Chapter I

introduction
“Every child is an experiment, on adventure into noble life, an opportunity to change the old pattern and make it new”.

Servetpalli Radhakrishnan.

It is said that every child is god’s gift to mankind. With the birth of every child the society is offered one move chance for a better tomorrow for the whole community. But is our treatment of children in conformity with this? Regrettably the answer is “no”.

Childhood is period of recreation, of enjoying every thing, of school learning of physical mental and social development and not in bearing work, but unfortunately Children in many third world countries are deprived of this childhood. India is no exception. Indian children are unlucky, being born in poverty, they have forced to work at an early age. It hinders the physical, mental as well as all round development of a child.

Definition of child labour

1. V V Giri distinguished two senses of the term ‘child labour’. The term ‘child labour’ is commonly inter pretend in two different ways: first, as an economic practice and secondly as a social evil.

2. Homer Falks. (1979) the chairman of United States National child Labour committee, defined child labour as: “…… Any work by
children that interferes with their full physical development, their opportunities for a desirable minimum of education or their needed recreation.

3 According to the Encyclopedia of social sciences, “when the business of wage earnings or of participation in self or family support conflicts directly or in directly with the business of growth and education, the result is child labour”

4 Enid Schenworth (1981) in his book “Child Labour” defined as. Any activity done by children which either contributes to production gives adult free time, facilitates the work of others or substitutes the employment of others

5 Veenayandothra defines child labour as “any work by children interferes with their full physical and mental developments, their opportunities for a desirable minimum of education or their needed recreation”

6 The International Labour Organization (1983): “Child labour includes children prematurely leading adult lives working long hours for low wages under conditions damaging to their health and to their physical and mental development. Some times separated from their families. Frequently deprived of meaningful education and training opportunities that would open up for them a better future”
WHO IS CHILD?

As defined by various organizations and sources: The constitution of India

Article 24: No Child below the age of 14 years shall be employed to work in any factory or mine or engaged in any hazardous employment.

The UN convention on the rights of child, 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 child under seven years of age.

The Indian Penal Code 19860, Section 83: Nothing is an offence which is done by a child above 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, 1920:

"Child means a person who if a female has not completed eighteen years of age"
The Factories Act: 1948:

No child who has not completed his fourteen year shall be required or allow to work in any factory.

The Apprentices Act, 1951:

A person shall not be qualified to be engaged as an apprentice unless he is not less than fourteen years of age.

The Mines (Amendment) Act, 1983:

No person below eighteen years of shall be allowed to work in any mine or part there of.

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.

The Child Labour (Prohibition and Regulation) Act, 1986:

"Child" means a person who has not completed his fourteen year of age.

Child Work:

Most children work after the age of six or seven years. They will be helping around the home, running errands, or spending time helping their parents on the family farm. This can make a healthy contribution to their development: in rural areas in particular such work can prepare children for the task of adulthood and help pass traditionally acquired skills form
one generation to the next. Children learn to take responsibility and pride
in their own qualities. Even in the wealthiest countries, children are
encouraged to work for a few hours a week.

Origin:

Child labour has existed in some form or the other form very early
times. In England in the very early stages of Industrial revolution, poor
children from London and other towns were put to work in cotton
factories in Lancashire and Yorkshire. Child labour was first recognition
as a social problem with the introduction of the factory system in late 18th
century in Great Britain. In the western and mid-western United States,
child labour became a recognised problem after the civil war and in the
south after 1910. Children had formerly been apprenticed or had worked
in the family, but in the factory their employment soon constituted virtual
slavery, especially among British Orphans. This was mitigated by act of
parliament in 1802 and later. Similar legislation followed in the European
continent as countries became industrialized. Legislation concerning
child labour in other than industrial pursuits e.g., in agriculture has lagged.
Nearly all member nations of the International labour organization (ILO)
regulate the employment of children in industry, and commercial work in
the street trades and a few agricultural and house hold works.
Although most European nations had child labour laws by 1940, the material requirements necessary during World War II brought children back into the labour market. The United States congressional child labour laws were declared constitutional by the Supreme Court in 1918 and 1922. A constitution amendment was passed in Congress in 1924 but was not approved by enough states. International efforts also failed and child labour still continues. The first labour standards act of 1938 set a minimum age limit of 18 years for occupations designated hazardous, 16 years for employment during school hours for companies engaged in inter-state commerce and 14 years for employment outside schools hours in non-manufacturing companies.

