CHAPTER III

REVIEW OF LITERATURE

3.1 Introduction
3.2 The child, child work and child labour
3.3 Definition of child labour
3.4 Different forms of child work
3.5 Child domestic workers
3.6 Why children work?
3.7 Poverty and child labour
3.8 Child labour and education
3.9 Worst forms of child labour targeted for elimination
3.10 Gender and child labour
3.11 Child labour and law
CHAPTER 3. REVIEW OF LITERATURE

3.1 Introduction

This chapter deals with the review of literature pertaining to the child labour. Issues relating to child labour legislations, both international and domestic; the concepts of economic activity, minimum working age, problems of health and safety, working conditions, employment and wages and how all these concepts and tools are used in the definition of child labour have been discussed.

During the review of literature, an attempt is made to explore other work, which has been done in the area of child labour, both in India and internationally. This chapter focused on the definition of child labours, the educational circumstances of working children, health and safety measures undertaken by the employers, study how child labour has been linked to education elsewhere.

Child labour takes place when children are involved in the kind of work that makes it impossible for them to develop and get on with their lives freely. Whereas it is generally believed that child labour is always associated with poverty, its incidence is not necessarily restricted to poor, third world countries. Child labour is a common practice undertaken in many countries of the world, both developed and underdeveloped. The main focus of this study was on Nanded district in the state of Maharashtra in particular, but some specific reference has been made to situations as they exist in some other countries in the world.

Since the early nineties, there has been a lot of interest in international forums in the problems posed by child labour. According to
the International Programme on the Elimination of Child Labour (IPEC), there are three main reasons for this¹:

1. Firstly, there is a realisation that the exploitation of working children has become more serious in several parts of the world and may continue to do so as economic conditions deteriorate and hamper social development, especially in the areas of employment and education.

2. Secondly, there is a growing concern that by employing children at an age and in conditions that do not conform to the universally accepted standards, some countries stand to gain a comparative advantage in international trade over those that are stricter about applying such standards.

3. Lastly, there has been a stronger commitment of public opinion than in the past to the cause of human rights and of the rights of children in particular.

Because of this renewed interest in the status of working children, the common question in the ILO has been: ‘what is the number and proportion of working children throughout the world’. Another question focuses on whether the situation is better or bitter than 10, 20 or 30 years ago. A global estimate of the number and proportion of economically active children would need fairly reliable and comparable statistics for every country. Such statistics call for internationally agreed and comparable definitions. Unfortunately, there is no international agreement defining child labour. Countries not only have different minimum age work restrictions, but also have varying regulations based on different types of labour. Such a situation makes the limits of child labour very ambiguous².
In most of the countries in Asia and Africa the problem of child labour is becoming worst. These countries signed the UN conventions regarding the child labour and framed various Laws to restrict the practices of the child labour but these countries are unable to implement these legislations due to various administrative reasons. Until there is a global agreement, which can isolate cases of child labour, there will be little hope that it can be abolished.

3.2 The child, child work and child labour

'Child labour' is generally speaking, works for children that harm them or exploits them physically, mentally, morally, or by blocking access to education in some or other way. But there is no universally accepted definition of 'child labour'. Different definitions of the term are used by international organizations, non-governmental organizations, trade unions and other interest groups. Writers and speakers don’t always specify what definition they are using, and that often leads to confusion.

Not all work is bad for children. Some social scientists point out that some kinds of work may be completely unobjectionable except for one thing about the work that makes it exploitative. For instance, a child who delivers newspapers before school might actually benefit from learning how to work, gaining responsibility, and earn a bit of money. But what if the child is not paid? Then he or she is being exploited. As UNICEF’s 1997 State of the World’s Children Report puts it, "Children’s work needs to be seen as happening along a continuum, with destructive or exploitative work at one end and beneficial work - promoting or enhancing children’s development without interfering with their schooling, recreation and rest - at the other. And between these two poles are vast areas of work that need not negatively affect a child’s
development." Other social scientists have slightly different ways of drawing the line between acceptable and unacceptable work.

According to article 2 of the ILO Worst Forms of Child Labour Convention No. 182 of 1999, a child is defined as a person who is under the age of 18 years. However, although it is commonly accepted that children under the age of five do various kinds of work in their homes, for the purpose of this study children below fourteen years are considered as a child labour.

Work is defined in terms of economic activity according to the System of National Accounts (SNA) 1993, and corresponds to the international definition of economic activity as adopted by the 13th International Conference of Labour Statisticians in 1982. All economic activity, whether paid or unpaid, whether for market or non-market purposes, including production of goods for own use, is regarded as work. If for example a child is engaged in unpaid activities in a market-oriented establishment operated by a relative living in the same household, the child is considered to be working in an economic activity. Even children working as domestic servants in someone’s home are considered as economically active. Children engaged in domestic tasks at home are not usually regarded as economically active, although in cases where they are not living with their parents or grandparents, these children may be involved in real child labour.

People hold very different ideas about what children should and should not be permitted to do, and at what age they should be allowed to do certain kinds of work - or even to work at all. Different countries have different minimum ages in their national legislation. ILO Convention No. 138, adopted in 1973, sets 15 as the minimum age for work in developed
countries and sets 14 as the minimum age for work in developing countries for an initial period. But a child can become an apprentice at a younger age or undergo vocational training. More than 130 countries have ratified this convention. Yet the report of an ILO indicated that many children are still put to work as young as five or six years old. Different countries prescribed different minimum ages to define the concept of the child labour. This is because each country has its different economical and social setup.

