Trends to Combat Child Labour

Introduction

Child labour is worldwide problem. It is existing more or less both in developed and developing countries. But the problem is acute in the developing countries than developed countries. In developing countries, the children are exploited, deprived of educational, mental and physical growth, put to hazardous nature of work and forced to work basically in order to maintain living conditions of their families. It is claimed that child labour from hazardous units has been eliminated and children work to meet their pocket expenses and not to meet to their families’ food. The developed countries have to greater extent solved and controlled the problem of child labour while developing countries are still facing the problem.

The rights of children are enshrined in the constitutions of most countries. Laws are being enacted to protect children from exploitation. Social workers, activists, legal experts, in short, any one who feels concerned about the exploitation of children proclaim the guarantee to rights of children and the need to eradicate their exploitation. Yet, the exploitation of children in the form of child labour and in other forms is on the increase, because the elimination of child labour has been approached with a negative attitude. The emphasis ought to be on the development of child than on the eradication of child labour.

A nation is not a map on the paper. It is the people living in it “The people” living with human dignity and self-respect and not mere animal existence in sub-human conditions. Today child labour is a harsh reality and stirs the conscience of every right thinking mind. It is the peak of human greed and exploitation. The innocent children with

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their nimble fingers and tender bones are forced to undertake hard and hazardous work unsuitable to their age and health. Today child labour is ubiquitous and is flourishing in various industries such as, diamond cutting, carpet weaving, brass work, matchsticks, bidi; gem polishing, slate, slate pencil etc. Child workers are also found in construction work and in disguise in agriculture related works. In order to supplement the family income and to keep their skin and soul together the little citizen are forced to work by economic necessity. They are only to be doubly exploited. On one hand, they grow up children minus childhood and on the other hand they are victims of ruthless exploitation by the employers. In a civilized society children must rejoice with health, education, affection from parents and protection from the society.

Abolition of child labour is becoming increasingly difficult because of the mind set that accepts it as a part of life. For instance, in Sivakasi no body views child labour as a crime. It is an age-old practice. The factory owners feel that they are the saviors of children who do not have any alternative available. The government machinery too turns a Nelson’s eye to this pernicious practice.

Law is not of much help in the eradication of child labour. In fact, the selections are confined to registered units only. The bigger industrial units source their products from the small cottage sector. The child labourers mostly work in the unorganized sector / units. Even among the register ones, the conviction rate is far from impressive. It is more appropriate to say that child labour perpetuates poverty-it does not reduce it as it condemns one generation of another to its vicious circle.

According to the Gurupad Swamy Committee Report, 1979, “Child labour assumes the character of a social problem in as much as it hinders arrests or distorts the

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3 Ibid.
natural growth processes and prevents the child from attaining his full-blown manhood". In one of its judgment, the Supreme Court of India pertinently pointed out:

"If there be no proper growth of children of today, the future of the country will be dark. It is obligation of every generation to bring up children who will be citizen of tomorrow in a proper way. Today’s children will be leaders of tomorrow who will hold the country’s banner high and maintain the prestige of the nation”1.

In India, according to official figures, 90 percent of children received primary education. But, the dropout rate is high. Hence, 75 millions children do not go to school at all. Even when children are not employed in hazardous work, the environment itself often puts them at risk. For instance, those who take up household employment are often beaten and sexually abused2.

**International Concern to Combat Child Labour**

Though, according to International Labour Organization, Child labour is an international phenomenon, including in the developed countries like the United States of America, Italy, etc. Countries like Germany and U.S.A. seems to be very much concerned about child labour in India. A bill was introduced in the U.S. Senate and in the House of Representatives to ban the import of foreign products made wholly or in part by children. By this bill, the U.S. congress seeks to combat child labour overseas but mostly in the developing countries including India and Bangladesh. Germany threatened to ban the import of products in which child labour is involved. To help the government of India to enhance its capacities to deal with the problem of child labour and to generate and sustain a community wide movement for and behalf of working children, the German government has made an initial contribution of DM. DM 1, 378, 451, through the International Labour Organization. This will help to employment a special Programme called the Child Labour Action and Support Project (CLASP). In addition under the

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1 Sheela Barse Vs. Secretary, Children Aid Society and others, AIR, 1987, SC.
scheme called International Programme for Eliminating of Child Labour (IPEC), the German government has made initial contribution of DM 50,000,000. Thirty-three actions programmes under IPEC have been approved and more proposals are under consideration. The International Labour Organization, on the other hand, has decided to gradually raise the minimum age at which a child could be employed. It has favored the idea that the minimum age prescribed should not be less than the age of completion of compulsory schooling and in any case less than 15 years. In the case of countries with poor economy and education the minimum age prescribed by ILO for entry into employment is fourteen.

Child labour is at the top of the policy agenda. It has received extensive in both the print and visual media. There have also been numerous international declarations and conventions on child labour needs, which reflect an international consensus that child labour needs to be eliminated. This includes two ILO conventions child labour, the ILO declaration on Fundamental principles and rights at work, and the UNICEF declaration on the rights of the child.

The negative depiction of child labour and the expressed need to eliminate it is, unfortunately, often based on simplistic assumptions. Indeed, it is a fact that despite professed good intentions and numerous child labour projects around the world, very large number of children continue to work and many country are having great difficulty in eliminating child labour. This study contends that only by considering how different types of child work performed by children affect different types of actors within institutions, will it be possible to develop appropriate and sustainable programmes to eliminate unacceptable forms of child labour. Realistic views of the problem associated with child labour are needed.

