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CHAPTER-1

(a) CONCEPT OF CHILD LABOUR

Labour effort is the first and prime condition for man's existence. Labour helped the socio-economic development of human beings and social evolution from the primitive animal stage of man to the modern civilized society. Without labour, production is inconceivable. It is the principal creator of all the wealth possessed by human society. Labour is a great creative force. Technology improves labour productivity. Child labour is an integral part of labour force, especially in poor countries and enters labour market at tender age. It is liable to sharp exploitation by the owner of means of production in the poor countries.

The term child labour is generally used to refer "any work of children that interferes with them in their full physical development, the opportunities for a desirable minimum of education and of their needed secretion". Children aged between 4 to 14 doing work on family farm or in occupations without wage or in factories firms outside home for wages constitute child labour. Now a days child labour is a widespread phenomena. It is not only confined to work on family farms or in the traditional family jobs and occupations, but it is also extended to other fields. They work
in agriculture and allied activities, unorganized small scale sector and even in organized industries.

a (i) Who is a Child?

The Rights of the Child Convention, 1989. Article 1: "...a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier."

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

The Indian Penal Code, 1860. Section 83: Nothing is an offence which is done by a child under seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion.

The Child Marriage Restraint Act, 1929: "Child" means a person who, if a male, has not completed, twenty one years of age, and if a female, eighteen years of age.

The Factories Act, 1948: No child who has not completed his fourteenth year shall be required or allowed to work in any factory.
The Apprentices Act, 1951: A person shall not be qualified to be engaged as an apprentice ... unless he has not less than fourteen years of age.

The Plantation Act, 1951: “Child” means a person who has not completed his fourteenth year.

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

The Juvenile Justice Act, 1986: “Juvenile” is a boy who has not attained the age of sixteen years and a girl who has not attained the age of eighteen years.


(ii) The Definition of a Child

The question of defining a ‘child’ in literature we have a number of opinions. Many studies have defined a child from the biological point of view. In their opinion child is a young person of either sex below the age of puberty. The age of puberty is not same all over the world, it varies from region to region with different climatic settings. Some people want to distinguish between childhood and adulthood with the help of the criteria of
mental maturity. According to them child is a person who has immature experience and judgment and approaching or entering upon adulthood.

In the second case it is very difficult to identify the transition from childhood to adulthood due to its very abstract type of approach which varies from person to person and from society to society.

Over the time many Laws and Acts have been passed in India to protect the children from exploitation. A major loophole in these laws lies in the definition of the term ‘Child’. In Madhya Pradesh, Uttar Pradesh, Punjab a child means a person under 16 years, in Gujarat and West Bengal a person under 18 years and in Andhra Pradesh a person of 14 years and below. The Children Act, 1960 applicable to union territories defined a child as a boy under 16 years and a girl under 18 years. In some studies, Census of India, total population and work force have been divided into four groups of child (0-14), young (15-19), adult (20-59) and old (60+). The present study will be carried out with the help of secondary data of Census of India. Due to our convenience and dependence on the census data, we shall consider those persons as children who are belonging to the age group of 0-14 years.
Since detailed age wise data on child workers in the census of 1961 and 1971 are not available we are assuming that child workers in the age group of 0-5 are negligible. In the 1981 census and in the studies of National Sample. Survey on employment and unemployment in 1983, it has been considered that child workers belong to the age group of 5-14 years only. In this study also we shall consider that the child workers refer to the age group of 5-14 years only.

a (iii) The definition of a Worker

Since 1961, the concept of 'work' is almost same but the procedure of defining 'worker' has changed from time to time in the Census of India. In these censuses work was defined as "Participation in any economically productive activity. Such participation may be physical or mental in nature. Work involves not only actual work but also effective supervision and children at work."

