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## **UNIT 12 LABOUR : CHILDREN**

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### **12.0 OBJECTIVES**

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After going through the unit you should be able to:

- Explain who is a child labourer;
- Discuss various reasons for child labour;
- Describe various sectors where child labour is employed;
- Narrate the conditions of child labour; and
- Explain the application of policies and legislations enacted for the regulation of child labour.

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### **12.1 INTRODUCTION**

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In this course there are two units on children. One is on child labour and the other (in Block 5 Unit 14) is on the general problems of children. This unit discusses the problems of child labour in India. It begins with a discussion of its definition, and then gives the estimates and social background of child labour in India. The nature of employment of the child labour in the rural and urban areas has also been examined in this unit. This unit also goes into the various constitutional provisions and legislations on child labour in India. And finally the unit tells you about the challenge of meeting the basic needs of children.

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## 12.2 DEFINITION, ESTIMATES, LITERACY LEVEL AND SOCIAL BACKGROUND

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In this section we shall be discussing the conceptual aspect and social background of the child labour in India.

### 12.2.1 Definition

According to the Census of India definition a child worker is one who works for the major part of the day and is below the age of 14 years. There is no agreement about the definition of the 'child'. The 1989 UN Convention on the 'Rights of the Child' sets the upper age at 18. The International Labour Organisation refers to children as those who are under 15 years. In India children above the age of 14 years are old enough to be employed.

### 12.2.2 Estimates

Estimates of child labour vary widely. Children's work participation is higher in the less developed regions of the world than those of the more developed ones. While in 2000, the world average of the child work participation rate was 11.3%, their participation rates in the less developed regions and the least developed countries were 13% and 31.6% respectively. Child work participation has been eliminated from the more developed regions of the world. In India in 2000 child work participation was 12.1% (Children Data Bank 2001). As indicated there are varied estimates on child labour in India. The Human Rights watch (1996) estimates that there are 60 to 115 million working children in India. According to UNICEF this figure ranges between 70 to 90 million. According to ILO one third of the child labour of world live in India. The UNDP estimate says that there are more than 100 million child labour in India of which around one million work as bonded labour. The 32<sup>nd</sup> round of the National Sample Survey estimated that about 17.36 million children were in the labour force. A study sponsored by the Ministry of Labour and conducted by Operations Research Group (1985) puts the figures of working children around 44 million. Recent studies also suggest that India has about 44.5 million child labourers of whom nearly 7.5 million are bonded labourers. According to another estimate by Asian Labour Monitor every third household in India has a working child in the age group of 5-14. It is thus very difficult to arrive at correct estimates of child labour because of wide variations in different studies.

A large number of child workers are in the informal sector and many are self-employed on family farms and enterprises. The work participation rate of children in rural areas is three times more than in urban areas. According to 1981 Census there were 6.7 million male children and 3.5 million female children working in the rural areas for the major part of the year who were recorded as main workers. Their work participation rates were 9.2 per cent for boys and 5.3 per cent for girls. After including marginal workers the participation rate increased to 10.0 per cent boys and 7.6 per cent for girls. In other words child work participation rate was substantial among rural children as compared to urban areas. In the urban areas the work participation rate (including marginal workers) was 3.6 per cent among boys and 1.3 per cent among girls between 5-14 years.

Child labour makes a very significant contribution in arid and semiarid areas where families have to use maximum resources in traditional rainfed farming systems for about 3-4 months during the rainy season. A lot of child labour is used in collection of goods viz., fuel, fodder, minor forest produce etc. Child labour is an integral part of farmers' adaptive methods to cope with seasonal demands for labour. These situations usually do not encourage the children to go to school for study. This is more so for the female children. However, it is very difficult to make a correct estimate of these child labour.

### 12.2.3 Literacy Levels

Most of the studies have found a strong correlation between low literacy levels and work participation rates. In rural areas only 4.1 per cent boys and 2.2 per cent girl child workers were literate. Similarly in urban areas 7.0 per cent boys and 2.5 per cent girl child workers were literate. The main reason for not sending these children to school is the opportunity costs to parents who lose the wages earned by the child.

