Chapter: II

REVIEW OF LITERATURE

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“Prolonged, indiscriminate reviewing of books is a quite exceptionally thankless, irritating and exhausting job. It not only involves praising trash but constantly inventing reactions towards books about which one has no spontaneous feeling whatever.”

------------------George Orwell (English Novelist and Essayist)

In this chapter, an exhaustive review of literatures on the role of children in the household income generation process, nature of children’s work, magnitude, poverty and other factors behind the problem of working children are being cited. Their impacts on health and education, exploitation of child workers and provisions of legislations in connection with Child Rights are also been highlighted through some related studies.

II.1. Magnitude of Child Labour:

Magnitude of Child Labour in India: An Analysis of Official Sources of Data [58] described that according to the Census of India, 2001, there were 12.26 millions working children in the age group of 5-14 years as compared to 11.3 millions in 1991 revealing an increasing trend in absolute numbers. On the contrary, the work participation rate of children (5-14 years of age) has come down from 5.4 percent during 1991 to 5 percent during 2001. The recent round of the National Sample Survey (NSSO) estimates that the child labour in the country is around 8.9 millions with a workforce participation rate of 3.4 per cent (NSSO 2004/05). Due to definitional problems, as discussed in this working paper, a substantial proportion of child labour may remain uncounted. Census data shows that there is a decline in the absolute numbers as well the percentage of Main workers of children (5-14 years of age) to total population in that age group, from 4.3 percent in 1991 to 2.3 percent in 2001. But there was a substantial increase in marginal workers in every category of workers irrespective of sex and residence. As a result, despite the number of main workers declining from 9.08 millions in 1991 to 5.78 millions in 2001, the total number of children in the work force increased. Whereas in global context, the figure as indicated in Training Manual on Child Labour: “Mainstreaming the issue of Child
labour in Rural Development Programmes” by R. Vidyasagar and K. Suman Chandra, NIRD, Hyderabad, 2002 [95] that during 2000 AD, International Labour Organization (ILO) has estimated the magnitude of economically active children in the world to be about 211 millions. The magnitude of child labour is estimated to be 186.3 millions in the world. Of these about 111 millions are estimated to be involved in hazardous work. If the figure is considered in the perspective of the district, Jasodhara Bagchi & Ashim Mukhopadhyay, Jadavpur University, School of Women Studies, 1996 in their book entitled ‘Child Labour in Beedi Industry, Murshidabad District in W. Bengal’ [4] pointed out that there were more than 300000 beedi workers in Murshidabad district of which 2.5 lakhs in Jangipur Sub-Division alone. Out of total 3 lakhs beedi workers, 65% were women, 20% male and 15% were children. A survey was also conducted by the Murshidabad Authority for Elimination of Child Labour (1996) had estimated 88,000 child workers in beedi industry alone. As per 2001 Census, 3 lakhs household workers are engaged in the Murshidabad district.

The statistics of child labour varies from source to source. So, there is no dependable statistics. There is no actual figure of working children in the beedi industry and no Govt. initiative has been taken to identify the same.

II.2. Child Labour and Poverty:

It is recognized through various study that child labour and poverty are positively correlated. In this direction some related books have been reviewed; e.g. “Caught in a Death Trap” - The Story of Bidi Rollers of West Bengal and Gujarat. A Study based on primary research on home-based bidi rollers of Murshidabad (West Bengal) and Anand (Gujarat) by the Voluntary Health Association of India under the guidance of Sri. Alok Mukhopadhyay & Smt. Bhavna B Mukhopadhyay, Voluntary Health Association of India, 2008, [57] reveals about the lives of beedi workers - economic exploitation, health hazards, and problems of beedi workers specially, working children & women in the selected pockets of West Bengal & Gujarat. Focus is given on beedi – its’ manufacturing process & business potential. ‘Children in the bidi industry’ followed by ‘women in bidi industry’ are discussed with due importance. Child Labour in the beedi industry is one such industry where in spite of
legislation, justice is denied times again. Parents have no choice but to engage their children with work. To struggle against hunger and poverty, constitutional rights are lost. On the other hand, beedi manufactures claim that they are performing a national service by providing livelihood to women at their doorstep. A similar study was also conducted in Bangladesh, where beedi had been taken as livelihood to fight against poverty. The study was conducted by Anupom Roy, Debra Efroymson and others; entitled “Gainfully employed? An inquiry into bidi-dependent livelihoods in Bangladesh, 20 July 2011” [73]. This study sought to increase government, civil society and media attention to the tobacco–poverty connection in Bangladesh, particularly as it relates to beedi-dependent livelihoods. The result of this study illustrates the linkages between tobacco and poverty. Tobacco control is imperative and not simply for health concern but also for the environment, about the living conditions of the poorest of the poor. If we are to improve the lives of the poor, we must address the root causes of poverty, which include the production and use of tobacco. The issue is not applicable for the country, but also in global respect. Arat, Zehra F.(2002) in his article entitled “Analyzing Child Labor as a Human Rights Issue: Its Causes, Aggravating Policies, and Alternative Proposals.” [2] successfully examine this implicitly complicated global issue from a passionate, yet realistic point of view. The author begins by describing diverse economic and moral concerns of child labour critics. A more prominent apprehension expresses that child labour perpetuates poverty by depriving children of an education and a healthy physical development. The author strongly criticizes simplistic efforts towards the eradication of child labour and support the argument through an investigation of the realm of actors that are involved in perpetuating child labour at the global scale. The International Labour Organization (ILO, 2003) also stated in “Working out of Poverty” [40] that child labour is a cause and a symptom of poverty, which, in turn, is a trap for families. This lengthy report addresses and criticizes this vicious system and some of the structural failures that cause it. The ILO contends that “working out of poverty” requires the identification of issues like child labour, school attendance, low wages, and informal economies. The overall proposal details out many solutions relating to education, economics, and development strategies, but the ILO stresses that success is not probable without a broad-based community effort. A similar study was also conducted in sugarcane production area and was published in the Human Rights Watch. 2004. This report entitled “Turning a Blind Eye: Hazardous Child Labor in El
Salvador’s Sugarcane Cultivation.” [31] started by reviewing country-specific information with regard to sugarcane production. The author then assesses sugarcane’s relative importance to the local economy in El Salvador, as well as typical illegal practices seen in the fields. The international laws prohibiting these incidents are mentioned, but more focus is directed towards the root causes of the presence of child labour in sugarcane fields, and to the direct consequences of these causes. The origins of child labour and the culprits that perpetuate it are described and criticized in this report. This case study may be useful for a wider comparison between regions where child labour is a common occurrence or an economic necessity. Now the question arises can remittances reduce poverty and child labour? Cortes, Rosalia. (2007) in his paper entitled “Remittances and Children’s Rights: An Overview of Academic and Policy Literature” [14] attempted to address the growing belief that remittances can contribute to progress in social development. The author is specifically concerned about the residual effects on children’s and women’s rights. Remittance flows can increase income, but this pressures others to emigrate; as a result, children are left behind and in vulnerable positions where exploitation may increase without the presence of a parental guardian. Manacorda, M., and F. C. Rosati. (2007) in their paper “Local Labor Demand and Child Labor” [48] considered the issue in the view point of economics and argued that increasing the labour demand to curtail poverty may actually have negative repercussions on children of a particular age group. This determination is based on economic theory and empirical research on children’s time allocation in relation to local labour demands in urban and rural regions. In this study, where a strong demand for labour existed, an increased participation among children was found. However, no official change in school enrolment was noted. Further investigation reveals that it was not younger children (ages ten to twelve) who responded to this work incentive, but rather those aged thirteen to fifteen who responded. This is speculated to be caused by parental consideration regarding an appropriate age for work.

The same results are also appeared in the present study. Poverty is the root for engaging the children in the beedi industry. It is revealed that 63% parents and 38% children considered that children are engaged in the beedi rolling activity mainly to support their family economically and parents have no other alternative, though parents are not interested to engage their children in the activity. As a result children
and women are the worst sufferers. Here existing legislations are not sufficient enough to prevent the situation without mitigating the poverty alleviation.