According to 1961 census a person was recognized as worker if the person had some regular work at least one hour a day throughout the greater part of working season in case of seasonal work, and at least one day during any day of the 15 days preceding the day of enumeration in case of
regular work. The men and women and even students and housewives who were engaged in some work on marginal basis were considered as workers. That is why child and female work participation increased considerably in 1961. But in 1971, a man or woman who was engaged 'primarily' in household duties and a boy or a girl who was 'primarily' a student was not considered as worker and the reference period was one week prior to the date of enumeration in the case of regular work and last one year in the case of seasonal work. There was decline in work participation rate particularly among females and children in 1971, due to this rigidity in defining workers. In 1981, there were two types of workers in census-main workers and marginal workers. Those who worked for the major part of the year (more that 183 days) were considered as main workers and less than that were considered as marginal workers. Thus the main workers of 1981 is comparable with 1971's workers and total of main and marginal of 1981 census is comparable with 1961's workers. In 1981, for discussion of child workers.
**Table-I : Details of various Labour Laws enacted in India and definition of the term Child.**

<table>
<thead>
<tr>
<th>The Act</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Plantation Labour Act, 1951.</td>
<td>Not defined</td>
</tr>
<tr>
<td>8. The Indian Factores Act, 1948.</td>
<td></td>
</tr>
<tr>
<td>9. The Mines (Amendment) Act of 1983.</td>
<td>Not defined directly (Details of the Act says that child who is below 15 years is not allowed to work in any part of mine).</td>
</tr>
<tr>
<td>10. The shops and Establishment Act, 1961.</td>
<td>Different age is specified by different states. (Which ranges between 12-15 years).</td>
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</tbody>
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Source: Compiled from News Letter, Campaign Against Child Labour, Jan-April, 1994.
(b) CHILD LABOUR IN INDIA: A HISTORICAL ACCOUNT

Employment of children in productive labour is a very ancient phenomenon. In every household especially in rural area they have been helping hands. The prevalence of child labour has been more or less in all periods of time, through varied in its nature and dimension, depending on the then existing socio-economic structure of society. In the past, child labour has been a part of the social organization in which all members pooled their labour to produce for the subsistence and survival. This was particularly true of rural subsistence farming where the work of the child formed a part of the labour necessary for the reproduction of the system and value of labour taken as part of child's socialization for reproduction of labour power. Child labour in the different periods has a chequered history and presents a vivid account of child's sad plight.

b (i) Child Labour During Ancient Period:

No documentary evidence is there of the employment of children for wages, but if child slavery could be regarded as that the existence of child labour in ancient India, can not be denied. Slaves of tender ages, often less than eight years of age, were owned for doing low and ignorable work. Children of slaves were born as slaves, lived as slaves
and died also as slaves unless the master was pleased to free them. It has been noticed that almost all the law-givers, with the solitary exception of Kautilya, were silent on this point, and did little to abolish this inhuman practice of keeping child slaves. Regarding child labour in ancient India, it can be said that it existed in the form of child slaves. Child slaves could be purchased or sold like commodities. While dealing with slavery Kautilya stated that the purchase or sale of children as slaves was not forbidden amongst the Mlechchas for they were backward and savage but an Aryan child in no case be allowed remain a slave. In case a child born of an Arya (not of a slave) was sold or purchased or pledged with some one, both the parties to the deal were punished, even the witnesses to it were not spared punishment; they were awarded various degrees of punishment.

Perhaps Kautilya also realized that slave children were not much different from Aryan children and that they were not physically fit, to carry out the ignoble duties of the slaves and that allowing the sale or purchase fo slave children of less than 8 years of age would tantamount to inhumanity. Inspired by such feelings, he prohibited the purchase or sale of slave children of less than 8 years of age. This is how Kautilya sought to do away with the butchery of childhood which may have been rampant prior to his days. Though
Kautsilya had forbidden taking of ignoble and low work from slave children yet the treatment meted to them could not be described as exemplary, for freedom and equality of opportunity were often denied to them.

Maine states, that in the earliest period of history the Patriarchal system was in existence in all societies belonging to Indo-European stock, the Romans and the Hindus. As such the eldest male parent—the eldest ascendant—was absolutely supreme in his household. He had complete say 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; Law to them was parent's word. To some extent, parents obligations were very often involved in working for the landlord on such low wages that it created conditions for the child to work on the forms for wages and remained as bonded labour in the landlord's house along with the parents to repay or to minimize the debt. Children, however, helped their parents in house-hold activities and family crafts. They learnt the skills by observing and participating in such activities.

