

RECKONING WITH CHILD LABOUR

- Present Day Strategies and Future Direction

A Paper presented by

**Rita Panicker, Director, Butterflies
New Delhi**

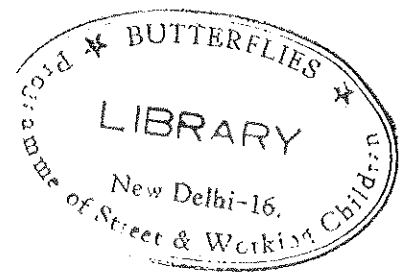
At the Seminar on

"Strategies For The Elimination of Child Labour, South India"

**Organised by Human Rights Advocacy and
Research Foundation, at Madras**

22-23 July 1994

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CHILD LABOUR IN INDIA :

India has probably the largest child labour force in the world and it is growing every day. It is estimated that 100 million children are forced to work in the organised and unorganised sectors. Child labour alone contributes to over 20% of India's GNP.

According to the 1981 Census, India has 272 million children between the ages of 0-14, which nearly accounts for 42% of the total population. Out of this, 97 million are below 5 years of age. Article 45 of the Constitution of India obliges the States to ensure that all children under 14 years of age are in schools. Whereas out of 175 million children (6-14 years) only 42.69 million children were attending schools, the majority, i.e. 132.31 million were not in schools. It can be reasonably concluded that this majority was engaged in some kind of work either as wage labour or were supporting their families by looking after their siblings, thereby making adults free to work.

Estimates about child labour force in India vary, different sources give different figures. The census figures for 1971 & 1981 are 10.7 million and 13.6 million respectively, while the NSS figure for 1983 are 17.36 million. The Operation Research Group, Baroda, quotes a figure of 44 million in 1983. The Balai Data Bank, a Manila based NGO puts the number of working children in India at 111 million. As is evident, the government figures tend to be on the lower side. It can be mentioned here that they do not represent the true picture as the 13.6 million figure above is limited to those in the informal, unorganised sectors of the economy in which child labour is not officially banned and where the number of working children emerged as a by-product of the process of enumerating adult workers. Despite the endemic absence of data, in 1975 the ILO conferred upon India the dubious distinction of harbouring the largest number of child workers in the world. According to the Asian Labour Monitor, every third household in India has a working child.

Furthermore, as a result of the structural adjustment policies being presently pursued by the Government of India, under pressure from the World Bank and the IMF, the situation for a vast majority of Indian children is going to worsen. Increased unemployment, drastic reductions in the social security budget, i.e. healthcare, education and the public distribution system, all of which are the conditions for the acceptance of the IMF-WB package are going to have an adverse impact on the lives of millions of children.

While some of the effects of the policies are already evident, the long term impact of these policies will reveal itself in about 5 years. Meanwhile, it is important to take cognisance of the impact of the IMF-WB policies on countries in Africa and Latin America.

Basic Statistics about Population in India and of people living in absolute poverty

INDIA PROFILE

Table 1.1 **Population**
(in Millions)

Year	Total	SC	ST
1981	685.0	104.7	51.6
1991	846.3	138.2	67.7

Source: Census of India

Table 1.2
Unemployment

No of persons on the live Register of Employment Exchange		
1989	32.7	million

Source: Statistical Observer, 1992

Table 1.3
People in absolute Poverty
(in Millions)

Source	Total	Rural
HDR, UNDP 1993	423	321
Govt. of India 8th 5 yrs. Plan	-	200

WHO ARE THE CHILD LABOURERS IN INDIA ?

An analysis of child workers in some of the child labour-dominated industries reveals that they belong to the backward classes, the schedule caste, schedule tribes and religious minorities. The following Table will give you a fair idea of the social composition of the child labour force in our country.

- (b) In other unorganised sectors such as agriculture, construction, teastalls, domestic workers, coolies and shoe shiners - no statistics are available.

