

The Contemporary Problem of Child Labor and its Gravity in India

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Introduction

The Indian Bonded Labour System Abolition Act of 1976 prohibits any service arising out of debt, including forced labour and bonded labour. The legal definition of 'the bonded labour system' recognizes force as including not only physical or legal elements, but also including deprivation of alternative choices, economic circumstances, and a derived compulsion to choose a particular course of action, such as providing underpaid or unpaid labour(1).

In spite of the encompassing and seemingly progressive legislative framework, the use and abuse of Dalit bonded labourers in India remains endemic within a range of occupations and branches, both rural and urban, such as agriculture, forestry, fishing, domestic work, and cleaning. A report by Anti-Slavery International in 2008, revealed that dalit bonded labourers are employed to carry out the most physically straining and menial types of work in industries such as silk farms, rice mills, salt pans, fisheries, quarries and mines, tea and spice farming, brick-kilns, textile and domestic work(2). Lack of implementation of the legislative frameworks, failure of the authorities to observe the laws, and impunity of perpetrators are the most common obstacles to eliminating forced and bonded labour in India.

Forced labour in agriculture

Agriculture accounts for approximately 64 percent of the entire population's workforce and employs far more bonded labourers than all other industries and services in India together, according to a Human Rights Watch report. Conditions for bonded agricultural labourers are among the harshest. The work is grueling, days are extremely long, and payment is nominal and may consist of two sole meals a day with a yearly set of clothing.

Agricultural labour is especially linked to caste as the caste structures are deeply entrenched in rural areas. Realities reveal that landlords are high caste, small landowners are of lower castes, and the landless and bonded laborers are almost exclusively dalits. According to Human Rights Watch, caste hierarchies are not only confined to land, but also permeate every aspect of village life(3).

Gender and bonded labour

Patriarchal systems confine women to certain types of occupations, such as domestic work, silk farming, carpet making and weaving. Young girls are commonly recruited to work in spinning mills in India in return

for the cost of their marriage or a dowry payment. The parents often wait several years before receiving the money, which is usually less than initially agreed upon.

Child bonded labour

Children are particularly vulnerable to forced and bonded labour. Even when in the care of guardians, they are pursued as targets for bonded labour. Various reports and studies have identified bonded child labour in a number of occupations including agriculture, brick kilns, stone quarries, carpet weaving, bidi (cigarette) rolling, rearing of silk cocoons, production of silk sarees, production of silver jewellery, gem cutting, diamond cutting, manufacture of leather products, in circuses, fisheries, shops and tailoring establishments, and domestic work(5).

Caste-based forms of bonded labour

Dalits are particularly vulnerable to bonded labour, because of their socio-economic status, but bonded labour is also conjoined with caste in the form of caste-based occupations.

Child Labour Drops 60% In A Decade But Still World's Highest

Pranav Garimella, August 13, 2013

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The International Labour Organization (ILO) claims that there are between 100-200 million child laborers in the world.[1] Of these millions, the ILO estimates that about half may be found in South Asia and South-East Asia. Bangladesh accounts for between 5.7 and 15 million children, India accounts for between 17.5 and 100 million, Nepal accounts for 3 million and Pakistan accounts for between 2 and 19 million children. The South Asian Coalition on Child Servitude estimates that there are 80 million children under 14 being forced to work (55 million in India, 10 million in Pakistan, 8 million in Nepal and 7 million in Sri Lanka and Bangladesh).[2] The variance in the numbers may reflect the specific goals of those who do the counting just as much as it demonstrates that these children work in 'unorganized' sectors of the global economy, sectors which provide much of the world's wealth, but which are themselves not regulated by the organized might of international and national governments.

In September 1986, the General Agreement on Tariffs and Trade inaugurated the Uruguay (8th) Round of GATT which was presented in 1991 as the Multilateral Trade Negotiations (the famous 'Dunkel Draft'). The Agreement on Textiles and Clothing (which will be integrated into GATT in 2003) proposes to allow for greater market access for goods. The US, for example, sets quota for imports of Indian textiles: in 2003 the treaty proposed to increase export quota growth rates.[4] One might argue that to offset the future quotas, the US textile industry felt the need to raise the issue of equalization of input costs so that it does not lose its existing market share in the US. This is surely conjecture, but one motivated by history: the first proposal to

end child labor in India, after all, came in 1878 and it was driven by just this motive. In 1878, the Lancashire textile industry lobbied Whitehall to take stern measures against the use of child labor in the Indian textile industry. Child labor had recently been banned in England and Lancashire felt that Indian industry would be able to produce textiles at a low cost by its use of children. Hence, Lancashire joined Mr. Sorabjee Shapurjee Bengalee, CBE, and Lord Shaftesbury in a campaign to end child labor in India. Lord Shaftesbury's letter to the London Times offers us an adequate illustration of the motive forces:

Extent of Child Labor in India

Much of the use of children occurs in agriculture: both on family farms and in large-scale agri-business outfits (including fishing plantations, orchards and tea plantations). Dalit and adivasi boys and girls are disproportionately represented among working children;[8] over the years, the percentage of boys working in agriculture has decreased, while the percentage of girls has increased. Much of the produce grown with the assistance of child labor finds its way into international markets (tea, coffee, fish, food-grains). Children work to assist the family unit by doing chores, but they also work as domestic servants, hawkers and scavengers for modest wages. While these forms of labor need to be publicly reassessed, our pamphlet will concentrate on the extent of child labor in the industrial sector. The obvious international implications of this sector alert those of us who live in Euro-America to act in concert with the children who seek a free and protective world.

Carpets:

between 300,000 and 400,000 Indian children work in the manufacture of hand-knotted carpets, the most coveted carpet on the market today. These children work in a region concentrated around Bhadohi, Mirzapur and Zaipur in Uttar Pradesh (UP). They suffer from endemic tuberculosis, other respiratory diseases, skin trouble, eye strain and worn out limbs (a National Council of Applied Economic Research study found that "the children surveyed appeared to be famished and had a stunted growth").[9] In 1993, India exported more than \$170 million worth of carpets to the US. In Pakistan, about a million children work in the carpet industry.[10]

Diamond Industry:

between 6,000 and 100,000 Indian children work in the diamond industry, where they cut and polish diamond chips for export to the US and Europe. In 1993, India exported more than \$1 billion worth of gem-stones; in that year, the largest export by value from India to the US was in gem-stones. The Operations Research Group singled out the conditions in the diamond plants in Surat, Gujarat (site of a recent plague and of the riots of 1993): "It found children, mostly boys between 12 and 13 years old, polishing diamonds for an average of seven to nine hours a day in unhygienic conditions." The children suffered from eye strain, headaches, leg and shoulder pain, malaria, discoloration of hair, rotten teeth and dysentery.[11]

Glass and Glassware:

between 8, 000 and 50, 000 Indian children work in the glass and glassware industry. In 1992, India exported more than \$2 million worth of these products to the US. In a report in May 1994, the International Labor Rights Education and Research Fund described the glass factories in India as "'Dante's Inferno' due to the intense heat of the furnace, lack of ventilation, broken glass everywhere, dangling electric wires, and workers with no protective equipment." [12] The children in Firozabad, Agra District, UP, who work in its glassware factories suffer from tuberculosis, mental retardation, asthma, bronchitis, liver ailments, chronic anemia, severe burns (which are not treated) as well as fundamental damage to their genetic matter (shown in a study done by Dr. Asha Singh of the Maulana Azad Medical College, Delhi).[13]

Footwear:

about 25, 000 Indian children work in this industry. In 1993, the US imported more than \$107 million worth of footwear from India. The children who work in footwear factories, the US Department of Labor says, are "cramped in poorly lit rooms, suffer from continuous skin contact with industrial adhesives and breathe vapors from glues."

Government of India Figures for Child Labor (in millions)

Indian business denies not only the ILO numbers, but also the deflated numbers of the Indian government. In 1994, Mr. G. K. Morolia of the Indian Carpet Export Production Council argued that the carpet industry only hires those children whose parents send them to acquire traditional weaving skills. Labor, he said, is free to come and to go.[15] For a child of 12, even the formal freedoms of wage slavery must surely be unclear in the face of the supervisor's wrath. The apologies of the Carpet Council are a pathetic attempt to justify its culpability. Numerous studies have established the centrality of violence and coercion in the labor process. A UNICEF study of Mirzapur (UP) found that most of the child laborers "did not come to the place of their employment voluntarily rather they were either kidnaped or dragged away by Mafia gangs from their parents to work as child labour in most appalling conditions." The Indian government admits widespread prevalence of bondage relations and violence in the carpet industry. Other sectors, such as glassware and gemstones, are not much different. The former Chief Justice of India, P. N. Bhagwati, found examples of children at work for 14-20 hours/day: "they are beaten up, branded (with red hot iron rods) and even hung from trees upside down." [16]

Traditional Explanations

Three 'traditional' explanations which date from the early nineteenth century continue to hold the floor as dogma:

- **Societal Attitudes:** Societies make value decisions over whether children should work. Certain societies do not find anything wrong with the practice, while others do.
- **The Lack of Compulsory Education:** Without compulsory education, children are fated to work.
- **Poverty:** That parents are poor, we are told, explains their child's labor. The rich do not offer their children as laborers.

