

CHAPTER - I

INTRODUCTION

" Chhoto chotto Duti Pa Chhoto Dui Hat
Du Takay Kaj Kare Bhor Theke Raat".

(Two tiny legs and two tiny hands
bonded by two rupees dawn to dusk)

- Pratul Mukhopadhyaya (a poet singer)

After the birth of human being initial 5 years are treated as infancy, next 7 years their childhood, another 4 to 5 years are their boy or girlhood which leads to adolescence and then to youth. Human civilisation is not very young and civilisation demands such distinctive phases of human life in its journey to youth when their able hands are supposed to work and produce. Civilisation demands that the society in which a life is born would be provided with food and security till he or she attends youth. But unfortunately the above distinctive phases of human life in the journey from birth to youth do not occur to every human being. Most of the persons have their infancy but hardly any childhood not to speak of latter phase like boyhood or girlhood. They are pushed into work-force just after infancy. Those unfortunates who have been deprived from their childhood, boyhood or girlhood and adolescent phases of life and pushed into labour force just after infancy are termed as child labour.

Child labour is not a country specific phenomenon. It is a global problem. But there is diversity of opinions regarding definition of child labour. The International Labour Organisation (I.L.O.) states that " a first problem is one of definition inherent

in the notions of 'child work' and 'labour' ". However, the Encyclopaedia of Social Sciences (1959) defined child labour as " when the business of wage earning or of participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour ". But the most common place definition is the engagement of a person below 15 years in work with aims of earning a livelihood for themselves or for their family.

Whatever may be the way of defining a child labour, it is a curse to the society where it exists. Developed societies and egalitarian system of distribution do not approve child labour and insists on such customs and law which would ensure comprehensive protection to childhood for natural development of children's personalities. In the past, child was viewed with a tender feeling and treated with warmth and compassion. But understanding their psychological and physical needs for proper development of personality was rather poor. The recent awareness about the imperative need of child care and development was prompted by the advance of social and behavioural sciences. It is widely recognised that when work is of enslaving character for a child it becomes detrimental to his natural development whereas joyous participation in any activity by any person helps in that person's proper development. Recently, as a part of its campaign to eliminate child labour different international bodies are proposing the adoption of new international legal instruments especially to combat the worst forms of child labour as well as to protect childhood from the clutches of enslaving labour.

How many among our 42 crores of Indian children of present generation had their boyhood or girlhood ? May be, 4 to 5 crores. The rest were deprived of food, shelter, nourishment and education. Millions died right in their infancy (India has a high infant mortality rate compared to many of the developing countries). In India there is very high incidence of child labour engaged in many different hazardous occupations like glass work, fire work, stone query, brick work, sanitary work, etc.. They are also found in mines, factories making matches and deep-sea fishing. They

are thus vulnerable to insecure life conditions and are exposed to chronic intestinal (as in deep-sea fishing) , respiratorial (as in carpet industry), and such other occupational diseases. Working children thus suffer significant deficits in their growth, both physical and mental . Again they become aged and sometimes crippled in their young age due mainly to widely disproportionate intake of calories vis-à-vis burden of labour. There is another evil feather added to their insecure life conditions is that legally the child labour do not enjoy any insurance regarding their health or even life. Such are the conditions and status of child labour in our society.

What created such a situation in our country and especially to the children born here ? There had been researches showing that one of the main reason for incidence of child labour in India was high growth of population. Leading demographers and erstwhile thinkers and scholars explained the phenomenon in terms of " poverty". The arithmetical solution to the problem was controlling the rate of population growth. But arithmetic is unable to do that. The society is to tackle the question of population growth only by addressing the questions of poverty, destitution and deprivation imposed on the majority of our population through certain socio-economic formations that were built up through ages. It existed in one form or another in all historical periods. It was perceived as a social problem and was considered as a hindrance to the progress of a society. But the reasons behind the transformation of a child into labour is yet to be seriously understood. The conversion of such a situation into a social problem is occasioned by a value change especially among the elite in the society.

Almost all countries of the world prohibited employment of children below a certain age. However, in some cases children are legally permitted to work but there are specified conditions where their work may be entertained. Although many countries legally banned certain kind of hazardous work for persons under age 18 yet their legislative commitment often lie dormant due to lack of effective monitoring and

enforcement of these legislations and sometimes due to lack of political will. In our society the child labour problem becomes a deep-rooted one often simply because of the fact that poverty, discrimination and cultural attitudes foster child labour process. The authorities also do not know how to tackle the problem.

A review of the legislations of 155 I.L.O. Member-States suggests that, all countries should enact basic minimum age for admission to employment. But there are some states where there is no single minimum age to any employment or work required by Convention No. 138. The usual practice was prescribing a basic minimum age but to limit it to specified occupations. There is another approach undertaken by some countries was prescribing different minimum ages according to the sector of economic activities.