During Mauryan period, State had a monopoly in a number of industries and most of them were nationalized industries. Since state was a major participant in the economic and industrial activities, Kautsilya prescribed standard wages.
for all types of workers. The proper wages of weaving cotton cloth was the equivalent money worth of cotton. The wages for weaving silken or woolen cloth were equal to one and the half time and twice the value of silk and wool, respectively. Wages were payable according to time and work and according to contract, wages should be settled upon before the work was actually begun. If the workers failed to perform the allotted work at the time and place desired by the employer, nothing was payable to him. Workers could be made to work on holidays by payment of special wages. Cowherds and agricultural labourers were paid fixed wages. Kautilya did not favour the employment of children. Despite of that there was employment of children in agriculture and domestic chores.

Remarkably the labourers were not always entitled to a square meal and sometimes the diet actually varied according to labour. Wages paid in cash or kind were of a very low standard, the rates of share of profit were standardized by experts of the crop for the cultivation, of butter for the herdman, of the sale of proceeds for the herdman, of the sale of proceeds for the pedlar. 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 form ancient tradition. The economic status of the slaves, hired labourers
and unskilled workers was worse. The same was the position of child when he was engaged in agricultural sector. It is revealed that child labour in ancient India was very common and could be witnessed in different occupations where they were engaged by the rich landlords to carry out activities directly or indirectly related to their agriculture sector.

b (ii) **Child Labour During Medieval Period**

Increasing pressure on land led to fragmentation of holdings. Growing families had to look beyond personal cultivation for subsistence. A class of landless labourers came into existence, often bonded to the large landowners. These labourers used their children to help in their economic activities. The rural artisan rarely worked alone. In fact, the entire family was a work unit with the 'pater familia' being the master craftsman. Occupations were determined largely on the basis of heredity and children were introduce to their traditional craft at a young age. Under the Mughul, a labourer had no free will of his own. There was no difference between him and commodities he produced. When ordered to move, he must move, and when ordered to stay he must stay.

As to the work he might be, called upon to do, whatsoever the nature of the work might be, he had to do it. Remuneration was on the good old principle of giving as much to the labourer as would enable him to do the work and to
keep him alive. It may be though that the condition of labour were no better than slavery. It is revealed that there was a distinct and separate class of slavery of which we get frequent evidence in the Ain-i-Akbari, Bernier's Travels, etc.

The labour market was composed of labourers and slaves. Slavery was the order of the day. Akbar freeing the slaves by not calling them Ghulam (Slaves) but calling them Chelas (disciples) did not in the least improve the lot of Chelas. In the decree of Akbar of 1594 A.D. it was laid down that, "A father or a mother might, if forced by hunger and extreme misery, sell their child, and afterwards, when they had the means to pay, might buy it back again from servitude. Akbar realized the extremes to which a man may be forced and instead of trying to remove the cause (which affected his empire and incidentally his claim to greatness) responsible for several famines during his reign when cannibalism was practiced near his capital, he mainly suggested hypothecation of children. In the province of Sylhet, which is a province of Bengal, it was the custom for the people of those parts to make eunuch of some of their sons and gives them to the Governor in place of revenue (mal-wajibi). This custom by degrees has been adopted in the provinces, and every year some children were thus ruined and cut-off from procreation. This practice had become common.
At that time Jahangir issued an order that hereafter no one should follow this abominable custom, and that the traffic in young eunuch should be completely done away with. The position of child labour during the period of Jahangir did not improve at all. The supply of the child labour was more than demand and the demand was restricted mainly to the capital. Labourers could be taken by force and paid what every master liked to pay. In case the labourers objected which he would not do—there was corula (a whip of twisted card about a fathom long with a handle of about a cubit) to bring him to his senses. There is not the slightest doubt that slavery was encouraged by the king and his Omrahs for two reasons, first, slaves—including eunuch slave girls, and concubines—met a real demand which then existed, and, second the king enjoyed the monopoly of slaves. He made some money by traffic in slaves—and was himself royally served.

