

fifteen years, it provides discretion for developing countries to opt for a minimum age of fourteen, but not on a permanent basis. The convention also makes provision for children aged thirteen and fourteen (or aged twelve and thirteen in countries where fourteen is the minimum age for full time employment) to be employed in light work. It has also provisions to prohibit children under eighteen from being involved in dangerous work without necessary training. Although adopted in 1973, it came into force in 1976 and at the end of 2004; only 135 countries had ratified and agreed to enforce it in their respective countries. However, as the convention allows, the minimum age for employment varied in different countries. It was 14 in 42 countries, 15 in 59 countries and 16 in 30 countries.

The ILO listed the following criteria for each country to identify the types of work regarded as 'hazardous' work that might expose children to:

- Physical, psychological or sexual abuse;
- Work underground, under water, at dangerous heights or in confined spaces;
- Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; and
- Work in an unhealthy environment which would expose children to hazardous substances, agents or processes or to temperatures, noise levels or vibrations which might damage their health.

This ILO Convention has broadened the meaning of the concept of child labour in the sense that now it is not restricted to the working age of fourteen or fifteen but extends to all children below eighteen years of age (Pawar, 2007).

---

## 5.4 WHO IS A CHILD LABOURER?

---

The Child Labour Act (1986) recognizes that child labour continues to persist in various occupations, particularly in the informal sector. There is no general agreement on the definition of a child. The 1989 UN Convention on the 'Rights of the Child' considers individuals below 18 years as children. The ILO refers to children as those who are under 15 years of age. However, in India, according to a Census, a child worker is one who works for a major part of the day and is below 14 years. A majority of working children are concentrated in rural areas. About 60 per cent of them are below the age of 10 years. Business and trade absorb 23 per cent while work in the household covers 36 per cent. The number of children in the urban areas who work in canteens and restaurants, or those engaged in picking rags and hawking goods, is vast but unrecorded. Among the most unfortunate ones are those working in hazardous industries.

## NOTES

## NOTES

It is estimated that about 60 per cent of the world's children live in developing Asia and about 19 per cent of these children are victims of child labour practices. Within Asia, South Asia has a high incidence of child labour and this varies significantly between countries; for instance, children's workforce participation rates-number of child workers to the child population-range from just above 5 per cent in India to 42 per cent in Nepal. The lower percentage of child labour in India appears to be mainly due to rapid economic growth and the liberalisation policy since the 1990s. While a higher rate of child labour in Nepal is due to the slow rate of growth in economy.

### 5.5 INCIDENCE OF CHILD LABOUR IN INDIA

As a developing country, India has the largest child population in the world, although the percentage of working children is lower than in many other developing countries in Asia, it has the largest number of working children in the world. However official statistics do not reveal true extent of the problem since accurate information is not provided by employers or even parents. Approximately 9.33 million children in India are actively engaged in work between 1999-2000 (NSS 55). The overall percentage of working children in the workforce has decreased from 5.37 per cent in 1991 to 5 per cent in 2001.

Child labour is commonly noticed in traditional industries. Many of these industries are hazardous and include the fireworks industry in Tamil Nadu, brassware industry of Moradabad, silk industry of Karnataka and glass bangles industry in Andhra Pradesh and Uttar Pradesh (Subbaraman and Witzke, 2007).

*Table 5.1 Child Labour in South Asia*

Country	Total Population	Age range (years)	No. of children in age range (millions)	Estimated no. Of child workers in age range (thousands)	Percentage of children working in age range
Bangladesh	122	5-14	34.5	6,584	19.1
India	945	5-14	210.0	11,285	5.4
Nepal	22	5-14	6.2	2,596	41.7
Pakistan	134	5-14	40.0	3,313	8.0
Total	1241		295.0	24,316	

*Source:* <http://globalmarch.org/virtuallibrary/usdepartment/sweat5/chap2.htm>

Within Asia, South Asia has the highest number of child labourers. In the above table, Nepal shows a tendency towards increasing child labour, while India, Bangladesh and Pakistan show a decreasing ratio. Many of the studies conducted, show a co-relation between illiteracy and incidence of child labour. Moreover the index of child labour is higher among boys than among girls (males: 60.1, females: 39.3) as per table 5.2. This is due to the fact that, girls are mostly engaged in the informal sector and domestic household work which is not recorded.