#### Activity 1

You may have come across a number of child labour working in your locality. Collect information directly from them about their educational status/levels of literacy. Based on your findings prepare a note of about one page, on their levels of literacy. Also explain the major cause of their illiteracy. If possible, exchange your note with your colearners at the Study Centre.

#### Box 1

##### Gender Differentiation and Child Labour

The process of gender differentiation and division of responsibility begins early in our society. Most of the children out of schools come from disadvantaged sections, and the majority of them are girls, as their parents do not see the relevance of educating them. In most economically disadvantaged families, the greater the poverty the more aggravated is the situation of the girl child. The unequal access to education, health, and nutrition, as compared to boys in the family, further restricts their growth and development. The situation of wage earning girls in the informal sector or in home-based work is even worse. As an invisible worker she is also required to look after younger siblings and do all the domestic chores in addition to helping mother in her work.

A study of girl ragpickers in Delhi noted that all the girls interviewed were from families which has migrated from Bangladesh and West Bengal. Besides ragpicking they were also engaged in preparing match sticks, domestic work, collecting fuel and water. Four years old girls used to go with their elder brothers and sisters for ragpicking. They are prone to catch intestinal infection and skin diseases.

The industries which employ a large percentage of girl children are glass works, gem cutting and polishing, match stick factories and fireworks. In these industries their work conditions are very bad.

### 12.2.4 Socio-Economic Background

You have earlier learnt in Unit 12 of Block 1, ESO-02, about the nature and extent of rural and urban poverty in India. The problem of poverty in India has been described in terms of social classes and castes. In rural areas landless agricultural labourers, marginal landholders, and artisans constitute poor

households. Landless labourers mostly belong to Scheduled Castes and Scheduled Tribes. In urban areas the poor people live in slums or in temporary hutments or on pavements. The problem of poverty in India has also been discussed in terms of its magnitude e.g. according to official figures about 40 per cent people in India live in object poverty. Rural poor unable to earn a living often migrate to towns in search of work. The face of urban India is changing, as 40 million people including 6 million children are living in slums. Millions of children from these poorer households in rural and urban areas are forced to work at an early age to supplement the family's inadequate income. Child Labour is used as a survival strategy by poor households. Thus, India has the largest child labour force in the world.

**Check Your Progress 1**

i) What are the reasons for child labour? Answer in about six lines.

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ii) Who is a child worker in India? Answer in about three lines.

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**12.3 CAUSES AND CONDITIONS OF CHILD LABOUR**

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Children, as we have seen, are employed in all types of work. We can examine the type of work they do in the rural and urban areas.