Pelsaert describes labour in Jehangir’s India, “... a workman’s children can follow no occupation other than that to their father, nor can they inter-marry with any other caste...”. There were three classes of the people who are indeed normally free, but whose status differs very little form voluntary slavery—workmen, peons or servants, and shopkeepers. In the late 17th Century the most significant
change was the growth of organizations involving the employment of large number of artisans. The Dutch silk factory at Kasimbazar in Bengal, employed 700-800 weavers. But the characteristic of the unit of production was still the same. "The persistent dominance of family-based work units indicates that any disciplined organization of an industrial society was not in sight".

Concluding, child labour in medieval India remained in existence on a large scale and even the rulers encouraged it with an intention to make only traffic in child slaves. The child labour was found in the form of child slavery and rulers did not endeavour to do away with this practice and consequently child was always exploited.

b (iii) Child Labour in Modern Era

Coming to modern times in precapitalist societies including India, children had been employed in guild and in trade occupations. In these societies their workplace was an extension of the home and work relationship were informal relationship. The child grew up and found work within the family environment where the child was not given hazardous and difficult task. Work was a central aspect of their socialization and training. This conception, however, underwent a dynamic change with the advent of capitalism in the industrialization during the 18th Century and child labour
began to the designated as a social problem. The new economic forces unleashed by capitalism destroyed the family-based economy. A large number of labourers were displaced due to mechanization of agriculture – the farmers were alienated from their home-based work place. They became wage-earning labourers. Extreme poverty made possible a situation in which the child had to be introduced in the labour market, lack of alternative employment of adults and lack of education for children reinforcing this process. This uneven development of industrialization gave a new turn to the history of mankind and brought a change in the overall socio-economic order. Family based economy continued to be destroyed and large number of people became wage-earning labourers and, as a result, the children were in a situation where they had to earn wages for themselves as well as for their families.

The work-place was separated from the family environment and work now exposed the child to unhealthy environment. The hours of work started form morning to night but the earning remained quite meagre. The child's ability to grow and develop into a mentally and physically sound adult was severely restricted. Further, the absence of any sponsored scheme of family allowances to enable poor parents to secure for their children an adequate and balanced diet and living
conditions has also forced them to join the industrial establishments. Besides there was no compulsion on their part to get education up to a certain age limit and thus the children were left free to accept certain occupations even at tender age.

By the middle of 19\textsuperscript{th} Century, the mechanized large scale production came into existence. That time, state regulations were lacking over the conditions of employees in any industry. The employers were free to bargain with labour. Therefore, the labour in this country was exploited by the employers for their benefits. Many children were employed in cotton and jute mills and coal mines. They were even employed for underground work. With the advent of factory organization, some public attention, was drawn towards the existing evils of child labour in spite of active opposition for the employers.

First, protective legislation for child labour was enacted in 1881. This Act provided some protection of the children firstly forbidding employment of children under seven years of age in factories and also in two separate factories on same day, secondly, by limiting their working hours to nine hours a day and thirdly, by making it compulsory that four holidays in a month and rest intervals should be given to them. In addition, the Act made the provisions for safety such as fencing of dangerous machines.
However, this Act covered only factories employing 100 or more persons. The evils continued due to the lack of enforcement machinery. In addition to these defects, the coverage was quite inadequate as it did not pay any attention to the agriculture and unorganized sectors of industries.

The Indian Factories Act was enacted in 1891 on the recommendations of a factory commission which was appointed by the Government of India in 1890. This step was advance over the Act of 1881. Under the Act, of 1891, the lower age was extended from 7 to 9 years. The upper age also exceeded from 12 to 14. Working hours were reduced from 9 to 7 hours per day. The children were not allowed to work at night. However, the exploitation increased because the attention was not paid due to the provisions of the Act due to the inadequate enforcing machinery.

Children’s position in mines was also not different. Their condition was very bad. In 1901, Mines Act was passed, which prohibited the employment of children under 12 years of age. The Chief inspector of mines was empowered by the Act, to prohibit the employment of children to certain place, if he was satisfied that the employment conditions were dangerous to children’s health and safety. This defective position continued because no improvement was made to the provisions of this Act till the next Mines Act. Soon, the
employers started work in factories for whole day and night, because they started to use electric power in their factories. In addition to this factor, the plague which broke out for the first time in the industrial towns, also compelled the workers not to surrender to the old conditions of work. This position continued as there was no improvement inside the factories. But ultimately government felt that it was impossible to leave the matter in the hands of employers. It, therefore, appointed the Freer Smith Committee in 1906 a Factory Labour Commission in 1907 to make inquiries on labour conditions in factories. Thereafter, a New Factory Bill was introduced in 1909 which was enacted into law in 1911. The Factories Act of 1911 reduced the working hours of children in factories to 6 hours a day. The Act further provided that all child workers should have in possession a certificate of age and fitness for employment. The children were not allowed to work at night, i.e., between 7PM and 5.30AM and they were also prohibited to work in certain dangerous works.