3.3 Definition of child labour

The concept of child labour has been defined by a number of international and national conventions, laws and regulations that govern issues around the rights of children. Ideally to define child labour one has to define a number of concepts upon which the definition of child labour is based. These concepts are a child, age, minimum working age, child work, child labour, hazardous work and worst forms of child labour etc.

A child is defined as an individual under the age of 18 years based on the 1989 United Nations Convention on the Rights of the Child and the ILO Convention No. 182 on the Worst Forms of Child Labour, 1999.

According to the UNICEF child labour is exploitative if it involves any of the following:

- Full-time work at too early an age;
- Too many hours spent working;
- Work that exerts undue physical, social or psychological stress;
- Work and life on the streets in bad conditions;
❖ Inadequate pay;
❖ Too much responsibility;
❖ Work that hampers access to education;
❖ Work that undermines children’s dignity and self-esteem, such as slavery or bonded labour and sexual exploitation;
❖ Work that is detrimental to full social and psychological development;

It is clear that of all the harmful conditions of child labour physical harm is the easiest to observe. According to the UNICEF hard physical labour over a period of years can stunt the child’s physical stature by up to 30% of his/her biological potential. This is because a store of stamina that is supposed to last the child into adulthood is expended during early hard physical labour.7

Perhaps the most common and yet the most frequently disagreed upon yardstick of child labour is the age at which the child should start working. According to the UNICEF all cultures and communities agree that the younger the children, the more vulnerable they are physically and psychologically and the less they are able to find for themselves. Age limits are a true reflection of society’s judgment about the evolution of children’s responsibilities and capabilities. Almost in all spheres of life age limits are used to regulate children’s activities. But age limits differ from activity to activity and from country to country.8

According to the UNICEF the legal minimum age for all work is for example 12 years in Egypt, 14 in the Philippines, and 15 in Hong Kong. In Peru different standards are adopted for different sectors,
namely 14 in agriculture, 15 in industry, 16 in deep-sea fishing, and 18 for work in ports and seafaring. In a child labour survey carried out in the Philippines in 1995 child labour was defined as the illegal employment of children below the age of 15 years or of those below 18 years of age working in hazardous and deleterious conditions. Employment was defined as labour for persons other than parents or guardians.9

According to Nkurlu the United Nations (UN) defines child labour as 'all forms of economic exploitation, any work that is likely to be hazardous or interfere with the child's physical, mental, spiritual, moral or social development.' The ILO definition of child labour highlighted by Nkurlu is broader. It defines child labour as 'remunerated or unremunerated work by a young person under a certain age, the work of which impairs the young's personal development, health, safety, well being physically, mentally and psychologically, impairment of which is in violation of national or international law'. The ILO definitions focuses on forms of child labour which are exploitative. In 1973 the ILO Minimum Age Convention No.138 was adopted covering all sectors of economic activity. The convention sets a number of minimum age levels for different types of work, thus defining the thin line between what should be considered child labour and work that can be allowed for children. The Minimum Age Recommendation accompanies the Convention.10

In the U.S. Department of Labour report to the U.S Senate and House of Representatives about its findings on the worst forms of child labour in 124 countries around the world, the department recognizes that 'the international definition of child labour is derived from ILO Convention 138, which states that child labour is any economic activity performed by a person under the age of 15'. However, the U.S. Department of Labour also recognizes the economic necessity in many
countries for children to contribute to their family income, and that not all work is considered harmful to or exploitative of children; it is simply child work. According to this definition child labour does not usually refer to performing light work after school or legitimate apprentice opportunities. Rather child labour of concern is generally 'employment that prevents effective school attendance, and which is performed under conditions which are hazardous to the physical and mental health of the child'.

The U.S. Department of Labour points out that child work can include “light work” after school, household chores or work through legitimate apprenticeship opportunities. So for the purpose of the report, child labour was defined as work that prevents children from attending and participating effectively in school or is performed by children under hazardous conditions that place their healthy, physical, intellectual or moral development at risk.

O'Donnell, van Doorslaer and Rosati point out that if a legal ban on child work was to happen, it is likely to have limited effectiveness given the difficulty of regulating the informal labour markets in which many children work and, furthermore, if a ban were effective, it might not be in the best interest of the children from poor families reliant upon their children’s productive contribution to maintain a subsistence existence.

3.4 Different forms of child work

Children perform different kinds of work for different reasons and according to their circumstances. Some work is considered to be healthy and offers no compromise to the children’s health, development or capacity to learn. Because children doing particular kinds of work often
have similar lifestyles and problems, child labour is often divided into categories such as children working in various types of agriculture, in urban environments, in manufacturing, in fishing, construction, domestic service, and so on.\textsuperscript{13} ILO points out that it is important to note that even when children are not listed as ‘working’ in any household-based research, they might nonetheless often be involved in work. They help in taking care of the household by cooking, cleaning, taking care of the family livestock and watch over their younger siblings and assume many other household tasks. According to the ILO working children everywhere, especially those in developing countries are concentrated in the informal sector of the economy. Their activities are not ‘official’ and as such, there is no government employment agency or tax authority that knows the children are working because they are not officially employed. The ILO points out that children work for people that are normally unregistered as employers. For some work the children receive no payment but only some food and a place to sleep. The children in the informal sector have no job security, receive no payment if they are injured or become ill, and can seek no protection if their employers maltreat them. Very often they are working illegally since their country’s laws prohibit them from doing so.

