

## Child labour problem in India

<sup>1</sup> Malay Kumar Dewanji, <sup>2</sup> Dr. Ankur Pare

<sup>1</sup> Research Scholar, Dept. of Sociology, Sri Satya Sai University of Technology & Medical Sciences, Sehore, Madhya Pradesh, India

<sup>2</sup> Sri Satya Sai University of Technology & Medical Sciences, Sehore, Madhya Pradesh, India

### Abstract

Child labour has always existed in their homes, due to their family involvement with their parents working in a particular caste-related trade. In the Nineteenth century, after industrialization, children got also involved in the factories, because they got low wages than the adults.

The twentieth century is sometimes referred to as the “Century of the Child”. As far back as 1919 the International Labour Organisation (ILO) drew up a convention aimed at restricting child labour in industry by setting a minimum age (ILO Convention 5). In 1973, the ILO drew up a universal convention on the minimum employment age, applicable to virtually all sectors: ILO Convention 138. India has ratified this convention.

India has the largest number of working children in the world. The government itself acknowledges that at least 17.5 million children employed in organized and unorganized sectors.

Considering the magnitude of the problem of working children the Govt. of India has formulated the National Policy on Child Labour in 1987 and had committed to undertake ten different measures for the welfare of the children, but concrete achievement in abolishing Child Labour has not become a reality even today.

Free and compulsory education to all children up to the age fourteen is today constitutional commitment in India. The Parliament of India has passed Right to Education Act in 2009 through which education has become fundamental right of all children of age group 6-14 years. Unfortunately even after eight years, all the Indian children are not yet literate today.

From our experience, what is urgently needed is a commitment to protect all young children and provide compulsory schooling for every child under the age of 14. It is also obvious that poverty, unemployment, bonded labour, rural indebtedness and women’s low status are directly linked to the exploitation of child labour.

**Keywords:** child labour, compulsory education, low wages, poverty, hazardous, ILO, universal convention, minimum age for employment, working children, indian constitution. Etc

### Introduction

Child labour has always existed but it was only in the nineteenth century in industrialized led to a growing separation between the home and the place of work. Production that had formerly been carried out within the family was now done in workshops and factories. In the early workshops it was still possible to maintain family and group ties. Children accompanied their parents to the workshop or factory where they acted as helpers. In the absence of technical education centres, this was a useful way of teaching the children a trade.

The women and children employed in these early workshop were always paid lower wages than men, so when mechanization reduced the number of operations requiring a lot of muscle power so that they became an attractive source of labour.

The twentieth century is sometimes referred to as the “Century of the Child”. For the first time in history the rights of the child have been put on the international agenda. As far back as 1919 the International Labour Organisation (ILO) drew up a convention aimed at restricting child labour in industry by setting a minimum age (ILO Convention 5). It was followed by various other conventions on the minimum employment

age for different sectors, including shipping, agriculture and non-industrial occupations. In 1973, the ILO drew up a universal convention on the minimum employment age, applicable to virtually all sectors: ILO Convention 138. The India has ratified this convention.

India has the largest number of working children in the world. The government itself acknowledges that at least 17.5 million children employed in mines, factories, fireworks, brickfield, poultry, bidi-factory, building-construction, hotels and sweetmeat shops or as domestic servants or in polishing works and many other less hazardous works like agro or non-argo industries. In 1987, laws were made on ban child-labours in hazardous works. Still out of 3 child labours of the world, two live in India and the larger number of them are engaged in non-organised sectors, agro-environment is prone to cancer, of liver, nerve and eye. According to survey of WHO one third of the children of the world suffer from the diseases caused due to poisonous effect of pesticides in our country.

The ICFTU’s regional organisation in Asia – APRO – puts the figure at 50 million. One private institution in India, however – the Centre for concern for working children – which has carried out an inquiry into an inquiry into the number of children not attending schools, estimates the number of

working children in India at 100 million.

In the absence of agreed criteria and reliable data, several agencies have computed the figure on the basis of people below the poverty line and children not enrolled in schools. For example, the Balai Datta Bank, Manila considers that the number of children is likely to be over 100 million. The Campaign against Child Labour (CACL), an umbrella organisation covering about 1000 non-governmental organisations, estimates that “there are 70-80 million child labourers, based on the number of non-school going children and families living in destitution”.

According to the 1991, there are about 11.20 million full-time and 10.70 million part-time child labourers in India. This excused the unorganised sector and the self-employed children in which there are about another 20 to 25 million children. About a quarter of the working children in the metropolitan area suffer from over work, inadequate pay and physical abuse. They soon fall victim to the street culture of drug

abuse, smoking, gambling, drinking, vagrancy, stealing and prostitution. Most of these remain untouched by social welfare programmes.

