

Child labour in India

by Werner Scholten, 6.8.2005, IH Workshop for participants group tour 06

India is a wonderful country. However, India does not only have nice faces, but in spite of all progress very ugly ones, too. One of these is the shocking degree of work done by children. This is the topic I would like to speak about today.

What do we mean by child labour?

The International Labour Organization (ILO) describes child labour in a very illustrative way in their World Labour Report 1992:

"Work done by children robbing them of their childhood and dignity, denying them access to education and the acquisition of professional skills and taking place under conditions which are damaging to their health and development."

In concrete terms this means:

- We are talking about children until 14 years of age. Often they already start to work with six or seven years.

The work may be characterized by:

- long working hours sometimes up to 12 to 16 hours without sufficient breaks
- physically or psychologically hazardous working conditions in quarries, for production/in factories or on the street
- very low payment and no social security in case of illness or accidents
- insufficient or missing access to schools or missing opportunities to visit one
- ill-treatment by the employer through malnutrition, punishment, intimidation or sexual abuse
- forms of bonded labour: The child will be given to a moneylender as a pawn in order to receive a credit. With his or her work he or she is supposed to pay off the debt. However, the wage will be insufficient to cover the interest, so that the child will in fact remain in bonded labour forever.

This definition obviously does not include all kinds of work done by children, but only those characterized by exploitation, health hazards and conditions restraining the development of the child.

How many child labourers does India have?

In the year 2000 the national census of the Indian government counted 8.4 million child labourers. The Ministry of Labour speaks about 17 million, which would be twice as much. The United Nations (UN) assume that there are even 100 million child labourers.

According to the statistical data of the National Sample Survey Organization (NSSO), which delivers detailed reports every five years since 1972, the number is at 84 million. Another estimate is based on the number of children of school age not attending any school. It assumes that these children work and therefore counts 62 million child labourers.

How can we explain these differences?

The official statistics exclude huge numbers of children (about 75 million), especially

- those who work on the farm of their parents or in agriculture in general
- those who are employed in the informal sector which means small enterprises, in family run enterprises or at home
- girls who work in the so called domestic service as maids

However, these children HAVE to be included as this sector represents the most problematic and core area of child labour. It is my impression that the current situation is better portrayed by the statistical reports of the NSSO which means that more than 80 million child labourers are employed throughout India.

Where do we find child labour?

Most child labourers are to be found in **agriculture** about 85 %.

Most of them are children who work on the farm of their parents. They take care of the cattle, collect wood, carry water, cook in the household, clean, or guard their sisters and brothers. Some of them go to a governmental or a non-formal school. Roundabout half of all rural child labourers belong to this category.

Another large group (about 40%) is formed by those child labourers who are employed as daily wage labourers on medium size farms or by wealthy landowners. They are exploited on a high level, have to work for very long hours, do not possess any social security, only receive minimal wages and do not get any school education. Within this group you still find extreme forms of exploitation like bonded labour. (1992 ILO estimated the number of bonded labour

children in India to be 1 million, Human Rights Watch carefully speaks of at least 15 million.)

In the large industrial enterprises or in mines child labour is a rare case. The reason is that the demand for unskilled labour is comparably low due to the complexity of **production** processes and the higher use of machines. Moreover, official inspections and the influence of unions restrict the employment of children. The situation is quite different in small enterprises and family run businesses producing at home. It is known that children are employed in the production of carpets, matches, bidis, glass products, metal ware, fireworks and textiles. Many children also work in brick kilns, quarries and on production sites.

*Why do we have such a high level of child labourers in these types of businesses today? Let's look at an example of the **Indian textile industry**, the most important employer.*

Tiruppur in Tamil Nadu is one centre of the textile industry. In India it is also called "T-Shirt-City". According to official data 10.600 children work here. However, an investigation conducted by the NGO Centre for Social Education and Development puts the number at 50.000. About 41% of the total workforce consists of children.