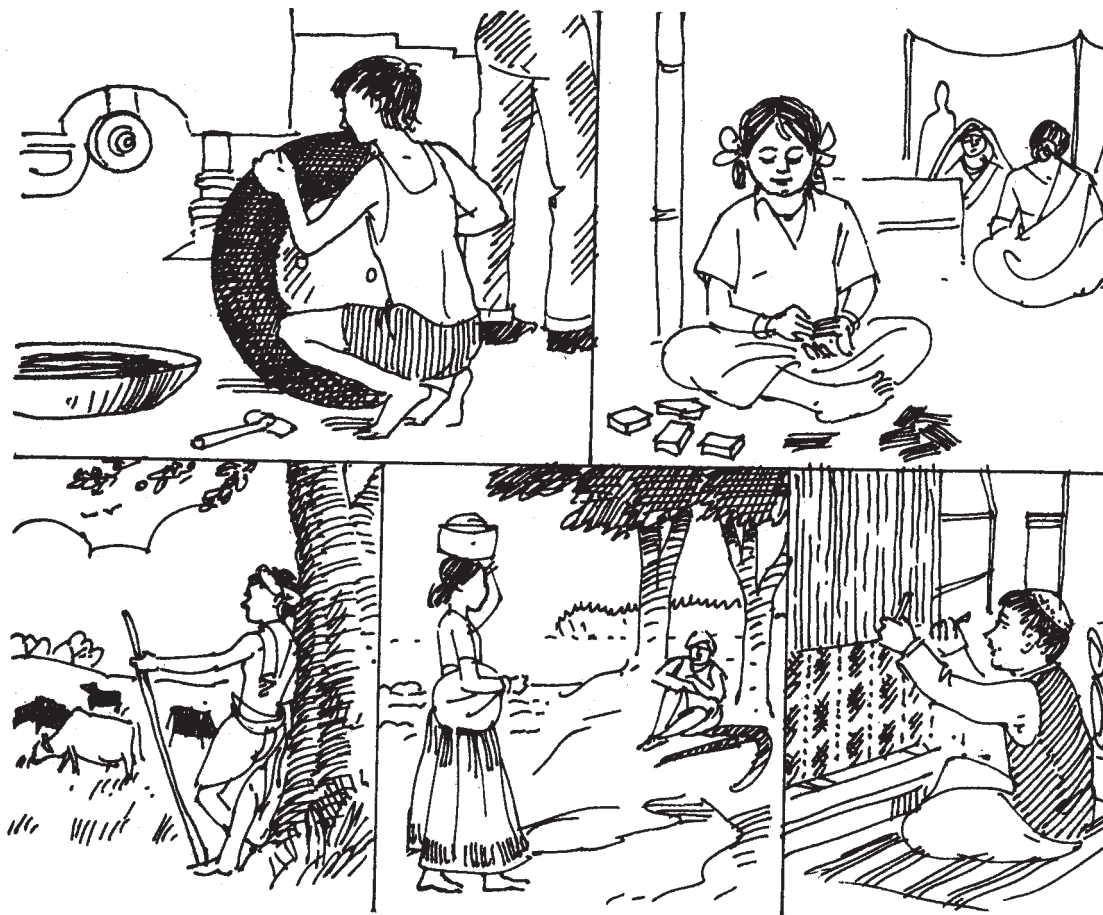
**12.3.1 Rural Areas**

Children work as wage earners, as self-employed workers and as unpaid family helpers. In rural areas children are often employed for grazing cattle, in agricultural activities, in home-based industries (bidi making, handlooms, handicrafts etc.). The National Sample Survey Organisation (NSSO) analysis shows that the prevalence of child labour across India is related to:

- i) proportion (high concentration) of Scheduled Caste population
- ii) low levels of female literacy
- iii) low wage rates for adult workers
- iv) nature of (small) size of land holdings
- v) home-based production.

Higher wage rates for women had correspondingly lower participation of girls as they were retained by their families for domestic work. Hence the NSSO study also suggested that improving the working conditions of adult women and providing alternatives to employment of children, can reduce child labour. Various studies have shown that the number of child workers is large in rural areas. Most of the child workers are concentrated among the landless agricultural households, in agriculture and livestock activities and in home-based enterprises (food processing, weaving, handicrafts, bidi rolling, papad making etc.).

The demand for child labour is also determined by culturally prescribed division of labour by age and gender. Girls in the age-group of 10-14 work much harder than boys.



Child Labour

### 12.3.2 Urban Areas

In urban areas children work as wage earners in small industries and workshops such as bidi, match and fireworks, glass and bangle, carpet weaving, handloom, gem polishing, potteries, paper bags, plastic goods and fish processing. Match making and fireworks industries have a large incidence of working children of a very young age. They also work at construction sites, stone quarries or in loading and unloading operations.

They serve tea and food in dhabas (small roadside eating places and tea shops) and restaurants, sell vegetables and milk, work as domestic servants, car cleaners and newspaper vendors. Children from slums also work as porters and casual workers.

Children, in both rural and urban areas work as unpaid family helpers in employers' homes in contract work done by families on piece-rate basis or in families' own farms or small enterprises. The child gets no recognition or money for the work done at home. Usually the work done at home is considered to be less exploitative but many a times child abuse and long hours of work in difficult conditions takes place within the family.

