

Development and the Concerns of the Working Children: Challenges and Opportunities

Barsa Priyadarsinee Sahoo

PhD Research Scholar, Centre for the Study of Social Systems, School of Social Sciences, Jawaharlal Nehru University, New Delhi, India.
Email - barsa2011jnu@gmail.com

Abstract: *The present paper looks at the plight of the working children in the discourse of the developmental policies undertaken by the Government of India since independence. It also analyses the causes of growing unequal opportunities and the challenges faced by these children. By revisiting the developmental policies, the paper has argued that the primary focus of the government has been limited to the advancement of technology and the growth of Gross National Product (GNP) rather on the development of the marginalised groups. Moreover, as far as the working children are concerned, not a single legislation has been formulated which pledge for the total ban on child labour.*

Keywords: *Development, Labour, Working Children, Policies.*

1. INTRODUCTION:

During the last seventy years, the development discourse has taken many forms, and the public perception of development has also been changed. The shift of the focus on the failures of the development instead of on the success has provided insights to look into the difficulty of those sections of the society that emerge as an unexpected “side-effect” of development¹. Those sections are perceived by exploitation, exclusion, marginalisation without having any social security. These people suffer in the name of development sometimes displaced from their homelands, lose their traditional occupations, way of life and ceased into a mere social category used as a device for vote bank politics. Women, children and the lower sections (Scheduled Caste and Scheduled Tribe) of the society constitute this social category who always suffers at the cost of development of the other sections of society. The marginalisation and exclusion of these sections are nothing but the by-product of the very process of development. Among other marginalised groups, the worst sufferers are the millions of children who work in the factories, fields, *dhabas* or work as construction workers and so on. Let alone in terms of educational opportunities, these children are not even able to fulfil the basic needs of their life. They are not only deprived of living and enjoying a healthy childhood, but there is also the violation of their fundamental and human rights. Deprivation of these children not only endangers their healthy development but also jeopardise the development of the nation. Sadly, the discussion on the marginalised groups in India primarily emphasizes on the troubles and the tribulations of the other excluded groups such as women, Scheduled Castes and Scheduled Tribes and ignores the conditions of these children. Hence, the present paper aims to look at the plight of these working children in the discourse of the development policies undertaken by the government of India since Independence. It also analyses the causes of growing unequal opportunities and the challenges faced by these children.

2. WORKING CHILDREN: THE PROBLEM AND CHALLENGES FACED:

The problem of working children though is universal, but not a new one as its prevalence has more or less been a common practice during all periods of time. However, the declaration of 1979 as the International year of the child by the United Nations exposed the magnitude of the problem in its varied dimensions². Since then, there has been an increasing emphasis regarding the needs and rights of these children. International Labour Organisation (ILO), one of the leading organisation working for the eradication of this harsh reality defines child worker as “works that deprive children of their childhood, their potential and dignity, and that is harmful to their physical and mental development”³. It also includes those works that interfere with the education of the child, separates them from their families and forces them to work in hazardous health conditions. Hence, working of the children in factories or *dhabas* or any industrial establishment endangers the childhood which is regarded as the best episode in one’s life that does not come with any responsibility, burden or tension. Unfortunately, these little workers are not lucky enough to get the love and care one needs in this period as some of them are succumbing to the curses of poverty, illiteracy, negligence and most importantly they are forced to work in hazardous places leaving all their enjoyment behind. Deprived enough in all tracts of the life, they are though not interested somehow habituated to lead their life as such.

Thus, the most disadvantaged section of the society is the millions of working children. Instead of enjoying their childhood, these little hands are engaged in work, which puts their childhood at risk. Instead of holding pens in their

tiny hands, they have to wash dishes, and in place of wearing school uniform, they have to wear shabby clothes. For this reason, they have been regarded as the children without a childhood⁴.

As per the International Labour Organisation, 168 million children are working worldwide, which is almost 11 percent of the child population as a whole. Though Sub-Saharan Africa continues to be the region with the highest incidence of child labour, the largest absolute numbers of child labourers are found in Asia and the Pacific region⁵. It has estimated that almost 77.7 million child labourers in the 5-17 years age group are from Asia and Pacific and 59.9 million are from Sub-Saharan Africa. Unhappily, India has the distinction of having the largest number of child labourers in the world⁶. The census of India also shows that there was an increase in the number of child labourers from 11.28 million in 1991 to 12.66 million in 2001 excluding the out of reach children⁷. This increase of over one million working children from 1991 to 2001 denotes that the problem of child labour is escalating. Though the 2011 census shows a decline in the percentage of working children from 5 percent to 3.9 percent in India, but the figures are still high in Andhra Pradesh (4.34%), Chhattisgarh (4.56%), Jammu & Kashmir (4.6%), Madhya Pradesh (4.16%), Rajasthan (5.16%), Meghalaya (5.76%), Sikkim and Uttar Pradesh (4.27%) in comparison to the national figure⁸. These figures show the intensity of the problem of working children and also puts a question mark on the role of the government played for the removal of this social evil. However, before analysing the governmental plans and policies the question that struck to our mind is- has it always been a major issue?