**Table 5.2** Distribution of Child Labour across Age Groups and Gender

Age group(years)	Male	Female	Total
5-9	2.9	3.7	6.6
10-14	57.2	36.2	93.4
Total	60.1	39.9	100

**Source:** Calculated from NSS 55 Survey on Employment and Unemployment data 1999–2000.

## NOTES

**Table 5.3** States with High Occurrences of Child Labour

State	Child labour(as percentage of workers)	HDI rank	Per capita state NDP 1999-2000	Adult unemployment as per cent of labour force 1999-2000	Per cent of population below poverty line 1999-2000
Andhra Pradesh	7.7	23	14715	1.4	15.77
Bihar	4.8	30	6328	2.4	42.60
Karnataka	9.1	21	16343	1.4	20.04
Madhya Pradesh	7.1	32	10907	1.1	37.43
Maharashtra	8.4	16	23398	2.9	25.02
Uttar Pradesh	7.6	31	9765	1.4	31.15
West Bengal	4.5	19	15569	4.0	27.02
Kerala	0.47	1	21046	8.6	12.72
Indian Average	5	-	-	2.3	26.10

**Source:** Census of India 2001. National Human Development Report 2001, Economic Survey 2001-2002.

## 5.6 TYPES OF CHILD LABOUR

The child labourers can be classified into various categories. Even the International Labour Organisation has provided a four-fold classification.

- 1. Domestic Non-monetary Work:** Children in both rural and urban areas work within the family for which they are not paid. The largest group of working children is involved in this type of work which is generally 'time-intensive'. The activities included in this category are cooking, cleaning, washing, fetching water, babysitting etc. Such work is done is mainly by girls. The girl child faces a lot of discrimination and often involved in work which is non-remunerative.
- 2. Non-domestic and Non-monetary Work:** This type of work is mainly done by children in rural areas and is also time-intensive. It is often inter-mixed with domestic work. Activities included are protecting crops, tending to livestock, weeding, collecting fuel wood etc.

## NOTES

3. **Wage Labour:** Children work as wage labourers in formal and informal sectors in both rural and urban areas. They work either as a part of a family group or individually in agricultural work sites, domestic services, manufacturing and services.
4. **Bonded Labour:** It is the most exploitative form of child labour. The child is sold for a small amount of money, borrowed for various purposes. Once sold, he/she loses all basic rights. Children are bonded with families to work on farms of landlords to pay off debt or as domestic and menial labour for money lenders as repayment of loans children may be sold off and lured into prostitution, pornography, begging, illicit liquor petty crime etc. They work in exchange of food or nominal wage.

---

### 5.7 CAUSES OF CHILD LABOUR

---

In India, where a large section of population living in conditions of poverty, the problem of child labour has become a serious issue. In this context, it becomes imperative to understand the causes and consequences of child labour so that a lot can be contributed in terms of policy decisions to combat this problem.

However, there are many factors operating in close relation to each other perpetuating child labour. There are social, economic, cultural and political factors. But the most prominent of these factors is poverty and lack of education. A high prevalence of child labour is linked to poor quality and availability of education (World Bank, 1995). These children earn too little to contribute substantially to their family income. Since most of the parents of these children are themselves illiterate, they do not realise the importance of education.

Apart from this, poor school infrastructure combined with monotonous teaching methods and dull atmosphere in schools repel children who end up as child workers. The Indian population which lives below poverty line, children are considered as 'extra hand' which can contribute to and improve household income. Hence; children are forced by their parents to work.

The rural market being unable to provide employment to the growing population every year, large scale migration of labourers take place from rural to urban areas and the labourers take their children and employ them in small establishments like hotels, service centres etc. Indebtedness among families especially in rural areas is a major cause for families to keep their children employed as domestic servants, agricultural workers and daily wage labourers.

