Child Labour: A Perspective of Locale and Context

The occasional spurts of attention that child labour has gained in the recent past following the debates on globalisation and its impact have often raised only a cacophonic noise instead of a coherent understanding of the issues. What are the divergences in the perspectives on child labour? This article attempts to locate the issues in the large context of child rights by reviewing policies and attempts to detail the construct of childhood in India mapping the ambiguities regarding children's work and education.

PIUSH ANTONY, V GAYATHRI

The issue of child labour is hardly an issue in a country that houses the largest number of child labourers in the world! But it is less of a surprise when one learns that the official position of the country has been insouciant, accepting it as a 'harsh reality', intrinsic to its status as a developing country. Among the many implications of such a position, the most obvious one is that of poverty as the prime causal factor that perpetuates the supply of labour. As long as there is poverty, it is expected that there would be an unrelenting supply of child labourers. This also muffles the lurking status of the Constitutional provision of universal elementary education. Though the historical evidence and the experience within the country do not support the exclusivity given to the poverty argument, the state has been able to hold on to it since independence. At the same time, the occasional spurts of attention that the issue of child labour gained in the past, and especially in the wake of globalisation in the policy debates have raised only a cacophonic noise instead of a concerted scathing voice. Why is it that the academic world as well as those representing the non-state development agencies do not share a common perspective on the issue of child labour? This article intends to discuss the points of divergence on child labour to understand the refracting angles and missing points. The first part briefly discusses the main problems related to the issue of child labour. The second part tries to understand these problems in the larger context of child rights by reviewing some of the state policies. The last part details the construct of childhood in India and relates it to the ambiguities regarding children's work and education. The objective of this write up is to contribute to, and urge for a perspective on child labour that would draw its basic premises from the underpinnings of the social construct of childhood in India.

I

The first problem that surmounts any discussion on child labour is that of 'whom are we talking about'? Every child out of school in the age group of 5-14 years, children who are in paid work, children who work outside homes or children who are in hazardous industries? The multiple choices that one has is indeed a problem of definition. One crucial distinction is that of the terminology – child work and child labour [Lieten 2002]. The former is more generic and implies children who are engaged in work, whether paid, unpaid, in economic or non-economic, at homes or outside homes and rests on the basic premise that the engagement of children in work affects their growth. The latter categories tend to be more specific indicating labour market involvement of children, which is detrimental to their development. Consequent to this, we have the problem of measurement. The estimates of child labour remain a contested terrain with large differences in absolute numbers depending on the data sources [Chaudhri and Wilson 2002].

The second problem relates to the causal factors and drifts between the poverty argument and the education argument. However, given the geographical, economic and social dimensions of child labour, it is well established that the problem is compounded when low economic status combines with other forms of disadvantage such as caste, gender, ethnicity and livelihood security. While poverty clearly has a role to play in explaining the incidence of child labour by means of an absence of demand or the inability to pay for education, it does not constitute an insurmountable barrier [Kabeer 2001]. Further, a state level analysis does not support the poverty argument, as states with low incidence of child labour are not necessarily the richer states [Mahendra Dev and Ravi 2002]. The state of Kerala is an example. Since there exists an inverse relationship between child labour and poor educational status, it is apparent that these factors are mutually reinforcing rather than contradictory. Therefore, the distinction made between these two causalities does not possess analytical validity. It seems to have more relevance for programmes in prioritising or in planning the interventions to reduce/eliminate child labour as the identified cause

We are grateful to V Gayathri for putting together this collection of articles and to the International Labour Organisation (ILO) for supporting this issue. The responsibility for opinions expressed in the articles rest solely with their authors and publication does not constitute an endorsement by the ILO.

determines the solution and the course of action. Of late, it has also been accepted widely that a multitude of factors act together to the disadvantage of certain communities. These factors range from their involvement in low productive activities, labour relations and the organisation of production in a particular sector, adherence to traditional occupations, lack of infrastructure development including that of basic amenities and schooling and, social status and exposure of the community to mainstream development which determine the acceptance of education as a life skill and value accrued to education.

Whether it is due to poverty or lack of educational services, it is a stark fact that child labour is socially reproduced. Given that structural factors favouring the intergenerational reproduction of it has remained largely unaltered, and the fact that policies or the lack of it reinforce the same, the question to be addressed is 'How do we perceive these children?' In terms of their work status they do not from a homogenous category. The only common feature that they share with each other is that they are not part of the formal education system and therefore, out of school and they come from socially and economically disadvantaged families.

