CHAPTER – 1

INTRODUCTION

We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all of its citizens: justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship; Equality of status and opportunity; and to promote among them all;

Fraternity assuring the dignity of the individual and the unity and integrity of the Nation; In our constituent assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution.

Thus reads, the Preamble to the constitution, as amended in 1976. The constitution of India, that we gave ourselves, included our Fundamental Rights and some Directive Principles of the State Policy with a purpose of securing good of all the people. This democratic Republic incorporated the idea of a ‘Welfare State’ and went beyond ‘political democracy’, trying to obtain for its citizens, social democracy.

Given such pious intentions, born out of certain convictions, the state of our society, economy and polity nearly after six decades of those declarations, is nothing but pitiful. Certain islands of prosperity notwithstanding, the country as a whole has experienced poverty, inequality and unemployment. In spite of various governmental efforts to provide education to one and all, at the last national count (2001) our literacy rate was only 64.84% (Economic Survey 2006-2007, pp. S-114). All these and other deprivations woefully combine to produce the most wretched of all deprivations – the deprivation of childhood, christened as ‘Child Labour’.

1.1a CHILD LABOUR DEFINED

Often, when speaking of child labour, different concepts such as child work and child labour are used synonymously, which make our analysis of the problem of
child labour very confusing. To avoid this confusion, it is very important that a
distinction should be made between these two.

Child work must be used in a general sense, thereby referring to any type of
work being done in any mode of employment relationship. ‘Work’ should then
describe the physical (or mental) involvement in a job. It is an activity, which
instead of having any negative influence on one may be beneficial in one’s
formative socialization. The concept of ‘labour’ on the other hand must be limited to
the production and services, which intervene in normative development of children.
The nature of labour relation, paid on unpaid, hired or self-employed, full time or
part time is immaterial to the definition. In short, we can say that the work, which
does not take away from the child, the other essential activities – like education,
leisure and play – is not child labour. ‘Child labour’ therefore is the work, which
involves some degree of exploitation – physical, mental, economic and social – and
therefore has an adverse effect on the health and other aspects of children. In other
words, child labour is a subset of child work.

An important definition in this context is the one given by Stein and Davies
(1940) who define child labour as......any work by children that interferes with
their full-physical development, the opportunities for a desirable minimum of
education and of their needed recreation (c.f. Lienten, 2000). International Labour
Organisation, (ILO), provides the following definition of child labour: It holds that
Child labour includes children permanently leading adult lives, working long hours
for low wages under conditions damaging to their health and to their physical and
mental developments, sometimes separated from their families, frequently deprived
of meaningful educational and training opportunities that could open up for them a
better future (ILO, 1983).

It is quite evident from the above definitions that two major indicators,
namely, (a) exploitation and (b) age – have been used in defining child labour.
According to Jain (1994), in the context of exploitation UNICEF has defined Child
Labour in the following manner:

1. Starting full-timework at too early an age;
2. Working too long within or outside of the family so that children are unable to attend school, where it is available, or to make the most of school due to fatigue for lack of time. In some cases, children still work 12-16 hours a day;

3. Work resulting in excessive physical, social and psychological strains upon the child as in the case of sexual exploitation and pornography, work in sweatshops, as well as, such dangerous work as military service and mining;

4. Work and life on the street in unhealthy and dangerous conditions;

5. Inadequate remuneration for working outside of the family as in the case of the child workers in carpet weaving who are paid Rs.120 for 60 hours of work;

6. Too much responsibility at too early an age as in the domestic situation where children under 10 may have to look after young brothers and sisters for a whole day thereby preventing school attendance;

7. Work that does not facilitate the psychological and social developments of the child as in dull and repetitive tasks associated with industries like handicrafts, and

8. Work that inhibits the child’s self esteem as in bonded labour and prostitution and, in a less extreme case the negative perception of ‘street children’.

Age too is an important criterion, which receives a lot of weightage in discussions relating to the issue of child labour. Both ILO Convection No. 138 and Article 32 of the United Nations Convention on the Rights of the Child (CRC) call on countries to establish a minimum age for admission to employment apart from several other issues.

On 20th November 1959, United Nations unanimously adopted resolution on the rights of the child and reaffirmed its faith in fundamental human rights and in dignity and worth of the human. Again in November 1989, the general assembly of the U.N. adopted the convention on the rights of the child. In view of the difficult conditions in which the children live all over the world, the U.N. in its convention on the rights of the child, included 42 articles covering various aspects of child right and welfare of the children. The convention was adopted unanimously on 20th
November 1989 and was open for signatures in September 1990. The convention protects the civil and political rights of the child and extends protection to economic social and cultural and humanitarian rights of the child. India also signed the instrument and submitted it to the U.N. on 11th December 1992 (Shrisvatav, 2006).

1.1b The Indian Scenario

Article 24, of the Indian Constitution, states that no child below the age of fourteen years shall be employed to work in any factory or mine or employed in any hazardous employment. Also, in India, the Child Labour Prohibition and Regulation Act, 1986 prohibits the employment of children under age fourteen in hazardous occupations and limits the working hours of children to 36 per week. However, the present study has restricted itself to the age group 5-14 years, as is customary amongst Indian scholars.

The major sources of information on child labour, such as National Sample Survey Organization and the Population Census, recognize as labour, ‘... those children who are employed either as paid workers or in production related activities in which at least a portion of the produce is marketed’. This would clearly leave out a considerable number of children employed as unpaid workers in production related activities and in domestic duties, i.e., ‘invisible workers’ (Jayraj and Subramanian, 2002) or ‘nowhere children’. Our study has, however, also included the above missed segment of child labourers. For us, the basic definition of child labour is, any labour within or outside the family which hinders the child’s health and mental development and denies him or her access to education, leisure and play.

1.2 CHILD LABOUR: A HISTORICAL BACKGROUND

Actually the problem of child labour is not just an outcome of modern industrial society; on the contrary this problem has been there since the very dawn of human civilization. Mendelievich (1979) believes that in order to survive, all societies, to some extent have involved children in economic activities.