There are some 23 countries which set minimum age at 16, some 45 countries at 15 and another 37 countries at 14. In short, atleast 105 countries have legislation prohibiting work for children below the age of 14. However, contrary to this, there are 30 countries which legally accept child labour below the age of 14 and 6 countries accept the basic minimum age as 12.

The minimum age may not be applicable in certain sector of economic activity. But no country excludes industry. On the other hand agriculture is commonly excluded and about 38 countries most of them in Asia have done so. In 17 countries, Commerce is excluded from the general rules on minimum age. In India the basic minimum age for work is 15. (except apprentices which is above the age of 12) and for dangerous or hazardous work is 18 whereas in the neighbouring countries, the respective figures were Nepal 14 and 16, Pakistan 14 to 15, and 15 to 21, Bangladesh 12 to 15 and 16 to 18, Sri Lanka 14 to 15 and 16 to 18, and China 16 and 18 respectively. For most Asian countries the minimum age for work is lower compared to European countries. It is worth mentioning that One country Lebanon

sets the minimum age at 8 for children performing certain unspecified non-arduous work "suitable to their age".

In view of many Governments, difficulties relating to the type of un-arduous work classified as "light" for the purposes of minimum age regulation or the conditions under which such work is permitted constitute a major obstacle to the ratification of United Nation's Convention No. 138.

Convention No. 138 does not itself specify the types of work considered hazardous. In national law and practices there is considerable varieties of restrictions on dangerous work by child labour. In some cases, the definition merely refers to "dangerous, dirty, unhealthy or detrimental to morals" in general or is left to separate regulations. On the other hand, hazardous activities are listed in details. The following are hazardous industries, occupations, activities and agents most frequently cited in national legislation on child labour. The list of such industries and the prohibited agents are named below.

Prohibited industries and occupations :

(i) Mining, quarries, underground work ; (ii) Maritime work ; (iii) Machinery in motion; (iv) Weights and loads ; (v) Construction or demolition ; (vi) Lead or zinc metallurgy ; (vii) Circular saws and dangerous machinery; (viii) Transportation & operating vehicles ; (ix) Entertainment, alcohol production or sale ; (x) Cranes, hoists , lifting machinery ; (xi) Crystal and/or glass manufacture ; (xii) Welding and smelting of metals ; (xiii) Specified work of agriculture like ploughing ; (xiv) Abattoirs and meat rendering ; (xv) Under water work ; (xvi) Street trades , production of pornographic materials ; (xvii) Tanneries, specified task of textile industry ; (xviii) Metal and wood handicraft ; (xix) Forestry and brick manufacture.

Prohibited agents :

(i) Explosive, fumes, dust ; (ii) Gas and other noxious substances, radioactive substances ;
(iii) Chemicals ; (iv) General provision for exposure to pathogenic agents (hospital work , city cleaning, sewerage work, handling of corpses) ; (v) Ionising radiation ; (vi) Electricity ; (vii) Paints, solvents, Shellac ; (viii) Varnish glue or enamel, asbestos ; (ix) Benzene etc.

Indian laws especially banned under ground work, Maritime work, work with machinery that in motion, work with explosive and noxious substances and work in lead or zinc metulargy. But the laws are never enforced mostly because the authorities do not know how to deal with poverty which had thrown up the child labour into work with machinery in motion, street trades and working with the explosives or other noxious agents. In Indian case we often found children employed not only as domestic workers or cowboys, but also in ceramic and glass industries, matches and fireworks industries, Mines, deep-sea fishing to name a few . They are found to be in bondage arrangements (although illegally) and sometimes in prostitution and immoral trafficking .

Now if we look at the magnitude of the problem of child labour, we find that the world population of child labour was 250 millions in 1996 as per I.L.O. The Asian share was around 61 % . The conservative estimate about India's share in Asian child labour was quite substantial (around 48 millions out of 152.10 millions). According to 1991 Census of India, children belonging to 5 to 14 years age group was around 210 millions and the number of workers belonging to the same age group estimated to be around 20.11 millions. In other words, around one tenth of children population is child labour.

But as per estimates prepared by Operational Research Group (O.R.G : 1983), the number of working children were 44 millions in 1983. Compared to this estimate the Census figure on child labour seems much lower. This discrepancy between the above two estimates might be due to derth of genuine information

regarding the number of child labour both in urban and rural areas. Although the Census figure widely differ from other estimates there can not be any two opinions regarding the high incidence of child labour in India. Every sixth child in India happens to be a labour either whole time or part time.

The specific problem of the transformation of child to a premature labour is the main concern of the present study. This study, although empirical in nature, tries to focus on the process as to how and why a child is transformed into a labour. That is, what are the material conditions and perception and the attitude about life which cause such transformation. This study also investigates as to why there is difficulty to find out any solution to this under the existing socio-economic conditions.

Studies on child labour :

The rationale of the present study can be judged by over viewing the earlier studies which dealt with this existing social curse. Literature on child labour are available in plenty as researchers enquired about this social curse from various view points and at various points of time. The available literature on child labour were mainly focused on the place of work, duration of work, conditions of work and magnitude of child labour. Some such studies are being very briefly reviewed.