**Child Labour in India:**

In India, in 1931, the Royal Commission on Labour has exposed shocking conditions of children who were employed. Since then, much improvement has been noted in this regard. A later report by the Ministry of Labour, Government of India in 1952 stated that a sharp decrease in the proportion of children employed in factories had been noted by 1948. This report further commented on the extensive use of child labour in small industries, such as manufacturing of bodies and matches and seasonal factories. The Indian constitution has laid down the special objective of protection of children from unsuitable employment and moral and material abandonment so that their tender age is not abused.
India tries to follow the standards set by the conventions of the International labour organisation (ILO) in the matter of labour laws relating to these children, though not in all cases. The Indian constitution guarantees the rights of children through various articles.

Article - 7: Specified that National laws or regulations may permit the employment or work of persons 13 to 15 years on light work which is:

a) Not likely to be harmful to their health and development.

b) Not such as the prejudice their attendance at school their participations in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instructions received.

Article - 15 of the constitution lays down that nothing in this shall prevent in state from making any special provision for women and children.

Article - 23. Which is also relevant for the present purpose says that traffic in human beings and beggars and other similar forms of child labour are prohibited. Any contraventions to this Article is an offence and shall be punishable under law. This article confers a fundamental right against certain forms of exploitation. The provision under Indian penal code provides punishment for such exploitation. Which is sanctioned by the Article.
Article – 24 of the Indian constitution states that the child should not be employed in any form of work harmful to this wealth or development or dangerous to his life. The Indian laws mainly deal with four matters:

1. Minimum age for employment of children: This varies from occupation to occupation ranging from 12 to 16 years.

2. Medical examination of children.

3. Maximum hours of work: Depending upon the nature of work, ranging from 4½ hours to 7 hours per day.

4. Prohibition of night work for children from 10.00 p.m. to 6.00 p.m.

Article – 39 provides that (1) the state shall in particular, direct its policy towards securing:

(2) That the health and strength of the workers, women and men, and the tender age of children are not abused, and that citizens are not forced by economic necessity to enter avocations, unsuited to their age and strength and (3) that children and youth are protected against exploitation and against moral and material abandonment.

Article – 42 and 43 provides for securing just and human conditions of work and hold out a promise that the state shall endeavour to secure, by suitable legislation, or economic organisation or in any other way, to all workers, Agricultural industrial or other wise work, a living wage conditions of work, ensuring a decent standard of life and full employment of leisure and social and cultural opportunities e.t.c.
Article – 45 lays down compulsory primary education for children up to 14 years of age.

A chronological list of laws either exclusively dealing with or having provisions relating to child labour is as follows.

1. Children (Pledging of labour Act), 1933
2. Employment of Children Act, 1938
3. Factories Act 1948
4. Mines Act 1952
5. Plantation Labour Act, 1958
6. Merchant Shipping Act, 1958
7. Apprentices Act, 1961
10. Beedi and Cigar workers (Conditions of employment Act)
11. State shops and Establishment Acts,

Despite of many legislations and constitutional provisions child labour is still continuing in unorganized sector. According to 1991 Census report the total number of child workers in India amounted to 2.5 Crores. Which was 6 percent of total number of workers in that year. It is estimated that in India in the age group of 8 – 14 years. Every 3rd child in the rural area and every 8th child in the urban area is a working child. In
Andhra Pradesh the percentage of child labour to the total child population is 25 Lakhs. UNICEF in 1993 estimated that 17.4 million children in India formed part of the economically active population. According to the Union Minister of State for Labour Sangma (1996) the country has about 15 million children working in various segments of the economy.

Nature of child Labour:

The nature of working children is very complex in India. Most of the working children are found in unorganized sector and marginal occupations. Children are found to be working in all the sectors of the economy – The agrarian, Industrial, and Service sectors. Each sector has its peculiar features.

The Agrarian sector in India is characterized by poverty, unemployment, highly skewed distribution of land - ownership, traditional, and modes of products. Prevalence of old customs and traditions, System of usually etc. Several forms of child labour such as invisible, migrant, bonded emerge from this sector. Which encompasses such time - consuming activities for boys as looking after animals, gathering wood and fodder, sowing and reaping, protecting fields from pests, weeding etc. For girls the activities are milking animals, cooking
and looking after young children. The rural child is a working child and work is a fundamental part of his or her existence, irrespectively of whether it is non-monetary. It also, therefore, means that an education is a casualty for such a children.