Out of school children comprise of children who are never enrolled and those who enrolled but dropped out. Children at work can be understood on the basis of the regularity of work (full time, part time, seasonal), working conditions (degree of hazard or exploitation), social relations of work (bonded labour, family based farm or enterprise, wage employment) and nature of returns to work (unpaid family labour, payment in kind, piece rate, time rate). Within this, we need to accommodate a statistical category of unaccounted children or no-where children, who are children not in school or in the workforce [Chaudhri, 1996]. Some argue that they are potential child labourers and refer to time use data to justify this claim, others argue that these children are involved in unpaid non-economic or economic activities in their homes such as sibling care, animal tending and family enterprises. The dominant practice has been to understand these various categories of deprived children in a dichotomy of children at work and children at school. But such a dichotomous approach raises many issues related to childhood. Even otherwise, the divergences of terminology and on what constitute 'work' as far as children are concerned largely emanate from the construct of childhood.

II

It is imperative to have a discussion on the evolution of child rights before delving into the construct of childhood. Child rights, a western notion that traversed along with many other 'rights based approach' to development, has been a late entrant to the Indian development scenario. The romanticised notion of an urban, elite, North American/European child, well groomed by the formal education system and well protected by the state and by the family from the adult world formed the 'ideal type' of universal childhood. And, child rights were articulated on the basis of various protections that such childhood demanded. This dominated the policy-making globally and is reflected in many of the international policy documents [Gayathri and Chaudhri 2002]. The resistance to this was not only based on the fact that childhood is a social construct and has variations across culture, time and space but also on the basis of that it is not completely tenable even within that part of the globe. Concerted efforts pointing out the dangers of imposing the standards of universal childhood and child rights in different landscapes of social and economic development yielded some dividends. There have been attempts to make policies related to children more grounded in the country scenarios. The ILO Convention (182) on the Worst Forms of Child Labour, 1999 is an attempt for such a culturally inclusive framework.

Nonetheless, this has not contributed to the settling of the issue within this subcontinent. In the context of India, the questions that loom large over the construct of childhood are visible from the ambivalent positions that we have in policies related to children in general, and child labour, in particular. In the realm of praxis too, we are yet to have consensual notes on childhood. A child is defined in terms of chronological age, and the constitutional provision of universal elementary education for age group of children below 14 years constituted the benchmark for distinguishing a child labour from an adult worker. While our democratic polity and the formal schooling system follow different age cut-off for distinguishing an adult, a child who has been working is given adulthood as he/she turns 14 years. At the same time, labour market acceptance of adulthood in terms of adult minimum wages befalls on them much later than the official records denotifies them from the category of child labourers. The Indian Factory Act, 1948 is a case in point. Noteworthy, is that in all these, we hardly have any information on the age benchmarks that the communities follow in demarcating childhood from adulthood. One is fully aware that in the upper economic classes there is an extended childhood with different kinds of protection meted out to children. For example, financial protection is extended till the child finishes his or her chosen field of studies and gets into a job. On the contrary, among the lower classes, the gap between childhood and the next life cycle is much shorter. Children belonging to lower economic classes tend to get into labour market as skilled or unskilled labourers prior to or during their 'teenage'.

The explicit notion of the Indian state that childhood is for schooling /education is written largely in the Constitution. However, it is well documented that the state through its various policies allowed discrimination of children in terms of their access to education [Weiner 1991]. At the same time, the state is unwilling to implement abolition of child labour acknowledging that some children can have childhood without schooling. It is pointed out that such a notion of childhood constructed along social classes is the underlying factor that prevents the Indian state to declare child labour illegal or implement compulsory elementary education for all. This argument is well articulated in the core social values and belief system that guide the hegemonic social structure in India, which insists on social division of labour.