The first explanation does not illuminate the problem of child labor. It operates more as a justification for its existence rather than an analysis of its origins (which implies a mode for its eradication). The explanation does not address the issue of contradictory values within a nation. Indians hold a variety of notions with regard to the employment of children and few parents are callous about the conditions within which their children must labor. Such generalizations are products of orientalist assumptions and are the equivalent of posing 'divorce' as an American value. Further, the only policy decision which stems from such "societal attitude" kinds of analysis is one that calls for changed values, a suggestion that is both banal and insubstantive.

The major proponent of the second explanation is Dr. Myron Weiner (MIT) who attributes the prevalence of child labor "largely to the failure of the educational system." [17] Weiner is joined by the Indian government which, in 1954, argued that elementary education will play a major role in "checking the evils of child labour." [18] Lack of education does not necessarily lead to child labor. There are a number of children in India today who while outside any system of education do not end up in the carpet or gem stone sweat

shops, simply because their parents, who once slightly better positioned in terms of their earning capacities, do not want such a life for their children. Parents, whether in India or the US, do not willingly send their children into such inhuman work environments. Poverty then, the last of the traditional explanations, may seem to emerge as the best explanation for child labor in India.

The effort to connect the prevalence of child labor with the lack of universal education must therefore be understood in the context of a political economy of austerity. With the cuts in education implemented by the state at the behest of the IMF, the demand of the child laborers for universal education will not be recognized. One must not just criticize the lack of compulsory universal education, but one must link those cuts and the state's lack of determination to follow through its own Constitutional charter with the 'globalized' processes set in motion by international capital (through the IMF). The above analysis of the Indian political economy and the place of child labor in it serves to emphasize the structural basis of child labor. The question then is what actions can be suggested that may mitigate the problem of child labor in India. For this we need to look at the specific relation between the industries that employ child labor and their place in the export oriented growth model. Economic analysis, if it does not pay heed to the capacity of a nation, fails to be relevant. To ask the Indian economy to export goods when its basis appears unable to generate much that is exportable appears to be to joist at windmills. From 1800 to the 1940's, the exports of the Indian economy earned a pretty penny for the British Empire. During the Second World War, these export commodities were superseded: jute (by plastics), cane-sugar (by beet-sugar), indigo (by artificial dyes), cotton (by artificial cloth and by long-staple cotton from Uganda), etc. In the post-colonial world, industrially backward nations have been relegated to the status of raw material producers, simple assembly plants or simple manufactories; most high-value goods continue to be produced or conceptualized in the overdeveloped world.

(1) India's **diamond** exports produced the bulk of the export bill: in 1964-65, India earned Rs. 30 million from diamond exports and by 1984-85, the figure increased to Rs. 11, 720 million. India exports 6 million karats of cut-diamonds, which is the largest share of the 11 million karat world market. Between April 1986 and January 1987, the diamond exports fetched about Rs. 16, 000 million for the export bill.

(2) India, with Iran and Pakistan, controls the world **carpet** trade. In 1947-48, the exports earned India a mere Rs. 38 million. By 1972, the exports earned Rs. 136. 9 million and then, the numbers increased geometrically: Rs. 187 million (in 1977-78), Rs. 1450 million (in 1980-81) and Rs. 1658 million (in 1982-83). India's share of the world market in 1984 is about 16%. In the mid-1980's, the export earnings began to decline: Rs. 1490 million (in 1983-84), Rs. 1380 million (in 1984-85) and Rs. 1082. 8 million (in 1985-86). The pressure of the US dollar and newly-intensified efforts by the Pakistani state to leverage the market led to this decline. Rather than reassess the social implications of a carpet sector (which uses bonded child laborers as the government itself admitted in 1986), the government offered cash incentives of Rs. 250 million/year and other subsidies to increase carpet exports. In 1991-92, the carpet industry exported Rs. 8. 47 billion and in 1993-94, the industry exported Rs. 18. 82 billion. The government's overtures helped legitimize the industry, to cast out those who challenge the alliance between the IMF/Indian government/industry and it helped to increase an industry which is build on the backs of little children.