Sources:

- (1) Operations Research Group, Child Labour in Different Industries: Consolidated Report. Madras 1993
- (2) For Tea Industry see Vasanthi Raman's study on " Child Labour in the Tea Plantations of North East India." - Ministry of Labour, Govt. of India. unpublished 1992

These children specially the Schedule Castes, Schedule Tribes and OBCs although being the majority of the child labour force do not enjoy the benefits of the constitutional provisions enacted for their welfare. There is hardly any evidence of the political will necessary to enforce these provisions.

CAUSES FOR PREVALENCE OF CHILD LABOUR

1. Stagnation of agriculture, increasing landlessness and the destruction of the village economy, without the generation of alternative channels of employment has led to the massive pauperisation of the rural families forcing quite a significant section among them to migrate to the cities and send their children to work. The bulk of the urban poor from among whom the majority of the urban child labourers come are all landless and land poor migrants from an impoverished country side.

The majority of the children both in the rural and urban areas have to work to help meet the survival needs of the family. The enormity of the problem can be gauged from the fact that over 50.2% of the Indian people live below the Government defined poverty norm which is itself low by any civilized standards. The situation of working children in Sivakasi and Mirzapur reflects the processes at work. Most of the children working in these areas come from regions which are economically backward and drought-prone.

Studies reveal that a child's earning is a critical input to family survival. i.e. it supplements the child's family income. In the tea gardens of Assam and West Bengal, 33% of the household income is contributed by children. The following table further illustrates this point.

REASONS FOR SENDING CHILDREN TO WORK

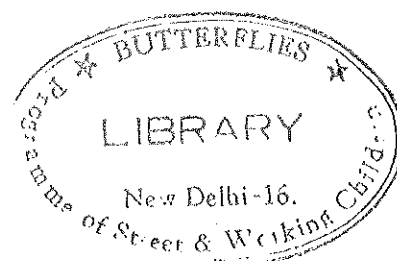
Sl. No.	Name of the Project.	Total No. of HHs	Total No. of working in the HHs	Reasons	
				Total of working supplementary income	Need for Acquisition of skills
1.	Gem Polishing Industry, Jaipur	410	367	258(70.2)	67(18.2)
2.	Glass Industry Ferozabad	500	639	464(72.6)	14(2.1)
3.	Carpet Industry Mirzapur	492	608	480(78.9)	5(0.8)
4.	Diamond Industry Surat	153	185	142(76.7)	1(0.5)
5.	Slate Industry Markapur	495	660	464(70.3)	1(0.1)
6.	Lock Making Industry Aligarh	467	789	675(85.5)	72(9.1)
7.	Brassware Industry Moradabad	489	755	689(91.2)	22(2.9)
8.	Slate Pencil Industry Mandsaur	460	892	372(41.7)	-

Note: Figures in parentheses represent percentage in relation to total number of working children.

Source: Operations Research Group, "Child Labour in Different Industries - Consolidated Report," Madras, July 1993.

Significantly in Sivakasi, in about 60% of the households with working children, one-third to two-third of the total household income is contributed by the children. Without the income from the children working full-time, half of these families would sink below the poverty line.

2. Presence of a huge informal sector in India implies the presence of a huge work force and cheap wage labour. Working children, because they are unorganised and lack any bargaining power, are one of the sources of cheap labour. (20% of labour in the tea gardens comprise of child workers, 25% in gem polishing, 30% in Mirzapuri carpets and so on).



3. Children coming from families having a traditional occupational (as artisans, etc.) belong to a high risk group, likely to be inducted as child workers in their family occupation, at a tender age.

4. As was revealed earlier, majority of the child workers are from the socially and economically backward classes. Discrimination based on caste and religion, leaves children coming from the lower rungs of the social hierarchy with exceedingly limited opportunities. This is true in the case of not only the informal sector but also the formal sector. Workers in the tea gardens of Assam and West Bengal (a formal industry) find themselves imprisoned in an enclave that is defined by ethnic segregation and subjected to super-exploitation.