Prima facie, this argument can be validated at macro, meso and micro levels in India. For those who work on the issue of child labour, personal encounters illustrating such class-ridden attitudes form an every day experience. These encounters include officials, employers in the industry and in the informal sector as well as the domestic employer in the neighbourhood. This is further reinforced through the middle class bureaucracy that is the principal architect of policies. In addition, from a comparative perspective of other

countries, it can be gleaned that it is not resource crunch or pressure from interest groups, but the belief systems of the local bureaucracy that hampers any progressive step towards an egalitarian concept of childhood. While there is absolute consensus regarding childhood linked to schooling and other protective measures that the larger society is morally obliged to provide to children, children who are in the workforce, formal or otherwise, are not entitled for any of these provisions by the society or by the state. Such a class bias in what is entitled for childhood for children of the lower rungs of the society refer mostly to education, food, and most importantly, to leisure and entertainment. State interventions to reach out to those who are out of school and at work through various government departments and programmes have also been inflicted by this differential entitlement for children. The main components of such programmes are non-formal education and vocational training and both have been criticised for its inferior nature and do not entail any social mobility. But one has to bear in mind that such experience sharing and arguments tend to bring us to a dead-end, and also endorse immutability to certain practices and beliefs.

III

Apart from these apparent class biases inherent to the construct of childhood by the state, the many implications that emanate from the heterogeneity of the relationships between work and education in children's lives also need elaboration. Evidences from children's lives reveal that beyond a simple dichotomy between children at work and children at school, there exists a much more complex range of categories comprising of children in full time education, children in full time work, children who are neither at school nor at work, children who engage in occasional and seasonal work and children who are engaged in both school and work. However, even these do not form mutually exclusive categories. The complexity of the problem is evident from the narratives of parents of child labourers, and can also be discerned from a number of village studies. In all, we learn that poor children's lives are not devoid of work.

The social and cultural construct of childhood for an overwhelming majority is that of a gradual initiation into the world of adults. The nature of this initiation varies with social and economic status of households/communities. In the lowest economic strata, the initiation is found to be commencing in the very early stages – a five year old is given the responsibility of sibling care, a six year old is in charge of water fetching and fuel collection etc. Children in these households tend to be largely working at sharing the gender responsibilities of the womenfolk. This is more so in the case of girl children. Older children are co-opted to do activities such as animal tending and support activities to family enterprises. Macro level and micro level evidences clearly indicate that what can normally be referred to as child labour is more pronounced in the age group of 10-14 years rather than in 5-9 years age group.

What is intriguing in an analysis of children's work is that those who are enrolled or attending the school are not considered for their involvement in activities, which are otherwise counted as work for out of school children. This omission, basically due to the dominant dichotomous framework of work/education in children's lives, has allowed for various other misconstructions. First of all, it corroborates the class based construct of a childhood, in which education is a prerogative of some and work is a destined vocation for some others. Further, construction of a childhood without work, which can be loosely defined as activities of adults, is unrealistic in the Indian context (for most part of the world too) and confines the understanding of childhood to a minority group of privileged children. This runs parallel to the western notion of romanticised childhood or may be a fall out of that.

Life in the rural areas and of the poor classes, both in the urban and rural areas, tends to demonstrate a pattern. In this pattern, it can be observed that the adult world seeks a lot of support from children. In this worldview, support from children is demanded as part of parenting and supporting parents is part of growing up. The incidences of child labour among many artisan groups and in agricultural households who are not income poor exemplify this worldview. During the period when discussions on population explosion occupied the central stage of policy debates, we were more familiar with this symbiotic relationship between childhood and adult world, which is contrary to the present-day notion of childhood where the construct is one of absolute dependency. The notion of 'more hands' that slowed the demographic transition is being addressed, but the cultural construct and the worldview of having children remain unaffected. Child rearing is an area wherein the clutches of collective wisdom of a community tends to be stronger, unless infiltrated by a new worldview offered by modernity. Hence, in the case of poor families, whether children are sent to school or not, they form the 'extra hands' of adults who are involved in low productive and

labour-intensive activities. Though work allotment to children is not completely absent in other class groups, it functions as a derivative of family structure, main economic activities for the adult members and support mechanism for domestic chores.

This being the case, we need to rethink our conflicting views on the theoretical distinctions on child workers and child labour. Whether they work as unpaid or paid, within homes or own farms or outside homes, what is of significance should be the deprivation or the differential entitlement to childhood, which is otherwise conceived as incomplete without education. Education is a milestone that all children have to cross as in the case of other milestones of social, motor and mental development at various stages of childhood. It is, therefore, a life skill and a basic right. Therefore, from a policy perspective it is important to recognise these children as deprived of education and thus, need to be considered as a homogeneous category.

However, the manner in which children are deprived of their basic right is varied. For example, children who are absorbed into occupations that are hazardous to their physical growth and health are not only deprived of education but also the right to grow up in a physically safe environment. And, it is imperative to identify specific interventions to address such multiple levels of deprivation. Thus, we come back to the dichotomy of child workers/child labourers. Policy guidelines categorising children according to their work status as in hazardous industries and those in tolerable forms may provide programmatic priorities but possess the danger of justifying deprivation of education as a basic right.