Major forms of Child Labour:

There are different ways of classifying the major forms of Child Labour. The method of classification by branch of economic activity covers the following 10 areas:

Classification by sector and trade

1. Agriculture hunting, Forestry and Fishing
2. Mining and Quarries
3. Manufacturing
4. Electricity, gas and water supply
5. Constructions
6. Whole sale and retail trade, hotels and restaurants
7. Transport storage and communications
8. Banks, Insurance and business services
9. Services provided to the community
10. III - defined activities including Child prostitution, Pornographic industries, assuasive, armed guards an military men.
<table>
<thead>
<tr>
<th>No.</th>
<th>Sector Activities</th>
<th>1971 Years</th>
<th>1981 Years</th>
<th>1991 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Rural Boys</td>
<td>Rural Girls</td>
<td>Urban Boys</td>
</tr>
<tr>
<td>1</td>
<td>Primary Sector</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cultivation</td>
<td>36.91</td>
<td>27.58</td>
<td>6.46</td>
</tr>
<tr>
<td></td>
<td></td>
<td>37.01</td>
<td>26.50</td>
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<td></td>
<td></td>
<td>40.00</td>
<td>28.00</td>
<td>8.00</td>
</tr>
<tr>
<td>2</td>
<td>Agriculture Labour</td>
<td>42.00</td>
<td>37.00</td>
<td>12.41</td>
</tr>
<tr>
<td></td>
<td></td>
<td>42.79</td>
<td>53.76</td>
<td>10.30</td>
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<td></td>
<td></td>
<td>45.00</td>
<td>54.00</td>
<td>11.00</td>
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<td>3</td>
<td>Secondary Sector</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fishing, Plantation etc.</td>
<td>8.81</td>
<td>5.14</td>
<td>4.45</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8.61</td>
<td>7.41</td>
<td>4.20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10.12</td>
<td>8.96</td>
<td>5.00</td>
</tr>
<tr>
<td>4</td>
<td>Mining and Quarrying</td>
<td>0.20</td>
<td>2.25</td>
<td>0.40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8.14</td>
<td>0.10</td>
<td>0.10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.15</td>
<td>0.12</td>
<td>0.14</td>
</tr>
<tr>
<td>5</td>
<td>Manufacturing, Processing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Servicing and Repairing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) Household Industry</td>
<td>4.07</td>
<td>4.06</td>
<td>8.02</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.30</td>
<td>5.46</td>
<td>8.01</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4.20</td>
<td>6.20</td>
<td>9.00</td>
</tr>
<tr>
<td></td>
<td>b) Other than household</td>
<td>1.93</td>
<td>1.80</td>
<td>24.37</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.20</td>
<td>1.40</td>
<td>24.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.00</td>
<td>2.00</td>
<td>25.00</td>
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<td>6</td>
<td>Construction</td>
<td>0.60</td>
<td>0.42</td>
<td>2.94</td>
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<tr>
<td></td>
<td></td>
<td>1.10</td>
<td>1.20</td>
<td>2.79</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.00</td>
<td>2.00</td>
<td>4.00</td>
</tr>
</tbody>
</table>

Causes of Child Labour:
Causes of Child Labour:

1. Occupational Regimes of the caste system.
2. Employment Structure in unorganised sector.
3. Proliferation of Informal Sector.
4. Unemployment of Adults.
5. Migrating from Villages.
7. Lack of Schooling education.

Consequence of Child Labour
Children constitute cheap labour. They are not able to organise themselves against exploitation. Hence they can be and are exploited. Child labour contributes to adult unemployment and therefore, at the same time perpetuates child labour as children grow up unskilled, enfeebled adults. Not even fit to be employed in the industry they earlier worked. The ineffective implementation of legislation pertaining to Child Labour results in the continued exploitation of child labour.

Child labour is the cause and effect of illiteracy and of ignorance, of poor standard of living and levels of family and community life and cultural attitudes.

Consequence of Child Labour:

The higher the rate of child employment the lower is the rate of adult employment. Even in terms of earnings it is observed that the market value of children's labour is even less than half the value for adults. Apart from employment and earnings child labour is directly related to child health and exerts a negative affect on it. It is seriously interferes with their education and strikes at the very root of normal and healthy personality development. Also, job situations results in loss of schooling. Physical strain and deprivation of avenues for sport and pastime which is so vital to a child's normal growth. It may be said that
child labour is economically unbound as it undercuts adult labour, reduces wages and increases adult un employment in consequence.