In recent years, India has been facing a high economic growth and child labour is prevalent, not only in poorer states but also in States with

high growth rates like Maharashtra. The prevalence and expansion of child labour in a period and region of relatively high aggregate output indicates that the nature of economic growth is flawed (Swaminathan, 1998)

There are two approaches in understanding the causes of child labour. UNICEF (2005) has analysed the causes in terms of push or supply factors and pull or demand factors. Extreme poverty, family breakdown, health issues and disaster and deep rooted cultural practices that lead to gender biases, biased attitudes and discrimination of certain groups appear to push children to undertake any type of work. On the other hand, the world of work (employers and unscrupulous people) seems to pull children because they are very cheap and obedient, can be easily exploited, to do certain things more efficiently and effectively which adults fail to do. The second approach to analyse the causes of child labour is to delineate the causes in terms of immediate, underlying and structural levels (ILO, 2002).

The ILO (2002) has categorized some of the causes into three different categories namely; immediate causes, underlying causes and structural or root causes.

#### **Immediate causes**

When there is limited or no cash or food stocks; increase in price of basic goods may cause child labour, family indebtedness, household shocks; e.g., death or illness of income earner, crop failure. No schools or schools of poor quality or irrelevant. Demand for cheap labour in informal micro-enterprises and family business or farm cannot afford hired labour.

#### **Underlying Causes**

- Breakdown of extended family and informal social protection systems
- Uneducated parents and high fertility rates
- Cultural expectations regarding children, work and education
- Discriminatory attitudes based on gender, caste, ethnicity, national origin etc.
- Perceived poverty: desire for consumer goods and better living standards
- Sense of obligation of children to their families and of rich people to the poor

#### **Structural or root causes**

- Low/declining national income and extreme unequal distribution of resources
- Inequalities between nations and regions and adverse terms of trade
- Societal shocks e.g. war, financial and economic crises, transition, HIV/AIDS

## **NOTES**

## NOTES

- Insufficient financial or political commitment for education, basic services and social protection; bad governance and deep-rooted cultural practices
- Capitalist oriented societies; social exclusion of marginal groups and/or lack of legislation and/or effective enforcement and lack of decent work for adults

---

### 5.8 PROBLEMS FACED BY CHILD WORKERS

---

The child workers work under appalling conditions and are highly exploited and neglected. Even they are paid less wages. Studies conducted in various parts of India reveal that in spite of long working hours for children they are not paid enough wages. Children work under inhuman conditions and suffer from dangerous diseases like tuberculosis and asthma. Some of the studies have revealed that children working in carpet industries in Kashmir were found to be suffering from tuberculosis and asthma. In the glass bangle industry of Ferozabad, child workers suffer from asthma, bronchitis and eye diseases. Children are also engaged in beedi-making industries in rural Tamil Nadu. In spite of much legislation and efforts of trade unions, the socio-economic conditions of beedi workers, particularly of women and children, continued to deteriorate forming them to entertain child labour.

The children engaged in construction work are prone to accidents and injuries. In machine shops and mechanical jobs, there are various factors like lack of training and experience in handling tools, use of unorganised machinery, unsafe use of electricity, shortage of protective equipments, which leads to accidents and diseases.

Participation of children in labour activities reduces the potential for children's participation in schools and educational development. Children from poor families do not have access to education compared to those from well-to-do families. Sometimes, in spite of available infrastructure for education, children are not able to avail of such facilities due to direct and indirect costs of schooling; lack of schooling results in denial of qualification for skilled jobs and other such opportunities. Education, therefore, is a very important tool to ensure that more and more children go to schools and become an asset to society.

Working children are also exposed to child and sexual abuse. In this respect, the girl child is more vulnerable.

## 5.9 STRATEGIES FOR THE PREVENTION OF CHILD LABOUR

### NOTES

The government of India is generally concerned about the magnitude and plight of child labour in various sectors of employment. Various efforts have been undertaken to eliminate child labour both at the national and international level. India has stood for statutory and development measures that are required to eliminate child labour. Several legislations have been passed from time to time to prohibit or improve the working conditions of child labour. The Government adopted the National Policy for children (NPC) in August 1974. The policy stated 'it shall be the policy of the state to provide adequate service to children both before and after birth through the period of their growth to ensure their full physical, mental and social development'. (NPC, 1979). In 1975, a National Children's Board was established to create greater awareness and promote the welfare of children including working children.