According to the Asian Labour Monitor, every third household in India has a working child. Further, according to the same journal, the extent of child labour can be gauged by the fact that in the age group of 5-15, every fourth child is employed, 20% of all children in the age group of 10-14 years are employed in one form or the other, and over 20% of the GNP of India is contributed by child labour.

According to a study conducted by the All India Guild of Law Graduates, 6.75 of the work force consists of children, below 14 years of age. A study conducted by the National Institute of Public Co-operation and Child Development revealed that 24.7%, child labour surveyed in Bombay started work between the ages of 6 and 9, 48.4% between 10 and 12 and 26.9% between the ages of 13 and 15.

**Table 1: Children Working in Different Areas of Employment in India According to 1971 Census and 1981 Census**

S. No.	Name of Activity	1971 Census		1981 Census	
		No. of child workers in age groups 0-14 years. (in thousands)	Percentage	No. of child workers in age groups 0-14 years. (in thousands)	Percentage
1	Cultivators	3870	36.05	4013	35.95
2	Agriculture labourers	4586	42.72	4774	42.76
		1971 Census		1981 Census	
Sl. No.	Name of Activity	No. of child workers in age groups 0-14 years. (in thousands)	Percentage	No. of child workers in age groups 0-14 years. (in thousands)	Percentage
3	Livestock, forestry, fishing, hunting, plantations etc.	885	8.25	7.04	6.30
4	Mining and quarrying	24	0.22	27	0.23
5	Manufacturing processing, serving, repairs etc.	653	6.08	965	8.63
	a) Housing industry	338	3.15	425	3.79
	b) Others	315	2.93	540	4.84
6	Construction	59	0.55	79	0.72
7	Transport, storage and communication	42	0.39	34	0.29
8	Trade and commerce	211	1.97	246	2.20
9	Other services	405	3.77	326	2.92
	Total	10739	100.00	11168	100.00

From the above table, we find that about 85 per cent of working children are to be found in the agricultural sector and that the overwhelming chunk in any sector are from the scheduled caste and tribes.

**Agriculture Sector:** “Child labour has always been common in the agricultural sector, especially in small family farms. Generally speaking, Indian rural families have a strong sense of community and it is taken for granted that every member will contribute to family resources. It is impressed upon children from a very early age that they must show their solidarity by contributing to the family income. Many children, therefore, consider it quite normal that they should start to work from a very early age and this situation is reinforced if the schools are a long way from where the children live or if the parents do not have the money to send their children to school. Moreover, while in many farming castes and communities education is no guarantee of a better future, the contribution in work and income made by children is often essential to the survival of impoverished rural families.

Traditional rural customs often persist after the family has moved to the city. All too many parents remove their children from school at an early age and send them out to earn their living as servants, street traders or factory hands.

**Service Sector:** Because of migration from the countryside to the city, increasing unemployment and a lack of social security, a growing section of the population in India is obliged to generate its own employment in the “informal” sector.

Our children are often found working in small factories, motor garages, food stalls, shoe shining, as domestic helps, rag pickers and even as beggars. No education policy could make the parents interested to send their wards to schools as earning by them is more lucrative for a poor family than to educate them. The wages paid to a child is normally lower than the prevalent rate while the exploitation is abnormally high to turn them into bonded labourers or child prostitutes. Sex tourism is another point that is contributing to increasing child prostitution in India too.

In the match and fireworks factories at Sivakasi (Tamil Nadu),

40,000 children (out of a total work force of 70,000) are employed. In other industries as well, such as bidi manufacturing, among polishing, handicrafts, agriculture, rag-picking and the hotel industry, children form a major percentage of the total labour employed.

The Gurupadaswamy Committee Report in 1979 identified sectors of the economy where there were substantial numbers of working children, principally, bidi factories, glass factories, the carpet industry, the handloom industry, in jari making and embroidery, in polishing precious stones, in match and fore works, foundries and repair shops, in hospitals, restaurants, canteens, tea stalls shops and establishments, service stations, construction sites, as rag-pickers and as casual labourers.