Studies conducted in several parts of the country invariably show that child labourers are required to work for longer period of time for wage; and they are usually paid less. They are to work in many places also under inhuman working conditions, even without the minimum security to life.

### Activity 2

Collect information from 10 child labourers who have been working in your locality, on the nature of work done, working hours and wages received by them. Prepare a note on these and compare it with other students at your Study Centre, if possible.

A significant number of the child labourers in urban and metropolitan areas consists of street children. They are children who have no homes and they live on the pavements. In Delhi alone it is estimated that of the 22 lakh children, approximately 4 lakhs are working children and of these about 1.5 lakhs are street children. Often the harsh living conditions in rural areas and domestic conflicts force children to run away.

The run aways and destitute street children are the most vulnerable group of child workers. A study of child porters in a metropolitan city found that most of them came from large families with low family earnings. Violence was stated to be an important reason for leaving their homes. They mostly slept on the pavements or on railway platforms.

Most of the child labour of our country are in situation in which they are forced to work. They have to work not for their own survival alone but also for the survival of the members of their family. However, they have to work in very unhealthy and insecure work conditions which are detrimental to the total growth of a human being. They mostly remain illiterate and are sickly build. Today's children are tomorrow's citizen of the nation. Indeed, they are likely to grow up as illiterate, frustrated and unhealthy citizens.

As already mentioned, child labourers are from poor economic background. With the limited income they earn, it is not possible for them to satisfy their needs. Hence many of them resort to anti-social activities at a very low age. In the urban areas, taking advantage of their poverty, insecurity and ignorance as well many of the organised anti-social elements use these children for their crude purposes. Hence many of these children spend their childhood in despair. In long run, many of them become destitute children.

Every state, as a welfare institution, undertakes some measures for the prohibition of child labour as also for the well being of the children. Hence, it is essential for us to look into these provisions. In the next section we shall be examining these aspects.

### Check Your Progress 2

Tick mark the correct answer.

- i) Studies have shown that the number of child workers is
  - a) large in rural areas
  - b) large in urban areas
  - c) equal in rural and urban areas
  - d) None of the above is correct.
  
- ii) Briefly state the types of work done by child workers as paid workers in urban areas. Answer in about six lines.

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## 12.4 CONSTITUTIONAL PROVISIONS AND GOVERNMENT POLICIES

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In post-independent India several institutional initiatives have been undertaken to deal with the issues of children. Let us examine these briefly.

### 12.4.1 Constitutional Provisions

Prohibition and Regulation of Child labour has received considerable attention in the last few decades. The Constitution of India, in Article 24, provides that no child below the age of 14 years shall be employed in any factory or mine or be engaged in any hazardous employment. Article 39(e) and (f) of the Directive Principle of State Policy requires the State to ensure that ‘the health and strength of workers, men, women and tender age of children are not abused’ and ‘children are given opportunities and facilities to develop in a healthy climate, and are protected against exploitation’. The Constitution also provides that the state shall endeavor to provide, within a period of ten years from its commencement, free and compulsory education for all children up to 14 years of age.

### 12.4.2 Committee on Child Labour

The Report of the National Commission of Labour (1969) and the Report of the Committee on Child Labour (1981) examined the causes and consequences of child labour in India. Following the Report of the Committee on Child Labour (1981) the Government appointed a special Central Advisory Board on Child Labour under the Ministry of Labour. The Board reviews the implementation of existing legislations and suggests further legal and welfare measures. It also identifies industries/occupations where child labour needs to be eliminated.

In 1975, after the National Policy Resolution for Children was adopted, a National Children's Board was constituted with the objective of creating greater awareness about children's problems, promote their welfare and review and co-ordinate educational health and welfare programmes for children.

### 12.4.3 Legislations on Child Labour

In 1881 the first legislation was passed for regulating employment of children in factories. The Indian Factories Act 1881 prescribed the minimum age for employment as seven years and the working hours not to exceed nine hours. The 1891 amendment raised the minimum age of employment to nine years and maximum hours of work to seven hours. The Factories Act, 1948 prohibits employment of children below the age of 14 years.