Child Labor in India and the US Response

FOIL's motivation in producing this pamphlet is to intervene in the public debate on child labor in the US, and most specifically to speak to the analysis that underlies the 'Harkin Bill' (which now has its Republican sponsors, such as Rep. C. Smith of New Jersey).

- American public discussion fails to inquire after the **structural reasons** for the prevalence of child labor.
- American public policy goes after the **effects** of child labor (its products) and not the **reasons** for the existence of child labor (poverty and the uneven & combined development under modern imperialism).

A Brief History of the Indian States Response to Child Labour

The Constitution of India (1950) prohibits the employment of children in 'hazardous' occupations (Article 24) and directs the state to secure "that the tender age of children is not abused and that citizens are not forced by economic necessity to enter avocations not suited to their age and strength" (Article 39 [e] and [f]). In 1954, the Ministry of Labour defined child labor as a "social evil." Modern child labor, the study argued, had little to do with 'Indian tradition' or with 'socio-cultural reasons,' but more to do with the complex process known as the Industrial Revolution.[29] To combat child labor, the government passed a slate of legal measures including the Minimum Wages Act of 1948, Factories Act of 1948, the Plantation Labour Act of 1951 and the Mines Act of 1952. These developed many of the colonial measures, notably the Children (Pledging of Labour) Act of 1933 and the Employment of Children Act of 1938. In 1986, the Indian government passed the Child Labour (Prohibition and Regulation) Act which banned the employment of children under 14 from hazardous occupations (including glass and glassware, fireworks and matchmaking, and carpet weaving). The government set-up a National Policy on Child Labour which framed action policies for education, health, nutrition, integrated child development and vocational employment.

Employed Children

According to a report titled "Children in India 2012 – A Statistical Appraisal", released by the Ministry of Statistics and Programme Implementation (MOSPI), India has the largest number of child labourers (under-14 years of age) in the world.

The Census 2001 also found that nearly 85% of child labourers are hard-to-reach, invisible and excluded population as they work largely in the unorganized sector, both rural and urban, within the family or in household-based units.

According to the MOSPI report, children are engaged in:

- Agriculture
- Hazardous industries / occupations
- Small industrial workshops and service establishments
- On the streets; and
- Domestic work

The major occupations involving child labour are pan, bidi and cigarettes (21%), construction (17%), and spinning & weaving (11%), which qualify as hazardous processes/occupations. Domestic workers constitute 15% of the total child workers.

