

**IMPACT ON OVERALL DEVELOPMENT
OF CHILDREN WORKING IN FAMILY
ENTERPRISES:
A STUDY**

CONDUCTED BY

SUPPORTED BY

PEOPLE'S PARTICIPATION

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ACKNOWLEDGEMENT

People's Participation acknowledges with gratitude the privilege to engage with disadvantaged sections of the society and furthering rights based initiatives towards bringing qualitative changes in their lives.

The current study is also another example of our continued commitment towards highlighting the importance of safeguarding the rights of vulnerable children.

We sincerely thank ActionAid Association – Kolkata Regional Office, for supporting this effort and providing crucial guidance in conducting the study.

The support and cooperation extended by the Khardah Municipality and Titagarh Municipality, the counsellors of the municipality and teachers of local schools for facilitating and according permission to conduct interviews is also acknowledged with due gratitude – without which, this publication would not have been possible.

For their tireless and sincere efforts in conducting the field level data collection and interviewing, the members of the survey team of People's Participation deserves a special round of applause.

Finally, our heartfelt gratitude towards the children and their parents who participated in the study and patiently answered the interview to enable us to reflect an accurate picture of the ground realities in respect to education of homeless children.

Dipankar Mira
Honorary Secretary

Introduction

According to International Labour Organization (ILO), the term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that: is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

In order to tackle the problem of child labour in India, the [Ministry of Labour and Employment](#) took a three pronged approach. First was to set up a legal framework for prohibition and regulation of child labour under the scope of the Child Labour Prohibition and Regulation Act 1986. Second was to use various development programmes to address the needs of working children. And third was to set up the National Child Labour Project.

The objective of these initiatives was to eliminate child labour in hazardous industries by 2010 and gradually eliminate the practice altogether. With deficient monitoring and supervision for proper implementation, these initiatives are yet to fetch the desired results and child labour continues to be a big issue in the country today.

Against this backdrop, on May 13, 2015, the Union Cabinet accorded its approval to another set of amendments to the Child Labour (Prohibition and Regulation) Amendment Act, 2012, apparently with a rationale that right to education of children in the age group of 6-14 years is not compromised. The Cabinet approval has paved the way for the government to move official amendments to the Child Labour (Prohibition & Regulation) Amendment Bill, 2012, in Parliament to effect changes in the original 1986 Act.

The Child Labour (Prohibition & Regulation) Act 1986 provides for the prohibition of employment of a child below 14 years of age in 18 specific occupations and 65 processes. It also seeks to regulate conditions of work for children in other occupations and processes.

The Right to Education Act was legislated to ensure free and compulsory education to all children in the age group of 6-14 years. One of the stated objectives of the amendment is to ensure that all children between the ages of six and 14 years are enrolled in schools rather than at workplaces.

The provisions of the 1986 Act are inconsistent with the Convention 138 of the International Labour Organization (ILO) – making it difficult for the government to ratify the convention in India. ILO Convention 182 provides that the minimum age for admission to employment or work shall not be less than the age of completion of compulsory schooling. It adds that employment of all the children below the age of 18 years should be prohibited. However, the 1986 Act provides that persons above 14 years could work in hazardous occupations and processes.

The amendment introduces prohibition of employing adolescents in hazardous occupations and processes. The offence of employing a child or adolescent in contravention of the law by an employer is to be made a cognizable offence.

Amendments have also been proposed in the punitive clause in the law. The punishment for the employers has been enhanced significantly. However, in case of parents, the punishment for parents/guardians has been relaxed – owing to their socioeconomic status.

Despite intention of the provisions of the amendment in respect of above issues, there is scepticism on the exception to the complete ban on child labour proposed through the following cases:

- Children are allowed to help his/her family or family enterprise(s) provided that (i) such enterprise is not involved in hazardous processes and (ii) the work is carried out after school hours or during vacations.
- Children are allowed to work in the audio-visual entertainment industry including in advertisements, films, television serials or any such other entertainment or sports activities except in a circus subject to (i) compliance with prescribed conditions and adoption of safety measures, and (ii) the work does not affect the school education of the child.

While the amendments banning those below 18 from working in any hazardous industry and the enhancement of penalties have been unanimously welcomed, there remains scope for uncertainty in the proposed provision allowing children below 14 years of age to work in family enterprises.