There has recently, been a paradigm shift, especially in developed countries, whereby many researchers who studied and wrote about child labour tended to refer mainly to child labour in the formal or modern sector of the economy, where there are ‘real’ jobs and recognized employers. According to ILO, one of the reasons for this has been that, it is in the formal part of many weaker economies that goods that are usually exported are produced, and activists against child labour in the rich countries focus mainly on goods coming into their own countries that
may have been made by children. So, says ILO ‘when the activists look at
the-sources of these goods, they focus on the formal sector of the
countries concerned’. Available evidence points to the fact that in most
countries of the developing world the formal sector of the economy is not
the largest part as most working children are concentrated in the informal
sector. The ILO concludes that international organizations and others
concerned with child labour have now turned their attention to the
informal economy. The term ‘informal economy’ includes agriculture,
domestic service, a host of informal manufacturing activities, mining,
street vending, and a large number of other occupations, some of which
will be described below.

Of the children who work outdoors, the ILO says, ‘they are often
vendors of a vast assortment of small goods. Others perform services
such as shinning shoes. Some cater to tourist needs, or work in the
markets as porters or carriers. Some children earn money by combing
through garbage dumps for saleable objects, as do many adults, or they
work in construction or brick making’. These children do not usually
keep their earning for themselves, unless they are on their own, and the
money they bring home can be essential to their family’s survival.

Far more children work in rural than in urban areas according to
the ILO and thus making activities in the field and on farms the most
common among working children. Their activities can include caring for
animals and livestock and doing many other tasks. Many of these children
work with their families and live at home. Others work away from home,
and for employers far from their homes and families; sometimes under
arrangements that are neither legal nor beneficial to the child. Some of
such arrangements may constitute bonded labour, which is one of the
worst forms of child labour, targeted for elimination.
According to the ILO many thousands of children work in manufacturing enterprises, especially in the developing countries. The ILO points out that some of these production units can be large, but most are quite small and labour-intensive, meaning that most operations are done by hand rather than machines. Children usually work indoors under surveillance. Some of these factory jobs are sometimes contracted out to families on a piecework basis to be performed in their households.

The 1991 census of India divided child labour into nine industrial divisions:\(^1\)

1. Cultivation,
2. Agricultural Labour,
3. Live stock, forestry, fishing, plantation,
4. Manufacturing, processing, servicing and repair,
5. Mining and quarrying,
6. Construction,
7. Trade and commerce,
8. Transport, storage and communication and,
9. Other services.

In India, most of the child labour found in six vocations that is tea stalls, dhabas, automobile work-shops, domestic child workers, other three of self-employed shoe-shining, rag picking and evening newspaper hawkers.\(^1\)

3.5 Child domestic workers
Child domestic work is common almost in all cultures. It is important to distinguish between domestic work performed by children in their own homes and domestic work performed by children in employment outside their own home. Children are expected to perform various tasks in their own homes. Such work performed by children in the home environment is essential for their development. The household chores give children the necessary life skills that they will need to survive. However, children working in a home can be vulnerable to abused by their parents or adults living in the same household. Such abuse can be in form of working for long hours, skipping school to attend to household chores or attending to a member of the household who is ill. Children who are very young may be unreasonably asked by adults or older siblings to perform tasks in a home, which are not suitable for their age. All these circumstances, either individually or in combination will result in hazardous working conditions for the child, which will either impede their development or interfere with their schooling. When this happens, child labour exists. Children engaged in domestic work outside their homes illegally. By definition, such children are engaged in child labour. Children working in such conditions do so under various circumstances. They may be working for a wage, but because they are under the minimum working age, they are working illegally.

The ILO says, ‘since domestic work is usually unregulated, this type of work is often hidden from the public eye. Children, particularly girls are often exposed to cruel treatment, forced to work excessive hours, mental, physical and sexual abuse and prohibited from attending school. Sometimes they are trafficked into the situation’.

Child domestic workers are sometimes referred to as the ‘invisible’ child workforce – invisible because, unlike children working on the street
or in a factory, each child domestic worker is separately employed and
works in the seclusion of a private house. According to UNICEF, these
child domestic workers do not exist as a group and are difficult to reach
and to count. According to UNICEF the invisibility of domestic workers
also stems from the fact that the majority are girls. UNICEF continues
‘Doing domestic work in a household other than their own is seen as
merely an extension of their duties, and the concept of employment is
missing’. In many value systems the girls’ and women’s work is still
economically disregarded, simply because it is done by girls and women.

It is not uncommon for the presence of a child domestic worker not
to show up in census or household survey data, since the status of a girl
living in a household may be blurred with that of the family. As such,
prevalence of under-age domestic work in any setting is especially
difficult to assess.

Domestic employment of children on the other hand, may be
permitted within the framework of the minimum age for admission to
employment under Convention No. 138. This could be done by regulating
the conditions, including allowing children to go to school, providing
them with a good place to sleep and nourishing meals, some free time to
do schoolwork and play with others, the freedom to visit family, and so
on16. The ILO says ‘Of course, it will also be necessary to protect those
children from certain hazardous tasks undesirable for a child, and make
sure that it is not a way of hiding a worst form behind a closed door’.