The prevalent gender bias of the society is naturally reflected in this world too. In the field of child labour, girls have outnumbered the boys and consequently, in illiteracy, their number are double to that of the boys. The girls are made engaged in work at an earlier age and deprived of literacy. They are thrust into unpaid or unproductive activities from their very tender ages and made the easy prey to physical violence and sexual abuse, in addition. As these child labourers come mostly from the poor families, the combined effect of impoverishment, lack of access to education and health, physical labour and social conditioning of these children bring them to accept poverty and violence as their due in later life. It is estimated that the girl children of 0-14 years age group participating in labour field will grow up to 20% to 30% in the 15-19 years age group in between 1981 and 2001.

It is traditional for very young girls from poor families to be sent to work in the homes of wealthier families in return for boarding and lodging. Many impoverished parents prefer their daughters to work in some other family's household rather than in a workshop, factory or as a street vendor, because they imagine that it is safer. Maidservants work long hours, have little or no free time and receive little or no pay. There is virtually no official inspection of the conditions under which these domestic slaves work.

The number of children – especially girls – working as domestic servants has risen over the last decades. As more women from the lower middle classes go out to work, so the demand for cheap domestic labour has risen. In metropolitan cities like Delhi and Bombay, for example, this has led to the emergence of a new category of middlemen who ruthlessly recruit children for domestic work. In addition to this, all too many child refugees end up in host families where they are treated as domestic slaves.

Other types of service where child labour is on the increase occur in the informal tourist and entertainment industry, for instance in restaurants, guest houses and prostitution. Poverty, war and violence expose children to new dangers and new forms of exploitations.

**Industry and Mining:** Only a small percentage of child labour is accounted for by large, export-oriented enterprises in mining and industry. This related to the fact that these enterprises are subject to more government control and that trade union influence is often greater there. Mostly in unorganised and small sectors, child labour occurs such as the match and carpet industry in India.

There are few statistics on child labour among children under the age of 10. In the first instance, this is because work by

very young children is rarely recognized as such or because it is simply overlooked by census-takers. Such young “domestic helpers” are either recorded as adopted or not counted because they are unpaid. A second reason for the inadequate registration has to do with the fact that labour by very young children is illegal in all countries and as such is hushed up or deliberately concealed.

Most children work in the so-called informal economy-both in the cities and in the countryside – where protective labour laws and regulations regarding working hours, pay, social security and working conditions are generally absent. Children usually work in situations where it is difficult, if not impossible, to offer them any protection, such as, on the streets, in unregistered enterprises, work places, small factories, guest houses, cafes, restaurants, eating-houses, shops, family businesses, clothing workshops, buildings, small private mines and in remote farming areas.

It is estimated that only a small percentage of working children – roughly 5% - work directly in export-oriented industries. Examples can be found in the production of clothing, carpets and shoes, in the diamond industry, the food processing industry, in tanneries and furniture makers. On the other hand, the practice of contracting work out via middlemen makes it difficult to estimate how many children are indirectly involved in production for the world market.

In India and many other developing countries, poverty has risen sharply in recent decades as a result of the Structural Adjustment Programmes (SAPs) imposed by the IMF and the World Bank. These have led to privatization, a decrease in government expenditure on social services (including education and health), a deterioration in social security, promotion of export-oriented production, deregulation and flexibilization of industrial relations, and a dilution of trade union rights. The percentage of Indian Union Government's expenditures (90-97) is allocated only 1% in health, 2% in education and 13% in defence.

UNICEF warned as early as 1984 that SAPs were having a devastating effect on poor families, and on the welfare of children, in particular. Experts in various countries have shown that the increase in child labour is one of the direct consequences of economic crisis and structural adjustment. Much of the social costs of SAPs is passed on to women in poor families, a process that is sometimes described as the “feminization of poverty”. The sectors hardest hit by privatization and government cut-backs are also those sectors which employ a lot of women, such as, education and health care, child care, telephone and postal services. For most women, there is no alternative employment available except in the informal sector which is where many laid-off women workers end up.

Growing unemployment and rising prices lead to a reduction in spending power and in increase in women's workload. Families affected by unemployment generally have no financial reserves to fall back on. Improvised families who can no longer afford the rising cost of education and child care find themselves obliged either to keep their children home or to send them out to earn some money so as to at least keep the family unit afloat. Poverty and despair lead to an increase in violence within the family. When their own income proves inadequate men tend to force wives and children out to work.

The number of deserted wives with children is on the increase, partly owing to the growing number of migrating men going in search of work, elsewhere. In 30 percent of the families, according to the United Nations, women have to bear the burden of looking after the family alone. The majority of such families are among the poorest in the world. Women caught in these situations tend to be physically and mentally exhausted and in the absence of alternative resources they often have no choice but to let the children work for the sake of the family as a whole. Children from poor families run a high risk of ending up as street children. Child workers in Calcutta do a variety of jobs ranging from self-employment to employment in the service sector.