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The growth of child labour worldwide is the result of globalization and we all bear some responsibility for its growth. Consumers, human right groups, child rights activists, religious organization, politicians, governments, international organizations (such as ILO with its international programme on the elimination of child labour) (IPEC), and UNICEF are joining the world campaign to stop the abuse of exploited children. The most recent example is the “International Child Labour Elimination Act’ introduced by Chris Smith, the chairman of the subcommittee on international operations and human rights, committee on foreign affairs, US House of Representative, and his co-sponsors, representatives Hyde, Lantos, Moran, Kennedy and Ro-Lehtinen. Introduction of the proposed legislation is a courageous first step which deserves to be applauded and needs more public recognition.

The Act offers concrete solution to eliminate child labour. If enacted, it will prohibit importation into the US, products manufactured in countries and industries that use child labour; or will also require that the US representatives’ multilateral lending institutions oppose loans and other subsidies to or for any industry in which child labour is of use; finally, it will authorize the appropriation of a $10 million contribution each of the next five fiscal years to the IPEC Programme of the ILO. Clearly, the Act will be the starting point for the concrete step to be taken by the world community to improve the lives of million of working children.

The Efforts Made by International Labour Organization to Combat the Child Labour

The ILO has concerned itself with the question of child labour since its foundation in 1919. The abolition of child labour has been one of its basic aims since its establishment. At the same time, it has pursued a systematic policy of protection of working children from undesirable condition of work. The ILO’s traditional approach to

2 Ibid. P. 3354.
child labour has been to lay down international labour standard through ILO conventions and recommendation.

United Nations General Assembly accepted the fundamental rights of children through the Declaration of the Rights of the child in 1959. The declaration said that effort should be made, at the national and international levels, to see that the child enjoys a happy childhood for his own good and for the good of the society. Principle of the declaration states that child shall not be admitted to employment before an appropriate minimum age, and he shall in no case be permitted to engage in any work which would prejudice his health or education, or interfere with his physical, mental and moral development. A number of organizations of the UNO has studied different dimensions of the problem of child labour and made appropriate recommendation to be implemented at the international and national levels. For instance WHO has studied the special health risks of working children in the third world countries and made useful recommendations 5 UNICEF, UNESCO and other organization have also paid attention to health, education, skill formation and over all development of children.

The Intentional Labour Organization (ILO) has also contributed substantially in this area. ILO’s conventions and recommendations on child labour deal with three aspects: (1) Minimum age (2) working conditions and (3) General welfare of child labour.

1) Minimum Age

The first Minimum Age (industry) convention was passed in 1919, which prohibited employment of children below 14 years of age in industries. Gradually the coverage of minimum age expanded to other sectors. Convention No. 7 (1920) covered employment in ‘Sea’; No. 10 (1921) covered agriculture; No. 15 (1921) covered trimmers and stokers; No. 41 (1932) covered non industrial employment; No. 96 (1953) covered coal mines; No. 112(1969) covered fishermen; and convention No. 123(1963) covered underground work.
In 1973 however, ILO adopted a comprehensive convention concerning Minimum Age for Admission to Employment (convention No. 138) aiming at total abolition of child labour. Each member which ratifies the convention has to design a national policy to ensure the effective abolition of child labour from the country and has to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

The major provisions of the conventions are as follows:

i. Each member who ratifies the convention has to specify a minimum age for admission to employment within its territory.

ii. The member will have to subsequently notify to the Director General of ILO that it gradually raises the minimum age.

iii. In Hazardous activities the minimum age will not be less than 18 years. However, children above 16 years of age may be allowed if adequate measures are taken to ensure health, safety and morals of young persons.

iv. A member country the economy and administrative facility of which are insufficiently developed may limit the scope of this convention initially, but this will not be done in the sectors like manufacturing, construction, electricity, gas, sanitary services, transport, storage, communication, plantation and other agricultural undertakings.

**Working Conditions**

The first convention prohibiting right work for children (industry has declared in 1919).Later on this was extended to agriculture (1921), and to non-industrial occupation (1946). As regards medical examination of child workers convention No. 77(for industry) was introduced in 1946. The later conventions covered non-industrial occupations and recommendation deal with hours of work, weekly rest, paid holidays and apprenticeship. Recommendation No. 21 (1924) deals with utilization of the spare time by child labour. Recommendation No. 47 (1936) recommends apprenticeship.
Recommendation No. 98(1954) recommends weekly rest. And recommendation No. 116 recommends reduction in hours of work\(^1\).

It is clear that ILO has made considerable efforts to ease the problem of child labour and to lead the National Government to abolish child labour. Its approach of gradual expansion of the coverage of the various measures and asking for regular reports from member countries, its positive and constructive attitude, ILO has also periodically examined the progress of national governments by setting up Committees of Experts. For example, a Committee of experts was setup in 1981 to examine the progress of the minimum age convention No. 138 and Recommendation No. 146, 1973.

With a view to facilitating the goals set fourth in the convention, the recommendation advocates the adoption of measures designed to achieve full employment of adults; the progressive extension of other economics and social measure to alleviate poverty so as to make recourse to child labour unnecessary, the adoption and extension of adequate facilities for educational and vocational guidance and training; the adoption of special measures for children who do not have families or do not live with them, as well as for migrant children; and the introduction of compulsory full time attendance at school or participation in vocational training course at least up to the age specified for employment in convention no 138.

**Protection of Child Labour**

While maintaining the long-term aim of achieving the prohibition of child labour, the ILO has also pursued a policy of fixing standards with the objective of protecting child labour against exploitation. This has led, since 1919, to the adoption of a

number of convention and recommendations prohibiting the employment of children and/or young person in certain types of work, and regulating their working conditions\(^1\).