In developing countries like India, children are expected to
participate fully in unpaid domestic work of the households in which they
live. Many children work long hours on chores that mean no more than
enabling a meal for the household. Fetching of water and firewood is part
of routine for survival as most of the households where these working children are found are located in rural or non-urban areas where they do not have access to tap water and electricity for domestic use.\[^{17}\]

In their analysis Budlender and Bosch look at the concept of long hours performed by children in unpaid domestic work. Budlender impose cutoffs for potentially harmful work performed by children in unpaid domestic work. The authors report that higher cutoffs are imposed for the younger age groups because ‘most families expect children to contribute in some way to this work, and that such work is not regarded as illegal even for the youngest children unless it amounts to abuse in terms of the Child Care Act’. The authors choose cutoffs of 14 hours per week for children aged 5 to 9 years, 21 hours per week for children aged 10 to 14 years and 45 hours per week for children aged 15 to 17 years.\[^{18}\] It would be very difficult if not impossible to impose low cutoff limits for such activities around which the livelihoods of most poor rural households depend. However, it does not seem logical to classify the fetching of wood and water as an economic activity, unless of course there is evidence that this was being done in employment or for some kind of pay, profit or family gain.

Recently the National Consultation on Children in Domestic Work was organised by the National Domestic Workers' movement. In the function, Ms. Devos, who was a consultant with UNICEF for child domestic work, notes that while a person doing the same work in a plane was treated with respect and paid handsomely, children employed as domestic servants were deprived of their basic rights to live with dignity. She also said that studies had revealed that around 100 million children had been employed as child labourers in India. According to a UNICEF report on the state of the children globally, 17 per cent of domestic
workers in India are under 15 years of age and girls in the age group of 12-15 are the preferred choice of 90 per cent employers. It is observed that, children in domestic work is a child rights issue which violates a number of fundamental rights as defined by the unconventional of the child rights. Activists pointed out that myths like domestic work being non-hazardous and children getting food, shelter and clothing had been smashed by the number of cases of sexual abuse of children in domestic work.19

3.6 Why children work?

Various researchers have identified factors that lead children into work and they have also attempted to identify the barriers that prevent children who are already in work to leave the work and get into school. The researchers divided the factors into three major categories, namely

a. Poverty of resources
b. Poverty of opportunities
c. The availability of work.

Overall, poverty is the most commonly recognized cause of child labour in third world countries. According to the researchers children most commonly work in the region where families believe that the employment of their children will increase total family income. While employment of children may supplement family income, it may also contribute to keeping children in perpetual poverty, as there may be a lack of affordable opportunities for further education and skills training, which limits prospect for upward or outward mobility.20

Most of the arguments regarding why children work have focused
on why children are made available for work. For children to be able to work, someone must provide the work in the first place. It is observed that children are easier to handle than adult workers for a number of reasons. They are usually paid lower wages for producing the same quantity and quality of work as adults and, they are said to be more compliant with employers' instructions. Because they are under-age and often employed illegally, child employees are not able to join organised labour to advocate for improved working conditions. These circumstances create a demand for child workers who see this as a sure way of cutting costs and maximizing profits. Employers like to employ children because they are available in large numbers and because in the view of some employers, child workers are preferred to adults. Apart from being driven by the profits motive, employers hire children because; children are considered to be more suited for some jobs. This may be particularly true for jobs that require physical attributes such as size or some degree of agility. Children are considered to be more desirable than adults for the work of weaving high quality carpets because their nimble fingers make it possible for them to tie smaller and tighter knots.

According to UNICEF, the vast majority of working children has been forced into work by three factors, namely:

a. The exploitation of poverty

b. The absence of education and

c. The restrictions of tradition.

UNICEF has stated that for poor families the small contribution of a child's income or assistance at home that allows the parents to work can
3.7 Poverty and Child Labour

Poverty has been described as a situation of “pronounced deprivation in well being” and being poor as “to be hungry, to lack shelter and clothing, to be sick and not cared for, to be illiterate and not schooled...Poor people are particularly vulnerable to adverse events outside their control. They are often treated badly by institutions of the state and society and excluded from voice and power in those institutions.” Using income as a measure of poverty, the World Development Report refers to the “deep poverty amid plenty” in the world and states that one fifth of the world’s people live on less than $1 a day, and 44% of them are in South Asia.

Lack of access to resources or assetlessness is a unifying characteristic of poverty in all its manifestations. The poor lack ownership of or access to assets such as land, water, forest, dwelling units, credit, literacy, longevity, voice and capital—both physical and social. Those who are severely below the poverty line are largely involved in subsistence type activities for which they get exploitative poor returns despite suffering extreme physical hardship and undertaking grave risks so as to earn a meager income. Since earnings are below even the margins of existence, expenditure and survival needs exceed income. This often results in the need to borrow small amounts of money at usurious interest rates of as much as 120% per annum. When borrowing is not possible, hunger is suffered. Their inability to change the power relationships results in scarcely available common resources or public funds meant for poverty alleviation being misappropriated and diverted.
through manipulation by the locally powerful or corrupt. Since there are no mechanisms for grievance redressal this could result in social tension, despair or a combination thereof.\textsuperscript{24}

The poor can be classified into two sub groups -those who are poor over an extended duration or chronically poor and those who are transitely poor. The Chronic Poverty Research Centre tries to focus on the chronically poor segment of those who are deprived so as to draw attention to those who find it hardest to emerge from poverty. The Chronic Poverty Research Centre defines chronic poverty in terms of severe poverty, extended duration poverty and multidimensional poverty.