The Child Labour (Prohibition and Regulation) Act 1986 is the first comprehensive legislation which prohibits employment of children below 14 years, and in some cases 15 years, in the organised industries and in certain hazardous industrial occupations like bidi and carpet making, cloth dyeing and weaving, manufacture of matches, explosives and fire works, soap manufacturing, leather tanning and building and construction industry. However the bulk of children are employed in nonformal sector.

### 12.4.4 Problems of Implementation

More than 80% of working children are in rural areas in the agricultural sector. A large number of them work in the self-employed and unorganised sector such as domestic servants, children working in small eating shops, at construction sites or as porters etc. which are not covered by any protective legislation.

The government subscribes to the view that child labour cannot be abolished but can only be regulated. The 1986 Act is totally inadequate to deal with the problems of child labour as they are rooted in poverty. The 1986 Act prohibits use of child labour in hazardous occupations and processes. Employers bypass the legislation by either not maintaining the muster roll or framing out work to smaller units or to home-based workers. Most of the children work in small industries which are not covered by legislation. Approximately 40,000 girl children working in Sivakasi match factories are below 14 years of age. In the growing carpet industries in eastern U.P., according to non government estimates, more than 25,000 child labourers work. Because of poverty many of them have migrated there from Bihar etc. places.

From employers point of view children are a source of cheap and docile labour and they do not have any obligations. Some of the employers even claim that they employ them out of sympathy and thus help poor families to supplement their income. They feel that if not employed, these child labour would be involved in anti-social activities and many of them would die of starvation. Employment of children keeps the cost of production low through low wages and thus the margin of profit increases.

Several investigative reports and documentaries have highlighted the abuse of child labour in glass and bangle industry in Ferozabad, match and fireworks industry in Sivakasi, carpet weaving industry in Mirzapur etc. Recently, in a landmark judgment, the Supreme Court put a ban on the employment of children



in bidi manufacturing. Despite legislations, exploitation of child labour continues.

**Check Your Progress 3**

i) Tick mark the correct box (true or false):

Article 24 provides for the employment of children below the age of 14 years.

True

False

ii) In India education is free and compulsory for children upto 14 years of age.

True

False

iii) Write in a few words, about the National Policy Resolution for Children. Use four lines to answer.

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**12.5 THE CHALLENGES OF MEETING THE BASIC NEEDS OF CHILDREN**

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The United Nations Conventions on the Rights of the child sets universal legal standards of protection of children against neglect, abuse and exploitation at work as well as guarantees them basic human rights. The Convention contains 54 Articles which cover children’s civil, economic, social, cultural and political rights. Yet millions of children are denied their ‘right to life with justice and dignity’, and are forced to work under subhuman condition because they are poor and deprived. They are ‘children without childhood’. India had co-sponsored the UN General Assembly’s Resolution on the International Year of the Child and was the first country to adopt a National Plan of Action. The theme for the International Year of the Child (1979) was ‘reaching the Deprived Child’.

Universalisation of elementary education is expected to play a dominant and effective role in reducing child labour participation rate. However, it is the poverty which forces children to drop out from school. In order to develop his/her potential, a child has to be free from hunger, neglect, exploitation and abuse. Rights of children cannot be implemented through legislation alone, but will depend on a society’s commitment to improve the quality of life and particularly strengthen the economic roles of women from the poorer households.



Labour Welfare : is it Myth?

Children are the starting point of any development strategy. The Government of India's National Policy on Children (1974) emphasised that children are a nation's supremely important asset and declared that the nation is responsible for their 'nature and solicitude'. It also states that 'children's programmes should find a prominent place in our national plans for the development of human resources so that children grow up to become robust citizen.... Equal opportunities for development of all children during the period of growth, should be our aim, for this will serve our larger purpose of reducing inequality and ensuring social justice.'

Following the proclamation of this policy, a National Children's Board was set up in 1975 to ensure planning, monitoring and co-ordination of child welfare services i.e. nutrition, immunisation, health care, pre-school education of mothers etc. at the national level.