The perspective of the government has been enunciated in a note released by the ministry of labour and employment: *'... while considering a total prohibition on the employment of (a) child, it would be prudent to also keep in mind the country's social fabric and socio-economic conditions. In a large number of families, children help their parents in their occupations like agriculture, artisanship etc. and while helping the parents, children also learn the basics of (the) occupations. Therefore, striking a balance between the need for education for a child and the reality of the socio-economic condition and social fabric in the country, the Cabinet has approved that a child can help his family or family enterprise, which is other than any hazardous occupation or process, after his school hours or during vacation.'*

The problem in identifying home based and family enterprises is probably a definite hurdle in the way of implementation of the amendment and in its 40th report on the Child Labour (Prohibition and Regulation) Bill, 2012, the Parliamentary Standing Committee categorically raised this issue argued: *'The Committee (members) are not able to understand as to how the Ministry (of Labour and Employment) proposes to keep a check on children working in their homes. The ministry is itself providing loopholes by inserting this proviso since it would be very difficult to make out whether children are merely helping their parents or are working to supplement the family income.'*

'Further, allowing children to work after school is detrimental to their health as rest and recreation is important for fullest physical and mental development in the formative years besides adversely affecting their studies. The Committee (members) feel that the schools where these children study should conduct sessions for their parents and tell them about the needs of the children. The Committee (members) are of the view that there is no need to insert (the) provision ... and the amended section be reframed to prohibit employment in all occupations where there is subordinate relationship of work and labour.'

Analysis of Existing Literatures

A detailed review was undertaken on the UNICEF Innocent Research Foundation commissioned study to ascertain the interrelation between child labor and academic performances and the report was reproduced in Indian Journal of Paediatrics 2007; 74 (10): 933 – 936. In this study, working children had worse specific academic performance than non-working children despite similarities in overall school attendance rates. Similar observations were made in Nigeria and other countries. The study concludes that “..it is possible that child labor through physical and mental exertions competed with their student roles...” This is because the time the child devotes to work after school is also the time he or she might have utilized to achieve an adequate academic performance through remedial lessons or at least to rest and recreate.

Research conducted at the University of Bath, into the relationship between child work and school attendance in Ghana, Pakistan and Bangladesh also provides an insight into the issue. The data from Ghana, Pakistan and Bangladesh provide an interesting pattern of results. It appears to be hardest to combine school and work in Bangladesh, and least difficult in Ghana. To some extent, this is due to the differences between the countries in the proportion of child work that is done outside the household. However, there are also differences between countries in the ability of children to combine household work with schooling. Another important point is that it is generally harder for girls to combine work with schooling, the effect being strongest in Pakistan and weakest in Ghana. Girls are also more likely to be neither working nor attending school.

A number of other studies have looked at the relationship between child work and schooling, some of them producing information in a similar format to the above study. These include Grootaert and Patrinos (1998), and Nielsen (1998). The studies report data that they used to estimate models of the simultaneous decisions about work and schooling. **Such studies tend to show that factors encouraging work generally discourage schooling, which is consistent with a conflict between work and school attendance.**

Of these, only Kanbargi and Kulkarni (1991) draw inferences about the effect of work on schooling, concluding that children in Karnataka who work are less likely to attend school than those who do not work. (Kanbargi, R. and P.M.Kulkarni. 1991. 'Child Work, Schooling and Fertility in Rural Karnataka, India', in R. Kanbargi (ed.), Child Labour in the Indian Subcontinent: Dimensions and Implications).

A similar inference was drawn by Young lives in a longitudinal study following 3000 children in Andhra Pradesh from 2001 – that has gathered information on children’s occupations and time spent in paid and unpaid work and their educational status. The study also found that children were required to juggle school, home and farm work for 2 – 3 months a year. Unable to strike balance between different forms of work, some children missed school. Not only this points to the seasonal pressures on children, but also highlights the fact that the children may be formally enrolled in school but at the same time may be missing part of the instruction during certain periods.

The data available from the survey conducted by 7th All India Education Survey, which found that adolescents between 15 and 17 years of age doing hazardous work form 62.8% of the overall child labour population. Nearly 10% of the adolescents working in hazardous conditions are working in family enterprise. 56% of the working adolescents are no longer studying and 70% of those in hazardous conditions are not studying.

Examining the proposed amendment in an article published in the Economic and Political Weekly, Alex George and Samit Panda pointed out that the proposed amendment, which hopes to align the CLPR Act with the Right to Education has every possibility of the proviso on allowing children to help in the family occupation after school hours to be misused. Besides, it may also lead to reinforcing the practice of caste-based occupations.

Action Aid Association (AAA) has been a pioneer civil society organization championing initiatives targeted towards improving accessibility of rights of the disadvantaged sections of the society. Child Rights and issues related to overall protection scenario of children forms an important focus of its activities. The organization along with its partners have led research based initiatives to draw attention of policy makers towards ground realities in its effort to create an platform of information sharing and idea exchange thereby brining about positive changes in the lives of the disadvantaged.

