CHAPTER-II

CHILD LABOUR IN INDIA:
A
RETROSPECT, INTROSPECT & PROSPECT
Childhood is not a time for play and education for those children who have been stripped off their childhood at an early age in order to earn a living. Childhood at an early age in order to earn a living. Childhood is not a time of laughter and innocence for those children with dirty and tattered shirts, washing heaps of plates, lifting up building materials, serving tea and coffee at restaurants, working in the match industry, working in road side dhaba, weaving units or beedi making units, picking the rags or working for wages at a tender age.

"The child is a soul with a being, a nature and capacities of its own, who must be helped to find them, to grow in to their maturity, in to fullness of physical and vital energy and the utmost breadth, depth and height of its emotional, intellectual and spiritual being; otherwise there can not be a healthy growth of nation ...........

Children need special protection because of their tender age and physique, mental immaturity and incapacity to look after themselves"¹. The problem of child labour is now a world wide phenomenon, especially in the developing countries like India which is a drag on the development of human civilization. Being a centuries old practice, child

¹ See Bhagawati, J in AIR 1984 SC 471 (In re Laxmikant Pandey v. Union of India).
labour has been one of the most neglected and exploited class of human labour.

2.1 CHILD LABOUR IN INDIA : A RETROSPECT

Child labour exists from ancient times in Indian society in one form or the other. But the pattern of existence was to some extent different in that era as they were called as child slaves. To render low and dishonourable services they were purchased by the masters like any other commodity, before they complete their eighth year of age. In this era children of slaves were born as slaves, lived as slaves and dies also as slaves unless the master liked to release them from slavery. The law givers except Kautilya, were silent on this point and did little to abolish this inhuman practice of keeping child slaves.

It is mentioned in Kautilya’s Arthashastra that an Arya child could never be a slave whereas the trade of children as slaves was allowed for Mlechhas as they were not only backwards, but also uncivilized ones. Further, if an Arya child was sold or pledged with some one, then all the parties to the contract including the witnesses were liable to be punished and the degree of punishment

3 Kautilya’s Arthashastra, part-III, Chapter 13, Prakaran 65 (1-7). See also Kangle, R.P, Part II, 1972, pp.235-236.
was to depend upon the status of the parties. But Kautilya realised that children were not physically fit to do dishonourable work and taking such work from them was against humanity and shameful. Therefore he strictly prohibited the child trade as slaves below the age of eight years.

Though Kautilya was not in favour of employment of children, still they were employed in large scale in agriculture and domestic services. In ancient India, as today, they were also exploited by their employers and the wages paid to them, either in cash or in kind, was very low. Labour legislation of the Dharmashastras shows that public conscience was not alive to the fundamental inequality in distribution of wealth because these protective laws were themselves derived from ancient tradition. The economic status of the slaves, hired labourers and unskilled was worse. The same was the position of child employed in agricultural sector.

Maine says that in the earliest period of history, the patriarchal system was in existence in all societies and as such the eldest male parent - the eldest ascendant was absolutely supreme in his household. He had completely

4 Ibid.
5 Ibid.
6 Chaudhury, Radhakrishna: *Economic History of Ancient India*: 1982, p.146
sway over all the persons; male, female, children, their property, cattle, slaves etc. The flocks, slaves and herds of the children were that of the father and law to them was parent's word. The obligation of these parents, in many cases, involved in working for the landlords on very low wages which compelled their children to work with the same landlords at their home as bonded labourers, just to repay the debts incurred by their parents. The children, however, helped their parents in household activities and family crafts. They learnt the skill by observing and participating in such activities.

In Medieval India, during the fragmentation of holdings, a class of landless labourers became widespread in society. They had to work as bonded labourers for owners having large holdings. Their children were required to help them in rendering their traditional crafts or family occupation at a young age.

Later in Mughal period, the condition of child labourers/slaves remained the same as before. According to

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7 As quoted by Dhyani, Dr. S.N.: Jurisprudence: A study of Indian Legal Theory. 1985, p.70.
10 Ibid, p.2.
Dr. Pant, mortgaging and selling of slaves like movable properties was a regular practice in that period. They were humiliated to such an extent that their position was worse than even today. They had no free will of their own. They had to move or stay when ordered to do so. They could not disobey. They could be ordered to do work of any nature, and they had to do it. Parents were allowed even to sell their children during hunger and extreme misery and to buy them again when they had means to pay, as is borne out by the Decree of Akbar. Their position did not improve during the period of Jahangir also as the supply of child labour was more than demand. Even the workmen's children were not allowed to adopt any occupation other than their father's. They were whipped if they raised their voice. The practice of slavery was encouraged by the king and his omrahs mainly for two reasons. First, slaves met a real demand which then existed, and second, the king enjoyed the monopoly of slaves. He made some money by the trafficking in slaves and and was himself royally served.

In India, children help their family members either in the domestic work, agriculture, business or industrial work etc. without any remuneration or working as labourers for wages to fill their tiny bellies as well as to supplement their family income.

11Dr. Pant: Economic History of India under the Mughals: 1990, p.64.
12Supra note 6,p.131.
But in the early years of industrial development in India, there were no particular regulations to protect the interests of the labourers in general and child labourers in particular and therefore, they were exploited by their employers to a large extent. Even they had to work for long hours under most unsuitable and hazardous conditions.

The first protective labour legislation aimed at the welfare of the labourers, including child labourers in particular, was the Indian Factories Act, 1881. According to the problems and demands of situations it has undergone several amendments from time to time and thereafter a number of labour legislation containing the protective measures were enacted in India from time to time to tackle the problem of child labour which have been discussed in Chapter IV.

