in family farms or doing household chores". It defines child labour to "include children leading permanently adult lives, working long hours for low wages under conditions damaging to their health and physical and mental development, sometimes separated from their families, frequently devoid of meaningful educational and training opportunities that could open up a better future to them" (ILO 1983).
The other definition of child labour, as stated in the report, is put forward by critical groups of the conventional definition and consequently argues that all forms of work are bad for children. A major objection to the child work and child labour dichotomy is that it may encourage those who use it to take it for granted that it is easy to distinguish between work and labour. A consideration of children working in different conditions in different countries undermines this assumption. An activity may be harmless to children in one situation but may be harmful in another. Certain kind of work may be detrimental for a younger child, but may be undamaging for an older one (for example, simple tasks of agriculture). Employment may be objectionable; but nevertheless preferable to the other available alternates. Accordingly, the work-labour distinction is proposed to be abandoned.

The report further acknowledges a definition of child labour, which equates all children not going to school with child labourers. A working child is often referred to as 'basically a child who is deprived of the right to education' (Burra, 1995). This emanates from the rights of children approach towards development, which considers being out of school as a denial of the child's right to education.

The UN Conversation on the Rights of the Child (CRC) does not clearly define child labour but recognizes, 'the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development'.

Another useful definition is the one enunciated by Stein and Davis, 'any work done by children that interferes with their full-
physical development, the opportunities for a desirable minimum education and their needed recreation’ (Stein and Davies, 1940). This definition is in alignment with the UN declaration and with the ILO strategy of targeting the intolerable forms of child labour. The Operation Research Group (ORG) defines working child, ‘as a child falling within the 5-15 age bracket and who is at remunerative work, may be paid or unpaid and busy at any hours of the day within or outside the family’ (Rehman, 1992). Consequently there is no watertight definition of ‘child labour’. The onus is on all who use the phrase to attempt to make it clear as to how they are employing it. It must also be borne in mind that when literature on this subject is read it must be clearly understood as to how the author has used the phrase ‘child labour’ and what is being implied by it.

Child labour being a universal phenomenon, its estimates generated by different national and international organizations differ significantly (it might be due to the adoption of different definition of child labour). While it is impossible to quote a single figure for the extent of child labour in the world, it is clear that the number of children working world wide runs into hundreds of millions (ILO, year book of labour statistics, 1995). Ashagrie (1993), was the first to put together an international data set on child labour. He found that in 1990 there were nearly 79 million children who were economically active. Most of them (57 million) were in Asia. However, he found that the absolute number of children working was declining in Asia but rising in America and Africa in the last ten years. In terms of participation rates, for the 10 to 14 years category, the problem in 1990 was most serious in Africa, with a figure of 27.87 percent (ILO, 1996a). ILO (2004) estimated that there were 246 million child labourers of which 73 million working children were less than 10 years old. It reported that no country was immune, with about 2.5
million working children in the developed economies and another 2.5 million in transition economies such as former Soviet states. According to its estimates, the largest numbers (127 million) of working children in age group 14 years and under were in the Asia-Pacific region. It also reported that the highest proportion of working children was in Sub-Saharan Africa, where nearly one third of children age 14 and under (48 million) were in the labour force. As per its report, majority of the world's working children work in informal sector where they do not have legal or regulatory protection.

In the case of India, there are sensational variations in data. In the year 2000 the National Census of the Indian government counted 8.4 million child labourers. The Ministry of Labour speaks about 17 million, which would be twice as much. The United Nations (UN) assumes that there are about 100 million child labourers. According to the statistical data of the National Sample Survey Organization (NSSO), which delivers detailed reports every five years since 1972, their number is 84 million. Another estimate is based on the number of children of school age not attending any school. It assumes that these children work and therefore counts 62 million child labourers. The official statistics exclude huge numbers of children (about 75 million). According to 1971, 1981, 1991, 2001 census, the number of working children accounted for 10.75 million, 13.64 million, 11.28 million and 12.59 million respectively. Various states in India can be classified in the high, medium and low percentage category of child labour. States like Andhra Pradesh and Rajasthan have high percentage. The states of Kerala, Haryana and Uttranchal have low while the states of Gujarat, Madhya Pradesh and West Bengal, Maharashtra, fall in the medium percentage category. Approximately 90 percent of the working
children are in rural areas and employed in agriculture and allied employments. About 8.8 percent are working in manufacturing, processing, servicing and repairs etc. (NSSO 55th Round, 1999-2000). No doubt the number of children in industry is quite less as compared to that in agriculture but this problem in industry is a matter of great concern because industries expose these children to greater risks and hazards (Burra, 1995).