In ancient India, child labour existed in the form of child slaves. Employment of children in India, in the form of slavery was mentioned even in Kautilya’s Arthashastra of the 3rd Century B.C. At that time child slaves of less than eight years of age were known to be working in many nobles, houses (Rangarajan,
In the medieval period children engaged themselves in crafts and trades besides agricultural activities. Near the middle of the 19th century, the mechanized large-scale production came into existence and children were employed in different sectors.

Even in the Western nations, which are now considered as the most developed ones in the world, it was taken for granted that children would work alongside their parents in the field or in the home. However, with the changeover to manufacturing industry in the 19th century, it became common for children to work in factories, especially textile mills, from the age of 6 years onwards. Their working conditions were abysmal involving a daily stint of some 14 hours and with almost no means of protection against the risk of accidents. In the Victorian England employers most often hired children over adults because kids were powerless and would not revolt (Yancey, 1999). Also essential to the economy, parliament supported child labour saying a child was more useful to his/her family working (Altick, 1973). As recently as the beginning of the 20th century, children in some Western countries were still employed in coal mines or were kept busy at home on work sent out to them by manufacturers (Costin, 1972). The so called 'apprentice system' in Europe was no less exploitative of children.

In India, children have worked in cotton and jute mills, coal mines and in underground work. Even today, children are involved in many types of repetitive, monotonous, hazardous tasks and are often exploited, which has a harmful effect on their physical and mental growth. Hence, one can clearly see that the phenomenon of child labour has been there, albeit in different forms, since the emergence of human society.

Though the problem of child labour has persisted since ages, only scanty literature is available for the earlier period. There has, however, been a spurt in its availability since the declaration of 1979 as the International Year of the Child as per the resolution passed by the U.N. General Assembly on 21st Dec 1976. Now a considerable literature on various aspects of child labour is readily available. Many researchers have made valuable contributions to the study of this social problem.
1.3 Review of Literature

Since the prevalence of child labour is widespread in the developing world, one does come across reporting about its incidents at various levels. In the Indian context, the problem of child labour is very hard to quantify. Going by the Census 2001, it is believed that India has the largest number of child workers under the age of 14 in the world. UNICEF (2005) estimated that there are at least 70 to 80 million child workers in India (Plan U.K. and Plan International, Child Worker, 2005 P.6). According to the 2001 Census, there are 12.6 million children working in hazardous occupations in India. At least 14% of children, aged 5 to 14 years, are estimated to be involved in child labour (UNICEF, 2005).

The highest number of working children in the age group 5-14 years (as per the 2001 Census) are in Uttar Pradesh, this is followed by Andhra Pradesh, Rajasthan, Bihar, Madhya Pradesh, West Bengal, Karnataka, Maharashtra, Gujarat, Tamil Nadu, Jharkhand, Orrissa, Chhatisgarh, Assam, Haryana, Panjab, J & K, H.P. and Kerela.

Duraiswamy (2000) offers rich statistical information at the level of Indian Union as well as Indian states. According to him Kerela has the highest percentage of children enrolled in schools, i.e., 91.1% and the lowest percentage of children working, i.e., 0.4%, with the so-called ‘nowhere children’ (children not working and not enrolled) coming to 8.5%. Andhra Pradesh has 68.7% children enrolled in schools with the highest proportion of child labourers, i.e., 9% and nowhere children amounting to 22.3%. Bihar has the lowest percentage of children enrolled in schools, i.e., 51.8% with 3.9% of children engaged in labour and as many as 44.3% nowhere children. Madhya Pradesh has 52.1% enrolled children, 3.5% of children involved in doing labour and the highest proportion of nowhere children, viz., 44.4%

From the work of Dev (2000), we find the sub-sectoral division of child labourers in India. He observes that the maximum proportion of children worked as agricultural labourers, next comes the turn of children working as cultivators, and then those working in manufacturing and household industries. It may not be out of place to mention some of the studies undertaken at the micro level. For instance Kothari (1983), on child labour in Shivkasi; Bhai (1985), on children engaged in carpet units in Mirzapur; the works of Phillips (1982), Rao and Mallik (1992),
Reddy (1992), Panicker and Desai (1993), on the street children in various cities of India; the works of Sharma and Mittar (1990), relating to urban informal sector of Patiala; Murthy (2001), for working children in the unorganized sector in Ujjain city in M.P; Vaikunthe (2003) on child labourers in the unorganized sector in Karnataka; Akhoury (2003), on working children in Patna; Dhillon and Arora (2000) on the working children in the knitting industry in Panjab; Khan and Haroon (2000), on the lock industry of Aligarh, and Goel (2005), on child labour in the hosiery industry in Ludhiana are just some of the works undertaken in the area.

In the context of age of these children, Khandekar and Naik, (1972) found that a fairly large number of children below what was considered to be the working age, were called upon to supplement the economic activity of their elders. Gangrade (c.f. Mendelievich, 1979, p 82) also concluded that the children only six years have been found working, although the usual age of entry into the employment seems to be 8 to nine years. Boys of 10 - 12 have been found working on regular term contracts of several years duration.

Singh et. al. (1980) found in their study, that one out of every 4 children joined the workforce, before completing 9 years of age and a little less than a half, before completing 12 years of age and again a little more than ¼ joined it as soon as they enter their 13th year of life. Gathia (1983) discovered that in ‘bidi’ making, children between 6 – 12 years of age worked in factory sheds and their own homes on piece rate basis.

Murty’s (2001) study on child labour in the unorganized sector in Ujjain city of M.P., showed that the maximum percentage of child labour was in 8 to 12 years of age group.