2.2 INTROSPECT OF CHILD LABOUR

2.2.1 Statistical Profile

Child labourers are scattered in both organised and unorganised sectors and therefore it is difficult to give the exact statistical information on child labour. The data given by various research studies though vary to some extent for this reason, still they give a general picture of the problem. For the present research work, statistics
from 1960 to 1995 is taken into account to assess the magnitude of the problem.

According to the Report of the Director General of International Labour Organisation (1960), in India, about a third of the 10-14 years old children in rural areas and on eighth of those in urban areas were at work\(^\text{13}\).

Census data, 1961 provides that there were 14.53 million child workers out of which 13.72 million were in rural areas and 0.81 million were in urban areas. But the percentage of child population to the total population was 41.03 (Table 2.1); the percentage of child workers to total child population was 8.04 (Table 2.2) and the percentage of child workers to total workers was 7.67 (Table 2.3). So far as the distribution of child workers in terms of their employment in various activities was concerned, 51.11 percent were cultivators, 22.05 percent were agricultural labourers, 7.19 percent were in mining, quarrying, livestock and forestry, 10.25 percent were in household industry, 1.66 percent were in manufacturing other than household industry, 0.46 percent were in construction works, 1.06 percent were in trade and commerce, 0.17 percent were in transport, storage and communications and 6.05 percent were in other services (Table 2.4).

In 1965, the Report of the registrar General of India estimated that the number of child labourers in India was about 15 million out of which 10.58 million children were engaged in agriculture\textsuperscript{14}

According to the 1971 Census Report, there were about 230 million children under 14 years of age which constituted about 42.02 percent of the total population (Table 2.1), out of which 10.74 million children were engaged in employment. The percentage of child labourers to total child population and total labour force were 4.67 percent (Table 2.2) and 5.96 percent (Table 2.3) respectively. The distribution of child labourers in terms of their employment in different activities revealed that in agricultural sector the highest number of child labourers were there i.e. 42.65 percent followed by 36.14 percent in cultivation whereas only 0.39 percent child labourers were engaged in transport, storage and communication works (Table 2.4). The incidence of child labour was highest in Andhra Pradesh and lowest in both Chandigarh and Andaman and Nicobar Islands.

In 1975, ILO estimated that out 52 million child labourers in the world, India had the highest number i.e. 15.1 million. 

Later in 1980, another study was conducted by the ILO Bureau of Statistics and Special Studies, according to which there were 52 million child labourers in the world, of which 38 millions were estimated from Asia only. India’s contribution to the Asia’s child labour force was one-third and one-fourth to the world’s working children.

The 1981 Census figures envisaged that most of the child labourers in India were in the state of Andhra Pradesh and Uttar Pradesh stands in second position in this regard. Both Chandigarh and Andaman and Nicobar Islands, like 1971 Census report, had the lowest number of child labourers. It disclosed that there were 262 million children in India and out of 179.60 million children between the age group of 5-14 years, 13.64 million children (8.11 million boys and 5.53 million girls) were classified as workers main and marginal taken together. The total percentage of the child population to the total population was estimated to 39.54 percent (Table 2.1), whereas the percentage of child workers to total child population and total workers were estimated to 5.17

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13ILO : Children at Work ; 1979.
percent (Table 2.2) and 5.56 percent (Table 2.3) respectively. The activity-wise distribution of child labourers has been reflected in (Table 2.4), which shows that cultivation and agricultural sector stands in first and second position having 42.55 percent and 38.23 percent of child labourers. The lowest number of child labourers were found in transport, storage and communication works which constituted only 0.26 percent.

But the number of child labourers in India was increased to 17.36 million, according to the estimates of the Planning Commission in March, 1983\(^{17}\) and the National Sample Survey Organisation (NSSO) estimated their number at 17.58 million in 1985\(^{18}\). According to the All India Trade Union Congress, 60 percent of the child labourers in India were below 10 years of age. The work participation rate in both rural and urban areas was found to be more among males\(^{19}\).

But according to the Asian Labour Monitor, every third household in India has now a working child and particularly in the age group of 5-15, every fourth child is employed; 20 percent of all children in the age group

of 10-14 years are employed in one form or the other and over 20 percent of Gross National Product (GNP) of India is contributed by the child labourers\textsuperscript{20}.

A study conducted by the All India Guild of Law Graduates provided that about 6.7 percent of the work force consists of children below 14 years of age. In a study conducted by National Sample Survey Organization, the country’s child labour force has been estimated to be reaching 36.25 million\textsuperscript{21}.

The 1991 Census is silent on child labour population in the country as the compilation work has not yet been completed. However, a report, named Child Labour Report, 1992 released by the Centre concern for Child Labour on the eve of Children’s day, 1993 said that child labourers: whose number was non-officially estimated at 44 million: contributed about 23 percent to the household economy and accounted for 6 percent of India’s total labour force\textsuperscript{22}.

Mr. Kailash Satyarthi, Chairman of South Asian Coalition for Child Servitude (SACCS) asserts that there are more than 5.5 crore child labourers in our society out

\textsuperscript{20} Supra note 19.
\textsuperscript{22}UNI : ‘44 Million Child Labourers in India” : The Economic Times : November 15, 1993.
of a total population of 22 crore children in the group of 4-14 years.