In the recent past lot of efforts has been made to find out the reasons and consequence of child labour. All the factors, which are responsible for child labour can be broadly classified in three categories (1) Economic factors (2) Educational factors (3) Social factors.

Economic Factors

The demand and supply of child labour which can also be termed as pull and push factors respectively responsible for the existence of child labour. Both supply and demand side issues are important when confronting the economies of child labour. The supply side of the market for child labour provides a different set of explanation for the prevalence of child labour. The first set of condition deals with the people living at the subsistence level. Because child labour is essentially a problem of poor and destitute families, who have no option but to send the child for work in order to keep the wolf away from the door. Child labour is rooted in poverty more so in India, where nearly 40% of world's poor live (Sethi 1984). The income accruing from child labour may be pittance but it plays a crucial role in saving the family from virtual starvation. In this struggle for survival all manpower resources available in the family including child labour have to be mobilized to cater to the economic needs of a family (Nielsen, 1998). In the same way the neo-classical theory of
child labour explains that the household or family supplies the child
labour in order to maximize its current income from the employment
of child labour as a preference to the income expected from the
employment in future after the schooling of its children (Mishra and
Pande 1995).

Secondly it is felt that existence of income inequality in the
economy can lead to supply of child labour. But Swinnerton and
Rogers (1999) show that the impacts of economy-wide inequality on
child labour are, in general, ambiguous.

Another cause of child labour, which is as causative as
poverty, is the inadequacy of social security measures for workers in
the unorganized sector, especially in urban areas. If the households
are risk-averse, poor parents would receive a high marginal benefit
(marginal utility) from child labour income, and they would be more
likely to supply labour than risk neutral household. The use of child
labour is a way of augmenting income such that the risk of suddenly
falling below the subsistence level of consumption is reduced. For
instance, for subsistence farmers, child labour is a way of reducing
potential impact of a bad harvest, whereas for urban households,
child labour might reduce the potential impact of job loss or rising
food prices For households living close to subsistence level, the
impact of income interruptions such as a bad harvest or job loss are
more severe. Thus the risk management argument explains why
these households may be more inclined to use child labour (Glewwe,
1996). On the other hand, in the traditional village home with the
joint family as basic unit, workers or his family members were able
to seek protection in case of suffering or any other calamity. But with
the gradual break down of joint family structure, rapid
industrialization and urbanization, social security has become
inevitable.
On the demand side many studies reveal that desire to earn more profit and economic compulsion like inability to pay higher wages can motivate the employers to hire child labour, especially in unorganized sector (Levison, 1996). The more children an employer employs, the more he can reduce his production cost and increase his share of profit.

There are certain jobs, which may be suitable for children. Sometime some works may be time consuming but light and vice versa. Employers argue that children are irreplaceable because of their “nimble fingers”. Following this argument, only children with small fingers have the ability to make fine, hand-knotted carpets, only children can pluck the delicate jasmine flowers without breaking branches, and similarly only physically small individual are able to climb mine tunnels. So by assigning such jobs to the children, adults can be engaged in heavy productive work.

Keeping all these points in mind it's very important to make indepth analysis of the various economic reasons behind prevalence of child labour.

**Educational Factors**

The shortcomings of the present education system, which may not fulfill the requirement of the type of education or training which the poor strata of the society needs has been indicated by many (Jenson and Nielsen, 1997, Cartwright, 1999) as one of the major cause of the prevalence of child labour. One can look at education from many points of view. Individual wants to develop personality, attitudes, social confidence, habits, learning skills, capacities etc. In recent years there has been a great deal of controversy as to whether the present education system is adequately meeting the
needs of the individual; whether we are spending enough money on education in relation to our needs and resources; whether we are providing the right kind of education; and whether we are maintaining adequate standards of quality etc. Educational factors which are responsible for child labour can be broadly classified in three parts: (1) A Poverty Hypothesis (2) A School Costs Hypothesis (3) A School Quality Hypothesis. All three hypotheses find some support. A brief explanation in as under:

(1) Poverty Hypothesis

A very widely held belief regarding India's poor performance in education is that the demand for education is low because of the large-scale poverty in this country. It is commonly put forward by many, including officials in India that the poor cannot afford to send their children to school. According to them it is a 'harsh reality' that the poor parents depend upon the income of their children in order to make two ends meet. It may be mentioned here that even if we make proper arrangements for schooling, it may not be possible to increase enrollment of children until their economic status improves and permits the children to attend to their studies. Basu and Van (1997) remarks that if a poor person cannot pay for an adequate supply of food then how can he get education. He has to work to fulfil his basic requirement.