U.P Has 1.7 Million Child Workers

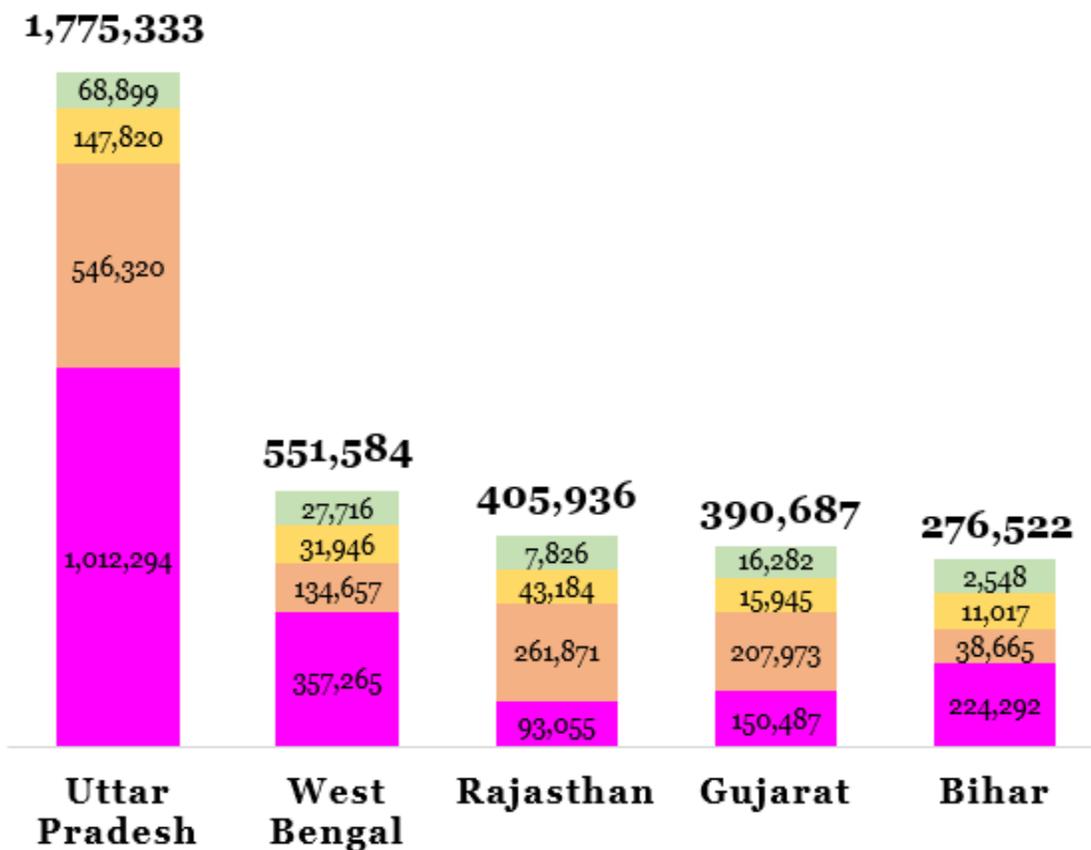
Uttar Pradesh has an estimated 1.7 million children working in various sectors. West Bengal and Rajasthan also show high numbers, although the estimated number of working children in UP is three times that of West Bengal. Rural male children in the age group of 5-14 constitute 50% of children working across the country while rural females constitute 35% of children working across the country. In Bihar, over 81% of

children working are rural males while in Jharkhand, 77% of children working are rural males. In Tamil Nadu, 80% of the children working are rural females. Generally speaking, children in urban areas are better off when it comes to child labour. Rural children constitute 85% of the children working in the country – indicating a wide gap in education and child rights between rural and urban India.

Figure 1

Top 5 States In Child Labour, 2009-10

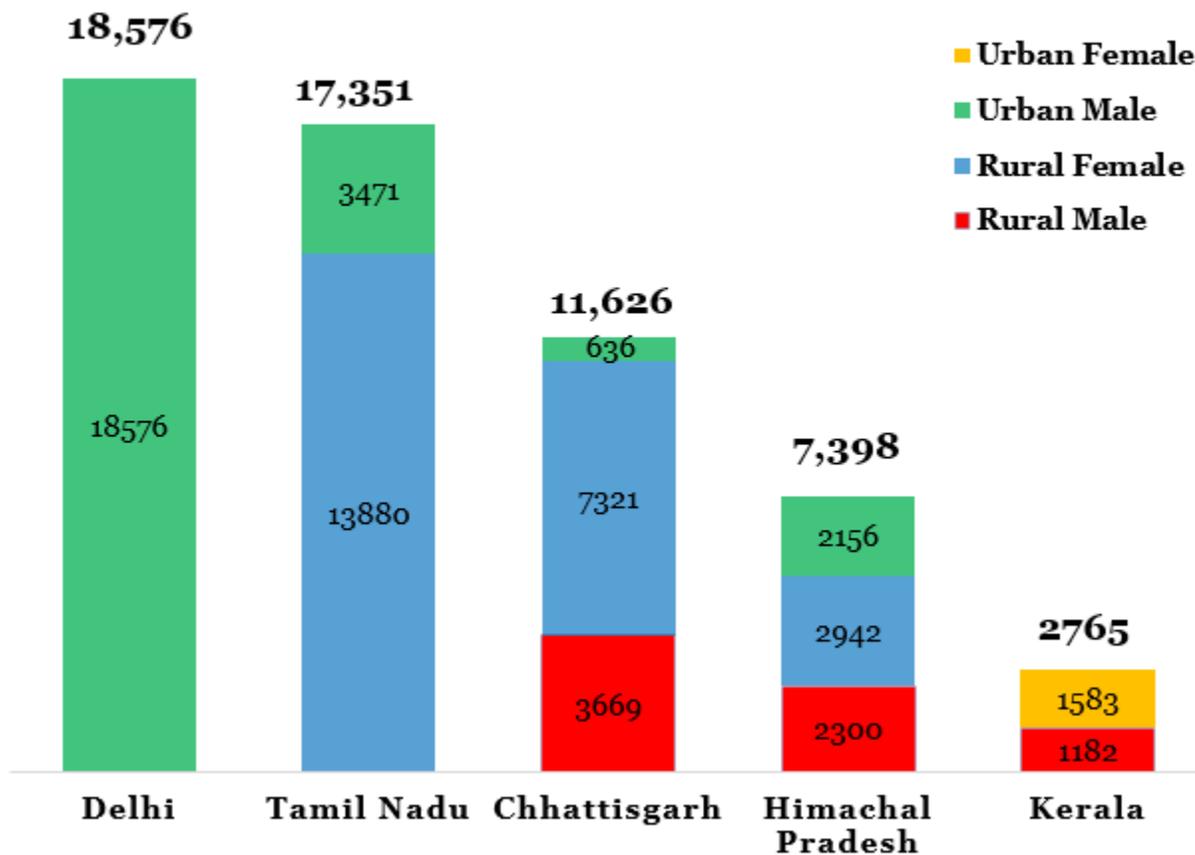
■ Rural Male ■ Rural Female ■ Urban Male ■ Urban Female