Legislation alone is not enough to deal with the problem of child labour. There is a wide gap between the legal instruments and the actual state of affairs, as is borne out by ILO case study. Child labour seems to be effectively abolished in the formal sector characterized by large enterprises using highly mechanized or capital-intensive techniques. Even here, it is not clear whether this due to strict enforcement of child labour legislation or to the fact that child worker are of little use and uneconomical in a production system which uses advanced technology and less labour input. In any case, child labour continues to be wide spread in the unorganized sector of industry, agriculture and services in much of the deploying world, despite national legislation prohibiting it. There are many factors responsible for poor enforcement of existing legislation. The availability and quality of education along with the poverty of the families of school age children act as a break on the effectiveness of legislation. The inadequacy and low standard of education result in a very high school drop out rate and undermines the parent’s expectations concerning the benefits of schooling. Moreover, governments lack effective enforcement machinery to monitor regulation and standards governing child labour. Such machinery is seriously deficient in most developing countries. The inspectorate system is generally understaffed and thus unable to cope with child labour\(^2\).

Since child labour is clearly linked with poverty, lack of development and inadequate schooling in the countries in which it is prevalent, child labour legislation must be accompanied by a wide range of measures concerning employment and income generation programme and by a reform and expansion of education facilities. Keeping these realities in mind, the ILO has not confined its activity to the establishment of


standard and monitoring of the application of the convention. In recent years the ILO has supplemented its standard setting work with research, information dissemination and technical assistance.

The ILO recognizes the fact that though it has been playing a leading role in the struggle child labour, some of the action required to attack the underlying cause of child labour-poverty, insufficient economic growth and deficiencies in the education system is within the competence of their international organization like the international monetary Fund (IMF), the world bank, the general agreement on tariff and Trade (GATT) and the United Nations International children Emergency Fund (UNICEF). Thus the ILO proclaims that diversity of mandates for action in the struggle against child labour should therefore be reflected in strengthened cooperation between the ILO and these other organizations and, most importantly, by close collaboration with the UNICEF.

Another way the ILO addresses the problem of child labour is through programmes and projects at the national and local community level. The ILO has committed itself to a major effort to halt child labour. In 1990, the German Government offered to support the ILO in launching a major global offensive against child labour. The International Programme on the Elimination of Child Labour (IPEC) came into being with a view to giving a new impetus to the ILO’s operational activities in this field.

**The Role of UNICEF and UNESCO to Combat Child Labour**

Elimination of child labour is also a key component of UNICEF’s policy. UNICEF is the only UN agency devoted exclusively to the needs of children. Founded in 1946, initially to care for the children of war-torn Europe, its mandate was gradually expanded. UNICEF supports government efforts in providing services essential to the survival and development of children, such as clean water, safe sanitation, immunization

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and other health measures. It also seeks to provide to children skills essential for leading a healthy and productive life and thus education is a major priority of the UNICEF.

UNICEF collaborates with government; international agencies, NGO’s, trade unions and legal experts to promote the elimination of child labour and integration of children released form labour into the educational labour system. It has been a major funding agency for improving the lot of children in general and child labour in particular. UNICEF has sanctioned $0.5 million for child labour programme for the five-year period commencing from 1991.

The United Nations Educational Scientific and Cultural Organization (UNESCO) is another of the UN’s specialized agencies. UNESCO has special responsibility for everything involving prevention of the various forms of discrimination and promotion of the educational and cultural rights.

UNESCO has also been making efforts to combat with the problem of child labour. Setup in 1946, UNESCO aims at promoting cooperation among nations through education, science and culture and thereby contributes to peace and security and enhances universal respect for justice fundamental freedom and human rights, including rights of the child. It has tried to attack the problem of child labour through the spread of education.

Thus, the efforts of these international organizations are in the right direction and indeed commendable. However, the goal of complete abolition of child labour is still a distant one. In order to be effective, it is essential that international organizations arrive at programme and campaigns suited to national conditions. Moreover, there is a need for greater coordination of efforts of international organization also need to develop their campaigns within the frame work of a partnership with concern government and NGO’s if their efforts are to have a lasting impact on the status of the working children of the world.
Implementation Process for IPEC (International Programme for Elimination of Child Labour)

International Labour Organization has selected child labour as a theme for focus in the year 1992-93 and a broader and more concentrated Programme has been launched by its which is funded by the substantial grant provided by the German Government. At the first instance six ILO member states have been selected on the basis of request made by them for availing ILO’s assistance as priority countries for action programme for child labour and these countries are, namely, Brazil, India, Indonesia, Kenya, Thailand and Turkey. In the next phase six additional countries chosen for the action plan are Bangladesh, Cameroon, Egypt, Pakistan, The Philippines and the United Republic of Tanzania. These countries could be claimed to be the model countries in the sense that excessive poverty among the common masses has resulted in increased exploitation of child labour by their respective employers and these action programme are likely to improve their working and living conditions substantially by enabling them to get better wages as well as prohibiting their employment’s in hazardous avocations.

It has been increasingly realized that the problem pertaining to child labour is quite complicated and it is not possible to solve it immediately by adopting a magic formulae. The gravity of the problem pertaining to child labour has variable dimension in each country in terms of nature and degree of exploitation thereby providing varying scope for the action programme and consequently flexibility for selective operation in each country or region depending upon the prevailing local conditions would constitute the pre requisites for the each action programme intended to be launched in each region or the country. International Labour Organization has formulated certain basic procedural rules and policies on the basis of which Memorandum of understanding is executed between ILO and participating countries. In order to ensure effective implementation of action programme steering committee comprising of one representative each of ILO,

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donor country, together with representative of Brazil, India, Kenya, or to be nominated by the Director General of ILO while the representative of the other participating countries are to be invited as the observers. Members expected to play advisory role include a representative of ILO, International Project on Child Labour and representatives of UNICEF and UNESCO. The main task to be performed by the steering committee mainly include setting priorities, the approval of a biennial programme and budget; and review of Programme activities. The secretariat functions of the Programme steering committee are undertaken by the Programme Management. Programme Manager is expected to develop and implement strategies for a worldwide more movement against child labour, under the general supervision of ILO Management. The immediate objectives of the programmes are to ensure enhanced capabilities of ILO constituents as well as non governmental organization for the purpose of designing, implementing and evaluating policies and programmes for ensuring elimination of child labour and the protection of working children.