**TABLE 2.1**

PERCENTAGE OF CHILD POPULATION IN INDIA (1961-1981)

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Urban</th>
<th>Rural</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>7.01</td>
<td>34.02</td>
<td>41.03</td>
</tr>
<tr>
<td>1971</td>
<td>7.77</td>
<td>34.25</td>
<td>42.02</td>
</tr>
<tr>
<td>1981</td>
<td>8.66</td>
<td>30.88</td>
<td>39.54</td>
</tr>
</tbody>
</table>


**TABLE 2.2**

PERCENTAGE OF CHILD WORKERS OF TOTAL CHILD POPULATION IN INDIA (1961-1981)

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Urban</th>
<th>Rural</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>0.45</td>
<td>7.59</td>
<td>8.04</td>
</tr>
<tr>
<td>1971</td>
<td>0.34</td>
<td>4.33</td>
<td>4.67</td>
</tr>
<tr>
<td>1981</td>
<td>0.40</td>
<td>4.77</td>
<td>5.17</td>
</tr>
</tbody>
</table>

Source: As for Table 2.1

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### TABLE 2.3

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Urban</th>
<th>Rural</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>0.42</td>
<td>7.25</td>
<td>7.67</td>
</tr>
<tr>
<td>1971</td>
<td>0.43</td>
<td>5.53</td>
<td>5.96</td>
</tr>
<tr>
<td>1981</td>
<td>0.43</td>
<td>5.13</td>
<td>5.56</td>
</tr>
</tbody>
</table>

Source: As for Table 2.1

### TABLE 2.4
PERCENTAGE OF ACTIVITY WISE DISTRIBUTION OF CHILD WORKERS IN INDIA (1961-1981)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cultivation</td>
<td>51.11</td>
<td>36.14</td>
<td>38.23</td>
</tr>
<tr>
<td>2</td>
<td>Agricultural Labourers</td>
<td>22.05</td>
<td>42.65</td>
<td>42.55</td>
</tr>
<tr>
<td>3</td>
<td>Mining, quarrying, livestock and forestry etc.</td>
<td>7.19</td>
<td>8.46</td>
<td>5.89</td>
</tr>
<tr>
<td>4</td>
<td>Household Industry</td>
<td>10.25</td>
<td>3.14</td>
<td>3.63</td>
</tr>
<tr>
<td>5</td>
<td>Manufacturing, other than household industry</td>
<td>1.66</td>
<td>2.93</td>
<td>4.27</td>
</tr>
<tr>
<td>6</td>
<td>Construction</td>
<td>0.46</td>
<td>0.56</td>
<td>0.66</td>
</tr>
<tr>
<td></td>
<td>Trade and Commerce</td>
<td>1.06</td>
<td>1.97</td>
<td>1.95</td>
</tr>
<tr>
<td>---</td>
<td>-------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>7</td>
<td>Transport, Storage and Communications</td>
<td>0.17</td>
<td>0.39</td>
<td>0.26</td>
</tr>
<tr>
<td>8</td>
<td>Other services</td>
<td>6.05</td>
<td>3.76</td>
<td>2.58</td>
</tr>
<tr>
<td>9</td>
<td>Total</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Source: As for Table 2.1

2.2.2: CHILD LABOUR IN DIFFERENT OCCUPATIONS:
Some sample cases

Every child has the right to an environment favourable to his physical, mental, emotional and intellectual growth and development. But these are nothing more than a midday's dream for the child labourers. They have to work for bread in such a tender age both in organised and unorganised sectors in all states and union territories of India. They mainly work as helpers, skilled and unskilled workers etc. and have to face various health hazards in course of their employment. Exploitation, harassment and even beating by their employers for minor mistakes are very common for working children. The major fields where they work are agricultural fields/cultivation, carpet industry, match industry, beedi industry, household industry etc. and this is the best
place to point out briefly regarding their place of work for having a portrait of the problem.

2.2.2.1: Agricultural Sector

In India, agriculture is the major source of employment for the rural child labourers. According to the estimate of the First Agricultural Labour Enquiry Committee (1950-1951), the total number of child labourers in agricultural sector was 17.5 lakhs only which was 4.9 percent of the total agricultural labour force. But it was increased to 25.5 lakhs constituting 7.6 percent of the total agricultural labour force as per the report of Second Agricultural Labour Committee, 1956-57. The 1961 and 1971 Census reports present that child labour force to the total agricultural labour force in India was 10 percent and 15 to 16 percent respectively.

According to 1981 Census Report, in the age group of 5-14, there are about 13.99 crores of child labourers in rural economy which constitutes about 78 percent of the total child work force. Out of these 13.99 crores of total child labourers, 7.30 crores were boys constituting about 52 percent and the rest were girls. It also revealed that a vast majority i.e., about 85 percent of the total child
labourers were either engaged in agriculture or in cultivation\textsuperscript{24}.

About 82.89 percent of the child labourers were employed as farmers, fishermen, hunters, loggers and related workers whereas 10.30 percent of them were engaged in productive and related works, transport equipment operations and as labourers\textsuperscript{25}.

In this sector, child labourers are mainly engaged in almost all types of agricultural operations like ploughing, sowing, manuring, transplanting, harvesting etc. About 70 percent of the Indian population depend on agriculture, and most of the agricultural labourers including children, work for wages in this sector and comparatively a few of them having own lands engage their children as helpers without any remuneration. As per the Final Report on Rural Enquiry, 1975 conducted by the Ministry of Labour, less than 60 thousand children were those who were working as agricultural labourers but they did not belong to agricultural labour households\textsuperscript{26}.

Here, the child labourers have to work for long hours under various difficult and horrible conditions under hot

\textsuperscript{24}Census of India, 1981, Series-I, India, Part-II, Special Report and Tables based on 5 percent sample data, 1984, pp.2-3, 6-9 and 24-27.
\textsuperscript{25}Survey Report on "Infant and Child Mortality", p.53.
\textsuperscript{26}Ministry of Labour (Government of India) : Rural Labour Enquiry Report: 1975.
sun and heavy rains. On the contrary, they earn a very low wage. The bonded child labourers who are mainly engaged in agriculture/cultivation have to work even for 14 hours at times. In the states like Orissa, Andhra Pradesh and Tamilnadu, their percentage is quite high i.e. 13 to 20 percent27.