A survey by Giri Institute of Development Studies, Luckow, revealed that the workers in the carpet Industry of Mirzapur (Uttar Pradesh), were in the age group, 7 to 14 years (c.f. Singh, 2003). One of the studies of Markapur slate industry revealed that the majority of child workers (61%), joined the workforce when they were in the age group 9 to 10 years (c.f. from Goyal, 2004). Goyal (2005), in her work on the child labour in the hosiery industry of Ludhiana (Punjab), found that a majority of the children (47.45%), fell in the 12 to 14 years age bracket and no child below the age of 8 years was found working. Lillykutty (2001) noted that, out of
nearly 1 million children working in the bangle industry of Uttar Pradesh, more than 25% were below 15 years of age.

Studies also reveal gender disparity among these child laborers. Mohanty (1997) found that the participation of female children in labour was greater than the male children.

Lillykutty (2001) pointed that the girl child accounted for nearly 95% of the children in ‘bidi’ manufacturing and 56% of those involved in manufacturing of fireworks. Muthuraja’s (2001) study revealed that world wide millions of children toiled in obscurity in private homes, behind closed doors, as domestic workers- 9 out of 10 of them are girls who are trapped in a cycle of dreary tasks amounting often to virtual slavery. In fact female working children outnumber males for both rural and urban areas. For every 1000 male working children in India, there are 1198 female working children (Akhoury, 2003).

Researches show that child labourers are low in their educational attainment. Phillips (1992) observed that the street children of Indore (Madhya Pradesh) were deprived of educational development as 65% of them were illiterate, 24.7% had studied up to primary level and only 10% had studied up to middle level. Akhoury (2003), in his study on child labour in the unorganized sector of Patna (Bihar), found that 54% of children employed in different occupations were illiterate and just 45% of children were literate. According to the survey conducted by Giri Institute of Development Studies, Lucknow (Uttar Pradesh) on children working in the carpet industry in Mirzapur (Uttar Pradesh), it was found that most of them were illiterate (c.f. Singh 2003). Similarly, Goyal (2005), in her work on the child labour in the hosiery industry of Ludhiana (Punjab), found that a large proportion (42.34%) of the children had never been to school, while about 30% were educated up to primary level, and 21.17 % had studied up to the middle level.

Many studies have identified a definite link between religion, caste and child labour. Some of them are those by Picholia (1980), Murthy (2001), Sen, Siddhantha and Nandy (2003). Picholia (1980), in a study on child labour in Ahmedabad (Gujarat) found that out of a sample of 63 child labourers, 33 belonged to families of SCs, STs, and the Muslim community. Similarly, a study conducted by Sen, Siddhanta and Nandy, (2003) on child labour in ‘Zari’ industry of Howrah district
(West Bengal) revealed that this work was basically done by Muslim children as ‘Zari’ work was their traditional craft. Murthy (2001), in her study on children engaged in work in unorganized sector in the Ujjain city (Madhya Pradesh), found that 88% of child laborers belonged to Hindu, 10% to Christian and 2% to Muslim communities.

When analyzing the caste composition of child labourers, Nangia (1987) observed that, if these figures are compared with the caste structure of the country, it would be realized that a comparatively higher proportion of scheduled caste children work at a younger age for their own and their families economic support (p. 116).

According to Dinesh (1988), factors like poverty, caste, tradition, size of family etc are interlinked and exert their influence directly and/or indirectly on the work participation of children. Sooryamoorthy (1998), while examining the situation of child labour in Kerala concluded that nearly two thirds of children in the labour force belonged to the backward sections of the society – SCs, or O.B.Cs. Murthy (2001), in her study on child labourers in M.P. found that the maximum number of working children belonged to the S.C and B.C. categories, their percentage being 51%. Others were Kshatriyas (22%), Vaishyas (12%) and Brahmins (15%). Goyal (2004), in her study on child labourers in the sports goods industry in selected firms of Jalandhar (Punjab), found that 87.50% of them were SCs, 2.08% were BCs and 10.42% belonged to other castes. Many researchers have also related the phenomenon of migration to child labour. Dixit (1985) studied female child labour in unorganized sector of Baroda City (Gujarat). It revealed that majority of their families were migrants. As per Harvey and Riggin (1994) migrant child labour was the common characteristic of the 300,000 children producing carpets in India. Of those, as many as 50% were trafficked from one region or state to another by carpet agents. Singh (1999), in his study on child rag pickers of Kurukshetra town (Haryana), found that most of them belonged to migrant families. According to Krishnakumar (2006), In South Kerala, migrant businessmen from neighboring states bring with them children of relatives to work for 12 to 18 hours in restaurants, or as attendants in provision shops.
Studies have also been done on the working conditions of child laborers and all of those had a sorry tale to tell. These studies reveal that the working hours of children are long, adequate rest intervals are missing and other holidays are absent. The working hours could range from 4 hours (Singh et al, 1980) to 16 hours (Sandhu and Singh, 1980). Mendeliverich (1980; p 38) has made a very significant observation: The number of hours worked by children, per day, varied considerably. They may be at their jobs everyday but for a part of a day only, or they may work 8 hours a day for 6 days a week, and so on...... Working days of 10, 12 or 14 hours for 6 or sometimes 7 days a week, that is to say, far beyond what the child can tolerate both physically and mentally.

Sahoo (1999) in his study on child labourers involved in textile, ‘Zari’ and Diamond industry of Surat (Gujarat), found that the child labourers were usually forced to work longer hours than the permissible hours. Some 87% of the workers worked between 10 to 12 hours and that most of them even had a shift in rotation. Also, half of the industrial workers, particularly in the textile industry, received a monthly income of less than 150 rupees. Only 15 of them got more than Rupees 200/- per month, the majority being from the diamond and the rubber industries.

In the non industrial, un-organised sector, either there was no fixed payment or it was very low (below Rupees100/- per month). But those children were provided food and even snacks, as well as, a pair of dress each, in most cases. Amongst the child construction workers in Delhi, Nangia (1987) discovered that work started at 8 am and continued till 5 pm with a break of one hour, with no weekly off. In construction activity, they were paid Rupees 11.60 per day.