So far as constitutional and legislative provisions are concerned, three articles deal with child labour: article 21 a-right to education for children aged between 6 and 14 years, article 24-prohibition of employment of children in factories and article 39-directs the state governments to form policies such that children are not abused and not forced by economic necessities to enter avocations unsuited to age and strength.

However, the child labour prohibition and regulation Act, 1986, prohibits children from working in 13 occupations and 57 processes. It defines any person under the age of 14 years as a child. The act was amended and made effective in October 2006 and included two more occupations, i.e., employment as domestic workers or servants and employment in eateries, hotels and recreational facilities.

### Legislative Action Plan

The first legislation for regulating employment of children in factories was passed in 1881 in India. The Child Labour (Prohibition and Regulation) Act, 1986 is the first comprehensive legislation which prohibits employment of children below 14 years in organised industries and in certain hazardous work and presents them from entering into labour markets again. The most significant step in this direction was the adoption of National Policy on Child Labour (1987). This project, financed by Central Ministry of Labour, aims at rehabilitating the children withdrawn from employment thereby reducing the incidence of child labour in areas known for their high incidence of child labour. The policy encompasses action in the fields of education, health, nutrition, integrated child development and employment. Apart from awareness generation and legal action, the project also operates special schools for erstwhile child labourers.

## NOTES

### General Development Programmes

General development action programme, the National Policy on Child Labour envisaged initiation of non-formal education (NFE) centres proposed under the National Policy of Education 1986, for continuing education of child labour, who have successfully completed NFE, efforts would be made to link the NFE institutions with open schools, or with the forward education system. India also ratified UN Convention on the rights of the child in December 1992. The charter on child's rights was drafted by the UN Commission on human rights and adopted by the UN General Assembly. It is set of international standards and measures intended to protect and promote the well being of children in the society. The Convention provides the legal basis for initiating action to ensure the rights of the children in society. It draws attention to our sets of civil, political, social, economic and cultural rights of every child.

### National Authority for Elimination of Child Labour (NAECL) 1994

The Government of India constituted a National Authority for Elimination of Child Labour (NAECL) on September 1994. The functions of NAECL can be enumerated as:

- (i) To lay down the policies and programmes for elimination of child labour, particularly in hazardous employments.
- (ii) To monitor the progress of implementation of programmes, projects for implementation of programmes, projects and schemes for elimination of child labour and;
- (iii) To co-ordinate implementation of child labour elimination related projects of the various ministries of the Government of India.

### The National Child Labour Projects (NCLP)

Under NCLP more than 18000 special schools have been set up covering about 1.5 lakh working children. These schools provide non-formal education, vocational training, supplementary nutrition, stipend, healthcare etc to children withdrawn from employment.

### Scheme of the Ministries of Welfare and Women and Child Development

The Ministry of Welfare has a grant in aid schemes for supporting and strengthening NGOs engaged in the welfare and development of street children. NGOs are supported by the ministry of women and child development. Moreover the NGO sector has largely become a representative of World Bank sponsored social service solutions. To supplement and pressurise the government initiatives at the national level, several NGOs have shown tremendous courage and enthusiasm to highlight the bondage, servitude conditions of working children. The formation of South Asian



coalition on Child Servitude (SACCS) in 1989 and campaign against child labour were attempts to protect the neglected children under conditions of bondage and servitude and to restore all children the right to primary education.

### **South Asian Coalition on Child Servitude (SACCS)**

SACCS a conglomerate of over 410 NGOs Human Rights Organisations Trade Unions and Child Rights Group from South Asia is one of the largest joint NGO initiatives against bonded child labour and child servitude. The NGO has liberated around 40,000 children languishing in servitude. The SACCS works with government officials police and judiciary in raiding sites, where children known to be working in intolerable circumstances, in various hazardous and non-hazardous industries.

### **International Labour Organisation**

International Support for the Elimination of Child got significant boost from ILO and UNICEF in 1992. Two parallel programmes intended to build financial and human capacity of Government and Non-government agencies were started.

