

CHILD LABOUR : A NOTE

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It is too well known to need any recapitulation that despite laws to prevent the employment of children below 15 years, industrialists and construction contractors act with impunity and the authorities have not been able to free bonded child labour. Needless to say, poverty is the root cause since parents find it easy to get them jobs in local factories and work sites. Unscrupulous industrialists exploit their plight. Most owners of unauthorised Industries employ children at a very small monthly salary in utter violation of the factory laws. Is there really any solution for this problem?

GLOBAL SCENARIO

It is on record that at several places, the most inhuman treatment is meted out to children. Children are exported outside the country by unscrupulous and dishonest agents on the promise of getting them lucrative jobs. In some countries, children are dragged in camel races. They are also sexually abused and engaged in brothels to entertain foreigners. According to the UNICEF, an estimated one million children are drawn into sexual exploitation for commercial purposes. The report of the world congress against commercial and sexual exploitations of children, held in Stockholm recently, said that it was difficult to collect data about the trade. The report said that children between 13 and 18 years are involved in this horrible trade. They come from all over the world.

Exploitation of children is not only confined to India but in foreign countries also. They are employed in factories. The problem has emerged from economic recession in the industrialised world. It is alleged that several thousand children are employed in shoe and leather industries, agriculture and other fields in Italy. According to ILO, even young girls have been made to work in

Portugal as domestic servants and in the clothing industry. Figures for the U.K. and U.S.A. too are frustrating. Forty-three per cent of children below 15 work under miserable conditions in Britain while more than 30 per cent are illegally employed. In the US, about 28 per cent of the children work in the most inhuman conditions. The US had introduced a Bill in 1993 entitled "Child Labour Deterrence Act" to check the employment of children in factories.

INDIAN SCENARIO

India has more child labourers (the ILO defines a "child" as aged 15 or below) than any other country in the world, with about 20 million working in hazardous industries and another 15 million in bondage. The latest *Human Development Report* by the UNDP puts the figure of child labour in India anywhere between 14 and 100 million. The wide gap in the figure reflects the difficulty of counting child labour. Actually nobody knows the number of working children in India or all over the world. If the data provided by the Census of 1981 is aggregated to the figures of 1991, it can be presumed that 14, 217, 588 children work on a full-time basis. In 1996, half of the population in India, was below 22 years.

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The Operation Research Group (ORG) estimates it to be nearly 4.4 crores. The "State of the World's Children", a report released by the UNICEF in December 12, 1996, says urgent action is needed to tackle child labour worldwide and calls for an immediate end to the most inhuman forms of child labour such as prostitution and bonded labour. Referring to child labour as "the most pressing moral issue of the last 20th century", the report estimates that at least a quarter of the children in the developing world are working. The report, which marks the 50th anniversary of the UNICEF, also calls for an end to any work that endangers children's physical, mental, spiritual, moral or social development. Besides seeking the elimination of hazardous child labour, it demands free and compulsory education for every child, stringent anti-child labour laws and their vigorous enforcement, registration of all children at birth, data collection and monitoring and codes of conduct for procurement policies. The report also addresses the four persistent myths surrounding child labour: (a) It counters the belief that child labour is found only in the developing world and that it cannot be eliminated until poverty disappears. Child labour, it says, exists primarily because there are people willing to use children for profit, exploit their poverty and defy existing national laws; (b) Another myth is that child labour is prevalent mainly in the export-oriented industry. The report denies this. It says less than 5 per cent of the working children are employed in such industries; (c) The report also denies that sanctions and boycotts are the only means of taking a stand; and (d) It stresses that though sanctions and boycotts have been effective in spreading awareness about child labour in export industries, forcing the government and the industries to take action, a different approach is needed to reach the remaining

95 per cent of the child labourers whose work often goes unseen.

Some glaring facts about child labour in India can be depicted as follows: (i) The number of full-time child workers increased from 13.4 million in 1951 to 14.5 million in 1961, then decreased to 12.7 million in 1991; (ii) Marginal child labour increased from 2.4 million in 1981, the first year that the data became available, to 10.5 million in 1991; (iii) Child labour (full-time and marginal) is increasing in urban areas and decreasing in rural areas, although the total number of child labourers in rural areas is higher than in urban areas; (iv) There is a huge group of children, referred to as "nowhere children", who figure neither in the official labour statistics nor in the education statistics. The ILO estimates that the number of children in the age group of 5-14, who are neither in school nor in the labour force, is 74 million; and (v) The combined total of full-time child workers, marginal child workers and the "nowhere children" amounts to more than 97 million or almost 40 per cent of the population in the 5-14 age group.