Regarding poverty of resources, the U.S. Department of Labour defines it as those instances when child labour is thought to result from low adult wages, low family income, or lack of financial assets. The department says that the logic of linking child labour to poverty is clear. Many children work because they or their families could not survive without the income, goods or services generated by the work of children. It is further argued that lower income families spend a higher percentage of their income on basic essentials, such as food and shelter, and in many cases may depend on the earnings of children to provide these basic needs. In such families, the case of children who are not working is a luxury they simply cannot afford. There is abundant evidence to show that child labour is linked to poverty, both at the country and at the household level. In general, the poorer the country the higher is the incidence of child labour. At country level, according to U.S. Department of Labour countries with a per capita GDP of $500 or less, will have a labour force participation rate of 10-14 year old children ranging between 30 and 60 percent; while for countries with a per capita GDP in the range of $500 and $1000 will have an equivalent labour force participation rate
ranging between 10 and 30 percent. The fact that the incidence of child labour declines less rapidly in countries with per capital GDP above $1000 may have something to do with income inequality. U.S Department of Labour says that in such countries, "a positive relationship may be seen between the incidence of child labour and income inequality: the more unequal the distribution of income in a country, the higher the incidence of child labour. According to Department of Labour, this evidence suggests that even in countries that are not extremely poor by measures of average household or individual income, there may be households that subsisting far below the average. In such households, child labour may still be a reality. Therefore, there may be an inverse relationship between incidence of child labour and average GDP per capita, although incidence of child labour declines less rapidly in countries with per capita GDP above $1000.25.

At a household level, the likelihood that a child works depends on other sources of income available to the family and the number of people for whom those income sources must provide. Higher parental income reduces household pressure to send children to work and makes schooling a viable alternative. On the other hand, when parental income declines due to adult wages falling or reduced hours, the children in that household are at a greater risk of early employment.26

In such cases children are forced to forego schooling in order to supplement adult income in a household. Where a society is characterized by poverty and inequality the incidence of child labour is likely to increase, as does the risk that it is exploitative. According to UNICEF, the small contribution of a child’s income or assistance at home for poor families, that allows the parents to work can make a difference between hunger and a bare sufficiency. For poor households to be able to maintain
Similarly, it has been argued that child labour will be particularly important in households where a parent is absent or deceased. According to U.S Department of Labour loss of a mother has been found to have a greater impact on children leaving school prematurely than the loss of a father. Moreover, says Department of Labour, ‘the loss of a mother tends to have a particularly negative effect on girls who are frequently called upon to assume domestic responsibilities previously carried out by their mother’. According to U.S Department of Labour family size is another factor that influences the working circumstances of children. In households with large numbers of children, if income is insufficient to meet basic needs there will be pressure to send at least some children to work in order to supplement overall income. In very poor households, there is little or no choice about whether or not children work. Children must work to survive. Some children have to work to meet the costs of schooling. According to the United States Department of Labour some children in Zimbabwe work in exchange for the opportunity to attend school; they are required to complete a minimum amount of work or risk being withdrawn from school. According to World Confederation of Labour it is sometimes difficult to establish whether children do not go to school because they have to work, or whether they work because they do not go to school. Going to school costs money (transport, uniforms, books etc.) that the parents normally do not have. Children must not cost them money; on the contrary, they must bring in money.

It was found from the study that the regression coefficient of poverty, person per household and birth rate turned out to be negative which proves that child labour can be eliminated even if per capita income is less and poverty is widespread. The study also reveals that as
the urbanization increases standard of living also increases which may increase the chances of children to attend school.\textsuperscript{30}

Child labour in some communities is seen as family insurance. The U.S Department of Labour says, 'Loss of income because of a poor harvest or the loss of work of a family member because of dismissal, injury, or sickness is a significant threat to families whose ability to provide basic necessities is marginal. This vulnerability to risk makes the short-term returns of child labour more attractive to lower income households, as long as the interruption of one family member’s income can be somewhat offset by the others'.\textsuperscript{31}

3.8 Child labour and Education

Education plays a very important role in the intellectual development of a child. Under normal circumstances, a school and not a work place is exactly the place where a child should be. However, quite often one might find children of school going age engaged in work, and sometimes the type of work is dangerous or the circumstances under which they are working could be dangerous. With respect to education, working children usually drop out of school at different stages of their schooling. Various studies confirm that while financial poverty creates barriers to educating of working children, children may also work because they lack alternatives. The department says that, for the effective combating of child labour we do not only need to withdraw children from work but we also need to ensure that alternatives to work exist and are accessible to these children. There must therefore be national policies and decisions aimed at broadening opportunities available for the children and their families.\textsuperscript{32}
Governments of all developed countries assume that education is a legal duty and not merely a right. Free and compulsory primary education is the policy instrument by which the state effectively removes the children from the labour force. In India there is not much attention is given on the child labour’s education. Hence it is found that less than half of India’s children between ages six to fourteen 82.2 million are not in school. They stay at home to take care of cattle, tend young children, collect firewood and work in the fields. Most children who start school drop out. Of those who enter first grade, only four out of ten complete four years school. It is also observed in so many studies that there is very less attendance it the schools.\textsuperscript{33}