II.3. Child Labour and Education:

Though poverty is the root cause of child labour, but the necessity of education of children cannot be denied. There lies a positive correlation between poverty and education and illiteracy generates poverty. Guarcello, L., S. Lyon, and F. C. Rosati (2006) in their article entitled “Child Labor and Education for All: An Issue Paper” [47] argued that “education of good quality up to the minimum age for entering into employment – is a key element.” The author used an uncommon but effective quantitative analysis to provide greater global understanding of the relationship between child labour and education. Some of the comparisons made include school attendance of children, working in a family versus a non-family economic activity. An essential conclusion of the data redirects the focus strictly from school attendance records to academic achievement, which is a more descriptive indicator about the effects of child labour on education. Another study of Rosati, F. C., and S. Lyon (2006) also addressed the complexities inherent in the relationship between child labour and education in their article entitled “Non-Formal Education Approaches for Child Labourers: an Issue Paper.” In Understanding Children’s Work Project. Rome: UNICEF [71]. The author suggested one possible solution, a transitional education and their economic necessity in impoverished environment. The rationale behind programmes like flexible schooling and transitional education is described in this article. Although these strategies are labeled as critical for children, they are difficult to maintain due to financial limitations and due to problems concerning their integration into the traditional system of education. A diverse range of successful non-formal educational programmes is presented with clarifications made about their focus. The author perceived these programmes as necessary in order to provide education and to reduce child labour globally. In World Education Report, UNESCO (2000); “The Right to Education, Towards Education throughout all Life” [87] emphasized the importance of the universal right to education and its significance in building peace worldwide. The report explores basic primary education, the value of literacy, and lifelong learning. An explanation is given suggesting how to provide
free primary education, and the most successful methods for teaching primary students. The working paper of Rekha Pande, “Child Labour in Beedi industry of Andhrapradesh” (1996) [64], reported that beedi making processes were dominated by girls. According to her, children who regularly attended schools and made beedis after school hours rolled 100 – 250 beedis per day. Those who rolled more than 250 beedis were either dropouts or they never enrolled in school.

It also appears from the present study that the problem of working children is rooted through the vicious cycle of child labour → illiteracy → poverty → child labour. It has revealed from the present study that children performing the schooling and working simultaneously (in case of 68% households) and this practice ultimately leads to irregular attendance in schools (26%) and ultimately dropout (21%). The majority of respondents thought this is because of poverty (33%). Most of the responded admitted that beedi rolling hampers education of children. This is basically similar to Rekha pande’s(1996). The present study demands for non-formal schooling system, which is recommended in the working paper of Rosati, F. C., and S. Lyon.

II.4. Health Hazards of Child Labour:

It is needless to mention that child labour has a great impact on child health – physical as well as mental. The extent of health hazards depend on nature of work and in case of hazardous job; its’ effect is extensive. The World Health Organization’s landmark report (2008) on the global tobacco epidemic entitled “The MPOWER Package” [102] made clear both the devastating scope of the global tobacco epidemic – it is the leading cause of preventable death in the world today – and the fact that it is entirely preventable if nations urgently implement proven solutions. This report presents the first comprehensive picture of what the world’s nations are doing to address this public health crisis, and it demonstrates starkly that most nations are not doing nearly enough. In this connection global report of WHO, ‘Occupational Health: Hazardous Child Labour’ [101] described the extent of the problem. Almost 250 millions children, about one in every six children aged 5 to 17 on the face of the globe, are involved in child labour. Of these, some 179 millions (one in eight) are trapped in the “worst forms” of child labour. The worst forms are those that endanger the child’s physical, mental or moral well-being. For children working as domestic
labourers, the hazards are sometimes not that obvious. Here, it can be the psychological hazards, like isolation, abuse, exploitation that make this form dangerous. Children are often “achievers”, they want to perform well, go that extra mile, and are inexperienced and untrained in dealing with hazards. Tools are not made for them, and thus pose more hazards. There are no personal protection devices for children. Additionally, they are also not organized and powerless. Girls are at special risk. They often begin to work at a younger age and have a double work burden (at home and in the fields). They frequently work longer hours, and in different cultural settings may get poorer nutrition. Occupational hazards cause not only short-term health effects, but most effects are long-term and will only become evident in adulthood. Therefore, they are difficult to measure and to quantify. Cancer, infertility, chronic backpain and IQ reduction are some of the expected long-term outcomes. The view is almost same from macro to micro level. Considering the micro level, a study was conducted by the Voluntary Health Association of India under the guidance of Sri. Alok Mukhopadhyay & Smt. Bhavna B Mukhopadhyay, Voluntary Health Association of India, 2008, on home-based bidi rollers of Murshidabad (West Bengal) and Anand (Gujarat) entitled “Caught in a Death Trap” [57]. The study was looking for a better understanding of the working conditions of beedi workers engaged in the unorganized home-based sector of the beedi manufacturing industry. Majority of the bidi workers work inside smoky households, exposed to tobacco dust in addition to indoor air pollution. Mainly beedi workers suffering in breathlessness, morning cough, chest pains, pain and cramps in the shoulders, neck, back and lower abdomen, loss of appetite, fatigue and weakness. Though the specific health problem of child workers were not mentioned, but the study reflected the acuteness of illness in connection with beedi rolling. The study explained that 65% were suffering from at least 2 to 3 types of ailments, 30% suffered four or more different ailments. The ailments mentioned here are all tobacco related namely; coughing, persistent cough with fever, breathing problem, stomach ache, nausea, headache, lower backache, neck pain and skin irritation. In this connection, the most important and acceptable study was conducted by Dr. Sanjoy Bhattachariya (2003), RMO, Central Hospital for Beedi Labour, Tarapur, Dhuliyan [19]. He pointed out that the child suffers silently physically, mentally and emotionally. The physical hazards are manifold and directly or indirectly related to their deprivation as a child labour and are mainly related to the chest diseases. Out of the patients treated at OPD of Central Hospital for Beedi Labour, Tarapur, Dhuliyan, 30% were children and 80% of them suffers from chest
diseases of which commonest is acute Respiratory Tract Infection (RTI). RTI spreads by droplet infection and spreads rapidly due to unhygienic working and living conditions. In the process of beedi rolling they are also addicted to beedi smoking from a young age. He also mentioned that contrary to popular belief that beedi rolling produce Tuberculosis has no scientific basis. Apart from this, most of the children suffer from malnutrition, diarrhea, fever, eye strain, skin diseases.

The same outcome also derives from the present study. People mainly suffer from cold, cough and flu and children especially in ENT and stomach problems, of which breathing (RTI) problems were the predominant. These are mainly due to poor living and working conditions. The present study has also not found any evidence of T.B. due to beedi rolling. Back pain & eye problems were persisting as a result of long term effects of beedi rolling, which was noticed among senior beedi rollers. The role of mental & emotional pressure towards child workers has also been observed during this study.

II.5. Exploitation of Child Labour:

Child labour is the soft target – they have been exploited in various ways; economically as well as socially. The voice of children has been neglected not only in the working place but also in their family and various studies also support the same. ‘Govt. of West Bengal (1973), Report on the conditions of Employment and Earnings of workers engaged in the Beedi Industry in the district of Murshidabad, Department of Labour’ [24] provided systematic information about the contract-system and various ways of exploitation of home workers. According to the report, in the putting out system, companies are freed from all direct responsibility for the welfare of the workers. Neither the Factories Act is applicable to those companies nor they are obliged to give the workers any bonus etc. In the backdrop of the existing facts on beedi industry, the study of Voluntary Health Association of India under the guidance of Sri. Alok Mukhopadhyay & Smt. Bhavna B Mukhopadhyay [57] reinstated that there is widespread exploitation particularly, among the women and children in the beedi industry in the way of middlemen, sub-contractors and factory owners in the form of poor wages, deplorable working conditions, lack of basic medical facilities, flouting of labour laws, childhood betrayed through engagement of children in beedi rolling. The author clearly mentions that the beedi manufacturers have perpetuated the
myth that they are providing jobs for the poor, mostly women in the “safety of their homes” and facilitating the continuity of household work along with bidi rolling. Data has revealed that in the name of “door-step”, “at-home employment”, the bidi industry conveniently exploits innocent and gullible women by not having to pay the minimum wages as recommended by government, but also in other ways. It is also mentioned that the children, especially girl children are victimized more. Regarding duration of work and payment thereof in respect of the child workers, the study of T. Kala in his paper “Exploitation of child labourers in India”, World Socialist Web Site, 2006 [84] pointed out some survey based examples in support of his study. In the unorganized sectors, children were paid piece rates, resulting in even longer hours for very low pay with unprivileged working environment. In Madras, School of Social Work study found that among children employed as mechanics, factory and construction workers and weavers, 31 percent worked 10 to 11 hours daily and 22 percent worked 12 to 13 hours. In Mumbai, there are thousands of small units known as “zari factories”. Boys aged 6-14 worked 20 hours a day, seven days a week, kneeling at low tables sewing beads and coloured threads on to vast lengths of fabric. A “zari factory” is a 3 m x 3 m room with dirty floors and hardly any ventilation. The boys have to work, wash, eat and sleep in the same room, with a small smelly bathroom in one corner. They are given only two meals a day. Not only exploitation, the violence against child workers including sexual abuse in the working place is also reported in various studies. The 'World Report on Violence against Children': Stop violence against children in the workplace! , International Labour Organization, 2006. [36] said many of the world’s more than 300 millions children and adolescent workers suffer ill-treatment, physical and psychological violence, verbal or sexual abuse. The article paints a stark picture of the nature, extent and causes of violence against children, including forms of violence in places of work. Every year, millionss of children who work pay a heavy price in terms of pain and abuse for their labour. Though there is little hard data on the precise numbers of working children who suffer violence, especially for child workers in the informal economy where the majority are to be found, the evidence amounts to a shameful, hidden side to children in the workplace. Violence towards working children has only remained ‘invisible’ because data are systematically collected on violence against female and other workers, but child workers are ignored. It is difficult to establish categorically where the work beneficial for future life stops, and exploitation and abuse begins. In many societies, parents place greater value on children being employed in economic activities than exploitation at work place. A
similar study on Child Abuse: INDIA 2007, Ministry of Women and Child Development, Government of India [83] provided sufficient data in order to establish the occurrences of child abuse in work place. The aim of the study was to develop a dependable and comprehensive understanding of the phenomenon of child abuse, with a view to facilitate the formulation of appropriate policies and programme meant to effectively curb and control the problem of child abuse in India. The study has provided revealing statistics on the extent and magnitude of various forms of child abuse - an area by and large unexplored. The study has also enlightened data on variations among different age groups, gender variations, state variations and variations within evidence groups. An attempt has been made through this study to see the extent of physical abuse of children in families as compared to the physical abuse of children by others. The study revealed that the percentage of physical abuse inflicted by family members (48.7%) was higher than that of others (34.0%). In case of West Bengal the percentage for boys was 51.35 and girls were 48.65. Among different evidence groups, highest percentage of children who faced sexual abuse was those at work 61.61%. As per the study, amongst the total number of working children, 7.8% were children working in bidi rolling. Among these 83.33% were girls. Out of the total children working in bidi rolling 14.04% reported physical abuse by employers. Among these 91.94% were boys. Further age-wise break up showed that 53.23% of these boys were from the age group of 5-12 years and 20.97% in the age group of 13-14 years.

The present study has many resemblances with above reviews. From the present study it appears that the children are exploited not only in monetary terms but socially and sexually too. The exploitation of working children are multi faceted, sometimes it is occurred by the middleman and even by the family members. Though there is no commendable statistics in order to prove the facts but other social circumstances prove the facts. It is also observed from the present study that the victim children as well as family members are not interested to disclose the matters due to their social and cultural barriers.