India’s Efforts to Combat Child Labour

Few abuses of Human Rights are so universally condemned, but at the same time so universally practiced as child labour. By any objective measures this issue should rank high on the global agenda but, in practice, it is surrounded by a wall of silence and perpetuated by ignorance. Child labour continues to be an affront to the conscience of the world community. Today, we have an opportunity and duty to bring this evil practice to an end.

The constitution of India includes specific provision against use of child labour and seeks its ultimate elimination. In India the problem of child labour in its nature and magnitude is complex and gigantic. Millions of children are working in a large number of different industries and occupations all over the countries. Today, India is the

2 Ibid. P. 12.
home of a vast number of working children: 17.36 million, in 1985, according to official reports. However, According to the estimates of non-Governmental Organizations, the figure could be between 44 million and 100 million. According to an estimate of ILO(1996) there were 12.66 million children working full time and 10.50 millions others engaged in part time work. What ever may be the actual figure for child labour, the important point is that the child labour phenomenon in India is on the rise and India has a substantial number of working children. Child labour constitute 5.2 percent of the total work force in India as compare to Pakistan 16.6 percent, Brazil 18.8 percent, Bangladesh 19.5 percent, Indonesia 12.4 percent, Thailand 20.9 percent Shri Lanka has a lower percentage than India i.e. 4.9 percent of the total work force.

It has been fully established on the basis of available statistical data as referred above that India is one of the countries having largest number of child labour in whole Asia and the existing state of affairs regarding the child labour conveniently highlight the glaring reality that all statutory and non-statutory measures taken so far to combat child labour by the international agencies, the state as well as Non-Governmental Organization (NGO’s) have proved to be futile on or in other words failed to yield the desired results. The existing position with regard to child labour makes the concerned quarters to give a serious thought to this problem of child labour by studying the basic causes and reasons for the resultant problem of child labour as well as desiring suitable ways and means by formulating and implementing various planned policies and programmes in a well organized and systematic manner.

Most of the researchers on the subject of child labour have mainly focused their attention on the nature and gravity of the problem, namely, the total strength of the child labour in different sectors of employment and the percentage of the child labour in rural and urban areas as well as in formal and informal employment’s engaging the child labour but very few have suggested modes for regulating or eliminating the child labour.

Therefore, in order to find a meaningful solution for the problem of child labour it becomes imperative to study the problem on this proposed pattern, primarily focusing attention on the basic causes of the child labour and the framing of feasible programmes in the form of statutory and non-statutory measures for accomplishing the desired goals of combating child labour.

**Government Initiatives**

India has a long history of seeking to avoid exploitation of working children through its various labour laws and there are specific provisions both in the Directive Principles of State Policy and in the Articles pertaining to the Fundamental Rights guaranteed by the constitution of India. During the 1980s, the Government of India initiated several action-oriented rehabilitation programmes to withdraw children from work and prevent them from entering the labour markets. Towards this objectives, several projects have been sanctioned both by the Ministry of Labour and by the Ministry of Welfare, Government of India, at the grass root level. The approach of the Department of Education is articulated in the National Policy on Education and is based on the assumption that poverty causes child labour and that children will have to continue to work and the best that can be done is to provide them with some opportunity to build up minimum level of learning. A systematic programme of Non Formal Education (NFE) is an alternative channel for the large number of children who do not attend school full time. The most significant step in this direction was the adoption of the National Child Labour Policy, 1987. The National Child Labour Policy aimed at successfully rehabilitating child labour withdrawn from employment and at reducing the incidence of child labour.

The Government has been making efforts consistently to protect the child labour by prohibiting their employment in absolute terms in hazardous employment as

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well as to regulate the employment of child labour in order to prevent their exploitation by the employer in other areas of employment by ensuring effective implementation of Child Labour (Prohibition and Regulation) Act, 1986. In order to accomplish this task in the year 1987, the Government of India announced three pronged National Policy on Child Labour aiming firstly to prevent exploitation of children as well as to ensure their suitable rehabilitation in case of their withdrawal from prohibited areas of employment. This policy was mainly intended to ensure effective and meaningful implementation of the child labour (Prohibition and Regulation) Act, 1986 and other relevant provisions of the labour legislation dealing with child labour under the legal action plan. Secondly to formulate and implement project based plant of welfare and development programme for the child labour which provided for 30,000 children in 10 projects in the first phase having a budget of 11 crores with the object of rehabilitating these children after being withdrawn from prohibited areas of employment. The basic objective of the programme had been to improve the health, nutritional status, working conditions, qualifications and professional skill of the child labour. Regarding these programmes doubts have been expressed due to the fact that earlier programmes of the Government enforced for the purpose of providing welfare facilities to the working children in various district of eastern Uttar Pradesh e.g., Sivakasi, Mirzapur, Bhadohi, Varanasi, etc., failed to provide good and encouraging results1.

From the ramparts of the Red Fort for some years now, our Prime Minister has been promising the eradication of child labour in hazardous industries. In 1994, Mr. P.V. Narasimha Rao promised the abolition of this abhorrent form of labour by 2000. Last year and this year too, Mr. Atal Bihari Vajpayee reitreated that India will eliminate child labour in hazardous industries by 2005. Recently, Mr. Murli Manohar Joshi promised that by 2003 every child would be in school.