It has also been argued that there is a cycle of poverty that perpetuates itself through child labour. It is clear that children who do not attend school earn less as adults than children who do. Thus, according to U.S Department of Labour the effect of not educating one generation of children also tends to have a costly effect on the incidence of poverty and child labour in the next.\textsuperscript{34}

The ILO points out, ‘while education in and of itself is clearly significant for the development of an individual and for the well being of society, it may be less obvious why education is important in the context of child labour. According to the ILO, education policy deals with important issues such as whether or not child education is free and compulsory, whether it is accessible and of good quality. Education policies on curriculum development ensure that education is relevant by changing approaches to teaching, improving learning materials, redesigning educational programmes, and better still, making sure that education is affordable. It has been argued that compulsory and universal education for all children would effectively eliminate child labour. Says
the ILO 'Proponents of this view claim that the link between child labour and education was established in the 19th century when child labour laws in industrialized countries made it compulsory for children to complete basic education up to a specified age and established it as a requirement for employment'.

According to Weiner, the universal extension of state-funded education in Europe, North America and Japan has been the most powerful instrument for the abolition of child labour. Weiner says, 'No country has successfully ended child labour without first making education compulsory. As long as children need not attend school, they will enter the labour force'. 'Policy makers in most countries, says Weiner, believe that mandatory education is a prerequisite for the eventual abolition of all forms of child labour'.

'Those who hold this view, says the ILO, reason that where compulsory education is effectively implemented, children will be less available for full-time work at least during school hours, parents will be encouraged to keep their children in school and employers will be dissuaded from hiring children.

According to UNESCO though, multilateral aid to education declined towards the end of the 1990s. While there appears to have been a slight increase in shares allocated to basic education, they too declined in real terms over the same period. The estimated external funding requirements necessary to achieve universal primary education suggest that the current funding levels are too low to meet the set goals. UNESCO continues to say, 'Achieving universal primary education alone will require a greater concentration on sub-Saharan Africa and Asia. Additional external funding for education, and particularly for universal
primary education, was announced during 2002, but it is unclear whether this will lead to the very significant increases required.\textsuperscript{37}

According to the ILO many experts argue that compulsory education is a necessary but not sufficient condition for the elimination of child labour. ‘Compulsory schooling alone cannot overcome all the social and economic obstacles that combine to keep children out of school and in the labour force’, says the ILO. ‘In the absence of effective measures to enforce compulsory education, says the ILO, the decision to enroll a child into school is the result of a household’s evaluation of the costs and benefits associated with schooling. The expected returns to education are therefore an important factor in the parents’ consideration’. The ILO continues to say, ‘Even if parents are aware that the returns to education could be significant, the costs of schooling can be so high that children are removed from school and pushed into work’.

For millions of families around the world even the state sponsored schools are out of reach. According to ILO, these so called free schools have hidden costs, which make them unaffordable for many people. Even though there is no charge for tuition itself, there are often charges for school supplies and materials, uniforms, transportation and extracurricular activities. Many families have to survive on less than US$1 per day, and these costs are simply beyond their means.\textsuperscript{38}

UNICEF maintains that children can suffer devastating psychological damage from being in an environment in which they are demeaned or oppressed. Such an environment is detrimental to the child’s self-esteem that is crucial for the child’s mental and social development. According to UNICEF, education is one of the keys that can unlock the prison cell of hazardous labour, in which so many children are confined,
cannot be over-emphasized. UNICEF points out that whereas education helps the child to develop cognitively, socially and emotionally, it is an area that is usually gravely jeopardized by child labour.  

UNICEF says that, interference with education on account of work can be in the following ways:

- When work absorbs so much time of the child’s time that school attendance becomes impossible.
- When work leaves the child so exhausted that he/she lacks the energy to attend school or cannot study effectively when in class.
- When in some occupations, especially seasonal agricultural work, causing children to miss school for too many days even though they are enrolled in school.
- When the social environment of the work undermines the value a child places on education, something to which street children are particularly vulnerable.
- When children are mistreated in the work place and are so traumatized to the extent that they cannot concentrate on schoolwork or are rejected by teachers as disruptive.

The other aspect of the child work definition, which is highlighted by Heady, is whether you define the child as working if they worked in the last week or if they worked in the last year. He says that although child labour surveys usually ask questions for both definitions, it is clear
that the second definition will count more children as working, including those that worked only during school holidays, and for whom there is little conflict between work and school time. On the other hand, Heady says that limiting the analysis to those who worked last week will not count some children who have worked earlier in the year, possibly at a time that has seriously affected their schooling. There are therefore disadvantages with both methods of measurement and any choice will involve making a compromise. It is always important to be clear about the definition and understand its implications.

In India where society is classified according to castes, children of low caste are denied education due to the fear that if they are allowed to go to school then nobody will go to the field. According to Sinha (1996:6) the formal education system has been criticized on the basis of creating a mass of educated illiterates who are neither willing nor able to perform the traditional family occupations. Other forms of discrimination that create barriers for children leaving work to pursue schooling may be based on either ethnicity or social class. Targeted projects can be aimed at expanding and enhancing educational opportunities for children.

Studies affirm that schooling must be relevant if it is to be seen as a real opportunity for children. And further it has been observed that families will want to send their children to school if they see a potential for education to result into higher earnings later in life. Parents are therefore unlikely to see the value of investing in formal education if better paying jobs that require the skills derived from education are few.