5. Families have lost faith in the present day education system, which is not cognizant of the structural patterns existing in the Indian society. It is inaccessible and irrelevant for a large section of our society. Further this large section does not find formal education remunerative. In such a situation, parents feel that it is better for the child to become a bread-earner and in some cases gain experience towards becoming a skilled labourer.

VARIOUS STRATEGIES TOWARDS ELIMINATION OF CHILD LABOUR

1. Education :

It has been advocated by Myron Wiener in his book "The Child and the State in India, 1991" that enforcement of compulsory primary education will substantially reduce or eliminate child labour.

In addressing this question, I personally feel that all attempts to make primary education compulsory would have to be addressed within the socio-economic complexities of India. Making education compulsory will not necessarily result in elimination of child labour. As Assefa Bequele and Jo Boyden point out, in their book "Combating Child Labour, (Geneva ILO, 1988)" despite their frequent involvement in strenuous labour and despite the long hours they toil, many working children also attend school. This was the case for half of the children in Abdalla's sample (Ahmed Abdalla, Child Labour in Egypt: Leather Tanning in Cairo) for instance and for half of those in Bogota's quarries." Further children in Ferozabad's glass factory revealed that although they receive a stipend of Rs 100/ per month to offset the loss of earnings that they incur by attending the special school, (National Child Labour Project -NCLP) most children work at night. What this has in effect resulted in is that children study during the day, work for 8-10 hours after school and lose out on any leisure time. The crux of the issue is that because of poverty, children

are forced to work and the stipend is merely seen as a welcome form of additional income even though that might not be adequate for the family's survival.

It is evident that imposition of compulsory primary education would result in families dependent on children's income, becoming economically unviable. In order to make education more relevant and need based, it must be flexible enough to impart literacy and numeracy and yet at the same time not close options to carry on traditional work. Education must provide for opportunities to develop technically in artisan craft and diversify the opportunities before them. This can happen only if the community is given control over education.

The education system should be such which will facilitate refinement and modernisation of skills of traditional artisan families, help them to acquire progressively research and development activities so that their products respond to modern needs and aesthetics, empower them with marketing skills etc. or else they will continue to be producers and suppliers to contractors and middle-men, thus exploited. The educational system should also facilitate multi-points exits for those children who would like to pursue alternate specialisations and professions. The education system should not be structured to key artisans and their subsequent generations as "artisans" with no alternate choices and thereby promote one system for the poor artisans and another for the white collar and professional job seeking rich and elite.

However I also feel that any attempt towards formulating a policy of compulsory primary education must include a nutritional component. The successes encountered in both, Kerala and Gujarat were seen to be attributable to some degree to the high quality of nutrition that was offered to the children via the mid-day meal scheme along with qualitative schooling.

The education system must be more flexible and relevant to the needs of the large section of the society which has been deliberately denied access to education for generation, for only then will parents see education as an investment and ensure that the children continue schooling.

2. (a) *The Role of External Pressure to Eliminate Child Labour :*
Tom Harkins Bill : A Critique :

The reasons behind introducing the bill is seen to be suspect. Quite a few Child Rights activists are in general agreement on the fact that a bill by itself cannot dissuade employers from employing child workers. More importantly, there is no focus on rehabilitation of these working children in the draft of the bill. To believe that children will leave work and go to schools is wrong. The example of children in the garment industry of Bangladesh is

a very clear illustration of what the true implications of withdrawing children from their work place are.

On the whole the bill is not meant for the good of child workers nor of the developing/exporting countries. Its central focus is on the child labour force in India's carpet and garments industries, and thus its selectivity in terms of commodity-choice, must be questioned. Items such as tea and polished gems seems to be out of their agenda.

The very notion that a State can use legislative measures to pressurize another state, seems to be "hegemonic." It is difficult to believe this bill as an outcome of altruism on the part of the US towards the child workers in India but as another form of protectionism practised by developed countries. Mr. Tom Harkins seems to be overly concerned about the conditions of children who work in export oriented industries in developing countries, but who will speak up for the thousands of children who work in abject conditions in developed countries like Italy, Portugal, Spain, UK and even in USA., itself.