However, we know that if children are out of school and are working, there are multiple factors operating in their immediate social world. Their immediate social world comprises of their family, community they belong to and live in, educational institutions and labour market in the neighbourhood, and state policies concerning education and employment. The decision of a family is not a rational choice that the members take, instead it is more of a social choice. If a poor family opts to keep one or all of their children out from 'education', it is imperative to contextualise this decision on the basis of the social reality within which the family is placed. The social exclusion of a community makes education a choice of the privileged communities such as that of a bigger house. And, it is a social reality that education does not portend any opportunity for most of these communities, which are yet to make a breakthrough from their traditional occupation. Obviously, value of education and the aspirations are bound by these. Thus, considering child labour as a choice that the families make ignores the wider matrix of household deprivations. For instance, adult minimum wages are not implemented. But then, interventions towards eliminating child labour need to be child oriented, household oriented or oriented towards the institutions? Since most of these deprivations, childhood or household, emanate from institutional failures, prioritising one over the other only leads to a *holier than thou* attitude amongst the interventions.

Many models of interventions are in practice with varying degrees of success. Even with utmost conviction in these programmatic interventions of governmental and non-governmental agencies, it is important to remember that in the absence of changes in the broader policy climate, programmatic interventions can achieve results at the micro level, and that too, in the short run. The state needs to be persuaded to play a larger role. Often quoted is the incapacity of the state in logistical terms to reach out to these deprived children. This does not hold true anymore as the success of the immunisation programme is evidence to the large-scale operations that the state is capable of undertaking when it applies its collective will. In a democratic polity, since children do not form a vote bank, those who are playing an active role in addressing the issues of child labour need to take up an additional role of policy advocacy more vigorously in the appropriate political and policy corridors. Whether children are nowhere, in tolerable forms or in intolerable forms of work can be a programmatic choice of interventions and organisations. The fact that children are out of school and may continue to be so in the future need singular attention over the categorisation of children as ambivalence at the policy level towards childhood can contribute to the persistence of child labour.

We have been lamenting over the reluctance of the state to invest in compulsory primary education. At the same time, we learn that poor human development indicators are explained primarily on the basis of low literacy levels. For example, health status indicators such as MMR, IMR and even fertility rate have positive correlations. So is the case of gender development indicators. We also know that studies on child labour unanimously emphasise the inverse relationship of incidence of child labour and literacy level of the head of the household/parents. From the above two observations, we discern that effort to educate one generation can wipe out child labour and many other lagging human development situations. Investment needed for compulsory primary education estimated at 6 per cent of GDP by the Kothari Commission may have been doubled, but we are only talking about investment covering a period between five to 10 years to make one generation literate to have an edge in future. The idea is not novel as the country is already doing it in the case of immunisation. Can we replicate the same for children born in this century – a conviction to get them all to school? EPW

Address for correspondence:
piush_antony@yahoo.com

[The opinions expressed by the authors are personal and do not reflect the institutions that they belong to.]

References

Chaudhri, D P (1996): *Dynamic Profile of Child Labour in India 1951-1991*, ILO, New Delhi.

Chaudhri, D P and E J Wilson (2002): 'Nutritional Poverty, School Education and Supply of Child Labour: Explorations with States, Districts and Household Data for Rural India' in Ramachandran N and L Massun (eds), *Coming to Grips with Rural Child Work: A Food Security Approach*, Institute for Human Development, New Delhi.

Gayathri, V and D P Chaudhri (2002): 'Introduction', *The Indian Journal of Labour Economics*, Vol 45, No 3, July-September.

Kabeer, N (2001): 'Deprivation, Discrimination and Delivery: Competing Explanations for Child Labour and Educational Failure in South Asia', IDS Working Paper 135.

Lieten, G K (2002): 'Child Labour and Poverty: The Poverty of Analysis', *The Indian Journal of Labour Economics*, Vol 45, No 3, July-September.

Mahendra, Dev S and C Ravi (2002): 'Food Security and Child Work in South India: Determinants and Policies' in N Ramachandran and L Massun (eds), *Coming to Grips with Rural Child Work: A Food Security Approach*, Institute for Human Development, New Delhi.

Weiner, Myron (1991): *The Child and the State in India*, Oxford University Press, Delhi.