A similar survey by Nangia (1987) in Delhi focused on the children engaged as servants: (a) working with eating establishments, like hotels, restaurants, way side tea shops, snacks-peddlers; (b) children selling consumer goods like cloth, leather goods, readymade garments, artificial-jewellery etc., and (c) domestic servants. She brought out certain interesting facts:

(i) Children working in eating establishments had to work for a prolonged period of time, which in most cases extended beyond 14 hours per day, with one or two hours rest interval.
(ii) In domestic services, 67% of the children were working for more than 14 hours a day, and only 16% of them worked for less than 8 hours a day.

(iii) Income wise also, they were paid very low wages. While 10 (45.45%) children received 100 to 150 rupees per month, 9 (40.91%) children received 50 to 100 rupees per month and 3 (13.64%) received less than Rupees 50 a month.

Murthy’s (2001) study of child labourers in M.P. revealed that most of the girls were working for 6 to 8 hours whereas most of the boys were working from 8 to 10 hours a day. These children were generally household or hotel workers. Here most of the girls were earning 400 to 600 rupees per month, whereas most of the boys were earning between 800 to 1000 rupees, per month.

Also, Devi (1998), relying on a survey of child labour carried out in Hissar (Haryana) by Sharma and Singh, pointed that 56% of children had to work from 15 to 18 hours a day.

Scores of publications by individual scholars, research institutes, and international organizations document the causes of the widespread existence of child labour. Going by ILO (1979), the following reasons impel the children to work from an early age:

(i) **The most pressing reason for one to work is the need to reduce to the greatest extent possible, the poverty in which one is living and thus to help one to satisfy one’s basic needs;**

(ii) **Another reason why children work is that the parents want to keep their children occupied and off the streets so that they do not get up to mischief, i.e., be tempted to drift into vagrancy with all its consequences, of course, this argument is valid only when the child finds the job indoors and cannot be put forward when one is sent to work on the streets in the first place;**

(iii) **Children may also feel obliged to work because they are doing badly at school and because there is no other alternative. If the parents are able to let the child go to school for only a few years, it is likely that**
he/she will encounter more difficulties during his/her years at school, than a child from a better-off family, however in many cases the parents prefer to send the child out to work rather than to school, either because there is no school within a reasonable distance of the family home, or because they cannot do without the income the working child brings in, or because they cannot meet the costs the sending the child to school, or again because they cannot see what use schooling would be to him/her;

(iv) Another, direct, cause of child labour is the situation at home. There may be tension and uncertainty, provoked or increased by poverty, the father may have left home; the mother may be alone; the father or the mother or both may fall ill or become physically unfit or die. However, the argument that the children are obliged to work because of disappearance of the bread winner may not have a universal validity. This is so, because after all it is the head of the family himself/herself who sees to it that the children go out to work, and

(v) Again, when a rural family migrates to town, the adults are straightaway faced with a new and unknown environmental and labour situation as a result of the instability and the insecurity that this caused, the children are often sent to work so that the family may survive

Mendelieivich (1979), also believes, that in developing countries, the driving force behind every case of child labour is poverty; but the basic cause is usually a combination of factors like continuing family tradition of not going to school and starting work at an early age, parent’s wish to keep their children off the street, children doing badly at school, migration to towns etc.

In the work of Pandhe (1979), poverty has been cited as the basic cause of child labour, others may be inadequate legislation and insufficient enforcement, general low standard of development, ignorance, and negligence or indifference of society towards the issue of child labour. Sharma and Mittar (1990), on the basis of their study concluded that poverty, unemployment, landlessness, and indebtedness contributed to the phenomenon of child labour. For Sahu (1999), the major cause of child labour is chronic poverty, others being, traditional attitude of parents, lack of
schooling facilities, progressive mechanization of agriculture and employer’s preference.

Khan and Haroon (2000), in their work found poverty to be the main cause of child labour. Factors like family problems etc are also responsible for the same. Deb (2005) in his study on migrant child labourers in south Kolkata (West Bengal) found poverty to be the most compelling reason for their involvement in labour. Other reasons mentioned by them were, lack of guidance, wrong perception about the value of education and situational adversities.

Also for Patel, Talati, and Patel (2001) poverty is the single most important reason for child labour, others being, easy availability of children, loss of earning member of the family, absence of state sponsored scheme of family allowance, slow advance of protective legislation, etc.

In contrast to these studies, ILO (1996) believes that poverty is not the main reason for the existence of child labour. The picture varies across households and across regions and countries. Child labour exists also because of the pull factor, the desire to maximize profit and command a docile and flexible labour force. From this point of view, child labour is associated foremost, with inequality in society and not poverty.

In a cross country study by Ahmed (1999), the results show that adult literacy, school enrollment rates, Gross National Product (per capita), and demographic factors, etc. are the most powerful determinants of child labour. The results also show that the poverty is the least powerful of the seven determinants, empirically tested for their influence, on the incidence of child labour.

Shukla (2000), also believes that the poverty is not the main reason for child labour. According to Dreze and Sen (1994), child labour is intimately connected with non schooling of children. Exploitation of child labourers is the consequence of social inequality, attitude of privileged classes and lack of public involvement in the protection of basic entitlement. Lack of parental motivation and high opportunity cost of schooling, also contribute to the aggravation of the problem of child labour.

Kulkarni, Acharya, and Vaidehi, (2004) using NFHS2 data, for rural households, examined for India, Andhra Pradesh, the situation regarding
determinants of child labour and it was the education of the head of the household that emerged as the predictor having a strong significant negative effect on child labour, consistently for India, Andhra Pradesh and Madhya Pradesh. The standard of living index was found to be another important determinant but not in Madhya Pradesh.