- (i) Child Labour Action Support Programme (CLASP)
- (ii) International Programme on the Elimination of Child Labour (IPEC) launched in 1992. India was the first country to join the programme.

### **UNICEF**

UNICEF acknowledges the need to advocate the implementations of the Convention of the Rights of Child. The objectives are:

- (i) Promote compulsory primary education
- (ii) Advocate revision and enforcement of legislation to prohibit child labour, particularly in hazardous industries.
- (iii) Assist Central and State Government for any action plan for withdrawal and rehabilitation of child labour.
- (iv) Strengthen alliance between NGOs, media, industry and legal set-up for social mobilisation in support of elimination of child labour.

Poverty alleviation and development strategies are being tried in order to help improve overall living standards and address underlying and structural causes of child labour. Social protection and rehabilitation strategies have been tried with varied local regional implementation and with different degrees of success. Due to international pressure (e.g. boycott of goods manufactured by child labour, trade sanctions) when child labour laws were implemented, thousands of children immediately lost income and became more vulnerable. Such children were supported by UNICEF and other

### **NOTES**

## NOTES

agencies by providing reasonable alternatives (school, vocational training etc).

Thus it becomes imperative to have clearly developed monitoring strategies and programs when interventions are made to eradicate child labour. UNICEF and the rights of the child emphasise that it is important to listen to views of children on matters that affect them and consider them while developing policies and programs. Thus participatory strategies are important as they enhance the involvement of children in their affairs.

Cox and Pawar (2006) have categorized current child labour strategies and programs into indirect strategies that focus on legislation, education and poverty alleviation, and direct strategies that focus on working with situations where children are employed as child labourers. To bring about all round improvements for children, UNICEF has been emphasizing a broad strategy known as creating a protective environment that includes government commitment, legislation, raising community awareness and addressing attitudes facilitating open discussion, developing children's life skills, providing essential and rehabilitation services, and monitoring and reporting.

In spite of various initiatives for eradication of child labour, the problem still persists in India. So the efforts to eliminate child labour have to be multi-pronged, keeping in view the multiplicity of factors responsible for it. But any programme for child labour eradication must have a strong component of mobilisation of the various stake holders as well as the community at large. People should consider how to provide relevant activity-based primary education as a strategy for rehabilitating the child workers as well as to prepare them to face their life situation better. However, barring the shortcomings the initiatives and support for the eradication of child labour in India, through government sector, judiciary, social workers and public at large has raised hopes for creating mass movement against the menace of child labour and provide universal compulsory education for children.

---

### 5.10 STREET CHILDREN IN INDIA

---

India has been a home to many street children who are illiterate, sick and malnourished. Millions of street children are vulnerable and are forced to work being deprived of education. In spite of globalisation and liberalisation and India's booming economy, millions of children in India are homeless and living in deplorable conditions. It is quite difficult to provide a proper statistical evidence of number of street children in the entire world. Because of their very lifestyle, street children are not included in official statistics that rely on data collected by surveying families or schools; any estimate is therefore necessarily imprecise.

The UNICEF definition of street children which was cited by Nandana Reddy is as follows: street children are those for whom the street (in the widest sense of the word, i.e. unoccupied dwellings, wasteland etc.) More than their family has become their real home, a situation in which there is no protection, supervision or direction from responsible adults and the three operational categories:

### 1. Children on the Street

Forming the largest category, these are the children who have homes; most return to their families at the end of the day

### 2. Children of the Street

These children are a group who have chosen the street as their home and it is there that they seek shelter, livelihood and companionship. They have occasional contacts with their families.

### 3. Abandoned Children

These children have severed all ties with their families. They are entirely on their own, not only for material survival but also psychologically.

