

A Study of Development in the Condition of Children Who Work In Different Industries in India

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Abstract – Engaging children in any sort of work inhibits affects their fullest growth. Legislative provisions are formulated to prevent the menace of child labor. But the children are the most deprived section of population forced to earn a pittance or to contribute to family work sacrificing personal development. Poverty coupled with rapidly growing population, ignorance and increasing dependency load are behind the grim incidence of children employment in the villages and towns of developing countries.

Though India is signatory of various international Conventions and Agreements, there is growing number of child labour in India. They work under very hazardous conditions. Given the magnitude and complexity of the problem, this article is an attempt to formulate integrated approach and various intervention strategies towards eradication of the problem of child labour.

INTRODUCTION

Child labour is an integral part of labour force, especially in poor countries. These children are the most deprived section of population forced to enter labour market at tender age to earn a pittance or to contribute to family work, sacrificing personal development. Poverty coupled with rapidly growing population, ignorance and increasing dependency load are behind the grim incidence of children employment in the villages and towns of developing countries. The exploitative structure, lopsided development, iniquitous resource ownership with its correlation of large scale unemployment and abject poverty have contributed towards increasing child labour among the countries¹.

Child labour hampers the normal physical, intellectual, emotional and moral development of a child. Children who are in the growing process can permanently distort or disable their bodies when they carry heavy loads or are forced to adopt unnatural positions at work for long hours. Children are more vulnerable because they are less resistant to diseases and suffer more readily from chemical hazards and radiation than adults.

In India, child labour is not a new phenomenon. It has been in existence since time immemorial in one form or the other and has been changing from time to time. With the advent of industrialization and urbanization in the early 19th century, the factory and industry began

taking the place of handicrafts. Agriculture became more mechanized. This gave rise to landless laborers. And consequently, there was an unbroken stream of the rural poor migrating to urban centers in search of livelihood. Factory, on the other hand, required cheap and plentiful labour. Children started being employed both on farms and in factories because they provided a cheap and uncomplaining labour force as against adults who could be more demanding and hence more difficult to handle (Gupta, 1979).

Children are preferred as they are not unionized, can be easily controlled, tortured, and exploited without any fear of backlash. Moreover, children are better suited to jobs like brick making, carpet weaving, and silk spinning etc. Their cheapness and remote possibility of collective bargaining on their part makes them vulnerable and induced producers to employ and exploit the child labour.

The Factories Act, 1948 prohibits the employment of child under 14 years of age in factories (Section- 67). A child who has completed the age of 14 years is not permitted to work in a factory for more than 4 hours in any day (Section- 71(1) (a)). They should not work at night i.e. twelve consecutive hours including the period from 10 P.M. to 6 A.M. (Section- 71(1) (b)). The period of work is to be limited to two shifts which should not overlap and spread over more than five hours (Section- 71(2)). They should not be employed in two separate factories on the same day (Section- 71(4)).

BACKGROUND

Though the use of child labour is prevalent in many industries in India no other industry has received such widespread attention as the carpet industry. The use of child labour in the production of various products in India has been widely reported and documented. The reported large scale violations of child rights have caught the attention of many around the world. Being an export oriented industry the process of production has been subjected to close scrutiny. Throughout the 1990s numerous reports have described large numbers of children working illegally in the various industries of India¹.

Despite variations in the estimates as to the extent of child labour, it is generally agreed that engagement of children in the industry is high. For the last fifteen years there has been a growing concern about this problem within and outside the country. A number of initiatives have been undertaken by the Indian government, NGOs, industries, and International agencies like the ILO, UNICEF, and UNDP to address this problem. Under the Child Labour Act of 1986 (prohibition and regulation) the Indian government has prohibited employment of children in the industry. The act has recognized the industry as a hazardous process for employing children under the age of 14 years. In addition to enacting this law the government of India, following a Supreme Court directive in 1996, launched a special scheme (National Child Labour Project) to wean children away from such hazardous occupations and processes and to rehabilitate them in special schools meant for child labour.

International agencies like the ILO, UNICEF, and UNDP launched special projects to assist the local NGOs in addressing the problem of child labour in producing areas. Extensive media coverage of the use of child labour in the industry. The four social labelling initiatives introduced in the 1990s were a) Rugmark, b) Kaleen c) STEP and d) Care and Fair. An important development which has a bearing on the incidence of child labour in the industries in India is that in recent years there has been an overall decline in the production and exports of products in India.

One of the main areas where the thrust is lacking regarding the elimination of child labour is the industry. This is mainly due to the fact that the nature of the industry perpetuates the invisibility of the workers involved in the industry children work as part of the family. According to a Government report⁵ it is observed that "Children are also noticed working in labeling and packing jobs in factories.

Since 1998, a number of studies have been conducted on the nature and magnitude of child labour, the

working conditions of children, the reasons for large-scale employment of children in this sector and the role of large-scale national and multinational companies (MNCs) contributing to this problem.¹ 'Child bondage continues in Indian cotton supply chain', published in 2007, is the latest report available on the overall situation of child labour in hybrid cottonseed production in different states of India. According to this report, in the 2006-07 cultivation season nearly 416,460 children under the age of 18, the majority of them (54%) younger than 14, were employed in cottonseed farms in the states of Gujarat, Andhra Pradesh, Tamil Nadu and Karnataka. These regions account for nearly 92% of the total production area in the country. Both MNCs and Indian companies subcontract the cultivation of hybrid cottonseeds to farmers, who in turn employ children to work in their fields.