Thus the Literature offers a variety of reasons for the occurrence of this phenomenon. Not only that but the studies dealing with child labour, also describe grimly, the consequences of the same on these tender souls. A survey in Murshidabad, West Bengal revealed that about 19% of child workers (aged 10 to 14) showed signs of bronchitis and anemia (Punekar, 1975). Depending on the nature of the job, children faced fatigue, potential accident situations etc. Agriculture emerged as one of the most hazardous sectors for the physical safety and health of workers. Here children are at a risk from epidemic and parasitic diseases, diseases of the respiratory track, dermatitis, and fatal accidents. Children have to work in the fields in the scorching heat of summer (which causes headaches or sun-burns), biting cold of winter (which develops fishers in their feet and hands), penetrating dust storms and/or pouring waters (Nangia, 1987). In construction activity, children are vulnerable to falls, injuries from falling objects and from the lifting of heavy weights. Similarly, the job of a brick-kiln worker is also dirty in nature. Weather has a direct bearing on one’s work, as one dealt with mud which becomes too cold in winter and too hot in summers.

Interviews with carpet weavers and social activists, in Uttar Pradesh and Rajasthan (Tucker, 1997), presented the same picture. The long days spent in cramped positions damaged the children’s backs and legs causing backaches and severe joint pain. Many of the children suffer from scabies, skin ulcers and other dermatological diseases which are a result of closed and crowded conditions and the constant exposure to wool. Respiratory illnesses are rampant and eye damage is common. The children are also particularly vulnerable to tuberculosis and other lung diseases, which are caused and aggravated by the constant inhalation of tiny wool fibers. Also, the Child Welfare Committee sponsored by the Government of India, found the young diamond cutters of Surat (Gujarat) suffering from eye defects and early signs of eye fatigue (Sahu, 1999).
Working in the ‘bidi’ industry is also no less injurious as 95% of the respondents in a study of ‘bidi’ workers, held their occupation responsible for their health hazards (Mohandas, 1980). The match industry of Sivakashi (Tamil Nadu) is one of the most hazardous industries in the country, where the children work. The main risk in the match industry is the possible result of use of different hazardous chemicals. The children have to be very alert or else there is a danger that they may set fire to themselves (Burra, 1997). For those children who work in the unorganized sector, the situation is also very bad. As a matter of fact, the working conditions are hazardous. It has been revealed from several inquiries, that children working as domestic servants in many households and also working as employees of ‘Dhabas’ face inhuman torture from their employers, which include abnormally low wage rate, physical assaults, rape, deduction from wage etc. They are even denied any arrangement to sleep during night and hence many of them are forced to sleep on pavements (Burra, 1997).

According to a report on child labour in Punjab, based on a survey conducted by the Institute of Development and Communication, (IDC, 2002), children working in dhabas are least protected and the employers make full use of their vulnerability. Scolding, threatening and using abusive language by the dhaba owners and supervisory employees, is seen to be a part of the management skill. In rare cases physical assault slapping and other physical maltreatment are also not ruled out. It is for this reason that nearly half of the child labourers from dhabas reported that they were maltreated by their previous owners.

(Deb, 2005), in his study of a group of 120 migrant child labourers, working in the households, tea-stalls, garages and shops, in south Kolkota (West Bengal), found that 42.55% working children were victims of mental torture, while 32.5% and 10.8% respectively were abused physically and harassed sexually. Both physical abuse and sexual harassment were more prevalent among girl children.

Shamefully, even the problem of child trafficking is on the rise across the globe, especially in South Asia. In this part of the world, innocent children of socio-economically backward families are trafficked by anti social elements and criminals. According to the National Institute of Public Co-operation and Child Developments (NIPCCD), child prostitution is increasing by 10% in India. Nearly 400,000 child
prostitutes collectively earn around Rupees 11,000,000 crore, and some communities have traditionally accepted prostitution as their profession (Indian Express, New Delhi 16.8.1999).

The survey of literature undertaken above, though extensive, is not exhaustive, considering the vast amount of material available on this topic. While going through the relevant literature, we found that researchers had diverse viewpoints/perspectives on the topic of child labour and had approached the problem in different ways. All these studies were carried on in the formal or informal sectors of the economy.

We, before conducting a research on the subject, thought it wise to specify:

a) The perspectives and theoretical approaches in the field of Sociology, and

b) The duality, informal / formal sectors of the economy.

1.4 PERSPECTIVES ON CHILD LABOUR

The phenomenon of child labour does not evoke the same sentiments in all. For many, it is a menace that should be done away with. On the other hand, there are many who are supportive of this phenomenon. Ben White (1994) has articulated the following three perspectives on child labour - abolitionist, protectionist and liberationist or empowerment. Before the 1980s, the thinking revolving around child labour was abolitionist in nature. The practice of child labour was considered as evil. Children were seen as passive victims and appropriate objects of external intervention rather than as active social subjects or agents of change who had the ability of both claiming and exercising their rights and of independent social and political action (Freeman, 1988, 1992; Hoyles & Evans, 1989; Prout & James, 1990).

During the 1980s this attitude towards child labour shifted from a purely abolitionist one to a protectionist one, where child labour was not considered as a simply evil practice but supposedly had a functional role, as well. These people justified the use of child labourers by saying that child labour adds to the survival mechanism of children and also that it is only through apprenticeship that these children learn skills and this apprenticeship adds to the process of socialization.
while transferring know how (Bequele & Boyden, 1988; Fyfe, 1989; Boyden 1991, and Myers, 1991).

A third perspective has also emerged in recent times, which can be called the liberationist or the empowerment perspective (Fyfe, 1989). This perspective views children as active agents of change and stresses on the promotion of unionization and self organization of working children.

Empowerment and protectionist perspectives are mutually reinforcing. Children empower themselves partly by claiming the rights and conditions which protectionist measures stipulate, and through self-organization they may also influence the content of protectionist measures. Abolitionist perspective, on the other hand, is likely to obstruct the achievement of both.

Thus, it is clear that three major views seem to exist regarding child labour. Where the abolitionist view considers child labour as a heinous social reality and seeks to wipe it out, the protectionist view defends the same, offering reasons to sustain this practice and the empowerment view being closer to the protectionist view point, focuses not on the abolition of child labour but on empowering children who are working in different fields Mendelievich (1979).