The Indian Factories (Amendment) Act of 1922 was enacted to give effect to the International Labour Convention on the minimum age for admission of children into employment, hours of work and night work of young persons and women. The scope of factory was extended to cover any premises where 20 or more persons were employed and
mechanical power was used. The local Governments were empowered to extend the provisions to any premises where 10 or more persons were employed. For the purpose of this Act, child has been defined as a person who had not completed his 15 years of age. The children under 12 years were prohibited to enter into labour market. The children were required by this Act, to have a medical certificate as to their age and physical fitness for the employment. This working hours were fixed by this Act to 6 hours a day with an interval of half an hour to the children employed for more than 5.5 hours. The inspectors were empowered to enquire from children a certificate of re-examination for continuing work. This Act also prohibited the employment of women and young person under 18 in certain process. Some minor changes in this Act were introduced by an amendment in 1923.

Realizing the inadequacy of the existing law in the area of mines a new Mines Act was enacted in 1923 to give effect to the hours of work conventions of International Labour Organization. This Act fixed the working hours for above ground work at 60 hours a week. This Act raised the minimum employment age from 12 to 13 years. Three years later the Indian Factories Act of 1911 was further amended in 1926 for some administrative purpose. After two years the
mines Act, 1923 was amended for regulating the hours and working condition in mines.

The Indian Factories Act was further amended in 1931. This Act imposes certain penalties on the parents and guardians for allowing their children to work in two separate factories on the same day. Provincial governments were empowered under this Act, to make certain regulation of taking precautions against fire. In the same year the Indian Ports (Amendment) Act, 1931, provided a minimum age of 12 years for the employment of children in handling of goods at ports. The year 1931, was also important in the Indian Legal History because in this year the report of Royal Commission on Labour was published. This commission was appointed under the compulsion of intensive agitation to improve the condition of labour, to investigate and report on existing condition of labour in industrial undertakings and plantations, and on the health and standard of living of workers in British India. This Commission found that the children as young as five years were employed to do work for 10 to 12 hours daily for very low wages.

They were not provided adequate meal interval or weekly rest. Therefore, the commission recommended : that children under 15 years should not be allowed to work as adult without a certificate of physical fitness. It also recommended
the fixation of minimum working hours for children at 5 hours a day. It further recommended to limit the spread over for children at 7½ hours, and to prohibit work by children between 7PM and 5:30 PM. The area of plantation was touched by the government of India only in 1933 when it enacted the Tea District Emigrant. The Act required that no child under 16 shall be employed and immigrated to the district unless accompanied by his parent or adult relative on whom the child is dependent. In 1933, one more step was taken to prevent the exploitation of child when Children (Pledging of Labour) Act, 1933 was enacted by the Government of India on the recommendation of Royal Commission on Labour. The main aim of this act was to eliminate the evils arising pledging of the labour of young children by their parents for a loan or an advance. One year after this Act, the Factories Act was completely overhauled on the basis of recommendations of Royal Commission on Labour. A new consolidated and amended Act was enacted in 1934, which was enforced from January 1, 1935. This Act prohibited the employment of children under 12 years. The children between 15 to 17 years were defined as adolescent.

In 1935, Indian Mines (Amendment) Act, 1935 regulating the working conditions and hours of work in mines. This amendment prohibited the employment of children under
15 in mines. This amendment Act further laid down that adolescent, i.e., the young between 15 and 17 years could be employed in underground work as adult on the production of certificate of physical fitness issued by recognized medical authorities. The working hours for such workers, according to this amendment, were 10 hours a day and 54 hours a week for above groundwork and 54 hours a week and 9 hours a day were fixed for underground work.