The truth is, if the government really wanted, child labour in hazardous industries could have been eliminated long time ago; and yes, every Indian child would have been in school by 2003. The government has failed to eliminate this dehumanization of childhood. It has also failed to launch compulsory primary education for all, despite the rhetoric. Between 60 and 100 million children are still at work instead of going to school and around 10 million are working in hazardous industries. India has the biggest child population of 380 million in the world, plus the largest number of children who are forced to earn a living. Is the Indian state fulfilling its constitutional obligations when the nation's children are sacrificing their childhood, unable to lead carefree, secure, happy and healthy life, which is their basic right?¹

We have many laws that ban child labours in hazardous industries. According to the Child Labour (Prohibition and Regulation) Act, 1986, the employment of children below the age of 14 years in hazardous occupations has been strictly banned. But each state has different rules regarding the minimum age of employment; this makes implementation of these laws difficult. Also, there is no ban on child labour in non-hazardous occupations. The fact applies to the organized or factory sector and not is the unorganized or informal sector where most children find employment as cleaners, servants, porters, and waiters, among other forms of unskilled work. Thus, child labour continues because the implementation of the existing laws is lay. There are industries, which have a 'special' demand for child labour because of their nimble fingers, high level of concentration and capacity to work hard at abysmally low wages. The carpet industry in U.P. and Kashmir employs children to make hand-knotted carpets; there are 80,000 child workers in J & K alone. In Kashmir, because of the political unrest, children are forced to work while many schools are shut. Industries like gem-cutting and polishing, pottery and glass want to remain competitive by employing children. The truth is that it's poverty, which is pushing children into the brutish labour market. We have 260 million people below the poverty line in India; a large number of them are woman. Poor,

vulnerable parents, especially women-headed families, have no option but to push their little ones in this hard-life in hostile conditions, with no human or labour rights.  

An Alternative Strategy to Eliminate Child Labour

The above arguments draw attention to the manner in which Government policies in respect of child labour and education have evolved and the factors, which have influenced these policies. Much of what has been stated above is widely known. However, despite the sustained criticism of Government’s policies from several quarters and their and their consistent failure to provide any solution to the problem of child labour, there has been no effort on the part of the Government to modify its approach or to change the policies. In fact, policy makers have gone one step further and announced further plan to “eliminate” child labour by 2000 A.D., on the same lines as the earlier action planes. This situation obtains because the thought processes of those involved in making the policies have got stuck in a narrow groove defined by the assumption regarding child labour. As long as these assumptions are held valid the policies and strategies will continue to remain the same. It is only when they are abandoned and the problem is observed from a different view point, that of the parent and the child, that a new strategy will emerge.

The starting point of any strategy dealing with the issue of child labour can’t lie in children engaged in hazardous occupations alone. While this section of children does constitute the most glaring example of the failure of our child labour and education policies they too are only results of a large phenomenon-taking place in the countryside. 80 percent of the child labour and consequently, illiteracy exist in families engaged in agricultural work and we can’t afford to ignore this fact. Further, a significant proportion of even these children engaged in hazardous occupation in the urban areas belong to families who have migrated from rural areas. With a large reservoir of working children available in the rural areas any attempt to deal with the problem of child labour only in specific industries and areas of concentrations can at best yield marginal results.

In the long run it is to the rural areas and in particular the agriculture sector to which we have to ultimately turn. In other words, what is essentially required is to adopt Article 32 of the convention on the Rights of the Child in its true spirit and recognize the fact that any non-school going child is an exploited child. In artificially categorizing some of these children as ‘mere’ child workers instead of exploited child workers it is often forgotten that it takes very little to convenient the former into the latter. Given these facts, any planed to deal with child labour has to deal with the 90 million non-school going children.

It needs to be emphasized at this point that what is being suggested does not represent a very great departure from existing policies. The Government has consistently being referring to programmes for providing education for all raising budgetary allocations for education to 6% of GNP and elimination of child labour by the year 2000 A.D. What is required is change in attitudes and priorities rather than any radical change in the programmes themselves. It also calls for a more effective coordination between the labour policies and education policies and a proper appreciation of the fact that such on going programmes as Education for All are powerful means to bring about a qualitative change in the child labour situation¹.

Role of Non-Governmental Organization (NGO's) to Combat Child Labour

In pre independence days, voluntary actions were related to social reforms or undertaking constructive activities complementary to the freedom struggle itself. After independence, this sector got involved with the task of nation building by undertaking programmes and activities to complement the official policies of Independent India. Voluntary groups from Gandhian and even from the church and religious background entered into critical programmes in pursuit of the aspired swarajya (self-reliance). With the seventh five-year plan, the voluntary sector got new official status as the Non-Governmental Organisations (NGO’s) sector. The financial allocation made by the five

year plan and the official status granted, attracted a lot more professionals to the voluntary sector. Thus, highly professional and qualified cadres entered the voluntary sector and transformed the entire sector into an independent force. This sector even occasionally claimed and tried to become an alternative to corrupt government sector.

The official recognition and the national status of NGO’s has also been the result of the prominence the NGO sector received internationally. The NGO sector has been propped up by the international finance and social organizers. The United Nations, World Bank, bilateral agencies of the Western Governments and other voluntary international funding agencies have highly favored the NGO sector in the developing and underdeveloped countries. They view NGO sector as an alternative to the highly inefficient and corrupt Government in the less developed countries. Massive funding and the influence vested on this sector, has also contributed to the proliferation of such organization in India.