Though for the protection of child labourers the latest piece of legislation called the Child Labour (Prohibition and Regulation) Act, 1986 has been enacted, but it does not specifically regulate the conditions of child labourers working in agricultural sector and thus the problem exists in the rural India extensively.

2.2.2.2 Carpet Industry

In India, carpets are made with the traditional skill of the weavers which help in making beautiful and comfortable carpets. For this, child labourers are largely required than adult ones as their nimble fingers give the product a better finish. Carpet weaving work is prevalent in various states like Uttar Pradesh, Kashmir, Karnataka, Andhra Pradesh, Orissa, West Bengal, Bihar, Rajasthan etc. Particularly in Uttar Pradesh, carpet work is very prominent and perhaps the oldest, with its rich tradition, besides Kashmir.

Nearly one lakh children of about 7 years of age weave and knot carpets in Uttar Pradesh, Kashmir and Rajasthan and the Mirzapur-Bhadohi belt of Uttar Pradesh alone employs about 1.5 lakh children, excluding casual helpers of the family\(^28\) which is an open and blatant violation of the law which prohibits the employment of children under 14 years of age.

Most of the children working in the carpet industry are migrants from the nearby economically backward regions. They are bought from poor parents when they are very young, for a lump sum amount. They have to work here for 10 to 14 hours a day, and are given nothing but the minimum diet and lodged in wretched dormitories where they have to sleep on the floor. Generally, no recreation, education or medical facility is provided. Even many of them receive virtually no salary as they are bonded labourers who have to work for years against the amount paid to their parents.

The Indian carpet industry is now earning large amount of foreign exchange for India i.e. about Rs. 1100 crores per year. During the year 1992-93\(^29\) in the carpet industry, out of a total work force of around 15 lakhs,

\(^{28}\)The Times of India, National, New Delhi, Vol. CLVII, No.246, October 17, 1994, p.17.

7.8 percent were children under the age of 14 years out of which 3.6 percent children were hired. About 56 percent of the children were working in a family environment and during last 10 years a total of 5000 bonded child labourers working in the carpet industry in India were rescued. A survey conducted by the National Council for Applied Economic Research showed that the use of Child labour in carpet industry has declined to 2.7 percent of the total labourers engaged in the carpet manufacturing which excludes children working in their own family-run carpet making units\(^\text{30}\).

The question of exploitation, harassment etc. may not arise where the children work in a domestic environment, of those for whom carpet weaving is a family business. But research data\(^\text{31}\) reveal that nearly 80 percent of child labourers are working in other looms. The proportion of 'hired' child labourers given by knowledgeable persons is estimated to be 70 percent. Generally, they have to work in preprocessing, weaving and finishing activities, sometimes in washing and dying processes. Nearly 80 percent are engaged in knotting and weaving works.


Recently a notable step has been taken by the Government of India to eradicate child labour from the carpet industry and thus announced that no carpet would be exported without the hallmark of commitment, the 'Kalan' label, which will indicate that no child labourer was involved in its weaving, given to the exporters by the Carpet Export Promotion Council (CEPC). A high level committee headed by the Development Commissioner for Handicrafts with members drawn from the industry, Government and UN agencies will monitor the labelling schemes.

2.2.2.3 Match Industry

Match industry of Tamil Nadu are famous for having the maximum percentage of child labourers in comparison with other sectors in the state. Although children make up nearly half the work force in the match industry of Sivakasi, Sattur and Vembakottai in Ramanathapuram district, Kovilpatti in Tirunelveli district and Gudiyatham in North Arcot district of Tamil Nadu, but Sivakasi is mainly the most publicized centre of child labour in India32.

Out of the children working here, there are three times girls than the boys aged between 4 to 7 years who are engaged in the most dangerous process of frame and box filling. The units love these children for their dexterous fingers which can roll out matches faster than adult workers. Besides, as little children take up less space, scores of them can be accommodated in the crammed workshops to boost productivity.

Exploitation of child labourers in Sivakasi attracted every one’s attention only in the year 1976 when a bus full of child labourers working mainly in the match units was turned over and many of them were injured severely. Then the Government of Tamil Nadu appointed a one man commission to investigate the matter. According to the report (Harbans Singh Report) most of these children had never been to school. They are exposed to dangerous chemicals and there are frequent accidents. They have to work for long hours with little opportunity to rest or play.

The children working in these match units are brought from the nearby villages by bus and the agent is paid a monthly salary for enrolling the child labourers

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regularly. In these units, work starts at 5 a.m. for the child labourers whose average age is about 12 years and get only Rs. 15 for a tiring 12 hours of labour. The main thing is that particularly the smaller units are not covered under the Factories Act, 1948, and hence, in most of the units, the provisions of Factories Act, 1948 and Minimum Wages Act, are violated with impunity by the employers.

2.2.2.4 Glass Factory

Firozabad, a town in the Agra district of U.P, is known as the land of glass. It tops the position for producing about 99 percent of India's glass bangles\(^{34}\). About 50,000 children mainly between 5 to 15 years of age make glass in more than 1200 units in Firozabad. For only Rs.8 to Rs.10, they blow and mould molten glass into bangles, utensils, electric bulbs etc. They have to work here for 10 to 12 hours a day on the floor littered with broken glass and in the room full of chemical fumes, soot, coal dust and near the furnace. Many children from Bihar and Madhya Pradesh are found working in bangle industry of Firozabad.

\(^{34}\)Burra, Neera : “Glass factories of Firozabad” : Economic and Political Weekly, November 15 and November 22, 1986. See also Barse, Sheela : “Glass Factories of Firozabad” : Indian Express, April 5, 6 and 7, 1986.
More than half the total population of Firozabad district are engaged in this industry. Although there are more than 1200 glass bangle units here, only 300 are registered under the Industries Department. Here, the glass bangle factory owners have found an innovative way to beat the anti child labour laws. Instead of engaging child labourers in the factory premises, they employ them either in the ancillary units or their (children's) own houses where joining, cutting, polishing, painting, sorting and packing processes are going on after the production of raw bangles or rough glass items in the factory.