The Factories Act was subsequently amended by Factories Amendment Act, 1935 and Repealing and Amending Act, 1937 which did not alter the general provisions of the Act. In 1938, the Employment of children Act, 1938 was enacted in order to prevent the evils of employment of children in workshops which were not covered by Factories Act. The provision of this Act continues till now. This Act prohibits the employment of children under 15 in Railway and Ports. By the amendment of 1939 the children under 12 are prohibited to work in workshop connected with bidi-making, carpet-weaving, cement manufacturing, cloth printing, drying and weaving, manufacturing of matches, explosives and fireworks, mica cutting splitting, shellac manufacture, soap manufacture, tanning and wool cleaning.
(C) DIFFERENT ASPECTS OF CHILD LABOUR

c (i) Political Economy of Child Labour

The phenomenon of child labour, which is a consequence of the exploitative system operating at national and international levels, not only closes the future of millions of children in the third world countries, but it also restricts the development prospects of these countries drastically. The existence of child labour is a threat to overall world development, to the solidarity and peace in the world.

The problem of child labour is symptom of the disease which is widespread due to exploitative structure, lopsided development, iniquitous resource ownership with its correlated large scale unemployment and a abject poverty. The existing international economic order perpetuates this harsh reality because powerful multi-national corporations operate and use child labour, directly or indirectly to maximize profits and minimize costs. The poor third world countries faced the acute foreign exchange crisis, permit and encourage export of goods using cheap and vulnerable child labour in the hope of improving their foreign exchange reserve and balance of payment crisis. It is true that extreme poverty and unemployment force the poor to send their children to work. Lack of firm commitment to the goal of eradication of child
labour result in a haphazard and ineffective intervention from the government.

c (ii) **Economic Roles of Children**

Gerry Rodger and Guy standing have distinguished and classified the economic roles of children and their activities. According to them, "the major analytical problem in devising a valid typology (of child activities) is that the desirable categories depend crucially on the nature of the social system and prevailing mode of production". The distinction between "economic" and "non economic" activities is unsatisfactory for the analysis of child activity patterns. In many environments such distinctions hardly apply and are liable to be misleading guides to actual behavior. The most important categories of child activities are (i) domestic work, (ii) non domestic and non monetary work, (iii) Tied or bonded labour and (iv) wage labour. Children also perform marginal economic activities like selling of newspapers, shoe shining sorting of garbage etc., which constitute as fifth category.

In the domestic work category, cleaning cooking, child care and other domestic chores are undertaken by children. In general these tasks to be sex-oriented girl child taking disproportionate share of the total. This is exactly the case in our country.
Non-domestic and non-monetary work is a major form of child activity in subsistence economies and encompasses form activities and such tasks as hunting like Indian children spend a great deal of time in such activities like tending livestock, protecting grass from animals weeding and other tasks associated with subsistence production. The work under this category may be for auto-consumption (self, parents other kinetic) or for market.

Tied or bonded labour is a manifestation of a feudal or semi-feudal structure of the society and the economy. "Feudal" and "semi-feudal" modes of exploitation impose labour services of various kinds on peasants and other lower class groups, poor labourers pledge a child of the family against loans taken from the land arid money lender or employer/producer.

Wage labour is a major type of work activity for children. They work as part of the family labour force and also as wage workers. They work as agricultural field labour, industrial labour, male child as assistant to father, female child as assistant to mother. Child labour is widely prevalent as apprentices, contract labour and domestic servants. The piece-wage rate system puts enormous pressure on the child labour.
In addition to the activities mentioned, they are employed. Works characterized by irregularity and short-term nature and may be termed "marginal economic activities". Marginal semi economic activities of this type include the selling of newspapers, cleaning of cuss, shoe selling, selling of sweets or other small items, sorting of garbage etc. Such work typically does not contribute to capital formation, and could be described as the activities of lumpen proletariat. In this marginal category should be included theft, prostitution and other activities which are illegal or semi-legal.

We see that the employment of relatively cheap child labour was encouraged to accelerate the process of capital accumulation and profit margin of the producers dealt with this problem in his book "Das Capital". In the word of Karl Max, "Capitalist in its unrestrainable passion and wolfs hunger of surplus labour, oversteps not only the moral, but even the merely physical maximum bonds of the working day. It usurps the time for growth, development, and healthy maintenance of the body". Under the capitalist system, "the workman sold his own labour power, ..........now he sells wife and child".

