

Combating Child Labour: The Need for a Holistic Approach

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Abstract

Several laws have been passed in India to protect and promote the rights of children. But child labour statistics and other statistics point to the fact that these laws have not been very effective. Demand and supply forces exist to perpetuate child labour and to keep the economy at a low equilibrium trap. Unless the underlying causes of child labour are addressed, the rights of the child will never be secured. The paper calls for a holistic approach to address the problem of child labour and attempts to provide a model of child advocacy network that is visible and accessible to a child in distress. The three critical components of such an approach is (i) to provide support to the distressed families to remove their dependency on child labour; (ii) an overhauling of the education system to make it respond to the needs of the economy and (iii) an effective child advocacy system that is integrated with the local governance structure. These three components are not to supplant but to supplement the existing measures.

Keywords: child labour, child advocacy, rights of child, causes and remedies

Introduction

Child labour has been in existence in different parts of the world, including the developed countries at different stages of development. There exists a large body of literature that document the incidence of child labour in India. The main argument, which emanates from these studies, is that the primary reason for incidence of child labour is poverty of the household. Since poverty is the primary cause of child labour, we have a gigantic task to make the dream of child labour free India a reality.

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This is because India has a long way to go to eradicate poverty, although official statistics show that poverty has declined over the years. According to the Planning Commission, 269.3 million (21.9 percent) out of the total population live below the poverty line in 2011-12 (Planning Commission, 2013). Nevertheless, the improvement of the condition of our children need not wait till poverty is eradicated. However, simply banning child labour cannot solve the problem because it does not address the root cause of the same.

Therefore, the objective of this paper is to try to explore and find a practical and effective way of eliminating child labour in the country. As complete elimination of child labour takes time, it is necessary to provide support to working children in the meanwhile. This requires an urgent need for a workable child advocacy system to take care of working children and other children who suffer from neglect, exploitation or abuse. The rest of the paper is organised in the following fashion. First, it discusses briefly the causes and consequences of child labour. Then, it attempts to explore how we can combat child labour and finally it discusses how a network of child advocacy can be effective in providing succour to the children in distress.

Causes and Consequences of Child Labour

The current literature on the explanations for the prevalence of child labour is broadly grouped into demand-side and supply-side factors. The supply side of child labour is mainly influenced by parental decisions. A child is in some fundamental way not developed, therefore, parental decision is important in determining what a child should do. Parental decision whether a child should work or go to school depends on the cost and benefit of education and the income of the household. Households whose adult income is very low cannot afford to keep children out of some productive activity. Only when adult incomes begin to rise do households take children out of the labour force. In some cases, children are pulled out of the educational system not because of an immediate need for work but because poor households cannot finance the direct cost of education. Baland and Robinson (2000) showed why child labour exists even if it is socially inefficient. Firstly, parents use child labour as negative bequests, i.e., to transfer income from children to parents. Secondly, when there are capital market imperfections, child labour is

used as a substitute for borrowing i.e., to transfer income from future to the present. Some researchers like Basu and Chau (2004) illustrate how agrarian households respond to the need to service outstanding debts and to finance subsistence consumption by putting children to work.

On the demand side, the segmented labour market and demand for low-wage labour or specialized labour is used to explain the presence of child workers. It is the structure of demand that determines the use of child labour. When there is demand for child labour, poverty ensures that the supply is forthcoming. Leiten (2004) states that apart from the common view that poverty is pushing poor children into the labour market there is large demand of inexpensive labour, which pulls the child into the labour market. One causal factor on the pull side is the profit motive. Leiten expresses concern that if children are not protected by family adults or by public institutions, they may end up in an abject dependency relationship with employers. Thus, it is both the supply and demand for child labour which ensure that children remain in the labour market.