Source: Lok Sabha

Figure 2

Bottom 5 States In Child Labour, 2009-10



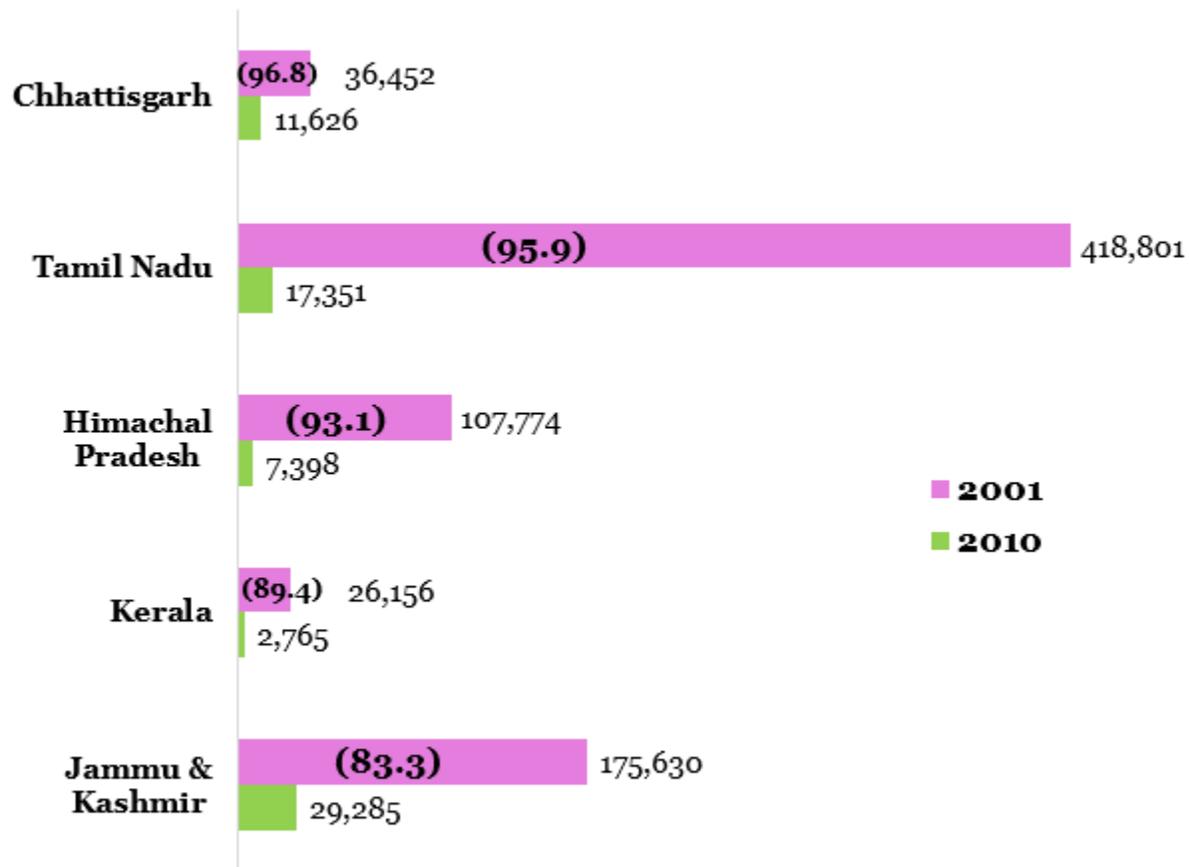
Source: Lok Sabha

Reducing Child Labour

The highest decline in terms of percentage is of Chhattisgarh and Tamil Nadu where child labour dropped by 97% & 96%, respectively. U.P saw the least decrease in numbers (7.9%) since 2001. The decrease in number of children working is an encouraging sign, and suggests the effectiveness of the schemes (direct or indirect like focus on primary school enrollment) implemented by the Government. Though other reasons including social awareness and economic growth could also be playing a role.