Despite these policy measures, the infant mortality rate in India remains very high (93 per thousand live births). Child mortality rates are higher for girls due to neglect and discriminatory treatment in terms of food, nutrition and health care. More girls than boys drop out of school or are not enrolled from low income groups as the girl child's labour is needed by the family to release her mother's work time.

The South Asian Association for Regional Cooperation (SAARC) has expressed their concern for the future of the girl child and suggested for the enlargement of the definition of the 'child' to include 14-20 age groups as the adolescent girl. However, this is neither reached by government programmes for children nor by those for adult women. The greater the poverty, the more aggravated is the situation of the girl child.

The SAARC countries had declared the 90s the Decades of Girl Child to achieve a universal coverage of education and health services for children and ensure their survival, growth and development. Hence effective economic and social policies are needed for the low income groups to bring about a significant improvement in the quality of life.

Women and children welfare is never high on the agenda of national governments. Sustained political will and united action is required by the government, international agencies and non-governmental organisations to ensure the protection and development of children.

#### Check Your Progress 4

Tick mark the correct answer.

- i) Which one of the following is expected to play a crucial role in reducing the child labour participation rate?
  - a) High wage
  - b) Good work condition
  - c) Universalisations of elementary education.
  - d) None of the above.
  
- ii) The 1990s was declared as the ‘Decade of the Girl Child’ by the
  - a) European Countries
  - b) Latin American Countries
  - c) African Countries
  - d) SAARC Countries.

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## 12.6 LET US SUM UP

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The problem of child labour is related to the problem of poverty in India. Most of the child workers come from the families of landless agricultural labourers, marginal farmers, artisans and migrants living in urban slums. There are no reliable estimates of child labour. However child labour is used as a survival strategy by poorer households. Children work as wage earners, unpaid family helpers and as self-employed workers selling various products. They are also employed in several hazardous occupations like match and fireworks, glass and bangle industries, carpet weaving etc. despite the legislation prohibiting their employment in such occupations.

Providing education, health care, nutrition and better living standards to millions of deprived children is the biggest challenge facing the country. To deal with all these aspects in this unit we have covered the social background and estimates and the nature of employment of child labour in India. We have also discussed the constitutional and legal provisions made in India to deal with the issues of child labour. Lastly we have discussed the challenges that need to be faced in meeting the needs of the child labour.

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## 12.7 KEY WORDS

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**Home-based Production** : Items produced exclusively using the labour of the family members.

- Informal Sector** : In India production activity can broadly be defined as formal and informal. The formal sector is governed by statutes enacted by formal bodies. By informal sector we mean various economic that are performed but no record is maintained as per the statutes. Their activities are scattered throughout the county. Most of the self-employed persons belong to this category.
- Piece-rates** : Wage given for per piece of work.
- Self-employed** : Persons employed in their own enterprise.

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## 12.8 ANSWERS TO CHECK YOUR PROGRESS

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UNICEF, 1990, *Development Goals and Strategies for Children in the 1990s*. A UNICEF Policy Review: New York.

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## 12.9 ANSWERS TO CHECK YOUR PROGRESS

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### Check Your Progress 1

- i) A significant proportion of Indian population live in poverty. Many of them are forced to migrate to urban areas in search of employment. Millions of children from poor households in rural and urban areas are forced to work at an early age to supplement the family's inadequate income.
- ii) According to census definition a child worker is one who works for a major part of the day and is below the age of 14 years.

### Check Your Progress 2

- i) a)
- ii) In urban areas children work as wage earners in small industries and workshops such as bidi, match and fireworks, glass and bangle, carpet weaving, handloom, gem polishing, potteries, paper bags, plastic goods and fish processing. They also work at construction sites, stone quarries and in loading and unloading.

### Check Your Progress 3

- i) False
- ii) False
- iii) In 1975, after the National Policy Resolution for Children was adopted, a National Children's Board was constituted with the objective of creating greater awareness about children's problem, to promote their welfare and to review and coordinate education, health and welfare programmes for children.

### Check Your Progress 4

- i) c
- ii) d

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