2.2.2.5 Brass ware Industry

Moradabad is known in India and many other parts of the world for its decorative brassware items. About 25 percent of the Indian labour force manufacturing brassware, such as incense stands, ashtrays, utensils, lamp shades etc., are children. According to official estimates, about 35,000 to 40,000 of Moradabad's children including girls in the age group of 4 to 14 are mainly engaged in the hazardous task of metal moulding,

chiselling, polishing, scraping, shaping, electroplating and other manufacturing related activities in the district's 90,000 brass ware units. Moradabad's brass ware fetches about Rs. 700 crores a year in the export market.

Here, generally child labourers are not found in the large units covered under the Factories Act, 1948 and other labour laws where as they are rampant in the small scale sector including household units where they are mainly engaged by the petty contractors/middlemen. The children earn Rs. 10 to Rs. 30 only per day depending on the degree of their skill as this work is highly skilled and requires considerable artistic sense.

In Moradabad, most of the brass ware units are being run as cottage industry. About one lakh craftsmen and artisans, who run these units, take the help of their children. The artisans here argues that since it is a family trade/profession, the question of deploying child workers does not arise. The children are exposed to unhealthy atmospheres. In some cases they work without gloves and protective eye glasses and their working place is always full of dust of metal debris etc. The children are found working in these units as paid or unpaid workers.
2.2.2.6 Gem and Diamond Industry

It has been seen that India now stands at top position for producing and exporting the polished gem stones all over the world, which in turn gives about more than Rs.3000 crores of foreign exchange a year. The two main centers of gem industry where this process is going on are Kutch and Jaipur. The former is famous for exporting two-third of gem diamonds of the world where as the later exports polished coloured stones like sapphires, rubies, emeralds, garnets, topaz etc. and this industry is about hundred years old where 85 percent of the 60,000 workers employed, are Muslims who have been engaged in this work for generations.

In this industry child labourers are plentifully available and a research study reveals that, one-quarter of the work force consists of children below the age of 14 years and 50 percent of them are illiterates and their parents have no intention of ever sending them to schools. They are exploited to a great extent by the employers (Ustads) who take a contract for shaping and polishing gems for a tradesman. They have to work 10 hours a day for only Rs. 50 per month.

Likewise, the diamond industry in Surat employs about 50,000 child labourers aged about 10 years who are mainly engaged in diamond cutting and polishing processes. They work from 7 a.m. to 8 p.m. daily, but they are not in the least provided with welfare measures for example sufficient number of latrines, water supply for basic hygiene requirements etc.

2.2.2.7 Beedi Industry

Despite the prohibition on the employment of children in the beedi industry, a remarkable percentage of children are found working in this unit located in various states of India. Among other places, Vellore is known for having more than one lakh children in beedi making units as per the estimates of a survey conducted by the Indian Council for Child Welfare (ICCW), which shows that poverty is apparently the main cause for parents.

The beedi factory owners do not employ children to work in their units because of legal prohibition. But very cleverly, after collecting the raw materials from Madhya Pradesh, Orissa, Maharashtra and Andhra Pradesh, they send them to their branches where the branch owners again pass them to the agents who have children on their pay roll.

The owners argue that they never employ children as they have no manufacturing facility but godowns only. The main work is only to transfer the raw materials etc. to their branches and the rolled *beedies* are delivered to their godowns. They do not bother who actually converts the leaves into the finished products although they are very much aware that their agents employ children for rolling the *beedis* and they remain outside the ambit of law.

In these units, the children work for at least 10 to 12 hours a day. Within this time period they roll 1000 to 1500 *beedis* for Rs. 8 to Rs. 10 only. Many of them are even beaten black and blue for minor mistakes. The agents, by advancing money, take the children into their folds and use them for rolling *beedis*. They never accept repayment of the loan in instalments and thus keeps the children in perpetual bondage.

### 2.2.2.8 Lock-making Industry

Almost 60 percent of the labourers manufacturing locks and keys in Aligarh’s sheds are children, aged between 6 to 14 years of age, who have to work for 12 hours a day for Rs.2 to Rs. 5 only. They are mainly engaged in different hazardous works like polishing on buffing machines electroplating, spray painting., fitting components in lock, spring making etc., in dim light and
ill ventilated premises. They sometimes handle poisonous chemicals in the process of their work.

A study\textsuperscript{39} reveals that in Aligarh, where lock making is the traditional craft with almost every third house engaged in the manufacture of lock components, children form the bulk of the underpaid work force. Another survey puts the number of children engaged in this industry in the city and surrounding areas at a whopping 60,000 and this figure could be even more as not all child labourers are registered with either the units they work for, or a central monitoring agency which any way does not exist\textsuperscript{40} and helps the middlemen to exploit the children in every field like working hour, safety, welfare etc.

\textbf{2.2.2.9 Some other Important Occupations}

Besides the above eight principal occupations, there are several other occupations where the Indian children have lost their childhood by working as paid/unpaid labourers. Today, there is hardly no such occupation where child laborers are not there.

In the construction work they used to dig, carry head loads of mud and mortar, remove debris, break stones and solder iron rods etc. As it is an unorganised occupation,

\textsuperscript{39}Rashtriya Sahara, June, 1994, p.131.

\textsuperscript{40}Ibid.
it is not possible to give the statistics of child labour engaged in this work. However lakhs of children work along side their parents in the construction work and earn Rs.20 to Rs.40 only a day for such hazardous work which stunts their growth.