Figure 3

Top 5 States For Decrease In Child Labour, 2001-02 To 2009-10



Figures in brackets are decrease in percentage

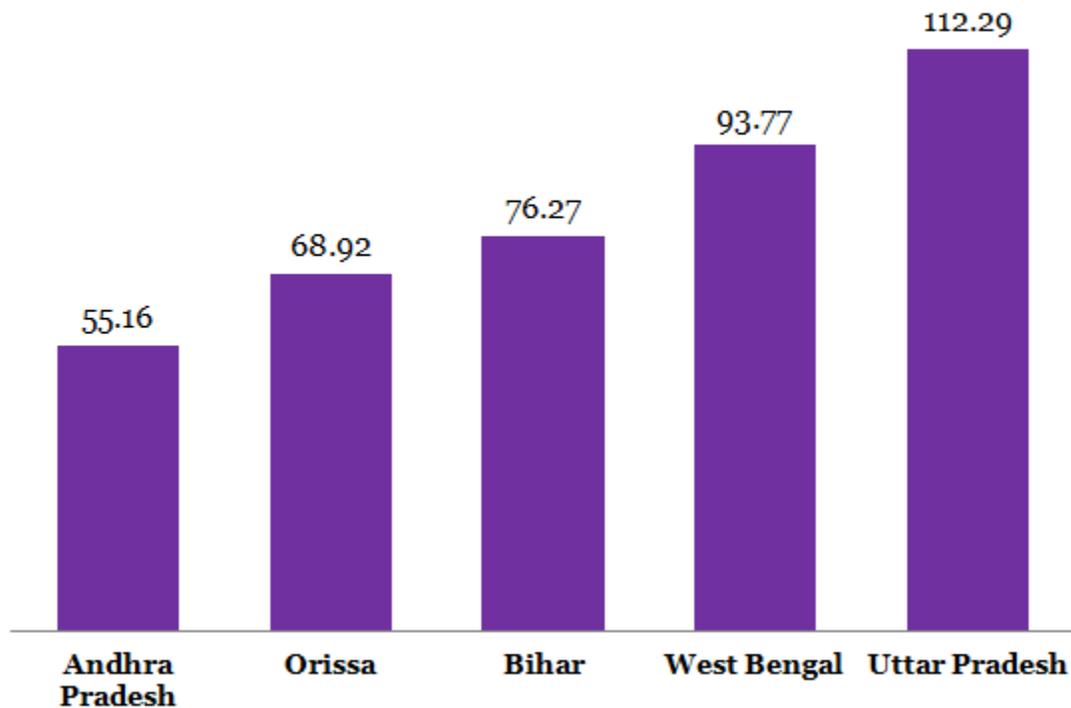
Source: Rajya Sabha

National Child Labour Project

The National Child Labour Project (NCLP) along with Grant-in-Aid (GIA) are the schemes aimed at rehabilitating child labourers. The programmes are being implemented since 1988. The schemes hope to rehabilitate children withdrawn from working in hazardous occupations/ processes into the formal educational system. The Government released Rs 137.43 crore as grant for NCLP for the year 2011-12. The states of Uttar Pradesh, West Bengal, Bihar, Orissa and Andhra Pradesh have been the biggest beneficiaries of these funds.