It is also important that there is consistency in the national laws that establish compulsory education and those that stipulate the minimum working age requirement. If children in a given country can legally begin
employment at an age below the stipulated maximum age of compulsory education, children may be encouraged to take up employment early and neglect their studies or drop out altogether.

The key factors therefore that ensure that education can contribute towards the elimination of child labour include access to education, quality issues, education that takes place outside a formal school education system and helps children make a transition back to school, and vocational education that is geared towards learning practical, work-related skills.43

According to the ILO combining vocational training with basic education has always been a popular idea, especially in the context of educating disadvantaged children who are unlikely to pursue further education. Unfortunately, this use of vocational training leads to a view of technical education as being "second class". Appropriate intervention policies can however ensure that a sound and efficient vocational education system is introduced.44

Policies designed to encourage and promote women’s education have a direct impact on child labour. Bhalotra says ‘The direct effect of mother’s education on child labour and schooling is typically positive even after controlling for father’s education, which also takes a positive coefficient. The actual welfare impact is likely to be even larger in the long run, once the fertility-reducing effects of education are taken into account’.

According to Bhalotra another question that is commonly asked is: ‘How large an effect does child labour have on education, or conversely, if increased enrolment in school is induced, what is the associated
decrease in child labour?' Although most data sets describe an inverse correlation between child labour and education at the micro level, one is not the exact inverse of the other. As Bhalotra points out, it is possible that a policy intervention that results into an increase in school enrolment draws children out of "inactivity" with no corresponding reduction in child labour. Using data from rural Pakistan Bhalotra has found a significant negative relationship between child labour and educational attainment at household level, whether for the working child or for his/her siblings.45

Many countries grapple with policy decisions regarding allocation of resources for education. According to Bhalotra low student enrolment and high dropout are widespread and a range of school-related factors such as the costs and location of schools and rigid timetables, as well as external factors such as poverty, attitudes about gender, conflict, and ill health combine to reduce access to learning. The policy question is whether the marginal unit of expenditure should be allocated to improving the quantity and quality of schooling, or should it be allocated to encouraging demand for schooling, by for example, giving income transfers to parents or lowering school fees.

Quality of schools is also an important aspect of education. Where schools are available but education provided is of poor quality, children also face a lack of real opportunity because their education is unlikely to give them the skills and competencies needed to command higher wages in the labour market. Poor quality of education presents itself among other things, in the form of untrained teachers, poor facilities and classrooms and over-crowding in classrooms.

3.9 Worst form of Child labour targeted for
The child labour targeted for elimination is what is known as the ‘worst forms’ of child labour. There are two types of ‘worst forms’ of child labour namely: the conditional type, which is also known as hazardous child work and the Unconditional. Worst Forms of Child Labour, which mainly includes exploitation of children by involving them in illegal activities.

The Worst Forms of Child Labour Convention No.182 of 1999, together with the accompanying recommendation No.190 point out the activities that are considered to be worst forms of child labour. According to the ILO these are:

a. Slavery or similar practices, such as the sale and trafficking of children, debt bondage, and forced or compulsory labour (including the forced recruitment of children for use in armed conflict);

b. Using or offering a child for prostitution or for pornography;

c. Using or offering a child for illicit activities, such as for the production and trafficking of drugs;

d. Work which by its nature or because of the circumstances in which it is carried out is likely to harm the health, safety or morals of the child, i.e. hazardous work.

So, the worst forms of child labour mentioned in the first three bullets above are actually worst forms “by definition”. There is no room for any country to adjust the definition; no matter what differences may exist between countries. This kind is sometimes referred to as “intolerable worst forms of child labour”. On the other hand, the list of what should be prohibited under bullet four above needs to be determined by each
country individually. Such a list forms a set of conditions, which qualify or disqualify child labour as being or not being of the worst form. Thus, this type of child labour is of the worst form simply by "condition", such as age, hours worked, working conditions, wages paid, effect to child health etc. It is also known as hazardous work.

Examples of some of the worst forms of child labour by condition are hazardous manufacturing operations, mining, quarrying, deep sea diving, working at heights in construction, scavenging or rag picking, or carrying heavy loads. According to the ILO, even work that does not leave physical scars but is likely to damage the psychological health of a child or stunt his or her social or intellectual development is included here. Under-age children made to carry heavy loads will most probably be stunted in their physical growth.

Child labour activities differ in terms of inherent safety hazards and risks, type of health effects, and also in terms of the psychological and moral consequences for the child. Different regulations for various kinds of activities are required for each country.

Another phenomenon usually associated with child labour is child trafficking. Child trafficking is recognized as one of the worst forms of child labour targeted for elimination. In the ILO report it is stated that children being trafficked come from poor families living in rural areas, with the majority of parents engaged in agriculture.

3.10 Gender and child labour

In many societies, boys and girls are assigned different societal roles and therefore experience different perspectives of life as a result of their being male or female. For a better understanding of child labour,
differences in the work done by girls and boys need to be documented. The issue of gender is now regarded as a vital component in addressing child labour. A modern approach to researching child labour therefore calls for the analysis of data to be done according to sex and age group so as to better understand the impact of child labour. Although in previous decades research on child labour focused on boys' work, recent studies, which have been more gender-sensitive, have shown that girls are working in almost every sector, beginning at very early ages.46

According to the ILO gender can be crucial in determining whether a boy or a girl is employed and the type of labour activity in which they are engaged. Gender sensitivity in all child labour action programmes means that boys and girls would enjoy equal rights, opportunities and responsibilities. Any programme that ignores gender, therefore risks failure. The use of a “gender lens” helps to filter out misleading assumptions about who does what, why and when, and is vital in preventing and solving child labour problems.