Table-2
Age specific works participation rates of children by sex in India 1971,1981,1991

<table>
<thead>
<tr>
<th>S.No</th>
<th>Sex</th>
<th>Age</th>
<th>Participant Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rural India</td>
</tr>
<tr>
<td>1</td>
<td>Male</td>
<td>0-14</td>
<td>7.51</td>
</tr>
<tr>
<td>2</td>
<td>Female</td>
<td>0-14</td>
<td>3.05</td>
</tr>
</tbody>
</table>

Source: Census commissioner & Registrar General 1991 (Rate Employ for every 100 adults) statement 55

Magnitude and distribution of child labour

Child labour is a global phenomenon. The world's population of working children has yet to be counted accurately. Because it is often illegal and clandestine, child labour lies beyond the conventional labour statistics.
CHILD LABOUR IN WORLD:

According to the revised estimates by the International Labour organisations Bureau of statistics (1998), the number of child labourers in the age group of 5 to 14 years at least 120 million who are fully at work. The number is the more than twice as a large, about 250 million, if those for whom work is a secondary activity are included.

Of the entire child labour population

- 61% are found in Asia
- 32% are found in Africa
- 7% are in Latin America

CHILD LABOUR IN INDIA:

In India, the problem of child labour in nature and magnitude is complex and gigantic. Millions of children are working in large number of different industries and occupations all over the country. Today India is the none of the largest number of working children.
There is no precise data on the magnitude of child labour and all the estimates fall short of the actual figure. Due to multiplicity of definitions, different methods of computation and the collection of data at different points of time there are variations in the data on child labour. The
estimates on the magnitude of child labour in India vary from approximately 11 million to over 100 million. The census enumerates only those workers who are engaged in economically productive work and when it comes to child labour. They are merely counted as part of the labour force. The census of India 1991 give a figure of 11.28 million children in the age group of 5 to 14 years. However there are about 92 million children who are neither enrolled in schools nor accounted for in the labour force, who came under the category of "now where" children.

Among the male child workers through about 78 percent are concentrated rated in agriculture sector, their presence seems to be quite considerable in the non-agriculture sector worth over 20 percent.

Among the Female working children about 52 percent are agricultural labours and in total about 83 percent are in Agriculture sectors. Thus concentration of female child workers in Agriculture sectors is more than male child workers. As an implication of this their presser in non-agriculture sector is only 12.61 percent. Overall it should that female children are more involved in low paid jobs their male children. While the preceding figures indicate the incidence of child labour and occupational classification of them for the whole country. There is a great variation across the states in India. (See table 1)
MAGNITUDE OF CHILD LABOUR IN ANDHRA PRADESH:

Andhra Pradesh state has the dubious destination of having child labours in the country. If we scan through the 1991 census data across the district of Andhra Pradesh we will be surprised to notice districts like Kurnool (112,037), Guntur (118,275) and Mahaboob Nagar (124,617) ranks very incidence (100,000); East Godhavari (75,975) West Godhavari (83392) Srikakulam (59995), Warangal (75090) ranks high incidence (75000 - 100,000)Vizayanagaram (62,627), Vishakapatnam (70,130), Krishna (81247), Ananthapur (92255), Karimnagar (87563), Prakasam (73,920), Nellore (51,443); Chittoor (62,730), Rangareddy (52,160), Medak (65,000), Nizamabad (58,410), Adilabad (55,253), Khammam (67,015); Nalgonda (74,410), ranks media incidence (50,000 - 75000) and Cuddapah (43,720) ranks low incidence 25,000 - 50,000 of child labour.

Based on the 1991 censes, the state of Andhra Pradesh continues to top the list of child labour in the country. There are 16.6 lakhs child workers in various occupations and establishments which accounts for 14.7 percentage of the total child labour in the country. Poverty, social discrimination attitude of adults towards children are the main causes for the existence and growth of child labour in the state of Andhra Pradesh. Poverty of the parents is generally quoted as one of the reasons to send the children to work at an early age. Though the state of Andhra Pradesh
is topping the list of child labour in the country, but it is not the present state in India in terms of per capita income and availability of infrastructure. This is a paradox, which has to be debited and sorted out.