The voluntary sector/ NGO sector has a self image of being socially radical, politically wise, organizationally non-hierarchical, gender sensitive, secular, sensitive to under privileged sections and programmatically open (nonsectarian). Closeness to grass roots reality, strong and real involvement in participatory democracy are traits often attributed to this sector¹. But the main drawback of this sector is its non-homogenous character and sensitizing several issues which be harmful to the national integration and countries interests internally. The NGO sector has largely become a representative of World Bank sponsored social sector solutions. Though paradoxical, many of them are in the fore-front of opposition to liberalization of the economy. The issue of poverty, unemployment, starvation and disease have been largely absent from the national debate².

These NGO’s purely think in term of return on the investment theory. The social sector issues are also treated as exchangeable commodities and each donor/NGO is free to sell his package.

In general, the voluntary organization can be categorized into three types\(^1\):

(a) Organisations implementing Government programmes or, are duplicating such/similar programmes.

(b) Organisations critical of the system, to a certain extent but believes, system can be changed through critical collaboration. These organizations, while working with the Government, also keep their independence, criticize the system and also indulge in dissident activities.

(c) Organisations, who believe that only structural changes, can improve the situations of people.

However the rationale behind the voluntary action is purposive social action for a better society. The community should not abdicate responsibility. The voluntary organizations must equip the community to resist mechanism of appropriation and exploitation. It must act as an instrument to actuate people’s involvement and participation in decision process.

To supplement and pressurise the government initiative at the national level, several NGO’s have shown tremendous courage and enthusiasm to highlight the bondage servitude conditions of working children. The formation of South Asian Coalition on Child Servitude (SACCS) in 1989 and campaign Against Child Labour (CACL), Tamil Nadu, were attempts to protect the neglected childhood under conditions of bondage and servitude and to restore all the children the right to primary education.

Social mobilization by creating awareness and public opinion can play a key role in getting children out of work. Most of the non-governmental forces and associations follow this strategy. There are several NGO’s in both countries who deal with the issue of child labour along with its causes such as illiteracy. However, the number of NGO’s which deal with the issue of child labour is not very high.

\(^1\) Terra Des Hommes: (1996): OP. Cit.
Although there are many NGO’s who are working for the removal of child labour, some of them work with the government and some work independently. Under the rehabilitation programme, in both countries NGO’s are working especially through non formal education or vocational training to remove children from work.

In the case of Pakistan, the Allama Iqbal Open University (AIOU) has successfully launched an open-tech Programme for non-formal education or vocational training. Of the Non Formal Educational Programmes (NEFP) in India among the various organizations engaged in this direction, the Mamidipudi Venkatarangaish Foundation (MVF) is one of the successfully working in this field.

The recent Global March against, Child Labour in 1997 is the best example of the NGO’s role in abolishing child labour and their growing participation. This march was coordinated by the Association of NGO’s and the South Asian Coalition on Child Servitude (SACCS).

In the eradication of child labour, the government of both countries, India and Pakistan, have not fully succeeded in their aims. In this context the role of emergent NGO’s is quite significant. They have emerged as a kind of parallel organization in taking up welfare measures. These NGO’s have been able to reach deep into society, particularly the poor and deprived classes, and established inter-personal contacts, although they have still to play an effective role. In fact, compared to India, in Pakistan the NGO’s are still to become effective in order to play the role of organizations capable of complementing the work of the government.

TERRA DES HOMMES (GERMANY) INDIA PROGRAMME (TDH)

TDH (Germany) has been involved in supporting development action in 26 developing countries, covering 3 continents. Helping child welfare is the major focus of

THD project support, with special emphasis on children from the marginalized communities\(^1\). It tries to support an integrated and sustainable development process, focusing on children’s situation alongwith focusing the entire community. The following programmes are listed as priority for TDH support in India.

Programmes for promotion of elementary education, alongwith nutritional status, health care, eradication of child labour and simultaneous rehabilitation of abandoned and orphaned children, development and promotion of the status of the girl child through information dissemination (both in terms of informing people about available scheme and motivating them to demand acceptability from public institution).

Programmes of advocacy through campaigns, lobbying for the continuation of welfare measures affected by structural adjustment programmes, undertaken from the pressure of global financial institutions.

TDH (G) India Programme started in October, 1975 and has its coordination office in Pune, and regional offices in Delhi, Pune and Banglore. Several action-oriented projects have been funded by TDH. The projects are operationalised through local NGO’s.

TDH (G), along with BFW, Miserior and Christian Aid have framed Rehabilitation Consortium (REHA), funds several NGO’s in the carpet weaving zone of Uttar Pradesh and Bihar, for the released children. The funds are provided to local NGO’s through REHA (India) committee and (SACCS) secretariate. The over all monitoring of these NFE Centers is done by TDH (G) India\(^2\).

**Role of the Trade Unions for Combating Child Labour**

A cursory glance over the Trade Activities in organized and unorganized sector proves beyond a reasonable doubt that only a scanty role has been played by these

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Trade Unions for protecting the child labour. Although some of the Trade Union Leaders of India have occasionally expressed their opinion against child labour but they have not so far played any meaningful role for compelling the Government to enforce child labour laws in a desired manner for preventing their exploitation by their respective employers. Although it has been observed that in many developed as well as developing countries of the world the respective trade unions have played a meaningful role for protecting the interest of the child labour but in India Trade Unions have not so far tried to organize any effective programme against the poor implementation of statutory enactments relating to the child labour. One of the basic reasons for existing state of affairs in respect of negative role of implementation machinery and indifferent attitudes of the Trade Unions has been that children are mostly employed in cottage industries, small scale industries, small shops and business establishments, dhabas, restaurants or in domestic employments and due to the informal nature of such employments it is nor feasible not the trade unions leaders to organize employees working in such areas of employments and impose requisite pressure on the state for ensuring effective implementation of the existing legislation relating to the child labour. A general trend noticed in such employment’s has been that at the first instance parents personally get employment in such informal area of employment and subsequently they get employed their children in such employment’s. Due to this reason a sort of pressure in the form of obligation of the employer continues to operate in their mind due to which they are not in a position to offer any resistance or expressed any resentment against the employer despite of having full knowledge of exploitation of their children by their employers at the place of employment. In this regard position in some other countries including the developing countries is quite different as many a time trade unions leaders have expressed their displeasure and resentment for the exploitation of the children by the owners of sweet shops and other small scale business enterprises1.