The answer is complicated as children from Ancient times have always been working with their parents, together in the farms and helping them in the household activities. The employment of children for wages was also rare⁹. Though there were some incidences of the practice of child slavery in ancient India, child labour as a social evil emerged during the Industrial Revolution. The introduction of the mechanised, large-scale production along with the destruction of the family-based economy made the living condition of the people miserable which forced the family to send their children to work¹⁰. Hence, the exploitation of these little workers started in the factories, industries, plantations, but the condition was worse in the mines and mills. The children had to walk through the narrow pathways to clean the ventilation ports in mines that were dangerous as well as unhealthy. Some trade unions started raising their voice against this heinous exploitation during the late forties of the twentieth century, which led to the enactment of laws like the Factories Act, the Mines Act, the Employment of Children Act and so on. However, that did not change the situation much¹¹.

With the Independence of the country, though the laws regarding the employment of children become somewhat stricter, its limitation to the formal sectors gave employers the opportunity to hire children in the informal sectors. Again, the introduction of the new economic policy in 1991 transformed the Indian economy, which made the situation even worse. The liberalisation package lowered the import duties for the foreign investors and also the privatisation of the previously state-run industries increased the competition. Survival in the market and hunger for profit created the demand for cheap labour and children became the worst victim of that.

Again Globalization which is considered as a process that increases the standard of living provides greater access to foreign culture and helps in strengthening the economy of the developing countries has created further challenges for the working children. Several studies indicate that globalisation; instead of reducing the incidence of child labour has a contrary effect of increasing their numbers, particularly in export-oriented industries¹². With the development of global capitalism, the relationship between the production and consumption of goods has significantly transformed. Increasing competition in exports leads to the demand for cheap labour, which to a large extent met by using child labour.

Klein mentioned in her book "on the outskirts of Manila, for instance, I met a seventeen years old girl, who assembles CD-ROM drives for IBM. I told her I was impressed that someone so young could do such high-tech work. 'We make computers', she told me, but we do not know how to operate computers (The engagement of children in the production of various materials at EPZs is related to Marx's idea of alienation from means of production. Though children are working hard in these industries, still they have never used the products, and the profit goes to the owner. As the girl says in the above example that they make computers, but they do not know how to operate it.)¹³. Therefore, child labourers are mostly used in the production of the export items such as carpets, garments, rattan furniture, sports products and precious stones, which employ children in countries like India, Bangladesh, Pakistan, Thailand, Philippines and Indonesia¹⁴. Then, along with economic liberalisation and globalisation came the structural adjustment programme, which raised the living cost in both rural as well as urban areas. Unemployment among adults remained high, and in the informal sectors, the condition of poor children was even worse; the rate of child labour and child trafficking also started increasing¹⁵. Again, the satisfaction of all of us who want cheaper consumer products, regardless of exploitation involved in their production is one of the leading causes of increasing child labour.

Thus, the problems of the working children though started during industrialisation but became intense with the globalisation, liberalisation and privatisation. The problems of these children remained un-discussed till the United

Nation declares 1979 as the year of the child¹⁶. Since then, various international organisations, as well as national plans of action, have been taken with the aim of creating equal opportunities for these children but how far they have been succeeding that has been discussed underneath.

3. DEVELOPMENT POLICIES REVISITED:

For the Government of any country, legislations have always been the single most significant response to the elimination of various socioeconomic problems. Through different social policies, the Government tries to reduce the sources of inequality among different groups and intends to create a healthy relationship between the state and its citizens¹⁷. Since independence, the Government of India has also enacted some legislations to address the problems of working children. However, the foundation of implementing developmental policies started in British India with the enactment of the Factories Act, 1881 to the Employment of Children Act, 1938 which cannot be ignored. However, the laws in the pre-Independent India mostly focused on the fixation of a minimum age entry to the labour market. Hence, the major challenge for the Independent India was to shift its focus from the fixation of the age to the abolition of child labour along with other economic and social challenges.

Immediately after independence, though the Government could not do much for the children, it has provided social and political rights to the children in terms of constitutional laws. Given the intensity of the problem, the framers of the constitution made special provisions for the protection of the child workers and guarantees certain rights to the children such as Right to Protection of Personal Life and Liberty (Art.21), Right Against Exploitation (Art.23), Prohibition of Employment of Children into factories below the age of 14 years (Art.24) and so on¹⁸. Again after independence, the first step of the Government started with the amendment of the Factories Act of 1948 and proceed to the Minimum Wage Act (1948), Mines Act (1952), Merchant Shipping Act (1958), the Apprentices Act (1961), the Beedi and Cigar Workers Act (1966), Employment of Children Act (1978), the Child Labour (Prohibition and Regulation) Act, 1986; National Policy on Child Labour (1987) and Right to Free and Compulsory Education Act (2009) followed by a series of programmes and schemes such as Sarva Shikshya Aiviyaan (SSA), Mid-Day Meal Scheme (MDM), Education Guarantee Scheme & Alternative and Innovative Education (EGS & AIE), Integrated Child Protected Scheme (ICPS). Apart from that, a large number of actions have also been taken by the Indian government in collaboration with various international organisations like the International Labour Organisation (ILO), United Nations Convention for the Rights of the Child (UNCRC), United Nations children Fund (UNICEF) and World Bank.