For many years it has been possible to observe a decreasing number of employees in the big textile companies. The most important cause for this are the high numbers of rules, regulations and conventions the firms have been forced to comply with complicating above all the conversion to new workflows and technologies. This lack of flexibility has led to a huge increase in production costs making it impossible to compete as markets are opened and the Indian economy is getting liberalized. These Indian textile factories originally had integrated workflows including every step from spinning to the final product. In order to reduce production costs they have started to outsource more and more steps towards the informal sector in the 1980s. Finally, only the spinning was still done in the firm itself due to technological reasons. The informal sector with its small enterprises and home working places is able to perform each step of the workflow much cheaper as minimum wages, social security regulations and labour security laws are not valid or are just not obeyed to. These small enterprises are usually unregistered, are not monitored or controlled and pay no taxes. Furthermore, they have the opportunity to use women and children as a cheap workforce forming an inexhaustible labour reservoir due to the constant migration from rural areas into the cities. They work for 12-16 hours a day, six days a week. If there are many orders by customers additional nightshifts take place without any compensation. Payment is usually given per piece, e.g. for the sewing of 1.000 labels. The decreased production costs lead to advantages on the market, the export could be increased massively. Countless new small enterprises were founded.

The specific aspect of this development was the formation of a huge network carrying out a very fragmented production process. Each enterprise, often being identical with the living room or the workshop of one family, carries out just one step of the workflow e.g. knitting, bleaching, dyeing, cutting to size, sewing, attaching labels, wrapping etc. Through this limitation each worker needs only very little training in order to gain the necessary skill. This promotes the use of children between 5 and 14 years of age.

The control of this network of thousands of small enterprises and home working places lies in the hands of so-called middlemen, agents or contractors. They set the price for each piece, deliver and pick up materials and semi-finished goods, decide about patterns and designs and finally hand over the wrapped goods to the textiles company for export or selling within India.

The average income of the children in the textiles industry of Tiruppur lies between 15 and 30 Rs/day, about 35 to 70 Eurocents. That is about half as much as adults get for the same work. However, this wage is so attractive that thousands of children are brought in buses to Tiruppur each day from the surrounding villages.

Many sectors of the Indian economy use this model of an extremely flexible network with a division of labour and minimal regulation by the state. This is a key factor for the fast growth of the Indian economy. On the one hand it provides many unskilled and semi-skilled people with a chance to secure their survival, on the other hand social and humanitarian requirements are pushed aside including the renunciation of child labour.

Next to the agricultural and the productive sector the **services sector** employs numerous children. They work as shoe cleaners, messenger boys, in tea shops and guesthouses, small repair workshops, as ragpickers or recyclers, sell cigarettes, newspapers and flowers or carry goods. Most of these children work in the informal sector that means unprotected by the Minimum Wages Act or by other laws dealing with security at the workplace, social security and health provisions.

If we speak about services in a broader sense, one can also include those children earning their daily bread by begging or prostitution. Though not much is known about their numbers, there must be a lot of them. Delhi and Mumbai alone each have about 100.000 children as so-called street workers.

A dark chapter are the child domestic workers, the household maids who are mainly girls. Their number is unknown as the government does not count them. They are not regarded as "labourers" but as "helpers". According to the UN 20 per cent of all children under 14 working outside their own family are domestic workers. Terre des Hommes believes domestic service to be the sector with highest number of child labourers. So we have to assume that millions of children are employed like this.

Local research shows that their working conditions are usually among the worst to be known. Very poor families bring their children into foreign houses by at the age of 9 to 12 where they are supposed to do household work. Their working hours are from 6 a.m. to 8 p.m., the payment is low and under the level set by the Minimum Wages Act. About a quarter of these children are given as a pawn or deposit in order to receive a credit. They are under total control of the head of the household, are usually not allowed to leave the house or go to school. As 70 per cent come from scheduled caste families they are often isolated and victim to discrimination within the higher caste families. Their health status is in most cases bad as the owner saves on their nutrition and does not allow breaks. The exploitation of these children happens behind closed doors. The administrative bodies do not care, because domestic service is - according to their opinion - a private sphere.

Which damage does child labour do?