According to UNICEF and World Health Organisation (WHO), the steadily growing number of street children worldwide could be between 100 and 150 million. (Roux 1996) India has the highest concentration: 'in 1994, UNICEF itself estimated that 11 million children lived in the streets of India, while other groups put the number as high as 18 million. Two in three are male. Moreover, while the majority are between 11 and 15 years old, a large percentage belongs to the 6-10 age group.'<sup>2</sup>

The children, who are in the streets, often end up in doing jobs like collecting rags, cleaning train compartments, working in roadside dhabas, cleaning utensils in dhabas, and work as coolies etc. Their lifestyle makes them vulnerable to many diseases like tuberculosis and even sexually transmitted diseases like HIV/AIDS. The street children in India are exposed to unhygienic living conditions and extreme poverty.

In 1992, a study conducted by UNICEF on street children in Mumbai observed that large-scale migration of families from rural to urban areas has resulted in severe overcrowding, degrading work conditions, homelessness, deprivation of basic services and appalling living conditions in the city. Yet, to return to the village means starvation: to remain in the city means possible survival at least physically (Lima and Gosalia, 1992).

<sup>1</sup> United Nations Development Programme, cited in *Human Rights Watch*, 'Police Abuse and Killings of Street Children in India', 1996.

<sup>2</sup> I. Seure, 'A Research about Street Children and the Possibilities of Setting up Children's Union to Defend Their Rights', 2000.

## NOTES

---

## 5.11 CHILD TRAFFICKING IN INDIA

---

### NOTES

Trafficking of women and children has been a serious issue of human rights violation confronting India. It is a growing phenomenon regionally, nationally and internationally. While trafficking is a global problem and an integral part of the process of international migration, it does assume specific regional and national dimensions. Trafficking of women and children for prostitution is a vile and heinous violation of human rights. Statistics on 'trafficking' are often unreliable because they tend to overrepresent the sex trade. However, a detailed 2005 study by the International Labour Organisation (ILO) found that, of the estimated 9.5 million victims of forced labour in Asia, less than 10 per cent are trafficked for commercial sexual exploitation. Worldwide, less than half of all trafficking victims are part of the sex trade according to the same report (Feingold, 2005).

### Defining Trafficking

So far as the definition of trafficking is concerned, it is a matter of serious debate. In fact, there is no universal definition of trafficking throughout the world. Absence of consensus of the definition of trafficking has crucial implications on strategic planning and programme development since some of the definitions of trafficking which inform concrete practice may be contradictory to each other. However, there are some basic elements of trafficking that are widely agreed upon, such as violence, deception, coercion, deprivations of freedom of movement, abuse of authority, debt bondage, forced labour and slavery like practices and other forms of exploitation or use of force.<sup>3</sup>

The most comprehensive definition is one which is adopted by UN office of Drugs and Crime in 2000, known as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, 2000 under the UN Convention against Trans-national Organised Crime (UNTOC).

However, Article 3 of the Indian Constitution says:

- (a) Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion of abduction, of fraud, of deception, of the abuse of power of a position of vulnerability or of the giving off or receiving of payments or benefits to achieve the consent of a person having control over other persons, for the

---

<sup>3</sup> This was published in a report entitled *Trafficking of Women and Children in South Asia: Taking Stock and Moving Ahead, A broad assessment of Anti-trafficking initiatives by Nepal, Bangladesh and India*, prepared by Dr. Jyoti Sanghera in Nov 1999 and sponsored by UNICEF Regional Office Save the Children Alliance

purpose of exploitation. Exploitation shall include at minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour services, slavery of practices similar to slavery, servitude or the removal of organs;

- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in sub paragraph(a) of this article shall be irrelevant where any of the means set forth in subparagraph(a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in sub paragraph(a) of the article;
- (d) Child shall mean any person less eighteen years of age.

## NOTES

### **Incidence of Trafficking**

In India, many children are trafficked every year for sex trade, domestic labour, organ trade, industrial labour etc. Nearly 60 per cent of the children trafficked are below 18 years of age proclaims the National Crime Records Bureau(NCRB,2005).Based on this data, it is believed that Bihar, Maharashtra and Madhya Pradesh are the three states where maximum of children are trafficked. The minor girls become soft targets. These girls are forced into prostitution. West Bengal and Karnataka are two important States who have largest number of girls selling into prostitution.