The adverse consequences of child labour to themselves and to the society have been pointed out by most of the researchers and policy makers. For example, Nielsen (1999) argues that incidence of child labour affects the children directly because they join labour force at an early age and forego acquisition of education and skill. This affects their earning capabilities as adults. Besides direct consequence on the earning capabilities, there is loss to the national income. Moreover, the use of child labour in the production process is now being used as a tariff barrier in some of the countries especially after WTO agreements. Besides economic reasons, there are physical and psychological reasons why children should not be allowed to work. Children are equally susceptible to dangers faced by the adult labourers under similar conditions. However, they are more seriously affected by these dangers because of their different physical conditions, physiological, anatomical and psychological states. Rise of child labour pulls down the health and educational standards. Thus, child labour brings an economy into the vicious circle of poverty as it acts as a cause as well as the effect of poverty. A person who receives more education as a child grows up to have higher human capital. In capital and labour markets, higher human capital will mean a higher labour income. Hence, a person who supplies more labour and gets less education as a child will grow up to be poorer as an adult. Working at a younger age

results in reduction of earnings as an adult. A person who sends his child to work, following poverty, perpetuates child labour across generations. This is the ‘dynastic trap’ that poor households find themselves in (Basu and Tzannatos, 2003).

On the other hand, it is perceived by some parents that work makes the child to have good social life in future as it enables the child to understand the importance of earning. They argue that combining work with schooling may double the welfare of the child. It is the reason why part-time work among children is common in the developed countries (Lavallete *et. al.*, 1995; Cunningham and Viazzo, 1996). Moreover, in the developing countries some children work to support their studies besides supplementing their family income (Cigno and Rosati, 2002). Further, there has been some research pointing towards the beneficial effect of child labour. For instance, Satz (2003) pointed out that not all work performed by children are equally morally objectionable. Some work, especially work that does not interfere with or undermine their health or education, may allow children to develop skills they need and help them to become well functioning adults and broaden their future opportunities. In the same way, Zelizer (1985) asserted that in the 19th century, child labour was often commended as necessary for building character and discipline and valuable for industrial competition.

However, in reality, children are often used by the employers in specific jobs, where the wage rate is low, and can make the children work for long continuous hours in hazardous conditions. Children are also seen to be involved in such work as child prostitution, working for long hours in factories, etc, which are unambiguously detrimental to children. A number of researchers pointed out that work – either full or part time – affects the education of a child negatively. It retards the child’s physical, mental and spiritual development.

Combating Child Labour

On account of adverse consequences of child labour, several policy prescriptions both at the national and international levels aimed at compulsory education and imposing ban on child labour. Basu and Tzannatos (2003) discuss two kinds of measures to tackle child labour: collaborative measures and coercive measures. Collaborative measures

are interventions that alter the economic environment of decision makers (parents or guardians of children), rendering them more willing to let children stay out of work. A policy that raises adult labour incomes through improvement in the labour market falls under this category. The policy of improving credit markets is another collaborative measure since it has been shown that child labour exists partly due to lack of credit to fall on bad times. Thus, economic development is perceived as complementary to the reduction in child labour. But so far, research has shown that the most direct collaborative measures are those that give incentive and reward children who go to school.

Coercive measures have been hotly debated in the international forums. However, there is no second opinion about banning of hazardous labour. Nevertheless, coercive measures have to be used carefully. If poverty is the main determinant of child labour, simply banning child labour would aggravate the problem. Deprivation of employment opportunities to very poor children means driving them towards more inexplicable conditions. Consider a hypothetical (but not uncommon) situation of a woman whose husband is a drunkard or has abandoned her. She has six children aged 10 years, 8 years, 6 years, 4 years, 2 years and 1 month. The source of income of this household is casual labour. In such circumstances the mother has no option but to send the elder children to work. Basu and Tzannatos (2003) also have cautioned that coercive action has to be preceded by careful empirical evaluation. Laws banning child labour can exacerbate children's suffering depriving them of the work that is essential for their survival. Further, if the law is effective only in some sectors, then it can drive child labour to other sectors which are not regulated, that is the sectors in which the law is not effective, which may be more harmful for the children.

In India, both the collaborative and coercive measures are resorted to in order to reduce and ultimately eliminate child labour. Following are some of the relevant Union laws that have bearing on the child labour:

1. The Factories Act, 1948
2. The Apprentices Act, 1961
3. The Child Labour (Prohibition and Regulation) Act, 1986
4. The Commissions for Protection of Child Rights Act, 2005

5. The Right of Children to Free and Compulsory Education Act or Right to Education Act, 2009.

The Child Labour (Prohibition & Regulation) Act 1986 aims to prohibit the entry of children under the age of fourteen into hazardous occupations and processes and to regulate the services of children in non-hazardous occupations. The Amendment in 2006 added the employment of children as domestic workers or servants and in *dhabas*, restaurants, hotels, motels, tea shops, resorts, spas or other recreational centres to Schedule A, which lists the prohibited occupations for children. Several processes in workshops considered as hazardous have been added to the list of processes prohibited from the employment of children from time to time.