Proposed Remedial Measures for Child Labour

George Chirs of Terra Des Hommes (TDH) in furtherance of the campaign launched against the child labour proposed that it is urgently needed to abolish child labour in hazardous industries and abolition child labour should absolutely operate as long term policy. He also emphasized that effective measure should be taken to regularized the child labour by enforcing legislation relating to maximum hours of worked for children, provision of nutrition, in formal education and Medicare at the work place by the employer. He observed that this national campaign was not launched only in Bombay on 14th November, 1992, rather similar campaign had been launched in various parts of the country\(^1\).

Another important personality Miss. Alpa Vohra of well recognized Non-Governmental Organization of Bombay, namely, YUVA contend that the immediate objective of the campaign is to re-enforced local and regional efforts towards the eradication of child labour. She could highlight that the campaign against child labour had the effective involvement and participation of 60 non-governmental organizations (NGO’s) from 11 states of the whole country. This campaign was intended to re-enforce local and regional efforts towards the eradication of child labour. Its object was also to win public support for the cause of eradication of child labour and to advocate the ratification by India of the UN conventions on the Rights of the Child (1990) signed by 115 countries of the world. By this campaign, it was emphasized that compulsory education of the children would take substantial difference in improving the lot of child labourers. By virtue of education, awakening is likely to be created among the child labourers and consequently they can be expected to fight unitedly to prevent their exploitation as well as to ensure full development of their potential. As a pleasant surprise she could cite that the instances of child labour or the lowest being only 1.9% of the total children, in a state of Kerala which is mainly due to highest literacy rate of the

state in the whole countries\(^1\). These observation goes to establish in clear term that the increase in literacy among the poor working class in general and the children in particular is bound to provide an effective measure for regulating the problem of child labour due to the fact that literacy will create more awakening among them and they will fight in an organized manner against the employers and could prevent their exploitation by their employers and may be in a position to ensure ultimately payment of better remuneration and admissibility of good working conditions to the child labour at the place of their employment.

There is an urgent need to frame a scheme pertaining to the eradication of child labour in hazardous employment’s and regulating their employment’s in non-hazardous employment’s in a planed and systematic manner. For that purpose it is essential to invoke equal participation in an effective manner of governmental statutory machinery as well as Non-Governmental organizations for solving this serious problem which has created crisis in the country.

The social evils is being perpetuated by parents, the industrialists, the law implementations and to a certain extent the child labourers themselves. Justice D.A. Desai, Chairman of the Law Commission, is of the opinion that judiciary as well as the executive are chiefly responsible for the state’s liability to measure up to its obligation to provide equality of opportunity and status to every child as directed by the constitution. He maintains that the state in fact works to perpetuate and strengthen the system of child labour by pleading helplessness or by suggesting that child labour can’t be abolished in the present economic condition but can at best be regulated. As the guardians of all minors in the country, he says, the judiciary can be made responsible wherever the lacuna in the system and not corrected\(^2\). According to Sharda J. Israël, there exist a silent conspiracy of forces such as politicians, bureaucrats, employers and parents. The politicians make their usual speeches expressing sympathy for the working child. The

\(^2\) Ibid.
bureaucrat is no-committal in this statement. The employers claim that, but for them, the children and their families would starve, while the parents shirk the responsibility by saying it is their Karma\textsuperscript{1}.

High incidence of child labour is a scar on any society and it should be combated from all angles. To begin with, there should be a political will to abide by and implement the constitutional provisions relating to child welfare such as compulsory primary education and the prohibition of child labour. Mere passing of the laws and keeping the same in statute books will not in any way contribute towards the elimination of child labour. The lawmakers and the executive should take care to implement the same strictly. In short, the legislature, the executive, the judiciary and the bureaucracy should make concerted efforts to eradicate these social evils.

The various poverty eradication and employment generation programmes of the government should be implemented with a spirit of commitment of dedication to eliminate poverty and adult unemployment, which, in turn will pave the way for the eradication of child labour in our country. Once poverty is eliminated, old age security is assured, the craze for more number of children will automatically get reduced. Strict adherence to the family welfare measures will go a long way to eradicate child labour. The profit motive of the employers and desired to keep the wage bill as low as possible is one of the reasons for the ever-increasing child labour, more especially when there is so much of adult unemployment. In this situation the industrialist, factory owners, etc, should be made aware of the evil consequences of child labour which cripples the body and mind of the child worker and amounts to violation of human rights, and violation of the rights of the child, and which tarnishes the image of our country in the national and International for a strict measures should be taken to replace child labour with adult labour. The nexus of politicians, bureaucrats, employers which promotes child labour, should be broken. Sincere and committed bureaucrats who take strict action against

employers of child labour should be encouraged, promoted and rewarded instead of
 demoting them or punishing them by posting them to remote areas. Above all, corruption
 in the implementation of law should be severally punished. On the whole, it appears that
 the social conscience has not developed in this country, nor is there much of public
 awareness about the evil of social and even the long term economic consequences of
 child labour. Therefore, elaborate extension work to make people, especially the parents,
 aware of the consequences of child labour would go a long way to tackle this evils. The
 eradication of this evil should not be based merely on a negative approach by trying to
 prevent it, but should be tackled with a positive approach by involving and over all plan
 of human development. In this way, the eradication of child labour should be part and
 parcel of an integrated rural and urban development Programme, as child labour has its
 roots in the socio-economic and educational backwardness of a country1.