A bonded child is a child working in conditions of servitude to pay off a debt. Although the terms of their bondage vary, all bonded children have three things in common: they are working for nominal wages, in consideration of an advance (loan), and are not free to discontinue their work. The value of the bonded child's services, as reasonably assessed, is not applied toward the debt's liquidation, and the length of the services—how long the child has to work—is not limited or defined.

The child is, in a sense, a commodity, exchanged between his or her parents and the employer. The parents or guardians, who receive the money, are often destitute and have no other way to obtain credit—children most frequently told Human Rights Watch that their parents used the loan to pay for a wedding or funeral, birth or treatment for illness; to pay off another loan; or just to put food on the table.

The employers use the loan to secure indefinitely the cheapest form of labor possible. A weaver with a bonded child assistant explained to Human Rights Watch: "The loan is business security. This way the worker cannot go to another job. The loan is renewed each year and not paid off."

The loan keeps the child from seeking other employment and is enforced with the threat of calling the loan due and, sometimes, with violence. Brijraj N., who is fifteen years old and from a lower caste, said he earns Rs. 400 (U.S.\$8.33) a month in sari weaving. We asked Brijraj N. whether he could change employers and he answered: "I took the money from the employer. The employer will sell the debt to the next person. Even if there wasn't any debt, I still couldn't go. He'll say, 'Why are you going?' and then he'd beat me. That's what he'll do." We interviewed a weaver in Kanchipuram, himself in debt to the loom owner, who worked in the owner's home assisted by a child. He

explained: "Even if there is no yarn, the children have to be here in the loom—they can't go play. My assistant can't go out from the loom. Weavers can't go to another loom, or we will have to pay back the loan." Children's inability to leave is also enforced by the widespread belief, held by parents and government officials, as well as employers, that the loan ought to be repaid.

In many industries, such as the making of beedi cigarettes, the child's labor does not pay off the original loan at all but only serves as interest on the loan and as a surety for its repayment. The original amount must still be paid in full. In contrast, most children bonded in the silk industry reported that their loans were decreased through regular deductions from their salaries. However, the children, typically illiterate, have no way to monitor whether the repayment is being accurately accounted for and are dependent on their employer/creditor to report how much they still owe. "When they write Rs. 5,000 [U.S.\$104] in the books and if we don't know how to read and write, we won't know it," a twenty-year-old weaver who had been bonded since age seven or eight told Human Rights Watch. "If they give us Rs. 100 [U.S.\$2.08] but write down Rs. 200 [\$4.17], how will we know if we don't read and write? They'll do it on purpose so that we'll remain bonded, and if they do it, we'll have to keep on borrowing from them." Salaries, which are minute to begin with, are further reduced for "mistakes" and expenses such as meals or medical care. The rate of pay off is so slow and salaries so small, families are often forced to borrow additional money in order to survive, especially if the work is seasonal. Thus, even where the loan is allegedly structured to be paid off by the child's labor, families usually never escape the debt.

In the Indian silk industry, Human Rights Watch estimates that well over 350,000 children are currently working.³⁶ Almost all who are working for non-family members are bonded. The remainder are working for family members, most of whom are themselves bonded. Thus, even where children are not bonded alone but are working for family members, they are typically still working to pay off a debt, which, as in the example of Rakesh R., above, they may eventually inherit.

THE FACTORS RESPONSIBLE FOR CHILDREN WORKING IN THE INDUSTRIES

Labour intensive : Beedi industry is one of the main unorganized industries where the production process involves less capital, no machinery and is labour intensive, factors which make it highly conducive for involving children in labour intensive process.

Vulnerability of children: Since children are easy to dominate and subjugate, they are preferred, in order to save on wages and avoid the legal measures like leave, wage and other benefits. Ignorance of parents : Illiteracy and ignorance of parents and large size of family are also contributory factors which propel children into beedi work. Parents lack awareness about labour laws, minimum wages, Child Labour Act, 1986 and other social security benefits.

Extraction by Naxals: In addition to the above there have also been reports from various areas in States like Andhra Pradesh, Maharashtra and Chhattisgarh of money being extorted by naxals through tendu leaf collection for party funds .

Incidence of Child Labour In spite of all the development and legislative measures taken to prevent and regulate, the incidence of child labour has been increasing in the country, including in the hazardous occupations. It is difficult to estimate how many children are actually working because many work without pay in assisting their parents or are working for employers that do not report it to the census. Studies indicate that the burden of household duties fall largely upon the female child. There are jobs that may jeopardise a child's psychological and social growth more than physical growth. In rural areas girls are responsible for looking after younger siblings, cooking, cleaning, fetching, and carrying, which releases adults for productive work. Though a domestic job can involve relatively 'light' work.