Asking for the damaging effects of child labour one has to recognize at first that we are talking about very young persons in a phase of intensive physical and psychological development. A lot of them have to work many hours per day without being granted sufficient breaks to recover. Many are exposed to health hazards e.g. through the handling of chemicals and colours, grinding processes or the casting of metal. Often the rooms are badly illuminated and in spite of the enormous amounts of dust created neither fresh air nor ventilation is provided. Those children working in quarries, on construction sites or as carriers of goods are subject to overburdening. In many cases neither toilets nor washing facilities exist. Nutrition is often insufficient.

Due to this environment and these working conditions the children suffer to a high degree from respiratory diseases, bronchitis, tuberculosis and asthma. They have eye and skin diseases, infections, postural deformities and show reduced growth. As a consequence they often enter weakened into adult age.

Daily production targets, efficiency control, monotone working processes and punishments in combination with the physical burden also lead to stress symptoms and psychological disorder.

Next to the individual physical and psychological damage the children do not enjoy any school education thereby lacking the basic prerequisite to improve their economic and social situation as adults. Consequently huge parts of the population will have to live in poverty in the future, too. Since we talk about 60 to 100 million children depending on the source of information this is not only a personal drama for the directly affected people, but also a enormous handicap for the further development of the whole Indian economy.

Which are the causes of child labour?

Poverty of the parents is said to be the most important cause for child labour in India. A study shows that 50 to 60 per cent of all child labourers come from families whose income is below the international poverty line of 1\$ per day (World Bank 1999/2000: 34,7 per cent of all Indian households). Studies carried out in the glass making industry for example prove the strong correlation between the level of income of the parents and the extent of child labour. The lower the income of the parents, the more are children sent to work in order to supplement the parents' income. As research within specific sectors shows children are responsible for one fourth to one third of the household's income. Families below the poverty line are often utterly dependent on this contribution in order to survive.

However, it is not enough to restrict the explanation on the poverty of the parents as the main reason. We have to ask what brought parents in a situation forcing them to send their children to work?

One important cause is the extremely **uneven distribution of land**. In 1992 almost three quarters of all peasant families had less than 2.5 ha of land. As they cannot live from that they have to find an additional income as farm workers or in other occupations. But as farm worker one only gets a job at roughly 100 days a year. Droughts, floods, diseases, accidents and the pressure of competition from bigger agricultural companies often lead to loss of income and eventually to the loss of land. Rural craftsmen often cannot compete any longer with industrially manufactured products. A consequence is emigration into the cities on a massive scale. The migrants peasants, farm workers, craftsmen form by far the biggest group of unskilled workers in the informal sector of the economy. They are prepared and willing to work for any price and under the most difficult conditions. However, as these incomes are not high enough to survive, women and children are often forced to work as well.

Another cause often mentioned are the **deficiencies of public schools**. The fifth All-India-Education-Survey (1995) criticized the condition of school buildings, the lack of rooms, the missing of a blackboard (50%), drinking water and toilettes (16%) as well as language problems and discrimination of castes. Often there are not enough teachers, so that one class has 50 students or more. The survey also complains that not all areas, especially rural ones, are provided with sufficient Primary Schools.

Many parents do not see the purpose of the lessons offered to their children in respect to local demands and expectations. Parents thinking in traditional ways and not having enjoyed a school education themselves believe their children to be better prepared for life if they for example learn how to knit a carpet instead of going through a formal education of eight years. Consequently they prefer practical ways of education which teach the children occupational and expert knowledge within the working sphere. Furthermore, many parents have to struggle to pay for the costs caused by the school as working materials and bus rides. A lot of them therefore decide to send their children to work instead of school.

The unsatisfactory state of many primary schools reflects the structural changes within the public expenditure of the Indian government. From 1992 to 1997 the relative expenditure for education fell by 20% to only 3.2 per cent of the GDP. The planned level was 6%. The number of primary school teachers per 1.000 students fell from 1981 to 1996 from 26 to 21, which is more than 19%. In 2000 about 30% of all children at the age of 6 to 14 years did not go to school, that is about 70 to 80 million. Some NGOs accuse the government of not having an interest in the basic education of big parts of the population and of irresponsibly neglecting the provision of this fundamental right. Speaking out in such a way they indirectly declare the government to be at least partly responsible for the extent of child labour due to their passiveness in the field of primary school education.