Discussions with NGOs reveal that children who are just 4 to 5 years old do manual labour for hours each day in Calcutta. The kids break apart batteries with rocks and hammers, separating the acid and lead for re-sale, often poisoning themselves in the process. There are other child workers who make flip-flop sandals with scissors, sometimes as long as their arms, or work in light bulb factories where they breathe in fine glass dust particles that can scar their lungs. Many do not appear in the records and become invisible in statistics. A large number of girl children are surrogate mothers to their siblings while also helping their mother in domestic or piece rate work.

There are others, who look after cars, shine shoes, sell newspapers etc. and the average earning of a child labour in Calcutta is less than US\$3 in a month. Sometimes, they stay out on the streets and meet up with youth gangs or groups of children who live on the streets. The worse the child's home situation, the greater the chance that it will join these street children instead of returning home. Such children all too often end up in the criminal circuit.

The unloading of the social costs of the structural Adjustment Programmes onto families is referred to in a UNICEF study as "invisible adjustment". This invisible exploitation of individuals affects not only the socio-economic rights of the woman, but also the living conditions and future prospects of her children, a process that is further reinforced by the inequality between men and women.

While on the one hand the supply of child workers is rising as a result of poverty, on the other hand, changes in the production process are leading to an increased demand for child labour. The growth in subcontracting, flexibilization and deregulation, the emergence of free trade zones and the informalization of labour appear to have made child labour more attractive and easier for employees.

Many sectors are increasingly contracting out parts of the production process. This saves larger companies high labour costs and enables them to make use of the cheapest employees, which includes children. The client firm and the actual workers are often separated by a long chain of middlemen and subcontractors. Multinationals contract local firms in India to fill orders. These local firms compete fiercely with one another to land the limited number of multinational orders: they look for the cheapest labour and where possible they use child labour in their own factories or contract work out to informal workshops or to home workers, who in turn enlist children in order to boost the family income. It is often difficult to discover who is really employing the children

working in grimy workshops or at home, pressured for 8 to 11 hours a day to reach the production norm and often paid a pittance for their efforts. In a number of industries, such as shoe and clothing manufacturing, a few specific parts of the end product are made by children. These are then exported to the big factories for further processing by adult employees before being finally exported to Europe and the United States. Most children work over 12 hours a day under inhuman conditions, on starvation wages. Child labour is cheap and unorganised, since a child worker has no legal status, even unions are helpless. These unfortunate children suffer from severe mental and physical retardation. In case of accidents employers easily get away by paying a pittance by way of compensation.

In almost all cases, there is extreme exploitation of working children. There are laws to protect them, but no proper enforcement agency. Punitive measures are laughably flimsy. In 1986, the Supreme Court released 800 children from Palamati in Bihar, from where they were taken as slaves to work in the carpet weaving industry in the Mirzapur belt. They had been branded, tortured and made to work 20 hours a day. The local magistrate reportedly fined the exploiting employers a mere Rs.40 a head.

It is irony of the fact that Article 24 of the Indian Constitution reads –

"No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment"

India has stood for constitutional, statutory and developmental measures that are required to eliminate child labour. India has ratified six ILO Conventions relating to the child labour and three of them as early as in the first quarter of the 20<sup>th</sup> Century. Following the directions of the constitution, the act formulated to encounter the magnitude problem of increasing child labour is child Labour (Prohibition and Regulation) Act, 1986 which bans employment of children below fourteen in certain fields such as port, railways, transport, fire work etc. and in other cases, if a child is engaged, can not be made to work for more than six hours a day. Article 24 reads – "No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment". The violator of this act shall be punishable with imprisonment for a term of three months to one year or with fine which may extend from Rs.10,000 to Rs.20,000 or with both. But the pathetic side of this act is that it nowhere declares child labour illegal and the provisions for monitoring over the proper implementation of the act is very poor. Result is the frequent violation of childhood prerogatives.

It has been pointed out time and again that there is no need for child labour in a country where there is large scale adult unemployment. In many cases, industries employ children as cheap labour while their parents sit idle because from the employers' point of view, little children spell big profits. Children are more amenable to discipline and can be ruthlessly bullied by adult supervisors without fear of protest; they cost less, are more active, agile and quick; further, since in certain industrial sectors child labour is illegal, no laws apply; and finally, most children work in the unorganised sector in any case and hence find it doubly difficult to organise and fight for their rights.