Figure 4

Total Grants Under National Child Labour Project, 2007-08 To 2012-13

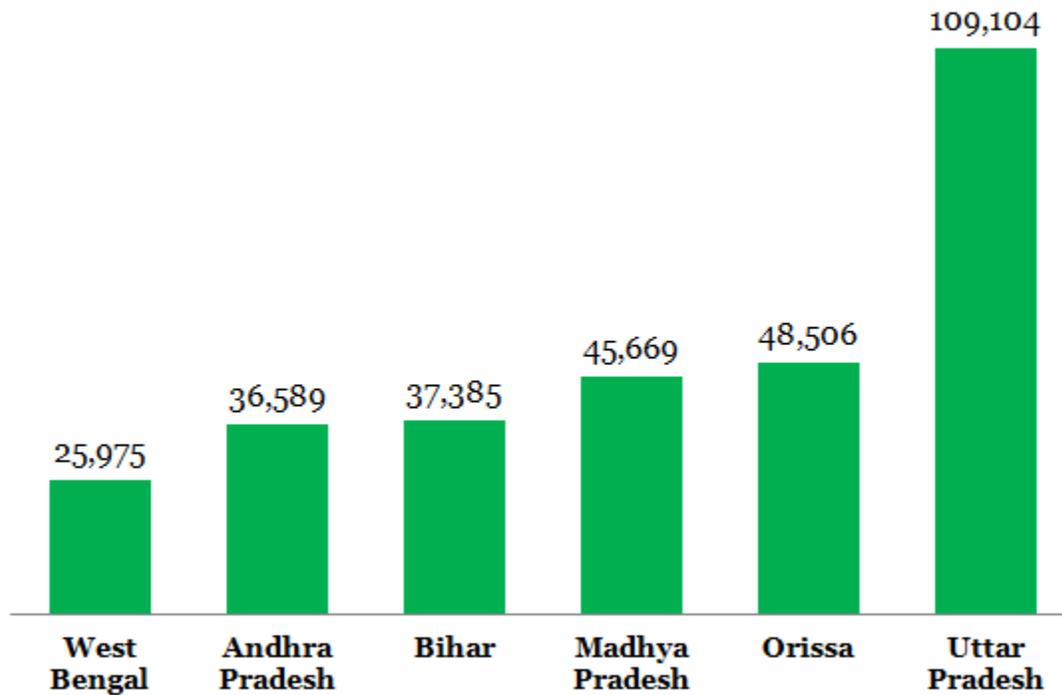


Figures in Rs cr, NOTE: 2012-13 upto Feb, 2013
Source: Lok Sabha

Over 0.4 million children have been mainstreamed under the NCLP scheme since 2009. Of this, the maximum number of children (0.1 million) rehabilitated are from Uttar Pradesh. But the performance of the scheme in West Bengal is not as effective. West Bengal receives almost twice the amount of funds (Rs. 93.7 crore) under the scheme than states like Madhya Pradesh (Rs. 50.4 crore) and Andhra Pradesh (Rs. 55.1 crore). And when we compare the number of children mainstreamed under the scheme, West Bengal has rehabilitated only 25,975 children while Orissa (48,506) has almost twice the numbers and Madhya Pradesh (45,669) and AP (36,589) are doing a better job.

Figure 6

Total Children Rehabilitated Under National Child Labour Project, 2009-10 To 2012-13



NOTE: 2012-13 Up to Dec. 2012
Source: Lok Sabha

Prosecution of Guilty Employers

Punjab had the highest number of inspections (9,936) under the Child Labour (Prohibition & Regulation) Act, 1986 in 2012. It also had the highest number of convictions at 159 followed by U.P with 156 under the Act.

Figure 7

State	No. of Inspection		No. of Prosecution		No of Conviction	
	2011	2012	2011	2012	2011	2012
Punjab	26,386	9,936	1,011	260	478	159
Bihar	11,330	7,197	1,258	716		NA
Karnataka	11,593	7,174	232	101	48	24
Gujarat	18,442	6,863	240	95	41	1
Assam	4,785	5,748	30	112	2	8

Child labour is a deep-rooted problem as it denies the child his/her basic right to education. This, in turn, leads to unskilled adult labour force, which causes early physical decay, economic insecurity, low quality of life and ultimately high poverty.

Child labour is a vicious circle of poverty, unemployment, underemployment and low wages. Over the years, the Government has multiplied its efforts to address the needs and rights of exploited children. The Government grants being released under NCLP have also seen a significant increase, which is translating to a higher number of rehabilitated children joining formal education in most major states. However, the high number of children working (4.9 million) is still worryingly high. Something that should bother not just policy makers but also well-meaning parents everywhere.

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5. London Times (3 October 1878). Bengalee's letter in the Times of 13 September 1878 enjoins Lancashire to recognize its economic interests. The first Factories Act in India passed in 1881 as a result of these pressures: it prohibited employment of children under 7 and limited the work hours of children between 7 and 12 to 9 hours/day.
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