At present, the Child Labour (Prohibition and Regulation) Act is implemented typically by imposing a fine on the employers who violate the Act. This has the effect of pushing child labour to certain other occupations which are difficult to regulate and which may be more harmful. Besides, a substantial proportion of working children are classified as unpaid family workers, they are effectively outside the scope of practical implementation of the Act. Therefore, child labour surveys should not focus only on firms or establishments but on households also. As opined by Mario, Mehrotra and Sudarshan (2009), no law covers the employment of children in the informal economy both in agricultural and in non-agricultural sectors. Legislation banning child labour in home based work is not realistic or sufficient since the Act applies principally to children working outside the home in particular activities or industries, and does not include work on the family farm or home based industrial work. Besides banning child labour, the government has implemented various policies and programmes or schemes to address the issues of child survival, child development and child protection.¹ Among these, the National Policy on Child Labour, 1987 contains the action plan for tackling the problem of child labour. It envisaged a legislative action plan focusing and convergence of general development programmes for benefiting children wherever possible, and Project-based plan of action for launching of projects for the welfare of working children in areas of high concentration of child labour. As a result, the National Child Labour Project (NCLP) was launched in 1988 to rehabilitate the working children in select districts that are identified as child labour endemic. Beginning

with 9 districts, the scheme now is operative in 266 districts. Child labour survey, awareness generation and convergence are the three crucial components having implications on the long term outcome and impact of the NCLP. Satpathy, Sekar and Karan (2010) have carried out an evaluation study of the NCLP and found that the actual implementation of these components have been abysmally poor, barring a few exceptions (p.220). The impact assessment has highlighted that although the NCLP as a whole and the special schools in particular have shown some good impact in terms of awareness generation, enrolment and mainstreaming of the children, the real impact at the grassroots level has been much lower (p.223).

Despite passing legislative measures and introducing a myriad of schemes to promote the rights of the child, statistics say that there is still a long way to go. The main sources of child labour data are the decadal census and the labour force surveys of the National Sample Survey Organisation (NSSO). It may be noted that although these sources capture a wide range of data such as nature of work, status and sector of employment, etc. at a highly disaggregated level, many of the work areas performed by children usually do not get captured under the definition of 'work' adopted by these sources [Nath, Dimri and Sekar (2013b), p.7]. Nevertheless, the Census of India shows that the magnitude of child labour has not declined significantly over the years but instead has increased in some years. The number of child labourers in the age group of 5-14 years increased from 10.75 million in 1971 to 13.64 million in 1981. It declined to 11.28 million in 1991 but increased to 12.66 million in 2001. Relevant data from the 2011 census are not yet available at the time of writing. Data from the National Sample Survey Organisation (NSSO) show that the magnitude of child workforce was approximately 9 million in 2004-05 and there were about 3.5 million child labourers in the age-group of 5-14 years in 2011-12.² Although this shows considerable decline in the recent years, the absolute number is still huge considering that laws are there to stop child labour totally. About 1.3 percent children attend to domestic duties. If we add the number of children attending to domestic duties in their own homes and who do not go to school, the total number of workers would be around 5.7 million. The data show that about 90.5 percent of children were attending educational institutions in 2011-12. Almost 6.75 percent, which is about 15.8 million, were in the 'neither' category, that is, they were neither working nor studying. The survey

classifies this category or activity status as ‘others (including begging, prostitution, etc.)’. This is the residual category in the classification of the activity statuses of persons apart from (a) workers, (b) students, (c) persons attending to domestic duties and also engaging in free collection of goods (vegetables, roots, firewood, cattle feed, etc.), sewing, tailoring, weaving, etc. for household use, (d) rentiers, pensioners, remittance recipients, etc. and (e) those not able to work due to disability. Mario, Mehrotra and Sudarshan (2009) found that the vast majority of children in this category reported that they were not doing anything. However, this is misleading since their survey also provides information about the time allocation of children in this category. Their time allocation, outside of sleeping and eating hours, are as follows: food preparation, housekeeping work, animal husbandry, fetching drinking water, shopping, and childcare. These activities affect the capability of the children and they typically reflect a low economic status of the household.