As the issue of child labour can’t be resolved over night, there is growing
 convention that national and international efforts should focus as a priority on preventing
 and eliminating the participation of children in those economic activities which are most
detrimental to them, such as those conducted under slavery and particularly hazardous or
 abusive condition. Independently of the country’s level of development, a priority policy
 objective for ILO member states should be the prohibition of child labour in hazardous
 activities and abusive conditions for the protection of the youngest and most vulnerable.

ILO experience shows that no single can have a significant impact unless it
 is developed in the context of national policy. In order to be effective, such a policy
 should go beyond the mere statement of goals and should include the abolition of child
 labour as a priority on the political agenda. Such a policy should aim at the progressive
 elimination of child labour, preventing children to join the work force, with drawing the
 youngest and most vulnerable and protecting these adolescents who still have to work,
 through access to health care measures to combat child labour, assigning the necessary

resources and defining clear roles and responsibilities within the national authorities and among the various social actions concerned adopted to the socio-economic situation of each country. Such a policy should as well as establish priorities at national level and be reviewed periodically in the light of changing circumstances and lessons learned. Beside the immediate measures, national policy should include long term measure against the underlying causes of child labour and attempt to control both the factor that generate the flow of children into the work place and those that generate the demand for their work. In order to be effective it should be an integral part of an adult employment strategy that creates viable income opportunities for the poor through poverty eradication programmes, alternative production technologies and strategies creating a more equitable distribution of income.

One of the main trends in child labour in India over this century has been the almost complete exclusion of children in employment in formal sector concerns. This is due to primarily education and child welfare policies, the reliability of cheap and often skill female labour and the impact of labour legislation and trade union policy. The literacy of poor women and their willingness to utilize child welfare programmes and opportunities for education, rather than exploit the about of their children has also contributed to keeping many poor children out of the labour market. As a result the majority of child workers are found today in the formal sector of home-based work, domestic service, agriculture and industry, in activities not covered by labour laws or regulations. The persistence of child labour in these activities is largely a consequence of changes in values and serous financial pressures on the family.

We have seen that some of these in formal sector occupation are extremely hazardous for children. It despite the risks entailed, the state has not totally rejected the view that poor children are economic resources by the family. Thus, child welfare is not awarded complete priority and employment is permitted for children over 12. Moreover, the social legitimacy of many forms of child labour provides the rationale for neglecting law enforcement. A significant concession made to child welfare in employment has been the endorsement of ILO policy distinguishing between non-permissible hazardous employment and legitimate, non-hazardous labour.
The state is especially lenient when it comes to the employment of children in family concern. However in many instances a child's normal growth, development and education is jeopardized by labour for the family enterprise. Careful monitoring is needed to ensure that children working with their families are able to combine work and study and are not sacrificed to family needs.

The Indian case demonstrates, above all, the crucial role parents play in child labour. Thus, education and other welfare policies have been effective in containing the incidence of child labour, mainly because of a strong interest on the part of many parents in childcare, education and mortar. However, the present adverse social and economy conditions mean that many parents are being forced to use their children in new forms of exploitation. Both the state and local non-governmental organizations need to develop programmes encouraging parents to adhere to traditional values of child care.

The breakdown of these values is most evident among the few parents who place their children in prostitution or camel riding in the Middle East. If these practices are not controlled, the cost to India will be high, undermining the social and legal value system in regard to child labour and parental and state responsibility towards children. Unfortunately, because of conflicting policies on foreign relations and tourism there has been a failure to impose sanctions for these practices. It seems, therefore, the international; measures will be required to bring about a change in a national policy. Among other things, penal sanctions should be introduced as a priority to prevent the trafficking in children for prostitution and camel riding.

India has already instituted, nutrition and child care measures intended to encourage the growth and development of the child within the family. Income support, child sponsorship, nutrition, health and pre-school programmes aim to assist poor parents to provide for their children. However, in order to further enhance child protection and welfare, there should be a greater focus on parental education and family life, especially remoter parts of the country. Equally, since the state can’t afford to provide institutional care on a significant scale, every effort should be made to strengthen preventive measures and support children within the community.

It is established that the problem pertaining to child labour assumed seriousness to an alarming extent not only in India rather at International level particularly in the context of their exploitation in developing countries of Asia and
Africa. It would not be an exaggeration to mention that India is leading in terms of engaging maximum number of child labour and permitting their exploitation by the respective employers to an intolerable extent. An attempt is to be made to take into account social as well as legal parameters of this problem with special reference to statutory enactment’s in vogue in India with regard to the child labour in order to find out the requisite ways and means to tackle this serious problem on an urgent basis. This would involve and in-depth study of various legislation’s on child labour with an object to find out deficiencies and lacunae involved in them with the support of relevant case law on the subject in order to suggest suitable amendments required to be made in order to make such legislation’s more effective as a short term measures and to enact and enforced comprehensive legislation on child labour in order to control the existing situation, as a long term policy. An introspect will also be made in respect of proposal for introduction of compulsory education by the Government for the children up to the age of 14-15 years in order to eradicate child labour below the age of 15 years.

This approach should encompass both actions that prevent child labour and interim measures that protect and rehabilitate children who are working. It should also aim at ensuring that social partners receive the assistance required to enable them to reach those child workers most of risk. It should include: legislation and enforcement, provisions of basic services, development of human resources, administration of justice and regulating the behavior of business and industry. Such international should have a long-term perspective and become powerful instrument of social reform rather than isolate protective measures. 

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