Employment of children is not only a reflection of poverty but also of socio-cultural frame work with deep seated
illiteracy and traditional outback of people in the under developed countries.

**c (iii) Child Labour as a Social Evil**

Compelled by the situation children accept roles which turn them into the victims of a situation which is characterized by the fact that if one does not work, one has no option but to starve or adopt socially disapproved means for his survival. Children have no choice but to take the jobs at an age at which they would have gone to school. Though children think that they are taking decision to work but the fact is that it is not the children but the society, through its inability to provide adequate means for the subsistence of family, decides at the time of their birth itself that they are destined to take up employment at an early age. It is not only the children who are harmed due to their involvement in various kinds of work at an early age but the society also which has to suffer great loss because of children’s employment at an early age. This system of early employment leads to various advantages in the eyes of employers who are always after gaining maximum profit with minimum investment.

The system of child labour adversely affects the society in two ways. It denies the employment opportunities to the young population of the society, forcing many of them to go out of work in the present age of wide-spread
unemployment and under employment. It also considerable lowers down the rates of the wages in the society. In fact, child labour is as much the cause as the consequence of adult unemployment and under-employment.

The terms 'child labour' is at times used as a synonym for 'employed child' or 'working child'. In this sense it is co-extensive with any work done by a child for economical gain. But more often than not, the term 'child Labour' is used in a social sense. It suggests something which is harmful, unjust and full of exploitation. The term, 'child' has been variously defined. The child Labour (Prohibition and Regulation) Act, 1986 has stated 'child is a person who has not completed his fourteenth year of age.' Operations Research Group at Baroda has defined the age group of child workers to be between five to fifteen years.

The term 'Child Labour' not only applies to the children working in organized industries but also to the children working in all forms of non-industrial and un-organized occupations, which are injurious to their normal physical, mental and social development and health.

In India, there is hardly any statutory 'provision' which defines the term 'Child Labour' in recise terms. Even those various legislative provisions which prescribe the minimum age for the admission to employment in different
vocations do not fix uniform age for reasons of variation in
the nature of the operations in which children are employed.

A generally valid definition of Child Labour is
presently not available either in the national or international
context. However, child labour can be defined as that segment
of child population which participated in work which accrues
to the economical and material benefits.

Helmer Folks, the Chairman of the National Child
Labour Committee defined Child Labour as-

"...Any work of children that interferes with the full
physical development of their opportunities for a desirable
minimum of education".

V.V. Giri has used the term ‘Child Labour’ in quite
analytical manner. According to him the term Child Labour is
commonly interpreted in two different ways; first, as an
economic practice and secondly, as a necessary social evil. In
the first context, it signifies, employment of children in
gainful occupations with a view to adding to the labour force
of the family. It is in the second context which signifies Child
Labour as a necessary social evil that the term child labour is
not more generally used.

In assessing the nature and context of the social evil,
it is necessary to take into account the character of the jobs, in
which the children are engaged, the dangers to which they are
exposed, and the opportunities of development which they have been denied.

Thus three basic characteristics are included within the concept of child labour. These are:

**First** – the child should be employed in gainful occupation;

**Secondly** – the work to which he is exposed is dangerous; and

**Thirdly** – it must deny to him, the opportunity of normal mental and physical development.

The term Child Labour is not only applied to children working in the industries, but also to the children working in all firms of un-organized non-industrial occupations which are injurious to their physical, moral and social development.

‘Mendelievich’ has correctly observed, “To a greater or lesser extent, children in every type of human society have always taken part, and still do take part in those economic activities which are necessary if the group to which they belong is to service.”

It has also been pointed out in the Report of the Committee on ‘Child Labour’ that “Child Labour is not a new phenomenon to our age. It has existed in one form or the other in all times.”
The Government of India has also admitted that "All forms of work by children cannot be considered deleterious. In fact, work plays an important role in development of a child, if it involves.

Purpose, plan and freedom. The function of work in childhood should be primarily developmental and not economic, and children's work as a social good is the direct-anti-thesis of child labour as a social evil".