The UN Convention on the Rights of the Child is the most frequently ratified international human rights treaty. It was passed by the General Assembly of the United Nations on 20 November 1989 and by October 1993, it had been ratified by 152 countries including India. This universal acceptance makes the convention an important instrument for improving the situation of children and adolescents.

The central message of the UN Convention is that children may demand their own rights. It there by gives expression to a new perception of childhood, one that has been almost universally accepted during the course of the twentieth century – the Century of the Child. Children are no longer seen as a “possession” which parents, educators and other adults can dispose of at their own discretion, but as having their own individual and socio-economic rights. Children have a right to life, to the own name and nationality, to well-being, love and care, as well as a right to free expression, a right to freedom of association and assembly, a right to access to information, a right to the best possible health and health care, a right to free and compulsory primary schooling, and a right to harmonious development, free time, recreation, art and culture. These are just some of the rights that are dealt with in the UN Convention.

**Article 45 of the Indian Constitution says that**

“The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.”

The absence of adequate, competent and affordable education facilities is often a major contributing factor to the existence of child labour. In India, the simple fact is that children who are not at school are mostly working.

Largest number of illiterate people live in our country. Academic atmosphere, infrastructure, the teacher and the taught and the teaching-system are entirely pathetic. There is not teacher in 2624 primary schools, there is only one teacher in each of 1, 48, 033. There are only two teachers in each of 28.5%, there is no building for 7% schools. The schools are run under open sky. 20% schools are run in thatched huts or in tents. There are 6 lakhs primary schools and number of students are 110 million. The number of drop-outs are 36% before promoted to class V and 52% students leave school before promoted to class VII. 6.5 crores children are out of the periphery of academic institution, and out of 3 such children, 2 are females. The spectacle is more pitiful than of Pakistan and Srilanka. Notwithstanding the allocation of money in national budget for education is gradually decreasing: 1990-1991 – 4%, 1992-1993-3.6%, 1993-1994-3.5%.

According to the State of World’s Children 1999 Report, in India, over 80 per cent of children in urban area is enrolled in school, but in rural areas, the rate is about 60%. But there is great variation between the states. Though Kerala is not a rich state of India, 9 out 10 primary school age children go to school, while in Bihar State only half do.

Nearly 53% population of India lives in severe poverty, earning less than \$ 1 d day. Child labour is a persistent problem, a cause and consequence of low enrolment and high dropout rates. Students – teacher ratio is very high (greater than 60 to 1 in India), particularly in the primary schools.

There are many single teacher primary schools, in which at least four different classes of students from standard I to stand IV are to be taken at the same time by one teacher.

According to Mabbub Ul Haq, the noted economist, “Education is the true essence of human development. Without education development can be neither broad-based nor sustained”. But the educational situation is so much worse in India that the percentage of primary school entrants reaching grade 5 (1990-95) is 62% and secondary school enrolment ratio is as follows:

**Table 2**

1990-96 (gross)	Male	Female
	59	38
1995 = Adult literacy rate	Male	Female
	66	38

However, educational participation statistics are not always an accurate guide to the extent of child labour. Child workers, such as many child newspaper sellers, tea stall workers particularly in the cities, often do manage to attend school. Indeed, the sometimes work in order to able to pay for their education. Often, children work 8 or more hours a day in addition to the hours they spend at school, a practice that ends in mental and / or physical exhaustion.

A major factor influencing the extent of child labour is the introduction of compulsory education: without it, governments find it difficult to enforce child labour legislation. According to the American professor Myron Werner, no country has succeeded in putting and end to child labour without first introducing and enforcing compulsory education. It is very important that the upper age limit for compulsory education should correspond to the minimum age limit for employment.

The extent of child labour is partly influenced by the way in which the Indian society react to the problem. In India, marked indifference of lack of conviction stands in the way of tackling the problem effectively. Therefore, the Government confine themselves to enacting legislation without providing the instruments for actually enforcing the laws nor are trade unions always as interested in the problem as they might be, because their members often work for large companies where child labour is less prevalent. Even parents from background communities display indifference to the importance of education, as educational opportunities were denied to all the backward communities in India for thousands of years, preferring to let their children work rather than “waste their time at school”. The media pay little attention to the problem because where child labour is regarded as normal, it is not newsworthy. In India the initiatives to expose the problem and to demand actions are mostly coming from some committed individuals and non-governmental organisations.