Though it looks like there have been many initiatives taken by the Government, a closer look on these legislations reveals that none of them aims at complete abolition or elimination of child labour. The international organisations no doubt provides various provisions for the restriction of the children to hazardous employment, but sadly the Government of India did not ratify to some of the major conventions, like the worst form of child labour convention. Again in pre-independent India, the Government's primary concern was to fix a minimum age of entry and time limit for the child labourers, however, even after independence; the approach of the Government remained the same. Factually speaking, the Government of India has only implemented two policies with the sole aim of eliminating child labour such as Child Labour (Prohibition and Regulation) Act, 1986 and National Policy on Child Labour, 1987. The first one is regarded as the milestone by the Government of India and all other schemes like ICPS, child line services and others are working for the effective implementation of this act. However, that one legislation is also limited to certain activities and applied to children below 14 years, which not only paves ways for the children to be engaged in other occupations not mentioned in the schedule but also promoted the employment of children above 14 years. After that without considering the complete abolition of child labour, the Government changes its approach towards attracting children to the schools by providing free and compulsory education, free mid-day meals, uniforms, various scholarships for different sections of the society and so on. Though this approach helped to reduce the magnitude of the problem to some extent, the problem is still rampant in some pockets of India.

4. THE CHILD LABOUR (PROHIBITION AND REGULATION) AMENDMENT BILL, 2012: PROGRESSIVE OR REGRESSIVE?

Most recently, the union cabinet approved the much-awaited 2012 amendment bill that seeks to amend the Child Labour (Prohibition and Regulation) Act, 1986 which is the most important legislation taken by the Government of India till now. Sadly, that act only prohibits the employment of children in certain occupations and process and only limited to the children below 14 years old hence, providing consent for the employment of children above 14 to engage in hazardous occupations. However, positively, this amendment proposed "to prohibit the employment of children below fourteen years in all occupations and processes and also prohibits the employment of adolescents in hazardous occupations and processes"¹⁹.

The Union cabinet chaired by Mr Narendra Modi on 12th May 2015 approved the proposed bill and put a ban on the employment of children under 14 years in all kinds of commercial enterprises which are praiseworthy²⁰. However, it

made an exception that “children can pursue family businesses, entertainment and sports activities after school or in vacation”²¹. This exception creates room for the employment of children in the informal sector. As mentioned by Enakshi Ganguly from Haq: Centre for Child Rights said this amendment is a worrying sign and it will increase “informalization of labour”. Hence, in an attempt to ban the child labour, the Government provides approval for the employment of children in the unorganised sectors. The bill says children can be employed in the family occupations, TV serials, films, advertisements and sports activities (except circus) as far as it does not hamper the education of the child. Again, it added, “In a large number of families, children help their parents in their occupations like agriculture, artisanship, etc. While helping the parents, children also learn the basics of occupations”²¹. This decision by the cabinet has been slammed by child right activists. They argued that allowing children in the family enterprise may include matchbox making, carpet weaving and Jem polishing industries where the demand for child labour is very high²⁰.

Though the bill argues that it tries to create a balance between the need for education and the reality of socio-economic condition, but the employment of children in the family enterprises seems to go against the very idea of “Equality of Opportunity” proposed by RTE, as while some children will be able to enjoy their vacation and play time some children have to work. This also confirms that- the socio-economic condition of the family will decide the destiny of the children. Hence, in such circumstances, the complete ban on child labour which is necessary seems to be far-reaching phenomena. So, it is high time to reassess the issue of child labour and fight for the complete ban of this social evil.

5. CONCLUSION:

As mentioned by Amartya Sen²² “Development is the process of expanding the real freedom that people enjoy”. Identifying development only with the growth of the Gross National Product (GNP) or with the technological advancement is not enough. Development requires the removal of the major sources of the unfreedom related to poverty, poor economic opportunity as well as social deprivation. Studies^{23,24,25} on working children denote that familial factors such as poverty, low parental education, low Income and larger family size create more chances of children to enter the labour market. However, some studies²⁶ also suggest that “inequality of opportunity” is the primary reason for the transmission of child labour. Through Right to Free and Compulsory Education, the Government tried to provide “equality of opportunity” but the problem of availability and accessibility coupled with “low-quality education” and “low returns to education”²⁷ create challenges in front of them. Finally, the passing of the much-awaited amendment bill, 2012 even proves that the government instead of moving forward is going backwards. Hence, the condition of the working children surely denotes that development does not work for these children. They are still living in fear of “want and exploitation”, and they even do not enjoy the right to choose their freedom as their fate is defined by their family conditions.

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