There is no easy solution to the problem of child labour. The government is correctly adopting a multipronged strategy and a targeted approach as is apparent from the various policies and schemes. But it has not been very effective as statistical evidence points out. Let us try to find out what more needs to be done apart from the various programmes that are already in existence. Needless to say, a holistic approach is called for and the major critical components of this approach are, in my opinion, as follows:

Firstly, there should be some kind of support for the families that send their children to work. As long as poverty exists, the supply of child labour will continue in the absence of social security measures.³ There is a need to provide support to families in distress so that children do not have to work and they are given a chance to go to school. An amount equivalent to a child’s wage may be paid to the household for a temporary period. For this to work, we have to assume that parents/guardians are altruistic and they really want to withdraw their children from work given a chance to do so. This is not always the case. Therefore, *unconditional* income subsidy is not the answer. Here comes the role of the child’s advocate to monitor that the subsidy or support is actually utilised for the purpose it is given, to prevent misuse of such a social security measure and to see that families do not develop a dependency on the subsidy beyond a reasonable period. If such a support is in place

and since elementary education is free and compulsory, then parents/guardians should be liable for prosecution if their children or wards are still found to be working. Some forms of social security measures do exist,⁴ but they are far too inadequate. The proposed temporary support has to be a strong and direct intervention targeting specifically households with child workers. Adequate monitoring is also required to see that it has the intended effect of withdrawing the children from work. Once the support is provided, there is no more reason why children should go to work. Implementation of the law can then follow and parents / guardians should also be held accountable besides employers of children.

Secondly, the decision to send children to school and not to work is also influenced by the perceived returns to education besides other considerations. We know that everybody cannot get a job in the formal sector and thus formal education cannot give employment to all. Not all students will be able to complete their formal education successfully and become skilled professionals. Some parents, therefore, think that education is not necessary. To some extent, this is true given the present state of affairs in the education system of the country. Our education system in general trains people to take up white collar jobs. But, the economy is sustained by various trades at different levels. Further, it is difficult for students to acquire skills of various kinds of work that require manual labour after completion of, say Class IX or Class X. After becoming habituated to an easy and cocooned lifestyle for 15-16 years as students, they are ill prepared to take up hard labour to earn their livelihood. This kind of system creates a vacuum in the labour market and breeds miscreants and delinquents.

It is necessary to inculcate in the young minds the value of hard work and train them to acquire the skills of various trades. This should be part of formal curriculum at an early age of perhaps 11 – 12 years. They should be encouraged to spend their summer and winter vacations in gainful occupations. At present, most of the workers in the economy like carpenters, masons, farmers, etc. are those who have been working since childhood and they pick up the skills through working. Formal training in such trades is yet to reach the masses. Therefore, child labour is necessary for the economy in some way in the absence of major training programmes and reforms in the education system. This is not to undermine what has been said in section 2 regarding the adverse consequences of child labour.

What child labour does is to provide the skills required for adulthood and to keep the economy in a low equilibrium trap. Thus, we need to take a balanced view and not to implement blindly the child centric policies in isolation. We have to look at the need of the society in totality and not just from the point of view of the children because the same children's future will be affected. Thus, a second critical component of the holistic approach towards eliminating child labour should be major overhauling of the education system to include vocational skills as part of formal curriculum at an early age. It also requires widespread establishment of sufficient number of institutions or training centres for various trades as the present Industrial Training Institutes and vocational institutes are very few and much too inadequate to cater to the needs of the economy. At the same time, the education system should nurture and produce skilled professionals. It should be emphasised that the economy requires skilled professionals of different levels in different fields. Therefore, the education system should be tuned to suit the capability and aptitude of each child keeping in view the requirement of the economy because ultimately this will lead to gainful employment for the future adults.