Finally the after-effects of the **caste structure of Indian society** are often cited as a major cause of child labour. Most child labourers come from scheduled castes, scheduled tribes and Muslim families. Analysis of the National Sample Survey covering the first half of the 1990s shows that the share of children from S.C. and S.T. families was at 27.5 per cent of all Indian children. Their share of child labourers, however, was at 38.5% thereby being 40% higher. In the case of S.T. families even 100% higher.

One may argue that this is due to the widespread poverty among these parts of the population which we have already mentioned. However, apart from this economical reason there are patterns of behaviour and thinking, social norms, traditions and attitudes which have their origin in the Indian caste system and eventually lead to a social discrimination and marginalization of these groups and their children. In spite of far reaching regulations of the Indian constitution (Art. 45, 39, 24) and rulings of the Supreme Court of India as well as the ratification of the UN-Convention on the Rights of the Child prohibiting any child labour, (India and its officials) lack the will to enforce them according to the verdict of many observers.

Swamy Agnivesh, a well-known Indian social reformer who was extremely active in the fight against bonded labour, child labour and oppression of women as Minister of Education in the state of Haryana, explains it like this: "The ruling elite coming from so-called higher castes and social classes does not feel the same way for these children then they do for their own. Somehow there predominates a feeling in the psyche of this ruling elite that the children of the so-called lower castes and untouchables, Muslims etc are in a way dispensable. Consequently, in their eyes the misery of these children does not constitute a compelling obligation for the government to act. As the caste system has also influenced Muslims and Christians this dominant basic attitude prevails and has led to an indifference towards the necessity to provide all these children with a full-time and qualified education."

UNICEF, too, conceives the rigidity of the caste system to be a significant cause of child labour in India writing in its report "The state of the world's children": "In India, the view has been that some people are born to rule and to work with their minds while others, the vast majority, are born to work with their bodies."

This basic attitude leads to delays in the development of the governmental school system, obstruction in the enforcement of existing child protection legislation and to occupational discrimination and through all that eventually to a toleration of child labour. On the side of the parents it further promotes the decision to send their children to work and leave them in their prescribed occupational ways of their caste and social class.

In summary the main causes for child labour in India are:

- the poverty of the families
- the deficiencies of the governmental school system
- social norms and attitudes having their origin in the caste structure.

What has been done against child labour?

1. The Constitution, legislation and international conventions

There are several laws which have been passed to combat child labour. Only the most important ones shall be mentioned here:

Already the **Indian Constitution of 1950** provides of a far reaching protection of children.

Art. 24 prohibits the employment of children under 14 in a factory, mine or for hazardous work.

Art. 39 states that children shall be protected from exploitation (bonded labour) and neglect.

Art. 45 contains the general obligation to go to school until 14 years of age.

The **Child Labour (Prohibition & Regulation) Act from 1986** prohibits the work of children under 14 years for several sectors and employments which can be termed hazardous as the production of fire works or bidis. Moreover, the law regulates the conditions under which children shall work in permitted employments. For example, it fixes a break of one hour after three hours of work and prohibits working at night and hours of overtime. It also fixes penalties for employees in case of violation of this law.

India has also signed a number of international conventions concerning the protection of children.

The **convention of the International Labour Organisation (ILO) no.138** from 1973 sets a minimum age for child

labourers so that children can follow their obligation to go to school.

The **ILO-convention no.182 from 1989** contains regulations for the protection of children and demands the immediate abolition of bonded and forced labour for children. Work representing a health, security or moral hazard for the children, shall not be permitted. Above all night shifts, longer working hours are not allowed to happen. The convention also prohibits the use of children for drug trafficking, prostitution and as soldiers. **ILO-convention no. 182 has not yet been ratified by India!**

Finally, there is the **UN-Convention on the Rights of the Child from 1989 (ratified by India in 1992)** which regulates the minimum age for any kind of work, the working hours and conditions and contains clauses protecting the physical, psychological, moral and social development of children. It also guarantees the right for education.

Since the 1930s India has passed nine laws concerning child labour and ratified six ILO-conventions. However, in agriculture, private households and the whole informal production and service sector child labour is still not excluded by law and more or less unregulated.