The percentage of child workers to total population is 2.5 percent in the state out of the total child workers of which boys and girls constitute 58 and 42 percentage respectively. 92 percent of child labours are found in rural areas, almost 87 and 92 percent of (Rural child labour) boys and girls respectively are illiterates. The state government has made a survey of nearly 10,683 house holds to identify child labour employed in various hazardous occupations and processes. The study revealed that most of the child workers are employed in rural areas of hazardous occupations, which include Beedi Industries since kilns. State industries, granites, sericulture, lace making, jute handy crafts and laic bangles. Child workers are also found in variety of agriculture occupations through out the state. Practice of keeping children in debt bondage also prorates in rural areas.
<table>
<thead>
<tr>
<th>Sl.No</th>
<th>States</th>
<th>Number of child labour</th>
<th>Percentage of child labour</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
<td>3,25,000</td>
<td>20.2</td>
</tr>
<tr>
<td>2</td>
<td>Bihar</td>
<td>2,11,000</td>
<td>1.9</td>
</tr>
<tr>
<td>3</td>
<td>Gujarat</td>
<td>1,71,000</td>
<td>9.0</td>
</tr>
<tr>
<td>4</td>
<td>Karnataka</td>
<td>1,93,000</td>
<td>5.5</td>
</tr>
<tr>
<td>5</td>
<td>Madhya Pradesh</td>
<td>5,00,000</td>
<td>1.7</td>
</tr>
<tr>
<td>6</td>
<td>Orissa</td>
<td>3,50,000</td>
<td>20.4</td>
</tr>
<tr>
<td>7</td>
<td>Rajasthan</td>
<td>6,700</td>
<td>5.4</td>
</tr>
<tr>
<td>8</td>
<td>Tamilnadu</td>
<td>2,50,000</td>
<td>13.8</td>
</tr>
<tr>
<td>9</td>
<td>Uttar Pradesh</td>
<td>3,50,000</td>
<td>3.8</td>
</tr>
<tr>
<td>10</td>
<td>All India</td>
<td>26,17,000</td>
<td>8.11</td>
</tr>
</tbody>
</table>


The above table indicates the percentages of child labours in majority states in India (1991 census) majority of the child labours i.e., 20.4 percent are in Orissa State followed by 20.2 percent in Andhra Pradesh, 13.8 percent in Tamilnadu, 9 percent in Gujarat, 1.9 percent in Bihar, 5.5 percent in Karnataka, 1.7 percent in Madhya Pradesh, 5.4 percent in Rajasthan, 3.8 percent in Uttar Pradesh, further, the table above the all India Child labour percentage as 8.11.
PERCENTAGE OF CHILD LABOUR IN CHITTOOR DISTRICT, 1991

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Sex</th>
<th>No. of Child Labour</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Male</td>
<td>8,000</td>
<td>2.66</td>
</tr>
<tr>
<td>2</td>
<td>Female</td>
<td>7,000</td>
<td>2.33</td>
</tr>
</tbody>
</table>

Source: Census of India National Sample Seruve 1991

The table points out that percentage of child labour in Chittoor District of 1991 censsus. Majority of the child labour i.e., 2.66 percent are males, and 2.33 percent are Female child labourers.

EXTENT OF CHILD LABOUR IN AGRICULTURE:

Children are generally employed in agriculture and non-agriculture activities in the states under reference. We have categorized these activities to three groups namely cultivators, agricultural labourers and others. Others include children engaged in manufacturing in house hold industry, making and quarrying, trade and commerce, and transport. Child labours engaged in non agriculture activities were meager are pure deminishe4d, where as their share as agriculture labourers has sky. Rocketed throughout the period under study more than half the percent of male child workers and less than half the percent female child workers were employed as a agriculture labours India states in 1991.

Work in the agriculture sector involves following stages.
PLANTATION
CROP HARVESTING
GRASS CUTTING
WEED PLUCKING
GARDENING
FLOWER PLUCKING
PESTICIDE SPRAYING
G.N.SEEDING
SUGAR CANE CUTTING etc.

CONTRIBUTION OF SEASONAL ACTIVITIES:

The nature of work carried by the child labourers at the agriculture and cultivation is hard and it is extremely hard during throughout the year are seasonal work. Rather the child is made to work. The productive period in most of the region is dry region is quite short. It is generally extends over 3rd months of the monsoon seasons. To exact maximum benefits to change all resource available to him in an activity or another children do the work food collection including by harvesting or minor crops for self providing are some examples. In some cases their have to support. The adult workers by bringing food and water source. Home at the field and by baby sitting.
WORKING TIMING AND WAGES OF CHILDREN OF AGRICULTURE SECTOR:

The child labour working in agriculture two shift for a day and first shift commence in the morning from 8.00 Am to 2.00 P.m. in a day. Some are doing the work in agriculture field two shift i.e. first shift 8a.m. to 12 a.m. and second shift 2.00P.m to 5P.m of the duration of working in the agriculture field.

WAGES:

Wage for working children employed in extracting vary form Rs. 20 to 30 for a day. Agriculture workers not entitled to welfare benefits like provident fund employs state insurance. Minimum wages act, 1948 does not apply to agriculture workers. The child workers are forced to live in dire economic conditions. Even though same members of in a house hold find employment in agriculture their working are not sufficient to meet their basic necessities. Child workers often borrow money from their land owners or local money lenders, some times the labourers get money from banks loans etc.

Child workers are kept not only as bonded labour situation but also forced to live and work in those conditions which are determinates to their over all development.