Thousands of children under 14 years of age are found in jewellery manufacturing shops mainly in Jaipur, Bombay, Coimbatore, Nellore, Hyderabad, Trichur, Cuttack and Calcutta. Working for a gruelling 10 to 12 hours a day in hot, dingy and comparatively in dark room, a child earns about Rs.300 only a month at best.

Likewise, they work in dark, poorly ventilated and over crowded rooms in Delhi, Lucknow and Varanasi where their hands create zari work products like sarees, purses, footwear, belts and brocades etc. which have a burgeoning market all over the country.

In pottery industry located at Khurja, Chinnat, Chunar, Basti and Ghaziabad, children are found as labourers who made flower vases, crockery etc.

As the nimble fingers make them deft in weaving designs and borders for coverlets and table clothes, the children from 7 to 14 years of age are natural choices for handloom outfits in Tamil Nadu, Kerala, West Bengal,
Orissa and Andhra Pradesh. As it comes under the cottage industry and an unorganised one, the exact statistics in all India level is difficult to present here. But power loom of Bhilwada is another area of child exploitation where near about 15,000 children are working for minimum 12 hours a day for a nominal wage. The multicrore National and International Companies buy clothes from here and market it under their trademark.

So far as plantation work is concerned, around 1,25,000 of children work in the tea gardens of Assam, West Bengal and Karnataka; plucking about 30 kilograms or so tea leaves daily in a 40 hours week. Most of these children belonging to the age group of 7 to 14 years are generally underpaid despite the presence of the provisions for their protection in the Plantation Labour Act, 1951.

The firecrackers give so much joy to so many children are also made by children. In Sivakasi, the most famous fire work centre, about 50,000 children no older than 14 years of age work in the dark and dingy sheds, exposed to dangerous, poisonous chemicals without any basic safety standards.

Children under 12 years of age are employed to make stainless steel in the tanning industries of Chrompet and Pallavam in Madras and Wazirpur in North Delhi, where they
have to join the metal pieces and wash steel plates in Nitric Acid.

Even children, mostly under 12 years, haul heavy head loads of slate sheets up steep and dangerous paths. They cut plates of slate into small pieces using electric saws. The children constitute nearly a quarter of the slate industry’s work force of Kerala, Andhra Pradesh and Madhya Pradesh.

Rag-pickers are mainly self employed children whose parents sell the collected plastics to middle men at Rs. 3 or Rs.4 per kilogram who in turn sell these to the recycling plants. These rag-pickers are seen all over the country who are mainly slum dwellers or street children; working for 10 to 12 hours a day having sacks thrown across their back; who have to walk even 15 to 30 kilometers per day. Sometimes they work with their parents or family members and their parents are never in a position to afford two full meals a day to these children having no hope, no dream for their future. Although rag-picking is a dangerous work for children, government has not yet taken up their cause and thus they are the worst affected entity among the child labourers.

Similarly, children are found to be working in our households and some of us might be exploiting these tender
aged children by extracting more and more labour from them starting from dawn to dusk without providing them any rest. Like rag-pickers, household industry being an unorganised sector and due to the scattered nature, the total number of children working in this sector is yet to know. The same is the position of the children working for wages in hotels/restaurants, garages, brick kilns, road-side dhaba and such other operations in the unorganised sector. Table 2.5 gives a picture of child labour statistics in some of the major industries in India.

Table 2.5 CHILD LABOUR IN SOME MAJOR INDUSTRIES IN INDIA

<table>
<thead>
<tr>
<th>Industry</th>
<th>Location</th>
<th>Total Workers</th>
<th>Child workers</th>
<th>%age of Child workers to total workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slate Pencil</td>
<td>Mandsaur, Madhya Pradesh</td>
<td>12,000</td>
<td>1,000</td>
<td>8.3</td>
</tr>
<tr>
<td>Slate</td>
<td>Markapur, Andhra Pradesh</td>
<td>15,000</td>
<td>app.3750</td>
<td>25</td>
</tr>
<tr>
<td>Diamond cutting</td>
<td>Surat, Gujarat</td>
<td>100,000</td>
<td>15,000</td>
<td>15</td>
</tr>
<tr>
<td>Agate cutting</td>
<td>Cambay, Gujarat</td>
<td>36,000</td>
<td>not known</td>
<td>-</td>
</tr>
<tr>
<td>Gem Polishing</td>
<td>Jaipur, Rajasthan</td>
<td>60,000</td>
<td>11,600</td>
<td>22.6</td>
</tr>
<tr>
<td>Power Loom</td>
<td>Bhilwandi, Maharashtra</td>
<td>300,000</td>
<td>15,000</td>
<td>5</td>
</tr>
<tr>
<td>Cotton hosiery</td>
<td>Tirupur, Tamilnadu</td>
<td>30,000</td>
<td>8,000</td>
<td>33.3</td>
</tr>
<tr>
<td>Carpet weaving</td>
<td>Mirzapur-Bhadohi, Uttar Pradesh</td>
<td>200,000</td>
<td>150,000</td>
<td>75</td>
</tr>
<tr>
<td>Carpet weaving</td>
<td>Jammu and Kashmir</td>
<td>app. 4,00,000</td>
<td>100,000</td>
<td>25</td>
</tr>
<tr>
<td>Carpet weaving</td>
<td>Rajasthan</td>
<td>30,000</td>
<td>12,000</td>
<td>40</td>
</tr>
<tr>
<td>Lock-making</td>
<td>Allgarh, Uttar Pradesh</td>
<td>80,000</td>
<td>7,000</td>
<td>8.7</td>
</tr>
<tr>
<td>Pottery</td>
<td>Khurja, Uttar Pradesh</td>
<td>90,000</td>
<td>10,000</td>
<td>11.1</td>
</tr>
<tr>
<td>Brass ware</td>
<td>Moradabad, Uttar Pradesh</td>
<td>150,000</td>
<td>40,000</td>
<td>25.6</td>
</tr>
<tr>
<td>Match</td>
<td>Sivakasi, Tamil Nadu</td>
<td>Not known</td>
<td>45,000</td>
<td>-</td>
</tr>
<tr>
<td>Glass</td>
<td>Firozabad, Uttar Pradesh</td>
<td>200,000</td>
<td>50,000</td>
<td>25</td>
</tr>
</tbody>
</table>
Due to various causes mentioned before, the children become bound to work in different occupations for wages, but rewarded several occupational health hazards by unhygienic working atmosphere. The unfavourable industrial environment is harmful to physical, mental and moral development of the children. The excessive strain on their delicate organs, their incapacity for sustained concentrations, lack of experience in holding of machines and tools and lack of appropriate protective equipment make them more prone to accidents, which are at times fatal.