It has also to be critically remarked that terms used by this legislation such as "hazardous labour", "plant" or "enterprise", "age of children" can be interpreted in various ways.

Within five years after the Child Labour Act has passed in 1986 there were only 3.488 charges of which 40% ended with a conviction. However, none of the accused received a sentence of minimum three months as the act prescribes.

There is also a lack of control in respect to the keeping of the protective laws as the inspectors are overburdened. There are also reports about corruption within the administration and non-permitted collaboration of parents and contractors in order to circumvent the prohibition of child labour.

2. Programmes and projects

The Indian government strove to implement the demands of the Child Labour Act through the **National Policy on Child Labour decided upon in 1987**. To do so a series of **National Child Labour Projects (NCLP)** were started. Its objective was to pull children out of labour and to educate them. The projected means were to be:

- special schools for a non-formal education
- vocational and occupational training/education
- promotion of awareness
- employment and income generating programmes for the parents

These projects were mainly implemented in the states where the extent of child labour was especially large such as Andhra Pradesh, Madhya Pradesh, Uttar Pradesh, Orissa, Maharashtra, Rajasthan and Tamil Nadu. The projects were mostly realized by NGOs.

In the following years the national and international pressure on the Indian government to eradicate child labour increased in such a way that Prime Minister Rao felt prompted to announce a huge programme for the elimination of child labour. Its target was to get 2 million children out of extremely hazardous occupations within five years and to rehabilitate them. For this 1.800 special schools were supposed to be founded in 530 districts.

In 1996 independent institutes examined the success of the projects. Next to positive results considerable weaknesses were detected:

- Children kept on working next to school. Accordingly their school results were unsatisfactory.
 - Often no further vocational education was offered after school.
 - The quality of teaching was insufficient in rural areas.
 - The state of awareness about child labour and the importance of school education was insufficient.

In this situation the **Supreme Court of India** picked up the topic of child labour and issued a demand to the Indian government based on the existing legislation

- to eliminate child labour in hazardous occupations and to rehabilitate the children
- to regulate and improve the working conditions of children, especially to keep the working time of six hours per day and to guarantee a school visit of at least two hours per day

This led to the passing of an **Action Plan** by a conference of the Ministers of Labour of all Indian states aiming at the fulfillment of the demands made by the Supreme Court. Until the end of 2000 100 projects were accepted all the same. Currently there are 150 projects which are supposed to cover 250 districts within the framework of the 5-year-plan until 2007.

Let's have a look on international projects about fighting child labour in India.

In **1991 ILO** started the **International Program on the Elimination of Child Labour (IPEC)**. One year later India was the first country to join. The long term goal of IPEC is the elimination of child labour. For a transition period

regulation and more humane conditions are the objectives. On the whole 100.000 children shall be rescued from hazardous occupations.

The reinforced cooperation of the US and the Indian government in 2003 included the inauguration of the **INDUS Project**. Within a period of three years 80.000 children shall either be prevented to take up or be rescued from work in sectors such as brick kilns, bidi making or match production and shall be rehabilitated by visiting governmental schools as well as vocational training. Parallel to that 10.000 parents shall be helped to find employment and improve their skills. Like that children shall be prevented to start working out of financial reasons. The project shall be conducted within a framework of cooperation including the official administration, employees, unions, NGOs and parents.

Reviewing the legislation, programs and projects in India on the fight against child labour it strikes that until the end of the 1990s it was proceeded from the assumption that child labour was after all unavoidable. Consequently the emphasis lay on the elimination of the worst forms on the one hand and the regulation of the eventually tolerated child labour on the other. A majority of NGOs also followed this basic pattern primarily trying to improve the conditions of child labourers.

Meanwhile a number of NGOs and international organizations like ILO and UNICEF have changed their attitudes towards child labour. More and more it is regarded as intolerable. Today its total elimination is the prevailing goal. The right of every child of primary education through the state and its duty to provide it are underlined. As an example the **NGO MV Foundation in Andhra Pradesh** can be named pushing with other like-minded organizations for the extension of public schools and school education for all children. Then the problem of child labour would be solved (compare Kerala or Sri Lanka).