The importance of political will can be illustrated by the example of the comparatively Indian State of Kerala. The government there decided to give priority to education. By spending more than double the national average in education, Kerala has succeeded in providing virtually all children with primary education and almost 90 per cent with secondary schooling. The upshot is that only about 3 per cent of children in Kerala work while in other Indian states the figure can be as much as ten times higher.

**In order to tackle the child labour problem the following recommendations have been passed by the State Education Ministers Committee**

- Fundamental duty of all parents to ensure that all children upto 14 years of age attend school. Punishment for “defaulting” parents.
- Establishment of primary schools within a distance of 1 to 1.5 km from rural habitations.
- Set up upper primary schools within a distance of 3 km from a village with a population of 500 people.
- “Deserving private schools should be given adequate opportunity” to help them operate in remote and inaccessible areas.

The government considers Child Labour a “necessary evil” and the Child Labour Act, 1986 does not completely ban, but only seeks to “protect” working children. But the question remains – if earlier laws could not protect children from exploitation, what is the guarantee that new laws will. And where is the will or the machinery to enforce such laws.

The argument given in favour of not banning child labour is that such a ban would affect industries employing child labour. The authorities talk in terms of profits, and foreign exchange earned by industries (carpet, gun polishing) employing child labour. No wonder there is reluctance to face the issue head on. But one cares about the effect of such exploitative and dangerous working conditions on the children.

So the 1986 Act was drafted with the view that child labour cannot be banned. Social Activists immediately attacked it as regressive. The Act covered only 10% of the total working children.

Those working in the unorganised sector are not protected. The Ministry of Labour did not find it necessary to include the glass industry among the list of occupations hazardous to children even though there is enough evidence to prove that glass works are very dangerous for children high temperature, burn injuries, toxic fumes). The slate pencil industry, where workers succumb to silicosis and other respiratory ailments before they even reach middle age was excluded from the purview of the Bill. However, after prolonged movements, these industries are now included in the list of hazardous industries, prohibiting children’s employment.

**Considering the magnitude of the problem of working children the Govt. of India has formulated the National Policy on Child Labour in 1987 and has committed to undertake the following measures for the welfare of the children**

1. Comprehensive health programme for all children.
2. Programme to provide nutrition services for removing deficiencies in the diet of the children.
3. Free and compulsory education for all children upto the age of 14.
4. Physical education, games, sports and other types of recreational as well as cultural and scientific activities in schools, community centres and such other institutions.
5. Special assistance to children belonging to weaker sections of the society.
6. Special attention to children who have become delinquent or have been forced to take to begging or are otherwise, in

distress. Facilities for education, training and rehabilitation shall be provided so that such children are helped to become useful citizens.

7. Protection of the children against cruelty, neglect and exploitation.
8. No child under 14 years of age shall be permitted to be engaged in any hazardous occupation or be made to undertake heavy work.
9. Facilities for special treatment, education, rehabilitation and care of children who are physically handicapped.
10. Priority to children in relief operation in times of distress or natural calamities.

Passed on December 23, 1986, the celebrated Child Labour (Prohibition and Regulation) Act, 1986, is today nearly fourteen years old. Even a cursory assessment present a dismal picture. The Central Advisory Board on Child labour set up a task Force under senior advocate L.M. Sanghvi to implement the Act. The report of the Task Force submitted in December 1989 highlighted that the Act had lowered the age for a child’s entry into certain types of employment and had not prohibited night employment of children below the age of 17 years as had the earlier employment of Child Act, 1938. Most important, the report pointed out that children working in the agricultural sector and in homes and home-based industries were left outside the pale of the Act. The List “hazardous” industries was badly defined and that the only yardstick of harm used was physical harm claimed the report. CACL reports that between 1986 and 1993, there were only 3,488 prosecutions under the Act with 1,426 convictions all over the country. Not one employer has been put behind bars in the entire history.

Apart from requiring enforcement of legal provisions to protect the interest of children, the National Policy envisages focusing of general development programmes for the benefit of child labour and project-based plan of action in areas of high concentration of child labourers. Under the project action plan of the policy, National Child Labour Programme (NCLP) have been undertaken in different areas to rehabilitate child labour. A major activity undertaken under the NCLP is the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition etc. to children withdrawn from employment. At present, it has 2528 schools in 76 districts and covers about 1.5 million children only.

On August 15, 1994 the then Prime Minister P.V. Narshima Rao had proclaimed with much fanfare that child labour would be eliminated from hazardous industries by the year 2000. Subsequently, a sum of Rs. 850 crore was announced for the purpose; a National Authority for the Elimination of child Labour was set up to provide educational and nutritional support to children withdrawn from hazardous industries. They were to be given vocational training to enable them to become productive adults. However, for the year 1995-1996 a meagerly sum of 34.4 crore was spent covering 140 districts and 12 states; this was spent on awareness generation, surveys and direct action programmes.