### **Trafficking and Migration**

Trafficking of children is closely related to migration and more specifically illegal migration. The International Organisation of Migration (IOM) has placed trafficking on its regional agenda and is concerned with understanding and operationalizing the distinctions between migration and trafficking. However, the IOM focuses on cross-border trafficking and seeks to strengthen organisations and programmes which provide support to survivors of trafficking.

Trafficking and migration are intertwined and they cannot be thought about without a co-relation with each other. The most common form of trafficking is 'migrant trafficking'.

There is no denying the fact that there is a line of demarcation between trafficking and illegal migration. Trafficking involves involuntariness on the part of the victim and it involves deception or force, whereas on the other hand, migration involves willingness. In proven trafficking, the victim, during the process of recruitment or transfer accompanies the agent willingly. Such willingness on the part of the victim is either through deception or through a false promise for a lucrative job.

## NOTES

The process of 'migrant trafficking' involves two phases: firstly, when the willing migrant and unsuspecting victim is actually delivered to a site of work which is different from the one promised by the agent and may subjugate the victim to work under conditions which are degrading; secondly, recruitment and transportation and confinement to the site of work under exploitative conditions.

### Child trafficking and its Forms

Child trafficking can take many forms namely, sexual exploitation, which involves forced prostitution, sex tourism and pornography. In case of children, it is mostly forced prostitution.

### Interventions on Trafficking

The problem of trafficking is becoming a serious social problem and needs to be addressed urgently. There have been a significant number of efforts undertaken in this direction in order to eradicate this problem by the Government. In India, the Department of Women and Child Development as well as The National Commission for Women have done a lot in this direction.

The efforts of Central and State Governments include:

- The Government of India set up a Central Advisory Committee on Child Prostitution in 1994 which worked in collaboration with both governmental and non-governmental agencies to take up the issue of sexual exploitation of children, particularly the girl child and make necessary policy interventions. The State governments have also set up similar committees like State Advisory Committees to address the same issue at State level.
- Committee on Prostitution, Child prostitution and Children of Prostitutes headed by secretary of Women and Child Development was set up in 1997 which looks at the problems of prostitutes and looks into trafficking of women and children.
- The Central Social Welfare Board provides financial assistance to NGOs to establish care centres for children of prostitutes.

### Legislative Action

- Article 23 of the Constitution guarantees rights against exploitation; prohibits traffic in human beings and forced labour and makes their practice punishable under law.
- Article 24 prohibits employment of children below 14 years of age in factories, mines or other hazardous employment.
- Indian Penal Code 1860 ;out of 25 provisions related to trafficking some are relevant namely; Section 366 A, 366 B, 374 .The procurement of a minor girl below 18 years from one part of the country to another is an offence.

- Immoral Traffic Prevention Act (ITPA) 1956 renamed as Suppression of Immoral Traffic in Women and Girls Act, 1956(SITA) aims at abolishing traffic among women and girls.

### Other initiatives

Apart from the governmental intervention and legal action, a lot of NGOs have worked for eradication of child trafficking. More than 80 NGOs in 10 States of India work actively among sex workers, and play a major role in advocacy to influence policy reforms (UNIFEM, 1998).

### NOTES

#### CHECK YOUR PROGRESS

1. Who is a 'working child'?
2. Which region in Asia has the highest incidence of child labour?
3. Which are the three categories of child labour according to the ILO?
4. What is the Child Labour (Prohibition and Regulation) Act, 1986?
5. Name two organizations in India who have been trying to combat the problem of trafficking.

### 5.12 SUMMARY

- One of the most pressing social problems confronting India is the problem of 'working child' or 'employed child'. In India, child labourers are actually children without childhood, can be seen employed in almost all spheres of formal and informal sectors of the economy.
- UNICEF and International Labour Organisation (ILO) along with some other organisations have taken up the responsibility of defining child labour and clarifying the concept of child work.
- It is estimated that about 60 per cent of the world's children live in developing Asia and about 19 per cent of these children are victims of child labour practices. Within Asia, South Asia has a high incidence of child labour and this varies significantly between countries; for instance, children's workforce participation rates-number of child workers to the child population-range from just above 5 per cent in India to 42 per cent in Nepal.
- The child workers work under appalling conditions and are highly exploited and neglected. Even they are paid less wages. Studies conducted in various parts of India reveal that in spite of long working hours for children they are not paid enough wages. Children work under inhuman conditions and suffer from dangerous diseases like tuberculosis and asthma.