1.5 THEORETICAL APPROACHES

Child labour is an issue worth focusing on for any student of society and in one’s attempt to do so it might be pertinent to adopt any one of the three recognized sociological approaches, viz, functional approach, conflict approach and interactionist approach. A brief description of these theoretical approaches in the current context follows:

1.5.i Functional Approach: This was the dominant theoretical perspective in Sociology during 1940s and 1950s. From a functionalist perspective, society is viewed as a system, which is made up of interrelated parts. The social system has certain basic needs (functional prerequisites) which must be fulfilled for the survival of the system. The function of any part of society is its contribution to the maintenance of society. A minimal degree of integration is a functional prerequisite of society. Many functionalists are of the view that the order and stability that they see as essential for maintenance of social system are largely provided by value
consensus, and therefore an investigation of the source of value consensus is a major
task of functionalist analysis.

In other words, functionalism refers mainly to theories in sociology and
social anthropology which explain social institutions primarily in terms of the
functions they perform. To talk of the function of something is to account for a
social activity or phenomenon by referring to its consequences for the operation of
some other social activity, institution or society as a whole. (Jary and Jary, 1991)

In the context of child labour, the functionalist, i.e., those writers on child
labour who subscribe to the functionalist school of thought, e.g., Bequele and
Boyden (1988), Fyfe (1989), Myers (1991), etc. tend to list out certain positive
functions of child labour such as contribution to family survival, apprenticeship
(socialization) etc. Therefore one can clearly see the reflection of protectionist
perspective in this.

1.5.ii Conflict Approach: This refers to any theory or collection of theories, which
emphasize the role of conflict (especially between groups and classes in human
societies (Jary and Jary, 1991). Karl Marx was the leading theoretician of conflict
sociology. He saw the existence of different social classes as the source of inevitable
conflict, and changes taking place in the social structure through violent upheavals
affecting class composition.

In Capital, (Volume 1, chap. 15, sec. 3), Marx, through his favourite
approach, presented a paradigm of the cause of child labour and recommended
imposition of restrictions on it. Subsequently, Marshall (1920), and Pigou (1962)
extended the argument against child labour (c.f. Basu, 1999)

Adhering to conflict approach if one examines the prevalence of child labour
in capitalistic societies, one might sense exploitation of children at two levels – (i)
Exploitation of children within the family and (ii) Exploitation of child labour by
their employers.

(i) Since children are dependent on their parents for survival, the decision
makers in the family might force them to work either for supplementing the
family kitty in their bid to eke their living or to buy leisure for themselves or
both. On second thoughts, one might trace back this practice, only to the

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strata of ‘have-nots’. So, indirectly it is the mal-distribution of the means of production, which is responsible for such a state of affairs which deprives children of their childhood and stunts their development. In fact, not only does it deprive children of their innocence but it is also a form of self-exploitation, if one conceptualizes family as an organic unit or whole.

(ii) As far as exploitation of children at the hands of employers is concerned, it is a pure and simple manifestation of the bourgeoisie lust for extracting more and more of surplus value. Meager wages, awful working conditions and unending hours of work reflect this naked reality of capitalistic order in its early phase.

From this viewpoint child labour is an evil practice and should not exist. Here one finds the echo of abolitionist perspective. The above two theoretical positions offer completely polar orientations towards the issue of child labour, one defending it and offering reasons to preserve it, while the other rejecting its utility and focusing on its exploitative nature, advocating its abolition.

However, both these views seem to treat the working children as passive subjects without taking into consideration their own perspectives and experiences regarding this issue. This lacuna is filled by the third theoretical perspective, viz. interactionist perspective.

1.5.iii Interactionist Approach: The interactions approach differs from functional and conflict approaches on various grounds:

- It stresses small scale interaction rather than society as a whole and usually rejects the notion of social system. Therefore, it does not consider human action as a response or reaction to the system.

- It is concerned with interaction, i.e., action between individuals and begins with the assumption that action is meaningful to those involved.

- It therefore follows that an understanding of action requires an interpretation of the meaning, which actors give to their activities.

In other words, staying clear of the societal perspectives one may examine child labour from their own perspective by interpreting the perceptions of the actors involved (child labourers and their employers) This means that the interactionist
approach is not judgemental in nature like the functionalist and the conflict approaches. This approach would be the prescription of interactionists like Cooley, Mead, Goffman, etc.

The interactionists treat children as active social subjects or agents of change who have the ability of both claiming and exercising their rights and are capable of independent social and political action. Subsequently, an empowerment perspective is reflected here. In the context of child labour, the interactionists would focus on the life experiences of children engaged in labour, the problems they face, the people with whom they interact, etc.

Thus, the phenomenon of child labour can be reviewed from three perspectives and three approaches. The approaches can be clubbed into macro approaches (which include Functionalist and Conflict schools emphasizing objectivity) and micro approaches (which include the interactionist view emphasizing subjectivity).

1.6 A note on Informal Sector

Today, the phenomenon of informal economic activity holds special attention of researches, both governmental, as well, as non-governmental especially in developing countries because of its major role in employment creation, production and income generation.

The term ‘informal sector’ was first initiated by Keith Hart (1971) in a study of urban Ghana. Here he described informal sector as that part of the urban labour force, which falls outside the organized labour market. The concept was further refined by a mission of International Labour Organization (ILO, 1972), while studying the employment situation in Kenya, within the framework of the World Employment Programme. It brought to fore the characteristics of informal sector like easy entry for new enterprises, reliance on indigenous resources, family ownership, small scale operations, unregulated and competitive markets, labour intensive technology and informally acquired skills of workers.

As per ILO (1999), informal sector refers to activities typically at a low level of organization and technology with the primary objective of generating employment and income. The activities are usually carried out without proper
recognition of authorities and escape the attention of the administrative machinery responsible for enforcing laws and regulation.