India has been also participating in the international programme for Elimination of Child Labour (IPEC) launched by International programme for Elimination of child Labour (IPEC) launched by International Labour Organisation (ILO)

since 1991. However, according to Govt. reports, the total number of children covered by all these projects is about two lakhs (0.2 million) only. Now the question arises, when do we reach the target of rehabilitating all the working children of India?

The grey areas of enforcement of the child labour laws as well as the slow progress in the implementation of special welfare measures for working children are a clear indication of the lack of concern at the official level for the plight of these children. Even the money spent so far has not resulted in any substantial change in the condition of the children who are "covered" by these welfare projects.

For example, most of the special set up for the working children are inefficiently run, and studies have demonstrated that non-formal education for working children has very little impact in the rehabilitation process, unless an integrated approach is undertaken in this regard.

The Chairperson of the government-appointed Commission on Labour Standards and International Trade, Subramaniam Swamy, asserted in September 1995 that child labour was frowning at the rate of 4 per cent per annum as opposed to the population growth rate of 2 per cent per annum. "He also put forward a forceful plea for a National Labour Standards Act, superseding all existing disparate laws, in this context, to arrest, reverse and eliminate its growth." (The Pioneer, September 2, 1996)

Further, the Commission estimated that to meet the avowed target of eliminating child labour from hazardous industries by 2010 would cost a whopping Rs. 15,000 crore. If a "shorter target" was to be met i.e. by the year 2004 then the bill would climb to Rs. 45,000 crore! The figures have been arrived at by taking into account factors like payment of salaries of child labourers to their families and the cost of educating them claims Swamy. Now for the punch line: "India seek international cost-sharing through a Global Social Facility and Fund located in the ILO and UNESCO." Bandyng words and shopping for finance are the trademarks of our politicians as is the setting-up committees and commissions a substitute for action.

The Supreme Court judgement in *M.C. Mehta v/s State of Tamil Nadu* [1996]6 SCC 756 delivered on December 10, 1996 brought the issue of child labour under the spotlight for a few weeks. Hailed as a major victory for the casuse of child labourers, the judgement directs the setting-up of a fund called "The Child Rehabilitation-cum-Welfare Fund" to which offending employers of child labour in hazardous industries are to contribute Rs. 20,000 and the appropriate state government is to contribute Rs. 5,000 per child; the child's family is to eb paid a monthly amount from the interest accruing on the corpus of Rs. 25,000. The Court also directed the State governments to complete surveys and report to the court within a period of six months. The judgment adheres to the distinction between hazardous and non-hazardous work that is the bane of the Child Labour (Prohibition and Regulation) Act, 1986 and does not address the issue of agricultural child workers at all.

On December 10, 1996 a three judge Bench of the Supreme Court comprising Justice Kuldip Singh, Justice B.L. Hansaria and Justice S.B. Majumdar delivered a judgement in writ petition no. 465 of 1986 *M.C. Mehta v/s State of Tamil Nadu*

[(1996 6 SCC 756] which falls in the category of the much-worked phrase, "landmark" of "path-breaking" where child labour has been recognised as a "national problem".

Despite several constitutional provisions, both Fundamental Rights and Directive Principles of State Policy, several National Policies and Plans of Action and ratification of the Convention of the Rights of the Child in 1992, children are being forced to work in sub human conditions and at wages well below par.

However, poverty is no excuse for denying a child the basic rights to survival, protection, development and participation. In fact, the Supreme Court judges have rigfhly pointed out the poverty as such has not stood in the way of other developing countries such as Zambia, Ghana, Ivory Coast, Libya and Zimbabwe from taking care of child labour.

The Court has also asked the state of ensure that an adult member of the working child's family gets a job in place of the child. In case this was not possible Rs. 5,000 be contributed to the rehabilitation fund for each child. In view of the magnitude of the task, a separate cell in the Labour Department of the appropriate government would also be created. Nine major industries have also been identified as hazardous. Some of these are match making at Sivakasi, diamond polishing in Surat, Ferozabad's glass industry, precious stone polishing industry at Jaipur, Brassware industry at Moradabad, handmade carpet at Mirzapur, lock making industry at Aligarh, slate industry at Markapur, slate industry at Mandsaur etc.