To quote from an ILO Report quoted in the Assam Tribune, (Guwahati, May 31. 1993)

GENEVA : Child labour is prevalent even now both in the third world and in industrialised nations according to the International Labour Organisation (ILO), says IPS.

In a report published in the June edition of the ILO's monthly magazine, the labour organisation said the upsurge in reported cases of child labour in the industrialised world stemmed mainly from the current economic recession.

European countries situated along the Mediterranean Coast are the main culprits, said the report. "Tens of thousands of children in Italy are put to work in the leather industries and shops, in the agricultural sector and some services", ILO expert Peter Sutcliffe charged. There are also reports about young girls in Portugal who work in the clothing industry or as servants.

According to a recent study in Birmingham, Britain, some 43 percent of all children between 10 and 16 years work under abject conditions and 75 percent are illegally employed. In the United States some 28 percent of children aged 15, and 51 percent of youths between 16 and 17 years, work part of the year. Mr. Sutcliffe said."

Pressure to withdraw children from the labour force must ideally come from the consumer movement from within the country. Consumer movements in Europe and other countries can help in creating an environment supportive to Indian movements committed to the elimination of child labour. Such pressure brought about by legislations of foreign

c. The problem of child labour is not confined to the developing countries. It continues to persist even in industrialised countries. In recent years, there has been concern in industrialised countries about the reappearance of traditional forms of child labour, the high and in some cases, growing incidence of occupational injuries among working children, especially in agriculture, and the large number of school-going children at work. Recent developments in Eastern Europe and the possible re-emergence of child labour there add further weight to the need for ILO action.

Working Conditions and Environment Department, Interdepartmental Project on Elimination of Child Labour. (Page 5, ILO, Geneva, Feb. 1992)

Note : These quotes are from the same ILO document. I leave it to the readers to draw their own conclusion about ILO's view point on this issue.

Analysis :

The IPEC programme is another "visible welfare programme" of the government. The role that NGOs have been given - namely that of being the vehicle for eliminating child labour cannot be realised.

The programme's central premise, that NGOs can eliminate child labour is wrong. This is because NGOs cannot be the vehicle for eliminating child labour as they cannot affect the crucial factors responsible for children working i.e. NGOs cannot ensure full employment, bring about a change in wages nor affect structural change within a trade. At best NGOs can initiate and support social mobilisation and public education on the evils of child labour.

Furthermore, NGOs cannot substitute the State. The mandate of NGOs is to empower community groups to raise their voices, initiate mobilization on social issues and make recommendation on policy matters..

3. Child Workers Union - As a Strategy to Eliminate Child Labour :

The pros and cone of the question of unionising child workers was discussed . There was a definite consensus in the workshop that the working children should be organised to get their rights.

The position of those who are opposed to the unionsing of child workers was also discussed. Interestingly those who cry hoarse about the exploitative nature of child labour

which saps their childhood are the very persons who would not want children to be organised and unionised.

Their position is : a) children are not mature enough to discuss and decide on issues pertaining to their lives; (b) By unionising one legalises and institutionalises child labour.

Those in favour of unionizing child workers argue that the reality is that millions of children have been working and the government recognizing this reality enacted the child labour Prohibition and Regulation Act in 1986. The Act does not commit itself to the elimination of child labour except in certain hazardous industries while regulating the conditions of work in other industries and giving about a uniformity in the various laws regarding child labour prevalent in the country

The proponents of unionising child workers point out that unionising is more of a commitment to protection of children's rights rather than a stand which is in favour of enhancing facilities and conditions of work by either social workers and voluntary organisations.

It is ironic that children are not considered " minor" when they are forced to do adult jobs including working in hazardous occupations (match factories, fireworks, glass, gem polishing, lock industry , mines, grannies, construction, carpet industry etc.). Besides, they also work longer hours than adults and are paid less wages than adults. Some of these children are the breadwinners of their families. But when it comes to giving them power to make their own decisions they are suddenly seen as incapable and being too young to shoulder this responsibility.