However, long hours of work, and the physical, psychological and sexual abuse to which the child domestic labourers are exposed make the work hazardous. Studies show that several domestic servants in India on average work for twenty hours a day with small intervals (Nazir Ahmad Shah).

These children are engaged in the unorganized sector where the legislative measures are not implemented. Because of the wide coverage and informal nature of the unorganized sector, monitoring the same becomes an obstacle. Varandani estimated that there were nearly 55 million children in India working as bonded laborers in agriculture, mining, brick-kilns, construction work, fishing activities, carpet weaving, fireworks, matches, glass moulding, bidi-making (cigarettes), gem-cutting and polishing work, electroplating, dyeing, washing and domestic work. About 20 percent of these bonded child labourers were sold to cover some small debts obtained by their parents, usually for some social celebration like a wedding in the family.

There are thousands of children who live and work in the city streets of India. According to a study conducted among the street children in the city of Chennai (Madras), about 90% of them live with their

parents in the streets. The same study also revealed that the largest group of street children in Chennai work as coolies (22%). About 10.4% of them work in hotels (small restaurants and snack bars), 9.6% do rag picking, 8% pull rickshaws, and 7.1% sell flowers. A smaller percentage of children are employed in other areas of work, including prostitution (0.3%). They work for 10-12 hours a day and at the end of the day what they earn is barely enough for their survival. About 32% of them receive less than 100 rupees (about 2.5 U.S. dollars) per month as wages. (Joe Arimpoor, 1992).

METHODOLOGY

This study was mainly based on primary data collected from the field interviews and discussions with carpet weavers, child labourers, contractors, exporters, NGO activists, and government officials. The tools used for primary data collection were semi-structured interviews, focus group discussions, and on-field observations and case studies.

Human Rights Watch conducted research for this report in India in March and April 2002 and subsequently by telephone and electronic mail from New York. During the course of our investigation, we spoke with over 155 people, including fifty-four children, as well as teachers, parents, loom owners, traders, activists, academics, lawyers, and government officials at the district, state, and national levels. The youngest bonded child whom we interviewed was seven years old; however, children reported that they began work as young as age five. Almost all non-Muslim bonded children whom we interviewed belonged to Dalit and low-caste communities. In Karnataka, we interviewed children whom NGOs had withdrawn from work and placed in NGO-run residential schools, although many had been working until a few days or weeks before the date we interviewed them. We spoke with most children outside their workplaces. The names of all children have been changed to protect their privacy and preclude potential employer retaliation. In addition, some government officials and human rights activists requested anonymity, highlighting the sensitive nature of child bondage.

In order to determine which workers were children, researchers somewhat followed the method of observation adopted by ILO- CORT study in 1998. The field investigators were trained to distinguish the children from adults through observation. Field investigators were asked to record their observations into three categories- 1) definitely children, 2) definitely adults and 3) probably children. The category of 'probably children' was used when an investigator could not decide whether a worker was a child or not.

While estimating total number of child labourers it was decided to treat 50% of numbers in the 'probably children' labour category as child labourers.

CONCLUSION

Unless there are socially conscious policies in the country, the policies won't make that much of a difference. It is still true that things are not very good for children. Child rights need to be actively respected rather than simply acknowledged, and we must admit that more than the passage of laws and publicizing the same to stimulate the kind of debate in such a way that leads to attitudinal change.

The problem of child labour can be best addressed by adopting various strategies ranging from enrollment and retaining children in the school, income generation avenues for adults, poverty eradication programmes simultaneously. Awareness generation in the society towards universalization of primary education. The need of the hour is that the Government should ensure all measures and an enabling environment for survival, growth, development and protection of all children, so that each child can realize his or her inherent potential and grow up to be a healthy and productive citizen. This calls for collective commitment and action by all sectors and levels of governments and partnership with families, communities, voluntary sector, civil society and children themselves.

The recent trends in employment of child labour in Indian industries indicate that despite an increase in the production area, the overall number of children employed in this sector is declining. As a result of the efforts of local and international NGOs, the government, media and social investors, awareness has been created. Interventions by various agencies, including the government (particularly the National Commission for Protection of Child Rights), NGOs like MV Foundation, the seed industry and international organizations like ILO, UNICEF and UNDP have had a positive impact and helped to reduce child labour in the industry.

The methodology adopted by the present study is somewhat similar to that of the study conducted by the ILO-CORT in 1993. The ILO-CORT study reflects the situation of child labour in the industry in the early 1990s. A comparison of workforce composition and magnitude of child labour between these two studies indicates that since the early 1990s, there has been a decline in the incidence of child labour in the industry.

The ILO-CORT study estimates that the proportion of child labour to the total workforce is 22% and the present study estimates it as 7.13%. The proportion of hired labour among child laborers has also declined during this period. The ILO-CORT study estimated the

proportion of hired labour as 68% while the present study estimates it as 42%.

There are multiple reasons for the decline in child labour. The cumulative impact of various positive interventions by the government, NGOs, International agencies, Social labelling initiatives and the industry have all contributed to the reduction of child labour in this industry. In addition to these positive interventions, the recent developments in the industry which have led to decline in the overall production and exports of products have also contributed to the drop in figures.

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