(2) School Costs Hypothesis

Although education is provided 'free' by the government, the cost of uniform, textbook and transportation costs are still beyond the reach of many households (Tilak, 2004). Added to these direct costs are the indirect (opportunity) costs of wage/domestic labour,
which children perform and the cost of acquiring education becomes considerable for a household.

(3) School Quality Hypothesis

Most governmental initiatives towards education have focused primarily on the need to raise literacy rates, ignoring the vital quantity aspect. Poor quality of education and better opportunity cost for children's time in work attributed by parents led to high dropout rate and consequently greater occurrence of child labour. In many cases the schools are in such a critical condition that neither the children nor the parents have any attraction for schooling. In other words, when parents do not expect children to learn much in school, they decide to give them informal education in terms of work experience.

So it is very important to analyze: (a) as to what extent our education system has been successful in meeting the individual and social expectations; and (b) how far it is wise to compel the parents to send their children to school.

Social factors

Socio-cultural factors can also be responsible for the prevalence of child labour. Broadly speaking, the extent and the nature of child labour may be determined by the structure of the economy and the level and pace of development of a society. But, to some extent, the notion of child labour is also rooted in the traditions and attitudes of the society, where it is practiced. In a tradition-ridden society like India, there may be socio-cultural compulsions like an agrarian pattern, values and attitudes towards children, migration and urbanization, and child delinquency etc. Indian society continues to be essentially agrarian in character and agriculture
continues to be the main source of livelihood for a major section of our rural population. During the peak sowing and harvesting seasons there is tremendous demand for labour. In order to meet the heavy demand for labour during this period and due to inability of majority of the households to hire workers, majority of the households mobilize the entire family force, including children to do various type of work. During slack season children are asked by parents to do light agricultural jobs (Ramachandram and Lionel 2002).

It has been observed by many that fertility rate and low investment to improve the quality of children is another reason for existence of child labour. Due to large family size parents' income is insufficient to meet the basic needs and the children have to share the economic burden. It is felt by many parents that a child earns more income compared to the expenses they have to incur on his bringing up. Consequently, they do not mind adding to the numbers (Becker and Lewis, 1973).

It has been observed by many that when the poor families migrate to the cities in search of wage employment, children of such families increase the strength of child labour in urban centers. Consequently child labour participation also depends upon parental attitude towards the work and their perceptions regarding formal education.

Socio cultural background is another reason since their own socio economic background shapes parents' attitude and perception. Parents who have extremely poor socio economic background do not have high aspirations for their children and may continue to stick to the traditional beliefs. Also the sensitivity of people about the traditional crafts and skills, which in their opinion would die out if not passed on to the next generation, becomes responsible for a higher engagement of children in
work than in schools. Because of all these reasons it is worthwhile to analyze as to what extent all or some of these socio-cultural factors are responsible for child labour (Coulombe, 1998).