There are others who have reservations on the question of unionising because they feel that this is an unnecessary effort to politicise children.

But they seem to forget the fact that child labour has existed and continues to exist because of the political division and economic policies of our rulers . Thus politics in the widest sense of the term is responsible for the very existence of child labour. In India, unions have alliances with various political parties and their priorities have been narrowly focussed on agitations for higher wages and better conditions of work. Wider social concerns which touch the very basis of child labour have not been on their agenda. But this need not necessarily be so An informed trade union movement with a broad socio-political vision can be effective and children can certainly be trusted to fight for their rights as child workers without allowing themselves to be dragged into narrow politicking.

There are still others who feel that this burden of unionising and organising is too much of a burden on the young child workers and that adults should fight for the child workers, rights.

But forty five years of independence has shown that adults and leaders of our society have failed the children miserably. It is high time therefore that children themselves spoke out and organised themselves to protect their own rights.

The spirit of Article 15 of the Convention on the Rights of the Child strengthen the children's right to form associations. There is therefore a need for the Bal Mazdoor Union to be backed by NGOs to pressurize the state to ensure them their rights. Butterflies initiative of empowering children with their right to participation, self expression and association, namely through the formation of a Bal Mazdoor Union (Child Workers Union) sees itself as a collective for getting their fundamental rights, such as the right to a childhood i.e. right to education, right to recreation and leisure, right to respect and opportunities, the right to shelter and health care, right to be protected from exploitation are oppression and the right to demand the implementation of all legislations relating to the protection of children and their rights as well as government policies and programmes.

In the whole debate on how can child labour be eliminated, Butterflies feels there is a need to put forth concrete mechanisms which empower children. The BMU is one such intermediate strategy which could be used to educate and conscientize children regarding their rights, both as children and as workers. There is another spin off in organising unions of child workers, which can contribute effectively to prevention and elimination of child labour. When child workers' union's demand for wages equal to adults and better working conditions and other benefits which are readily given to organised adult workers, then child labour will no more be cheap. It will not then be an attractive proposition for their employers. to employ children.

4. Intervention to be geographic specific :

Any effective intervention for removing children from the work force must be based on a "geographical " approach and not on "occupation" alone. This involves identification of States and within it districts with a high concentration of child workers and definite attempts to rehabilitate them within the same State to ensure that no regional imbalance result.

5. Minimum Social Security :

Further, the situation of a child cannot be seen in isolation of the socio-economic situation that confronts the family. Minimum social security that covers basic needs of food,

shelter, clothing and health is a necessary prerequisite in the present day context where the poor are bearing the brunt of the SAP.

6. Mass Campaign, Advocacy, Lobbying :

There is a need to bring together a consensus on understanding the issue of child labour. Parliamentarians, Trade Unionists, Journalists, Advocates, Academicians consumer movements, teachers, etc have to be sensitized on the issue of working children from the afore stated point of view. Consumer movements within the the country also have to be galvanized to educate the public on the evils of child labour.

7. Law as an Instrument to eliminate Child Labour :

NGOs need to educate themselves on the various laws/legislations prevailing in the country especially related to children and human rights. Whenever a child/children communities are deliberately denied their fundamental right to survival, growth and development, we must use the judicial system to bring about social, economic and political justice. We must not shy away from filing cases and writ petitions. It is equally important to do investigative reports (that are verifiable) and publish them so that a public opinion is created.

A NEW ORDER

With the Structural Adjustment Programme a newer role is emerging for NGOs. However, this new role tends to make the NGOs more subservient to government control and operate more as extensions of the government providing exclusively welfare services. Consequently, a commitment to the vulnerable groups and empowering them is becoming progressively of lesser priority. This is an effective cooption of NGOs by the government.