II.6. Protection of Child Labour:

The Constitution of India recognizes the vulnerable position of children and their right to protection. The report of Ministry of Women and Child Development,
Government of India; ‘INDIA 2007’ [83] elaborately described the Article under the Constitution of India; United Nations Convention on the Rights of the Child; National Policies and Legislations addressing Child Rights and Schemes and Programmes on Child Protection etc. The doctrine of protective discrimination, it guarantees in Article 15 where it is mentioned that special attention to children through necessary and special laws and policies that safeguard their rights. The right to equality, protection of life and personal liberty and the right against exploitation are enshrined in Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e) 39(f) and reiterate India's commitment to the protection, safety, security and well-being of all its people, including children. The Fundamental Rights and Directive Principles of the Indian Constitution provide the framework for child rights. Several laws and national policies have been framed to implement the commitment to child rights. India is signatory to a number of international instruments and declarations pertaining to the rights of children to protection, security and dignity. It acceded to the United Nations Convention on the Rights of the Child (UN CRC) in 1992, and is fully committed to implementation of all provisions of the UN CRC. India is also a signatory to this International Conventions on Civil and Political Rights, and on Economic, Social and Cultural Rights which apply to the human rights of children as much as adults. The Government of India in regard to the protection rights of children in India within the framework of the Child Rights and Millennium Development Goals (MDGs), has committed to achieve by 2015. Considering the various laws, it is revealed that there are wide gaps between various laws and sometimes it does not match with the international provisions. In the paper entitled ‘Child Labour- Beedi Industry, Social Issues’, [16] described the loopholes of various laws relating to child labours in beedi industry and the owner of the beedi industry took the advantages for exploiting these child works. After enforcement of the Beedi Workers Welfare Fund Act, 1976, it became mandatory for the employers to issue identity cards to all the workers in order to provide the provident fund, gratuity, maternity benefits etc. Then to circumvent the law, the contractor system was devised. In this way, the owner of beedi factory do not need to give the children identity card, so also no gratuity, PF and all other benefits that come with the identity card. Most of the children, who work at their homes, do not fall within the purview of the Beedi and Cigar Workers (conditions of employment) Act, 1966. Thus, by institutionalizing the contractor system, wherein the children operate from their respective homes, the beedi companies have very conveniently evaded the law. The author concludes with a suggestion that a structural
change can only change in the system. In this connection, another report by Emil M. Sunley (2008), ‘India: The Tax Treatment of Beedis’ [81] concluded that beedis are under taxed compared to cigarettes, despite being at least as harmful. The author recommended that India should increase excise taxes on beedis to protect health. But the reality is totally different. It is learnt from the experience that law & legislation are not the sufficient to tackle the issue. World Bank Policy Research Working Paper No. 1454 by Christian Grootaert, World Bank - Social Development and Ravi Kanbur, Cornell University - School of Applied Economics and Management; Centre for Economic Policy Research (CEPR), 1995 [26] described that Legislation against child labour, even if it could be enforced, is not the only the way to tackle the issue. Child labour legislation must be combined with targeted social and economic incentives (such as for schooling) together with equitable economic growth. The evidence they review shows that education interventions play a key role in reducing child labour and should play a key role in its eventual abolition. But other interventions are also needed, including legislative action, appropriate labour market policies, fertility interventions, adoption of technology, and better job opportunities for parents. There must also be advocates for better conditions for working children and for the empowerment of children and their families. In the long term, the objective of eliminating child labour must be approached through legislative action combined with social and economic incentives that takes into account not only the types of child labour and child labour arrangements in a country but that country's institutional and administrative capacity.

It is also seen from the present study that in spite of existing laws and legislations the problem is still continuing for more than 30 years. It is also derived from the present study that the employers are taking all the advantages to dilute the law for exploiting the beedi workers, especially children by using money and power. So, only legislation is not enough to tackle the issue of working children, especially the children engaged in the household sectors. There are so many loopholes in the existing laws to mitigate the problems relating with children engaged in household sectors. The child labour legislation, if enacted with compulsory education and health protection only then the law could be commendable.