CONSTITUTIONAL SAFEGUARDS AND LEGISLATIVE MEASURES

It is the duty of the State to ensure that children should not be abused and that citizens are not forced by economic necessity to take up work not suited to their age and health. The fundamental right secured by this Article will hardly be effective unless there is further legislation by Parliament making it a penal offence to violate the prohibition imposed by the Article.

As per legislative measures, the government passed the Child Labour (Regulation and Prohibition) Act in the year 1986. According to Article 24 of the Constitution, children

below the age of 14 are not to be employed in any factory or mine or engaged in any other hazardous employment. Article 39 (e) directs the State to see that the tender age of children is not abused and that citizens are not compelled by economic circumstances to do work that is unsuited to their age or strength. Further, Article 39 (f) emphasizes the need to see that childhood and youth are protected against exploitation and against moral and material abandonment. Another Directive Principle, Article 45 directs the State to provide free and compulsory education for all children until they complete the age of 14. Article 23 confers a fundamental right against certain form of exploitation. The provisions of the Indian Penal Code (IPC) provide punishment for such exploitations and Article 23 gives sanction for the same.

The Supreme Court order issued on December 10, 1996, states that the persons or organisations who have employed children as labourers have to pay an amount up to Rs. 20,000 as deposits for each child labourer to provide their education and basic necessities in time.

Instead of such legislative measures and Constitutional safeguards, often we see that child labourers are working here and there in almost all areas for very many reasons. The prevalence of child labour is, by and large, a problem of the poor and destitute families. The poverty of the people have compelled them to push their children in the job market. For most of these parents, children are an economic asset and regarded as extra hands because their (child labourers) incomes substantiate their family earnings.

It has been proved that there is a direct and positive correlation between adult unemployment and wages and child labour. This is due to the fact that child workers can be paid less and made to work even in

hazardous situations. This leads to low wages and adult unemployment.

It is quite natural that working in hazardous industries like carpet, matches, brassware, cock, pottery, brick kilns, etc., the children have to suffer from various infectious and contagious diseases like tuberculosis, skin disorders, burn injuries, silicosis, etc. Besides, children who work with dangerous machines and chemicals and furnaces with high temperatures run the risk of getting involved in accidents.

POLICY MYTHS

The myths prevailing in the field of policy measures for child labour in our country need to be exploded. Often poverty has been considered the main cause of child labour. This is only partly true. The important question for child labour is that parents do not know what they should do with their children once they are of eight years or so. The only legitimate place for a child between 6 and 18 years is school. But if this system is not available for any reason, the parents are left with two choices : either they allow the children to loiter around and be nuisance or fend for themselves resulting in child labour.

Often it is suggested that parents should force their children to go to school. But where are the schools? According to official government data, there were 5.51 lakh primary schools in India in 1990. Let us assume that these were sufficient to provide enrolment to all our children of 6 years and above. If India's population had remained stationary at the 1990 level of 83 crores, these 5.51 lakh schools would have been sufficient and there would have been no need for more primary schools. But since the population is increasing at the rate of about 1.9 per cent a year we need to build more schools.

Today the country's population is about 95 cores with birth and death rates of 2.9 and 1 per cent per year, respectively. This implies that while about 95 lakh people die in a year, about 275 lakh children are born during the same period. The difference of 180 lakhs constitutes the additional number. This "additional" number of children in 1990 was about 175 lakhs. So, on an average about 48,000 additional children are getting added per day in our country since 1990. The average number of students in a class in a primary school in India works out to be about 24. So even if we plan for a class with 36 students, we need to construct at least 1330 class rooms per day for the additional 48,000 children accruing every day. Is it feasible?

Again, some unanswered questions raised by several scholars can be put before the policy makers as follows: (a) Can the

employer forcibly take away children from their parents and employ them? Is it not a fact that parents force their children to work and hand over their earnings to them?; (b) Is it not a fact that the employers atleast give something to the children but their own parents give them nothing?; and (c) Is it not hypocritical to suggest that compulsory education will solve the problem in a situation where even rich parents find it difficult to admit their children to schools? Where are schools which will admit these children?

Employing a child as a labourer is surely inhuman and immoral but is there really any solution for this widespread and to a certain extent socially sanctioned evil? Constitutional safeguards and schooling are not the full-proof solutions for this formidable problem.