NGOs who were involved in grassroot work used to also operate as watch dogs on the government. NGO development programmes were more the voice of the oppressed and deprived communities rather than allies of the government. More and more NGOs now emerging are headed by the elitist class of do-gooders committed to philanthropic work with rewards of recognition in society and sometimes political mileage. From the government side, the NGOs that receive funds, patronage and support are those with political links and friends of administrators. In meetings convened by the government for policy decisions and programme development, NGOs who are friends of the government get included in these forums.

NGO actions in the country can be described on a continuum starting from charity and at the other end empowerment of the poor and oppressed, Butterflies in its ideology and commitment seeks to empower the street children to fight for justice and their rights. This indeed is a slow and tedious process. In such an approach numbers and targets reached become secondary. The success is gauged by the realisation of rights by street children supported with knowledge that their unfair situation is consequent to an unfair social situation. It may be mentioned that the referred to is not envisaged necessarily to be an agitative one. However, at the same time protest marches and legal suits against the government are part of the process of promoting advocacy, public awareness and ushering in of justice that is rightly due to children. In pursuance of this approach of Butterflies, a legal suit has been filed against the government by the Child Workers Union at the Supreme Court, challenging the government's apathy towards the protection of the rights of the children and the continued exploitation of the children by society.

In the current economic situation of the South there seems to be a growing number of dropouts from the allies of the poor. The national governments are finding it more feasible and convenient to sacrifice their commitments to the poor in return for easy solutions to self-created socio-economic crisis. The NGOs are being consciously coopted by governments so that they become providers of soothing balm to dress the symptoms of irresponsible actions of politicians and inept governments. The poor seem to be more and more left to themselves in their struggles for survival and development. In such circumstances, the children of the poor are the first to suffer. NGOs need to strengthen their partnership with the poor and take on the mandate of working towards greater equity within the nation. They need to revive their alliance with those who are oppressed, deprived and neglected in order to seek right to justice and attention.

At the global level there is a need to support and promote solidarity among NGOs who are committed to an ideology of empowerment of the poor. A forum thus established of like minded NGOs can help NGOs strengthen each other, exchange experiences, learn from successful strategies for empowerment and for collective action at both the national and global level. A partnership between international agencies and NGOs of the South who share a common vision can help bring about a new order which is supportive of the struggle of the poor of the South, for a just order.

REFERENCES :

1. Consultative Meeting on Child Labour Report, Delhi, March 1994.
2. Government of India Census Report, 1981 and 1991.
3. UNICEF, State of the world's Children Report, New Delhi, 1992.
4. Weiner M., The Child and the State in India, Oxford University Press, New Delhi 1991.
5. Hancock. G. Lords of poverty, The Power Prestige, and Corruption of The International Aid Business, The Atlantic Monthly Press, 19, Union Square West, NY, 1989.
6. Seabrook. J. The Reconquest of India, The Third World Resurgence, Issue Nos : 26 & 27 Malaysia, October & November 1992.
7. UNDP. Human Development Report 1993, Oxford University Press, NY, 1993.
8. Bequle A, Boyden J. Combating Child Labour, ILO, Geneva, 1988.
9. UNICEF, The State of the World's Children Report, 1994.
10. International Children's Rights Monitor, Vol. 10 No.4, 1993.
11. Government of India, Education For All; The Indian Scene, Dept. of Education Delhi. 1993.
12. ILO, Interdepartmental Project on Elimination of Child Labour, Geneva, Feb. 1992.
13. Operations Research Group. Child Labour In Different Industries : Consolidated Report, Madras, 1993.
14. Raman V. Child Labour In The Tea Plantations of North East India, Ministry of Labour, Government of India, Delhi. unpublished 1992.
15. Ms. Swaminathan Founddation, Structural Adjustment and Children, A report, Madras 1993.
16. Panicker, R. The Poor Urban Children In the South, a paper presented at the Workshop on Urban Children and Poverty in the South, University of Amsterdam, Amsterdam unpublished June 1993.