A **UN position paper on the fight against child labour in India** sums up this idea:

- Education, above all primary education, is the decisive means for the prevention and elimination of child labour. For this to happen the educational infrastructure (teachers, buildings, rooms, furniture and materials) have to be developed and good quality, easy access and relevant education have to be provided.
- Non-formal schools can help to mainstream child labourers into the formal education system.
- The awareness of parents on the value and significance of education has to be raised, the vocational skills of parents shall be improved.
- Awareness and sensitivity in communities and institutions and of government representatives on the nature and the extent of child labour as well as knowledge of protective legislation have to be generated.
- Administrative bodies have to be trained for the enforcement of existing laws.
- Health prevention, nutrition improvement, income and employment promotion and better credit opportunities

As we have seen the ILO project INDUS picks up this strategy and aims at its realization in close cooperation with Indian partners. It is meant as a pilot project to be followed in all districts in a later stage.

Social labels and social clauses

NGOS in western industrial countries have realized that pressure can be exerted on Indian exporters via the public opinion and by raising awareness at the consumer level in order to stop the use of children in the production of goods made for export. Following this idea the social label "Rugmark" was created in cooperation with Indian carpet exporters. It assures that the carpet was made without child labour. The final price includes a contribution of two or three per cent through which rehabilitation measures for former child labourers, ergonomic improvements of work places and monitoring of factories are financed.

Critics of this practice argue that

- pressure can only be exerted via Indian exporters delivering into western countries
- the importers of carpets increasingly buy their goods on the markets in India thereby bypassing the export firms. In these cases it is not possible to find out whether child labourers produced the carpet.
- carpets often are knitted and woven at home working places which are difficult to control and are spread out in regions which are sometimes hard to access
- in the light of about 200.000 production units inspections and monitoring are defective.

NGOs have realized the limited effect of inspections and try to protect children from being drawn into the carpet production through social mobilization on a local level, that means via the inclusion of parents, teachers and administrative bodies into the controls.

Experts confirm that child labour has decreased within the carpet industry. Meanwhile there are a number of similar labels such as rugmark (carpets), TransFair (tea, coffee, cocoa, orange juice, bananas etc.), GEPA (various fair traded food items and handicrafts), FLP (flowers).

A number of big companies such as C&A, Adidas, Deichmann, Procter & Gamble have included codes of conduct into the contracts with their suppliers trying to exclude child labour from the manufacturing of their products. All together there said to be 200 firms following this practice. **On the local level the city of Munich assumed the status of a role model. Based on ILO convention 182 of which has been ratified by Germany in 2003 it will only purchase goods for communal facilities, schools and administrative bodies from suppliers who can declare in a binding manner that their products have not been made by the use of exploitative child labour or stem from manufacturers having started programs for the fading out of child labour.** (social labels like TransFair or voluntary

commitment). Meanwhile many cities have followed this example, **Herrsching (!)**, Frankfurt/Main, Bonn, Mainz and Bayreuth among others.

On an international level western countries press for the inclusion of social clauses into commercial treaties in order to reduce child labour in developing countries and to improve working conditions. This intention is resolutely rejected by developing countries, above all by India. They regard these codes as a danger for their export opportunities and fear protectionist intentions. According to their view the fight against child labour should be led in the framework of ILO conventions and through their implementation into national legislation.

Though generally being welcomed these activities of the western world, however, only have a very limited influence on child labour in India. They only have an impact on those Indian goods made for the export to western countries. The majority of child labour to be found in agriculture, in the informal sector and in the so-called "domestic service" is hardly or not at all affected.

In summary, the most important starting points for the elimination of child labour in India are

- the fight against poverty
- securing a general basic education through the state for all children and
- social and political mobilization of the disadvantaged parts of the population

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Timm Christmann, 28, is currently volunteering for Indienhilfe in several of the projects of the partner organizations focusing its activities on the "Network against child labour in hazardous jobs". One objective of his six months long stay in India is to set up a workshop on child rights and child labour for the network partners. Through his studies, which he completed in 2005 with a Master in Historical Sciences at Hamburg University and included a year at London University College, he did several internships and freelance work in journalism. Twice in 2004 and in 2005 he worked for the Green Group in the European Parliament in Brussels.