CHILD LABOUR AND CHILD LABOUR LAWS

Several studies have recognized child labour connection with human deprivation, illiteracy, food insecurity, distress, displacement, gender inequality, social and human development, conflict situation and insecurity and poor governance. Due to these reasons the abolition of child labour became a global cause for the new millennium. International cooperation helps to build an environment in which child labour can be abolished. In this case we need to be careful to solve this problem as per our own national requirements and commitments and not due to the pressure of international agencies. International organizations provide a forum in which international legal standards are established and refined. They also raise awareness of the problem worldwide, engage national governments and other social actors in a dialogue, and facilitate the availability of resources from wealthier countries to tackle child labour in poor countries. Governments, parliamentarians, ministries and other public agencies are critical actors in the fight against child labour. Cooperation of national governments and their institutions is essential to ensure that the conventions and recommendations passed by international organizations will be effective instruments at the national level. In India, the post-independence era has seen an unequivocal commitment of the government to the cause of children through constitutional provisions, legislations, policies and programs. The Indian constitution has consciously incorporated provisions to secure compulsory universal elementary education as well as protection of working children from various types of harassment and exploitation. Labour commissions in India have
grappled with the problem of child labour and have made extensive recommendations. In India article 24 of constitution warns that children below the age of fourteen should not be employed in a factory, mine or any other hazardous occupations. Article 35 (E) urges that the tender age of children ought not to be abused and argues against being given such work that is not suited to their age, strength or sex for sheer economic need. Article 35(F) makes it mandatory for the states to try to provide free and compulsory education to all children below the age of fourteen. The child labour act, 1986 lays down punishment for one-year with or without a fine of Rs.2000/- for first offenders to the employers of children. But who is going to take the offenders to court? The children? Their parents? The issues of child labour laws are layered with controversies and debates. Two opposing points of view exist; one, supporting child labour completely, and another permitting child labour to certain extent in an economy. Hence a detailed debate is required to examine this issue. Some type of child labour can be acceptable. Non-hazardous unpaid family labour of children, for example, could add to family income; have little or no effect on labour market and economic growth; not interfere with learning or even enhance it; and not to be exploitative, or physically or morally detrimental to the child. Many NGOs have argued that children should have a right to work as long as it does not harm them, contributes to their survival, teaches them skills and socializes them in the cultural and artisan tradition. A study by Burne (2001) identified the gainers and losers from child labour by using a standard Heckscher-Ohlin Model. According to this model, when we stop child labour there must be reason to believe that this will not make children worse off, for instance, by causing starvation or bodily harm. According to Basu and Van one has to be very careful about the empirical context before using any such instrument. If there is multiple equilibrium in
the labour market, a ban is a benign policy intervention and worthwhile. But the market with one equilibrium, which is likely to be the case for very poor countries, a ban can worsen the condition of the labour households. Partial bans are especially likely to backfire and cause deterioration in labour conditions. For elimination of child labour, one way is to replace it with education. But before doing this, it is very important to find out the cost and benefits of eliminating child labour throughout the developing and transitional world. On the other hand some forms (e.g. hazardous and other worst forms) are negative for all of the concerns, except possibly the micro economic concern of poor families and their need for income. So some programmers aimed to remove and if necessary, rehabilitate children in the unconditional worst forms, such as bonded labour and prostitution, as well as those engaged in hazardous work. Further study in this regard is very important before implementing any rule and regulation. Because of all these reasons it is worth full to analyze all these conditions and suggest the alternatives, which can result in improvement in their condition.

OBJECTIVES OF THE STUDY

- To examine the various dimensions of the phenomenon of child labour with some historical background to get insight into the causes, nature, magnitude and seriousness of the problem.

- To assess as to how for the existing laws are adequate to eradicate child labour and to assess their viability in present context.

- To discuss: (1) the various efforts made by the national and international agencies to eradicate the problem of child labour;
and (2) to assess as to what extent they have been successful in eradicating this problem.

- To analyze the socio-economic factors responsible for the prevalence of child labour in Haryana state of India with emphasis on the role of the existing education system in this direction.

- To examine: (a) the self perceived satisfaction of the working children; and (b) the nature and type of association between working conditions and satisfaction level of the working children.

- To suggest policy measures and alternatives which follow from the findings of the study to improve the welfare of the working children.

CHAPTER SCHEME

In addition to this introductory chapter there are seven more chapter in which the results of our investigation regarding child labour and its causes and consequences are reported and discussed.

In chapter II, the available literature on the child labour is briefly reviewed, in order to provide the necessary back drop to the present study and to define its main objectives.

Chapter III Throws light on the data and methodology of the present study.

In chapter IV to entails the first objective of the present study, it comprises the nature, extent and some socio-economic factors with historical background.

In chapter V an overview of the Government policies and programmes regarding child labour and its elimination is discussed. The discussion of
government policies in this chapter is necessary to see the enforcement of legislation.

In chapter VI, the analysis of socio-economic factors responsible for prevalence of child labour in Haryana with emphasis on the role of education system is discussed here. The discussion and results in this chapter highlights that child labour is not an isolated problem and involves other socio-economic issues as well.

In chapter VII the self-perceived satisfaction of the working children and the nature and type of association between working conditions and satisfaction level of working children is discussed.

Chapter VIII summarizes the finding of the present study and proposes recommendations to combat the problem of child labour.