Thus, it can be stated that the concept of informal sector is not easy to define precisely and is usually defined by the presence of characteristics like age of entry, small-scale operations, family ownership of enterprise, labour intensive and adaptive technology, lack of support and recognition from the government, competitive and unregulated product market, unprotected labour market, undisclosed income or tax invasion, deplorable working condition and low level of wage, low capital accumulation and reinvestment, insecure and temporary nature of employment etc.

Besides, since the informal sector is very vast and covers diverse types of work, it does not form a uniform whole. According to Sarkar (2004), its workers can be classified broadly into 4 categories:

(i) Home based workers – who carry out their activities using their traditional skill at home, e.g., earthen pot makers, rural artisans etc.

(ii) Self-employment or own account workers – who do not have any permanent place for carrying out their work and have to shift their place of activity daily, such as street vendors, hawkers, rag pickers, rickshaw pullers, sex workers etc.

(iii) Piece wage workers – who are usually employed by entrepreneurs. Though these workers carry out this work independently but are still under the control of their entrepreneurs from whom they get their raw material etc., e.g., worker working in ‘bidi’ making, carpet and mat weaving, lace industry etc.

(iv) Time wage workers – this category includes gardeners, cleaners, sweepers, construction labourers, brick workers, agricultural labourers, domestic servants etc, who sell their labour power in exchange of a low paid time rate of wage.

1.7 Categories of child labour:

Child labour exists both in the formal, as well as, the informal sector of the economy. In our study the formal sector stands excluded. Also, while studying the phenomenon of child labour we have kept in mind all the three perspectives,
(abolitionist, protectionist and liberationist) and the three theoretical approaches (functional, conflict and interactionist), as regarding just any one of these would have hindered the proper understanding of this practice.

Accordingly, we in our study have used the following categories and occupational divisions of child labour:

1.7.i Those who live with their family and work with family as well as go to school (A1);
1.7.ii Those who live with their family and work outside as well as go to school (A2);
1.7.iii Children who live with their family and work as family labour but do not go to school (B1);
1.7.iv Children who live with their family and work outside but do not go to school (B2);
1.7.v Working children who stay away from their homes with the employer (C1);
1.7.vi Working children who stay away from their homes on the streets (C2), and
1.7.vii Working children who stay away from their homes independently (C3).

1.8 Occupations / Labour divisions of child labour:-

1.8.i Self Employment (SE);
1.8.ii Unpaid Family Trade (UFT);
1.8.iii Wage Employment (WE);
1.8.iv Unpaid Family Help (UFH), and
1.8.v Beggars.

1.9 Objectives of the present study

For people in our social group, the first encounter with child labour takes place inside our own households where we ourselves are beneficiaries of this practice.

As children, our sensitivity to fellow children, who accompany their mothers to help them perform petty chores for us remains symbolic; it seldom goes beyond
tokenism. In the process of ‘growing up’ we become, largely, insensitive to this issue because of social acceptability of child labour. The issue is worthy of serious probe, and the study in hand is an endeavour in that direction. The major objectives of our study have been set as follows:

1. To examine the socio-economic background of children engaged in labour, i.e., to focus on the demographic, economic, work and household profile/status of the families they belong to;

2. To enquire about the set of socio-economic circumstances which compel children to participate as labour. In other words, to capture the socio-economic milieu which generates child labour;

3. To study the consequences of child labour by exploring the world of our respondents, in terms of their activities, i.e., type of work, working conditions, i.e., hours of work, health hazards remuneration etc. and exploitation (economic, social etc.) and risk at work;

4. To make a comparative study of child labour falling in different labouring divisions- Self-employed; Un-paid family trade; Wage- employment; Un-paid family help, and Begging [These labouring divisions would engulf the categories such as (a) children who work as part of family labour and those who work for outsiders; (b) paid and unpaid labour; (c) children who live on the streets, and those living of their own or with the employers; (d) male and female child labour engaged solely in labour, and (e) those children who worked as labour and also attended school], and

5. To conduct case studies of children engaged in labour.

In going about this exercise, the following methodology would be adopted:

1.10 STUDY AREA, SAMPLE DESIGN, AND METHODOLOGY:

1.10.i Urban Chandigarh- the Study Area-

With the partition of India, in 1947, the old Punjab state was also bifurcated. Lahore, the capital of the undivided Punjab went over to Pakistan and the East Punjab was left without a capital. Shimla, which functioned as the capital of the new state for some time, was not considered an appropriate place for all times to come. A
compelling need to have a new site for the capital, resulted in the planning of Chandigarh, the locale of our study.

For a state that had borne the brunt of partition, and for a population that was battered by that chilling experience, Chandigarh was to be the symbol of hope. Besides other considerations, it was felt that building a new city could provide a splendid symbolic expression of the aspirations of the new Republic and become a focal point of hope in the midst of disorder and suffering. It was the first attempt in India at planning a large city from a scratch. From the point of view of planning, ‘Chandigarh – the city Beautiful’ represented a unique and bold experiment. As a planned city, it was to be immunized against the numerous problems which infested urban life everywhere, keeping this in mind Chandigarh was set up with a specified population carrying capacity. However, today its population growth has invariably outstripped its development. The population pressure and an unplanned growth have belied the promise that this town held.

Le- corbusier defined the city as:

(i) ... a city offering all amenities to the poorest of the poor of the citizens to enable them to lead a dignified life, and

(ii) ... a Government city with a precise function and consequently a precise quality of inhabitants (Sarin, 1975).