The children in the agricultural sector work minimum 8 to 10 hours a day. All over India, hardly they get any working facility, medical care etc. Rather physical and
mental abuse is common for them. They suffer from various diseases due to the effect of pesticides/insecticides and malnutrition.

Dark, dingy, unventilated work places at carpet engaged in weaving/processing/knotting works and they get lungs diseases (TB) from inhaling wool. Knotting makes their hand joints stiff and arthritic problem where as children working in match and fire work industry suffer from breathing problems due to toxic chemical fumes; severe burns due to explosions; muscle fatigue from lifting heavy loads etc. in addition to severe neck and back pain.

Crammed, unsafe and unhygienic surroundings where explosions are common in glass and bangle industry, the child labourers generally suffer from asthma, TB, bronchitis, etc. due to toxic fumes. In addition to that, prolonged exposure to heat causes skin burns and eye defects etc. whereas the cramped, dingy units filled with fumes and dusts of heavy metals in the brass ware industry cause acid burns, lower respiratory infections, high chronic bronchitis, bone disorders etc.

Likewise, eye problem, lungs problem, asthma, TB, etc. are the common occupational hazards that child labourers have to suffer in loom industry by inhaling cotton dusts; but they suffer TB, skin diseases, viral and
urinary infections, eye problems, headache etc. while working in the gem and diamond industry where they are engaged in cutting, polishing, sharpening etc. of the gems and diamonds near the furnace of high temperature and heavy polluted environment with chemical fumes, soot and coal dusts.

In lock making industry the position is same. Children who are engaged in different processors generally infected with asthma, bronchitis, TB, skin diseases etc. and have ear and eye problems where as severe bronchitis and tuberculosis are the common diseases of the child labourers working in the beedi industry.

**TABLE : 2.6: OCCUPATIONAL HEALTH HAZARDS**

<table>
<thead>
<tr>
<th>SL. NO.</th>
<th>Some principal occupations/operations</th>
<th>Types of work</th>
<th>Related diseases/disabilities</th>
</tr>
</thead>
</table>
| 1       | Agriculture                          | (i) Agricultural labour  

(ii) Cultivation  

(iii) Other allied works etc.  

| 2       | Brassware                           | (i) Sheet making  

(ii) Grinding  

(iii) Polishing  

(iv) Welding  

(v) Electroplating  

(vi) Packing | (i) Lower respiratory tract infections  

(ii) Chronic bronchitis  

(iii) Bone disorders  

(iv) Acid burns |
| 3 | Carpet Weaving | (i) Knitting (ii) Weaving (iii) Processing etc. | (i) Finger cut (ii) Peticosys (lung diseases caused by woolen dusts) (iii) Distortion in back bone (iv) Eye sight defect (v) Skin diseases (vi) T.B. etc. |
| 4 | Match and Fire works | (i) Frame making | (i) Severe burns due to explosion (ii) Breathing problem (iii) Muscle fatigue from lifting heavy loads (iv) Serve neck and back pain etc. |
| 5 | Glass Bangles | Blowing and moulding motten glass etc. | (i) Asthma, T.B., (ii) Bronchitis (iii) Eye sight defect (iv) Skin burns (v) Chronic anaemia etc. |
| 6 | (i) Diamond cutting and polishing (ii) Gem cutting | (i) Cutting (ii) Polishing (iii) Shaping etc. -do- | (i) T.B. (ii) Skin diseases (iii) Viral and urinary infections (iv) Eye sight problem (v) Head ache etc. -do- |
| 7 | Lock making | (i) Working on hard presses (ii) Polishing on buffing machines (iii) Electroplating (iv) Spray painting | (i) Asthma (ii) Bronchitis (iii) T.B. (iv) Skin diseases |
During the occupational diseases, they hardly get any medical facility or compensation; rather they are even driven out from their work as they become invalid/handicapped. Instead of looking after these children’s future, the employers are rather busy in spending lakhs of money on advertisements. They are continued to exploit these children as no body, neither the children nor their family raise any voice against the employers.

2.3 PROSPECT OF CHILD LABOUR IN INDIA

From the census reports and other surveys/studies it is revealed that most of the child labourers are concentrated in the states of Andhra Pradesh, Tamil nadu, Karnataka, Uttar Pradesh, Bihar, Madhya Pradesh, Maharashtra, Gujrat, Rajasthan, Bihar, Orissa and West Bengal. A lot has been done by various organisations and at government level from time to time to minimise the
problem. Still, there are many things to be done for these children having lost childhood. There is positive sign that during last few years various programmes/projects have been taken for the welfare and rehabilitation of child labourers by various agencies.