Thirdly, as pointed out earlier, parents or guardians are not always altruistic and hence children suffer from neglect, exploitation and abuse often in the hands of their own family members. Children are sent to work or not sent to school even in case when child work is not absolutely essential for the family or when schooling is accessible. For example, some researchers have pointed out that households with large land or with family business tend to send their children to work at an early age. Therefore, a third critical component is an effective child advocacy network. This issue is discussed separately in the next section.

Proposed Model of Child Advocacy Network

The importance of child advocacy can never be underestimated. There is a need to work out an effective mechanism that works at the grassroots and is located where the children are. A centralised body stationed at the district headquarters will not work at all. There are organisations that work to rescue children from trafficking or to rehabilitate street children and render other commendable service for the cause of children. However, they cannot reach all the needy children. Therefore, child advocacy should be integrated with the local governance system, i.e. with the local panchayats

or *dorbars*. A child advocate should be appointed in each village and urban locality.

The presence of a local child advocate is absolutely essential for the effective implementation of various laws and schemes relating to child rights. This is because children cannot usually approach adults except close family members. Abused and distressed children usually do not have close family members to whom they can tell their problems. Therefore, the child advocate should approach working children and other children who appear to suffer from neglect or exploitation, win their confidence and offer solution. This is possible only if the child advocate is a local person. The network of child advocates should be like a pyramid then with coordinators at the block level, the district level, state level and finally the national level. This network should be a part of the National and State Commissions for the Protection of Child Rights in order to have legal sanction and authority. The local child advocate should be a link between the needy children and other organisations that work for children like Childline, CRY, Save the Children, etc. There should be cooperation and networking among various organisations - non-government as well as government organisations - that work for the same purpose. Regular and mandatory get-together programmes or seminars should be organised, at the initiative of forums like the NCPCR (National Commission for the Protection of Child Rights), in order to bring together various organisations working in the field. Such programmes will make the organisations more effective through brainstorming, experience sharing and mutual learning. Regular children's programmes should also be conducted at the local level with active participation of the respective *panchayat* or *dorbar* to spread awareness and to make this child advocacy network visible which is absolutely necessary if it is to be able to do justice to its cause.

Further, modern life has made us indifferent social beings. The societal bonds are being weakened especially in the urban areas where we hardly know our neighbours. Therefore, even if we see children in distress, we prefer to turn a blind eye and not to 'interfere' with our neighbours' way of life. Therefore, it is imperative to appoint child advocates in every locality and to spread massive awareness about the existence and the purpose of such advocates. This would encourage people to report incidences of violation of child rights because there is an agency to which they can go without openly 'interfering' with the lives of other members of the society.

We need not look far for such a model of local persons appointed for special purposes. In the National Rural Health Mission, ASHAs (accredited social health activists) are appointed in every village and they get monetary incentives to take a pregnant woman for regular checkups and institutional delivery. In the Mahatma Gandhi National Rural Employment Guarantee Scheme too, village employment councils (VECs) are set up to see to the implementation of the Scheme. In the same way, child advocacy should be integrated with the local governance system. Incentives should be given to advocates to identify children in need of support and to provide the support as mandated by the laws and policies of the country. Further, just like awards are given to villages which achieved total sanitation, similarly awards should be given to villages or urban localities which are child labour free.

Conclusion

In this paper we have briefly reviewed some of the causes and consequences of child labour as presented in the current literature. Various measures have been in place to combat child labour but statistics speak otherwise. There is no single effective policy measure for eliminating child labour. A holistic approach is required. The three critical components of such an approach is (i) to provide support to the distressed families to remove their dependency on child labour, (ii) an overhauling of the education system to make it respond to the needs of the economy and (iii) an effective local child advocacy system. It should be emphasised that these three measures are not to supplant but to supplement the existing measures.

Notes

- 1 See Government of India (2012) for a full list of various Acts, policies and schemes for the protection and promotion of child rights.
- 2 The estimates are calculated by the author using unit record data of the National Sample Survey on Employment and Unemployment during the 61st round (2004-05) and 68th round (2011-2012).
- 3 In project (NCLP) areas, the families are linked to income generating programmes or other anti-poverty programmes so that dependency on child labour will be removed.
- 4 See Nath, Dimri and Sekar (2013a) for a list of all the social security schemes in various states as well as Central Government schemes.

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