However, dominant majority of the slum-dwellers and other people, belonging to the lower strata of the society, bear witness to the contrary. The first six such settlements appeared in the capital complex, the city center and sectors 7, 19, 24 and 35 closer to the areas where development was first taken up. In 1959, these settlements were shifted to peripheral locations in sectors, 14, 15, 26, and the Industrial Area (Krisan, 1999). But with the relocation of the then existing slums, started the continuing expansion and emergence of new slums. Despite frequent efforts by the administration to deal with unauthorized settlements, through relocation, rehabilitation, their growth has continued. Not only have such settlements marred the beauty of the city but also they have acted as breeding grounds of social problems like child labour, crime, delinquency and the like.
Also, it is very surprising to see that a city which boasts of being ‘the city of the elites’ and having ‘well educated’ and ‘well aware’ citizens has turned a blind eye to the children working in its every nook and corner, be it the children employed in dhabas, messes, canteens, tea stalls, working as vendors, rag pickers, begging or even employed in their own houses as full timers.

As per 2001 Census, there are 3779 child labourers in Chandigarh in the age group 5-14 whereas there were 1870 of them in 1991, showing a Decadal increase of 102.09 per cent.

1.10.ii Universe and Sample-

Our universe constituted of children engaged in labour in the informal sector which included – (i) Children living with family and working (either with family (A1) or outside (A2)) and going to school; (ii) Children living with family and working (either with family (B1) or outside (B2)) and not going to school; (iii) Labouring children staying away from home (either with the employer (C1) or on the streets (C2), or independently, of their own (C3)).

Our sample consisted of 240 child labourers from the above mentioned universe. In all, 13 of the respondents came from category A1, 33 from A2, 17 from B1, 136 from B2, 22 from C1, 13 from C2, and 6 from C3.

In such a study one cannot adhere to the exacting standards of random sampling; some pragmatic considerations do enter while conceiving a sample design. The main purpose of sampling is to get hold of sampling units which can adequately represent the population. Accordingly, after the initial survey of the relevant spatial locations, it was decided to go in for purposive Snowball sampling.

It is not easy to follow a technique like Snowball sampling. Snowball sampling involves selection of a sample by starting with a small selected group of respondents and asking those for further contacts. Its use is primarily in the collection of in-depth, qualitative data, on sensitive topics where an obvious sampling frame does not exist and the best method of selection is through personal contacts (Jary and Jary, 1991). This explains our choice of the same in dealing with an emotive topic like child labour, especially keeping in mind the various categories of these child labourers we wanted to study.
For this purpose, a structured interview schedule was developed and used. In addition we also adopted qualitative methods like observation, group discussions, and conversational analysis. Since detailed information was required both about the child, his/her life and family background, two separate sets of schedules were prepared – one, to cater to the child, viz., ‘Working child, Conditions at work, Earnings and Expenditure profile’ (S-I), and the other his/her family viz. ‘Household schedule’ (S-II).

S-I carries 34 questions (both open and closed ended, with multiple options) which would help us draw detailed information on various aspects of the child’s life like his/her age, caste, native place, religion, educational status, residence, place of work and working conditions, earning profile, the reasons which compelled him/her to work and his/her aspiration, if left any.

S-II has 24 questions, and a supplementary, S-IIA. These questions aim at gathering information about socio-economic background of the respondents, the children engaged in labour. We will be able to procure information on aspects like, age of the head of the household, his/her marital status religion, caste, educational status, occupation etc. the native place to which the members of the household belonged, their duration of stay in Chandigarh, ownership status of their house, their access to basic facilities like water, toilet etc, fuel used by them for cooking, their use/ownership of gadgets like TV, refrigerator, cooler furniture, and the like.

After carrying out a pilot survey, the questions were modified, wherever required. Our familiarity with some part-time maids and their children working in the neighbourhood, two casual workers, a vendor and two Gardeners came in handy here. They, not only assisted us in this task, but also told us of many such children they knew in colonies like Janta, Kumhar, Industrial area, to which they too belonged. Once inside the colonies, we sought the help of local community leaders and other influential persons of the area in tracing such children and canvassing the schedules.

We shall persist with this procedure for the complete survey work. This is considered desirable for, during the pilot survey, we noted that children of the said age group, when interviewed, were hesitant, to begin with, but later came out with the requisite details on the intervention of our contact persons. Same was the case
with the other members of their households. We personally filled in the interview schedules of the children and the households to avoid any confusion. Those children who were all alone (either because their parents were at work or because they lived independently/with their employers), information on their households was obtained from them.

Our survey of these colonies would enable us to collect information on children falling in categories A1 (It included children who lived with parents, worked with family and went to school), A2 (Children who lived with parents, worked outside family and went to school), B1 (It included children who lived with family, worked with family and didn’t go to school), B2 (It consisted of children who lived with family, worked outside family and didn’t go to school), and a few cases in C3 (It included working children living away from home).

From these children, and members of their parental units, we came to know about various other such children in other sectors of Chandigarh like 14, 15, 17, 22, 34 and 35 who either worked in dhabas, messes, canteens, tea stalls or cleaned market places, picked up rags, begged or even worked as assistants to mechanics to earn their living and lived either with their employers, independently or on the streets, helping us cover other intended categories of child labour, viz:

C1: It includes working children living outside home with employer.
C2: It consists of working children living outside home, on the streets.
C3: It includes working children living outside home, independently.

Personal contacts also proved useful in seeking information about children working as full time domestic servants living with their employers. i.e., our category C1.

As far as case studies were concerned (10 in all) in depth interviews were conducted with the respondents.

1.10.iii Methodology-

After scrutinizing the schedules, data were systematized and coded (on coding-cards) for the purpose of generating requisite tables and searching for generalizations, if any, pertaining to the study. We, in the present study, would
depend upon mean as a measure of central tendency. The data being qualitative in nature, simple percentages shall be calculated, wherever necessary. Elementary graphic techniques like bar-charts (simple and composite), and pie-diagrams would supplement our tabular analysis.

1.11 Chapter Scheme

In this study, this introductory chapter is followed by the second chapter, which will focus on the profiles of the sampled child labourers and their households. Chapter three will discuss the major causes and consequences of child labour, among our respondents. The penultimate chapter, (chapter four), will present 10 case studies which will be representative of our sample. The concluding chapter will provide a recap of all the issues discussed in the earlier chapters.