There are certain types of child labour in which girls are more disproportionately found or especially affected due to their gender. Much of this child labour is of the unconditional worst form, and it includes trafficking, commercial sexual exploitation, commercial agricultural work and domestic work – which is often unpaid. More predominantly, girls are increasingly used for sexual services, prostitution and the entertainment industry; while boys are targeted for armed conflict, elicit trade and agricultural work.

The ILO concludes that 'There is no denying the fact that both girls and boys engage in the worst forms of child labour. However, it is important to realise that due to some societal expectations, duties and
responsibilities placed on girls, they are often more vulnerable to
exploitation. Thus, the different expectations that society places on girls,
as well as the differences in their situations and conditions must be taken
into account before taking protective action'. It is absolutely essential to
understand the culture and environment in which child labour occurs in
order to address its root causes, such as gender bias.47

The most controversial aspect of the definition of child work in
most countries may be that it excludes housework, but includes unpaid
work in a family farm or enterprise as well as paid work. Accordingly this
follows the ILO definition, which is based on the concept of “economic
activity”, but clearly has important gender implications as girls are more
likely to undertake substantial housework duties than boys and these are
just as likely to interfere with schooling as part-time work on a family
farm. This may be the explanation as to why there was a high proportion
of girls who were reported as being neither in work nor in school.

3.11 Child Labour and Law

Child labour laws around the world are often not enforced or
include exemptions that allow for child labour to persist in certain sectors,
such as agriculture or domestic work. Even in countries where strong
child labour laws exist, labour departments and labour inspection offices
are often under-funded and under-staffed, or courts may fail to enforce
the laws. Similarly, many state governments allocate few resources to
enforcing child labour laws.

In India there is national legislation that prohibits "children's
employment in jobs hazardous to their lives and health". The laws also
assure "regulation of working conditions of children employed in
occupations and processes where their employment is not prohibited". But according to a leading non-governmental organization called Campaign Against Child Labour, the legislation suffers from too many loopholes. In a report submitted to a session of the UN Convention on the Rights of the Child in 1999, the group said the legislation's distinction between hazardous and non-hazardous occupations was arbitrary.

In India many jobs that were dangerous for untrained children were left out, including glass-manufacturing, sari-weaving, rag-picking, sewer-cleaning and gem-polishing. Jobs not listed as hazardous can still be dangerous to the untrained. The Campaign said the law totally overlooked up to 85% of the child labour force that works in the unorganised sector outside registered establishments.48

India's first act on the subject was the enactment of the Children (Pledging of Labour) Act of February 1933. This was followed by the Employment of Children Act in 1938. Subsequently, twelve additional legislations were passed that progressively extended legal protection to children. Provisions relating to child labour under various enactment such as the Factories Act, the Mines Act, the Plantation Labour Act etc. have concentrated on aspects such as reducing working hours, increasing minimum wage and prohibiting employment of children in occupations and processes detrimental to their health and development.49

The Child Labour (Prohibition & Regulation) Act 1986 of India was the culmination of efforts and ideas that emerged from the deliberations and recommendations of various committees on child labour. Significant among them are the National Commission on Labour (1966-69), Gurupadaswamy Committee on Child Labour (1979), and the Sanat Mehta Committee (1984).
Since independence, India have committed itself to be against child labour. Various Articles of the Indian Constitution are in support of this fact some of them are Article 21A, Article 23, Article 24, Article 39, Article 41 and Article 45.

Constitution of India and various other Acts are aimed to prohibit the entry of children into hazardous occupations and to regulate the services of children in non-hazardous occupations. But its implementation is not yet possible for the government.

It is not enough to have a plethora of legislations enacted to provide legal protection to child workers and regulate their working conditions. What is more important is the enforcement of the law in should be made in the true spirit and in desired directions.

The link between child labour and education will always be determined by the kind of education policies that are adopted by any country. It will depend on the legislation governing years for compulsory schooling, the quality and quantity of education supplied, how accessible, affordable and relevant the education system is.

A large amount of research has been done on child labour, and in the process its definition continues to be redefined and research methodologies are continually developed and improved with time.

The relationship between education and child labour has been the subject of many researchers the world over, and there seems to be agreement on the major relationships that exist between the two concepts. It is not known however, what kind of link exists between child labour and academic progression.
The relation between child labour and poverty was also studied by many researchers. The relation between poverty and child labour changes from place to place. Hence study at different places may reveal different cause and effect relationship among these two variables.

During the study health and safety measures undertaken by the employers was studied. The study also tried to ascertain and analyse the work undertaken by the Government and Non-Government Organisations in the elimination of child labour.

The fight against child labour will need a lot of efforts at root level, education and mobilisation on the part of the community. On the other hand, government has to continue to legislate, implement legislation and provide meaningful alternatives to the child who is left with no choice but to engage in child labour even when they are supposed to be at school.

The age of the child, the number of hours worked, the nature of industry and occupation within which this work is performed, the circumstances in which the work is done all help to determine if the kind of work in which the child is engaged is child labour or simply child work.

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