The issue of child labour is a very sensitive one and apt to provoke an emotional response. The question is not so much whether child labour is permissible or not. Child labour is almost universally rejected and regarded as reprehensible, as is also witnessed by the widespread ratification of the UN Convention on the Rights of the Child.

A purposive and coherent national policy is a overriding importance in the fight against child labour. In the last instance, it is up to the governments and peoples of India to give priority to the abolition of child labour. If we lack, the necessary political will, all action from outside is doomed to failure. Nevertheless, that political will can be stimulated by the international community, both by governments and by the trade union movements and Non-government organisations, who have assembled in this august gathering.

Child labour is a complex problem demanding a multifaceted approach. What is needed is mix of policies in different areas, policies which complement and reinforce one another. Measures are particularly needed in the following areas:

**Effective legislation:** Improved legislation on the minimum age for employment and for monitoring its observation is an essential requirement for combating child labour.

**Creative and effective education:** A second element in a coherent approach to child labour is Creative and effective education. Education is by the most important instrument in preventing children from entering the job market at an early age. Millions of children never even complete primary education. In India, the drop-out rates are extremely high. Compulsory education is, therefore, of vital importance. There should be however, one provision: primary education and

school meals must be free, otherwise, children from poorer families will simply be kept at home.

**Improved status of Women:** A third element concerns improving the socio-economic status of women from poor families. The campaign to abolish child labour cannot be separated from women's struggle for recognition, decision-making power, autonomy, equality with men, a fair division of paid and unpaid work, and from structural measures to combat poverty and violence.

Research has shown that the social welfare of children is closely related to the status of women. Throughout the world, it is women who spend most time looking after and raising children. Women who have an income of their own give priority to expenditure that contributes to the welfare of the children. Not that this should be allowed to release men from their obligations as fathers. Men and women must be made aware of their responsibility for future generations. Special attention must be given to reinforcing the status of women from poor families via trade union organization, education, vocational training, the promotion of equal opportunities for employment and income and the creation of facilities that make it possible to combine paid work with family responsibilities, for an increasing number of women in India and all the developing countries, good quality child care is vitally important for both their own position and that of the child.

**Consciousness-raising-campaigns:** The fourth element consists of consciousness raising campaigns. Because child labour is regarded as a "fact of life" in India, increasing public awareness, is of vital importance. The media are a particularly important target in this context but also employers, employees, parents and the children themselves.

**Replacing children with adults:** Very often, children have to work while their parents or older relations remain unemployed. The latter would often be only too happy to take the place of a child if only the employee would agree. An anti-child labour campaign by the LAMP of West Bengal has achieved some positive results with this approach. Some firms have replaced children with adults from the same family so that the family is ensured of a steady income. LAMP believes that special government incentives and trade union campaigns should be also used to persuade employers to co-operate in such a programme to replace child workers with adults from the same family.

**Promoting the interests of child workers:** It is important to establish and support local programmes concerned with improving the lot of child workers. Sometimes, these programmes are initiated by the children themselves, sometimes by other organisations.

**Abolition of work under extreme conditions and by young children:** Finally, strict measures are needed to ban all child labour that is in any way – Physically, mentally or morally – hazardous for the child.

Free and compulsory education to all children up to the age fourteen is today constitutional commitment in India. The

Parliament of India has passed Right to Education Act in 2009 through which education has become fundamental right of all children of age group 6-14 years. More than eight years are passed after this act, but all the children are not yet literate today, in India.

It goes without saying that the trade union movement has an important role to play in combating child labour. After all, trade unions represent workers' interests and that includes the interests of child workers. Despite this, the trade union movement has been less directly involved with specific anti-child labour actions than might be expected. One major reason for this is that trade union representation in India is strongest in the larger enterprises where, partly as a result of the union presence, there is relatively little child labour. Most child labour occurs in the informal sector, agriculture and at the family level where the trade union movement has less influence. The result has been fewer specific activities and more attention to general measures against child labour.

In coming years, trade unions in India and all other developing countries should concentrate on sectors with a low rate of organisation where extreme forms of child labour occur. Collaboration should be sought with non-governmental organisations, women's organisations, etc., already active in this area.

From our experience what is urgently needed is a commitment to protect all young children and provide compulsory schooling for every child under the age of 14. Tackling adult unemployment is also an urgent necessity. It is also obvious that poverty, unemployment, bonded labour, rural indebtedness and women's low status are directly linked to the exploitation of child labour. These larger issues have to be dealt with on a priority basis in order to restore happy childhood to all children including working children of India.

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