The current document is a collaborative initiative of Action Aid Association and its partner People’s Participation to delve into the problem of children working in family enterprises and map the findings in respect of the proposed amendment the 1986 Act and attempt to map the impact of such a move on the overall development of children and protection of their rights to life, development, participation and protection.



The Study

This study attempts to explore the conditions of the children who work in family enterprise or helps his/her family economically in the backdrop of recent proposed amendments to the Child Labour (Prohibition & Regulation) Act, 1986 which makes an exemption to the complete ban on employment of children by allowing children to help his/her family or family enterprises, which is other than any hazardous occupations or processes set forth in the Schedule, after school hours or during vacations;

The assumption behind the study is that, participating in economic activities even after school hours affects the health of the child, restricts his or her scope for participating in school, peer and social activities and detrimental for the academic and scholastic performance of the child hence leading to a condition where the child suffers from:

- Health problems (Physical & Psychological)
- Poor scholastic performance.
- Social exclusion

The study compares the conditions of three categories of children from similar socio-economic status: Child Labours (i.e. children who have dropped out of school and are engaged in work outside the family sphere to earn), Children working in family enterprise or helping his or her family after school hours (referred as working students) and Children who do not work and going to school.

Objective

- The objective of the study is to examine the impact of involvement of children in family enterprise on their education and development. It will reveal the actual health, education and overall development status in respect of these children and compare these problems with the ones faced by drop out child labours who are exclusively working.
- To conduct advocacy and networking with the appropriate Govt. authorities for reconsideration the clause of allowing children's involvement in family enterprise in respect of its negative impact of children's developmental rights.

Locale of the Study

- Study was conducted in the ward number 1 of Khardah Municipality and ward numbers 18 and 23 of Titagarh Municipality.

The area is predominantly inhabited by economically extremely disadvantaged communities. There is a mix of Hindus belonging scheduled castes and disadvantaged Muslims. The main economic activities are daily wage earning and small business where children provide cheap labour for sustenance of the activities. The level of education among parents (both sexes) is extremely poor and awareness of issues related to rights and development of children is almost nonexistent.

Study Indicators

The comparison will be done on the following indicators and how these are getting affected by participation of child in economic activities:

Health: <ul style="list-style-type: none"> • Presence of physical problems, diseases, injury • Growth and malnourishment • Presence of psychological problems • Presence of substance dependence 	Academic and Scholastic performance: <ul style="list-style-type: none"> • Scholastic performance of last few years • Attendance • Participation in co-curricular activities • Relationship with classmates & teachers • Aspiration of the child 	Community Participation: <ul style="list-style-type: none"> • Participation in social events • Participation in play • Leisure time activities • Relationship with peers
		Family Relation: <ul style="list-style-type: none"> • Parent-Child relationship • Relationship with siblings
		Attitude of parents towards child: <ul style="list-style-type: none"> • Parent's Literacy • Awareness on RTE • Awareness on Child Rights • Parent's participation in school meetings • Discussing with children on studies and helping children in studies

The indicators were selected on the basis of their close relation in respect of understanding the status of health, education and overall development of children – including the aspects of recreation and participation which are defined as rights of child under UNCRC.

- **Family based enterprise like Kite making, Dairy (khatal) and allied enterprise (making cow dung cakes), Candy making, Poultry related, Hotel / Dhaba, Rag Picking and waste segregation are commonly found to employ children of the family in work**

Data Collection & Sampling

The study was based on primary data collection across target groups. Detailed interviews of the respondents were duly conducted to draw information related to the study. Methods of data collection included:

- Interview using questionnaires (of 6-14 years children) in the following groups:

Group A	Group B	Group C	Duty Bearers
6-14 years children who are school drop- out and engaged in work like casual labour, rag picking, garage, Dhabas etc.	6-14 years children going to school & also working in family enterprise (Referred as working	6-14 years children going to school And not involved in any work	Parents

- The interaction with the first group of children provided insight into the challenges posed for child labourers - in respect of education and physical mental developments.
- The second group provided insight into problems faced children engaged in family enterprise and also going to school.
- The third group of children are going to school and not doing any economic work.
- Interaction with the parents / guardians involved collation of their experience in respect of being primary duty bearers and protector and upholder of a child's rights. Their opinion reflected family and society's attitude towards the issue which further provide a guide for the steps to be initiated by civil society organizations and government departments to improve implementation of RTE in order to provide more conducive atmosphere for children to pursue education.