The primary objective of the government is the elimination of child labour in hazardous occupations by the year 2000. To achieve this goal, an amount of Rs.34.40 crores was allotted towards child labour elimination programmes for the year 1995-96 and a National Authority for the Elimination of Child Labour (NAECL) was established under the chairmanship of the Union Labour Minister to lay down policies and programmes for elimination of child labour, particularly in hazardous employment; to monitor progress of child labour programmes implemented by various ministers of Government of India. The activities undertaken are enforcement of laws for protection of children; withdrawing children from work and diverting them to special schools which provide non-formal education and vocational training; supplementary nutrition and stipends; economic sustenance for parents of children taken out of work by providing them employment and increased incomes and preventing fresh

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41For details. please see Chapter III.
42Supra note 26, Annual Report, 1994-95, p.113.
43Ibid, p.114
entries of children into occupations through education etc. With this hope, 12 National Child Labour Projects (NCLP) are now under implementation in eight states like Uttar Pradesh, Andhra Pradesh, Tamil Nadu, Bihar, Madhya Pradesh, Rajasthan, Maharashtra and Orissa.44

By the end of the year 1994-95, about 4,000 employers have been accused of exploiting child labourers and out of them 3,500 were managed to become free with a mere fine of Rs.150 only each, as the legislation concerned with child labour do not have adequate provisions to punish against the guilty.45 The Government of India has informed the parliamentary Standing Committee of Labour and Welfare Department that, the Government is considering to enact another legislation to punish each employer disobeying the Child Labour (Prohibition and Regulation) Act, 1986 besides its amendment. In the report of the Committee, it has been categorically mentioned that the employers should divert a particular amount out of their income for the health, welfare and education of the child labourers. In addition, the National Labour Commission has been entrusted to take the responsibility to solve the problems of the child labourers from the angle of social reality.46

44Supra note 42.
The Government is now considering to amend the Child Labour (Prohibition and regulation) Act, 1986 to eliminate the employment of Children in hazardous occupations and give more power to the District Administration in the implementation of the Act\textsuperscript{47}. Not only this, but the Minimum Wages Act, 1948 will also undergo changes to ensure uniform wages for adult and child labourers\textsuperscript{48}. It is also proposed that violation of prohibitory provisions in all Acts should attract the higher penalties provided under the Child Labour (Prohibition and Regulation) Act 1986 and violation of the prohibitory provisions is proposed to be made a cognizable offence\textsuperscript{49}.

The National Labour Commission in 1996 has suggested to enact a National Legislation on Labour for uniting all labour laws in order to root out the child labour from the society. In its report of 1,000 pages, the Commission has pointed out the unanimity and contradictory provisions among the labour legislation and stressed to amend these divergent provisions which really cause the inconvenience for giving proper justice to the working children\textsuperscript{50}.

The Commission on Labour Standards, appointed by a resolution of the Union Cabinet, has estimated that the

\textsuperscript{47} Supra, note 28, vol.CLVIII, No. 218, September 12, 1995, Tuesday, p.5
\textsuperscript{48} Ibid.
\textsuperscript{49} Ibid.
\textsuperscript{50} Supra note, 45, vol.67, No.34, February 6, 1996, Tuesday, p.8.
country needs Rs.15,000 crores to achieve the target of abolishing child labour by the year 2010 from India\textsuperscript{51}. Though India has received earlier a lot of external aids for the child labour programmes, but it has been decided that there is no more need for external funding as India can now adequately finance the programme herself and really, it is a unique step having much confidence whose result come out in near future.

Presently, the central Government has the main target to eradicate the offensive use of child labour completely from the carpet industry within next two or three years. The survey carried by the textile industry on this point has revealed that the offensive use of child labour in carpet industry has come down from 3.6 percent to 2.7 percent\textsuperscript{52} and the Government of Uttar Pradesh is reported to implement shortly a Rs. 15 crores scheme to rehabilitate the child labourers engaged in the glass bangle industry in Ferozabad and carpet industry of Bhadohi in Varanasi and Mirzapur districts. This scheme envisages opening of two vocational schools for child workers. The Government is formulating schemes for parents of those child workers to cover them under Employment Insurance Scheme to provide them for livelihood\textsuperscript{53}.

\textsuperscript{52} Supra note 30, See also Indian Express, February 25, 1995, p.15.
\textsuperscript{53} Ibid.
The child labour problem in match units in Kamarjar district of Tamilnadu is reported to be completely eliminated by strict enforcement of child labour laws and suitably compensating the parents income loss through Integrated Rural Development Programme (IRDP) loans and other welfare schemes. Further, the District Administration would intensify inspection and create awareness about depriving children of their education.

Another step has been taken by South Asian Coalition on Child Servitude (SACCS), a voluntary organisation, which organised a march from Calcutta to Kathmandu in March, 1996 to spread awareness and protest against child labour after organising the 'Bachpan Bachao Andolan' in October, 1995 in which intellectuals, social activists, representatives of NGOs and like minded individuals and particularly freed bonded children campaigned against child labour by making a long human chain in New Delhi.

2.4 An Overview:

The child labour problem is not new for India. From ancient time it exists in the society in one form or the other. In these recent years the child labour exploitation have been increased as the society has become much dependable and habituated in employing children to do

[Ibid.]
various works almost in every working sphere. The main
cause give factors behind the problem are widespread
poverty, illiteracy, ignorance and proper
non-implementation of legislative provisions etc. The
child labour has generally three dimensions: working at
home, gainfully employed outside the home and
exploitative labour causing physical and mental
degradation of the child labourers. They are getting
neither proper wages nor other facilities as provided in
the Factories Act, 1948. Rather, harmful effects of child
labour can be seen in the form of their improper physical
development, varied kind of illness etc. Although various
steps have already been taken by the government, voluntary
organisations etc. still the evil could not have been
rooted out. Provision of free and compulsory education,
proper implementation of the legislative provisions and a
change in the callous attitude of the employers etc. can
minimise the problem to a large extent.