During the inception of India's planning era a study by the Labour Bureau (1953), Ministry of Labour showed that a large number of child labourers were employed in cashew nut processing (in Tamilnadu and Kerala), match manufacture, bidi making , carpet weaving, toy making , paper flower making, wool cleaning and in many other unregulated industries. The study showed that informal sectors absorbed a substantial portion of child labour whose conditions were not good.

In 1969, National Commission of Labour studied the conditions of the child labour and was shocked to report that the children had to work from dawn to dusk at rupees five per day. The Commission pointed out that child labour persisted in un-organised sector like small plantation, restaurant and hotels, stone breaking, brick kilns, handicrafts and road building. Employment of child labour below the prescribed age was not uncommon, there was also no enforcement machinery to execute child labour laws. Children in Calcutta were found to be working in very gloomy environment with machine tools in the repairing shops. Quite a few of them were receiving no wages and were treated by establishment as informal apprentices. They had to repair the old batteries and also were put in the foundries although factory legislation was very specifically negative in this matter. Organised industries did not generally employ child labour although they give work on contractual basis where the contractor recruits child labourers (the cheapest labour power). The foundry owners adopts the subterfuge providing only moulding metals, leaving the foundry work under the charges of contractors.

M. Khandekar and R.D. Nayak's study (1970) on working children in Greater Bombay argued child labour as a premature expenditure rather than savings. They summed up that child labour was economically unsound, psychologically disastrous, physically dangerous and morally harmful.

K.N. George's study (1975) revealed the fact that among the Indian cities the highest concentration of child labour was in Madras (presently Chennai) which accounts for nearly one-third of the total urban employment in India.

Another study by Devaki Jain (1979) in West Bengal and Rajasthan made assessment on the causes of the child labour, environment, working conditions etc., and showed that the physical conditions of the child labour was most pathetic and gruesome.

Mussafir Singh and others of National Institute of Public Co-operation and Child Development (N.I.P.C.C.D.) in their study (1980) argued that rigours of child employment resulted in a permanently weakened and damaged labour force. Child labour involves the use of labours at its point of lowest productivity and hence it is an inefficient system.

Mahapatra's study (1980) found that 30.78 per cent of rural households employed child labour and they constituted 16.75 per cent of total working population.

R.R. Sastry (1980) assessed the magnitude of child labour at Varanasi. He also enquired about condition of work, wages, environment as well as the existing machineries for implementation of labour laws. His findings showed the appalling nature of the situation.

S.Kothari's (1983) study described cruel exploitation of child labour by the match factory employment of Shivkasi in Tamilnadu. They had been employing child labour since 1946. Around 45,000 children would assemble near the gates of the factory at Shivkasi in the early morning (6 a.m.) when factory is opened. The children are to work at least for 11 to 13 hours a day in order to qualify for piece rate payment. Collective bargaining was unknown.

Kanbergi and Kulkarni (1985) in their study examined age and gender constraint and the quantum and nature of child labour. Boys put in more time tending livestock and working on the family farm or enterprise. Girls work for longer hours in very different activities from boys. They further observed that with the increase in the size of land or livestock owned, child work participation appear to increase.

The study by Surendra Nath Singh and R.B. Singh Verma (1987) on child labour in agriculture explored the problems as well as the social service needs of child

labour in agriculture. They made efforts to know about the incidence and extent of child labour in agriculture and to ascertain differences in various respects of the life of children between children working in their own households and those employed by other. The output of these investigations was a long list of suggestions which were unfortunately very general in nature. Although one would be very much benefited from the data presented by the authors, it makes no proper diagnosis of the causes of child labour.

Tata Institute of Social Sciences' study at Akkalkuwa in Maharashtra found children mostly employed were in agriculture. The children belonged to tribal community.

However, M. Sumangal and B.S. Nagarjuna's study (1993) brings out the message that the phenomenon of child labour is a multi-dimensional problem and hence uni-dimensional solution like family planning is grossly inadequate to eliminate the factors that cause and perpetuate the incidence of child labour.

R. Anker and S. Barge's study (1995) made a counter argument against the "nimble finger" argument of child labour and evaluated the economics of wages of child labour working in different industries.

All the aforesaid studies have wealth of materials regarding child labour both at micro and macro levels. The study of these literature however does not enable us to diagnose the process of transformation of a child to premature labour. These also do not provide us any floor level of family income or social status beyond which there would be incidence of child labour. Moreover, the commonalties and peculiarities of the child labour problem in urban and rural areas were not properly

addressed. All the above points that were not dealt in the aforesaid studies motivated the present worker to undertake the present study.

There is no intention of the present worker to replicate any earlier study in one more different geographical area. This study attempts to make an in-depth investigation both in rural and urban settings as to how the phenomenon takes place.