A distinction may be made between child labour and exploitation of child labour. Work when taken up as a means for the fulfillment of some other needs, becomes enslaving the character and deleterious in its impact.

The entrance of children into labour market reduces the employment opportunities for the adults and also lowers the bargaining power of adult workers. Childhood employment results in permanently weakened and damaged labour force. Child Labour involves the use of labour at its point of lowest productivity. Hence it is an inefficient utilization of labour power. Child Labour deprives children of educational opportunities, retards their physical growth, hampers their intellectual employment and brings them into the army of unskilled labourers or depending on the low wages all their lives.
c (iv) **Positive Aspects Of Child Work**

(i) Even for the proper physical, mental, social and spiritual development of child, along with availability of education, nutrition, love and affection, physical exercises keep their own place which need priority. Lighter work in the interest of children's physical fitness when they become capable to do work, should be encouraged with the care that its interests remain only the developmental ones. Compulsion of work and excess load, as said earlier, retards the growth and development of the children and not the economic gain of the family.

(ii) The child has vision to observe, learn and think, without taking much of the time if it is made interesting to him. He has more flexibility of arms, fingers and body as compared to adults which helps them learn and pick up the work skills, and develop a sense of responsibility and confidence.

(iii) By and large, a child takes more interest in knowing and learning a trade. In this way, curious child, by nature, gradually becomes trained in different skills provided it is made more purposeful with availability of all possible developmental services.
(iv) Children who assist in the family occupation or work with their relatives do not have the same kind of the problem and treatment which employed children are getting with their employers and adult co-workers. Therefore, these self-employed children have freedom to express their grievances and difficulties they face while working. Therefore, work is not that much burden on them as employed children feel and experience.

(v) The aim of education and training institutions is to help people to become more responsible and independent. Work environment, if developmental, provides a kind of climate which makes children sincere, punctual and disciplined.

c (v) **Negative Aspect Of Child Work**

(i) Being young and the future architect of the nation, the children deserve to have overall protective, promotive and developmental opportunities in the areas of their interest. Compulsion of work when they are young, deprives them of their rights and is unjustified to humanity and the future of the nation. In the absence of these, there will be problems in proper human resources development. The future of a large chunk of young
population will be full of risks and it will further raise the rate of dependency in the country.

(ii) Long hours of work at work place along with morning and evening hours of work at home is injurious to their growth and development. Night work, continuous standing or sitting or use of single set of muscles in poor working environment where they carry heavy loads, pressure of speed of work, contact with the industrial poisons etc. provide harmful conditions for the future of child workers.

(iii) Compulsion of work performance in a given time with controlled supervision leads furthermore to problems relating to the physical fitness and mental alertness of working children.

(iv) Children, while working, get liberty from the parents and are given importance when they supplement the family income or give a helping hand to their family. This kind of parental freedom motivates, these children to take up independent decisions which further leads them to spend more of their earnings on their own and start smoking, gambling, and join gangs which can affect their future development.
(v) Employers attitude to have more and more production and lower expenditure encourages them to put the children in exploitative and abusive conditions and mature them in a watchful/tight administration which results in the form of occupational diseases, physical deformity and handicap. A study conducted on working children, reveals after working, 57 parents, 65 child workers themselves accept that child workers have the problem of headache. Eye ache has been seen in 54 cases which has been confirmed by 30 parents. Stomach and joint pain has been found in 160 cases. Chest pain is reported by 25 child respondents. Other problems reported child workers are finger pain, skin diseases etc. the study further reveals the king of bad habits which children develop after working. This shows that as high as 51% children develop the practices of playing cards, 44.7% smoking and 5% gambling.

(vi) It is felt by some of the employers who employ children that output of the child worker is comparatively less profitable as compared to the adult. According to them, child needs more supervision and care and chances of damaging raw materials are higher especially when they learn to work.
(vii) Children, while working, decrease the value of adults in the labour market and raise the risk of adult unemployment. It further moves with a lot of psychosocial, moral and physical implication for children, economic implication for adults and a social stigma to the society at large. These deserve in depth study of the problem, reality of their situation, responsible reasons motivating them to continue the practices and to have desirable and perceived corrective strategies which will be discussed in the coming chapters.