## NOTES

- The government of India is generally concerned about the magnitude and plight of child labour in various sectors of employment. Various efforts have been undertaken to eliminate child labour both at the national and international level. India has stood for statutory and development measures that are required to eliminate child labour.
- India has been a home to many street children who are illiterate, sick and malnourished. Millions of street children are vulnerable and are forced to work being deprived of education.
- Trafficking of women and children has been a serious issue of human rights violation confronting India. It is a growing phenomenon regionally, nationally and internationally.

---

### 5.13 KEY TERMS

---

- **Working child:** Child between five to fourteen years of age who are employed in manual labour and work more than their bodies should be allowed to.
- **ILO:** Specialized agency of the United Nations working through member nations to improve working conditions throughout the world.
- **Child Labour (Prohibition and Regulation) Act:** Act that stated that children under fourteen years of age could not be employed in hazardous occupations. This act also attempted to regulate working conditions in the jobs that it permitted, and put greater emphasis on health and safety standards.

---

### 5.14 ANSWERS TO 'CHECK YOUR PROGRESS'

---

1. The problem of 'working child' or 'employed child' is one of the most important social problems confronting India. In India, child labourers are actually children without childhood, can be seen employed in almost all spheres of formal and informal sectors of the economy.
2. Within Asia, South Asia has a high incidence of child labour and this varies significantly between countries; for instance, children's workforce participation rates—number of child workers to the child population—range from just above 5 per cent in India to 42 per cent in Nepal.
3. The ILO (2002) has categorized some of the causes into three different categories namely; immediate causes, underlying causes and structural or root causes.
4. The Child Labour (Prohibition and Regulation) Act, 1986 is the first comprehensive legislation which prohibits employment of children



below 14 years in organised industries and in certain hazardous work and presents them from entering into labour markets again.

5. In India, the Department of Women and Child Development as well as The National Commission for Women have done a lot in this direction.

## NOTES

---

### 5.15 QUESTIONS AND EXERCISES

---

#### Short –Answer Questions

1. Define child labour.
2. What are the problems faced by child workers?
3. Write a short note on ‘street children’.
4. What is migrant trafficking?
5. Outline the various measures undertaken to combat child trafficking in India.

#### Long-Answer Questions

1. Discuss the various types of child labour.
2. Explain the causes for child labour.
3. Discuss the various intervention strategies to eradicate the problem of child labour.
4. Discuss the problems of street children.
5. Discuss the problem of child trafficking in India.
6. Discuss the relationship between migration and trafficking.

---

### 5.16 FURTHER READING

---

Parker, David and Tom Harkin. 2007. *Before Their Time: The World of Child Labor*. Quantuck Lane Press.

Schmitz, Cathryne L(ed), Elizabeth K. Collardey (ed), and Deborah Larson (ed). 2004. *Global View (A World View of Social Issues)*, First edition. Greenwood.

## NOTES

below 14 years in organized labor in certain industries and present them from laboring and labor market again. In fact, the Department of Work and Child Development as well as the National Commission for Women have done a lot in this direction.

## NOTES

### 2.15 QUESTIONS AND EXERCISES

#### Short-Answer Questions

1. Define child labor.
2. What are the problems faced by child workers?
3. Write a short note on 'forced child labor'.
4. What is 'moral trafficking'?
5. Explain the various reasons for child labor in India.

#### Long-Answer Questions

1. Discuss the various types of child labor.
2. Explain the causes for child labor.
3. Discuss the various socio-economic strategies to eradicate the problem of child labor.
4. Discuss the problems of child labor in India.
5. Discuss the problem of child trafficking in India.
6. Discuss the relationship between education and trafficking.

### 2.16 FURTHER READING

Patel, David and Tom (1997) *Child Labor: The World's Hidden Industry*. London: Quaker Foundation.

Sharma, Gaurang (1997) *Child Labor: A Global Issue*. New Delhi: Global View of India.

**NOTES**

NOTES