The three groups of children were selected to provide a comparative analysis of the status of children in respect of health, time available for education, playing and socializing. In case of some indicators, comparison can be drawn between all 3 groups (as in health). But with some indicators comparison can only be drawn between 2 groups. As for example, time available for studies and schooling. This indicator will not apply for dropout children. So the comparison will be for working students and non-working students. Similarly on the indicator of the using money, since non-working students do not earn, the comparison will involve working students and child labours.

Definition of Family

The ambiguity in defining the term 'family' in the proposed amendment has every chance of leading to exploitation of children and from this point of view, for the purpose of the study, a 'family' has been considered as a unit comprising father, mother, grandparents and siblings. The scenario unearthed through this study is an attempt to assess the direct impact on children – attempting to combine work and school. The situation is bound to be grimmer if the element of exploitation adds a further layer of complexity to the issue.

Data Collection Process

The draft questionnaire was first prepared and shared with the implimentation agency and Action Aid Team. Their suggestions were incorporated in the questionnaire. The data collection team was then given orientation followed by field testing. This mandated incorporation of further changes to arrive at the final questionnaire. The purposely selected participants were administered questionnaire (attached at the end of the report) through a period of eight days (in November 2015) through a team of 7 surveyors. The responses thus recorded was analyzed statistically and then enumerated in the form of this report.

Participants

CATEGORY	No of Children	No of Parents*
Children Engaged in Family Enterprise and also going to school	30	30
Drop out Children engaged as child labourers	30	30
Children going to school & not engaged in any work	30	30

* Parents of each participating child were also interviewed to understand parental involvement and attitude towards development of a child in the community.

The participating children were purposely selected from the community keeping in mind the religious distribution in the area.

RELIGION	No of Respondents
Hindu	53 (59%)
Muslim	37 (41%)

Attempt was also made to include almost equal representation of boys and girls in the study so that gender based attitudes and issues also gets reflected in the final outcome

Sex	No of Respondents			
	STUDENTS	STUDENTS WORKING IN FAMILY ENTERPRISES	DROP OUT CHILD LABOURS	TOTAL
Boys	16	14	22	52
Girls	14	16	8	38

Ethical Compliance

The “Child Protection Policy” of People’s Participation was followed during the conduction of the study, including getting informed verbal consent from participating children and parents. They were informed of the purpose of the data collection for its use to publish this report to highlight the impact of combining schooling and working in family enterprises on.

Limitation of the Study

The sample size of 90 is extremely small as compared to the total population of Khardah and Titagarh Municipality. The outcomes of the study can at best be considered as an indicator of the prevailing scenario of working children. A detailed and expansive study would be beneficial in further illuminating the issue for future discussion and deliberation.



Findings

The interviewed children come from disadvantaged backgrounds and mainly are first generation learners. Awareness of rights of children - including right to education is extremely poor among parents and many households still follow archaic patriarchal norms with severe gender biases working against girls. While economic disadvantage definitely came up as an issue influencing children to take up work, however, there was definite lack of parental initiative and social pressure to keep the children in school.

Response of respondents showed that in **63.3%** of the families engaging children in family owned setups, there was a high propensity of children dropping out of school and becoming full time child labourers.

Children who regularly attend school and also discharge responsibilities of job were found to be overworked with very little scope of paying or social interaction. The time available for rest was also found to be less - even when compared to that of drop out child labourers. Even within this sample size, the incidences of substance abuse (including being habituated to the use of tobacco) were confessed by **23.3%** of respondents from the group of **working students**. Moreover, these children were having much less time for after school study as compared to regular students who do not have to work.

Contrary to popular belief, it was also found that only 12.5% of the students were utilizing their earnings to support their education - while most children were either were utilizing the funds to support their family needs or buying personal products like cosmetics or buying entertainment goods. Main family based enterprises employing children from the family were found to be: **Kite making, Dairy and allied enterprise (making cow dung cakes), Candy making, Poultry related, Hotel / Dhaba, Rag Picking and waste segregation**

The findings of the study in details:

- **Propensity to drop out of school among siblings**

Tendency among siblings under 18 years to drop out of school and join full time work was explored by asking the respondents as to how many of their brothers or sisters have left school and are working full time.

The result shows that only 16.67% of siblings of non working students have dropped out and joined full time work. Whereas among full time child labourers and students engaged in home based enterprises, the figure is much higher at 60% and 63.88% respectively. This figure reveals that there is marginally greater chance of children who are studying and working simultaneously - to leave studies and join full time work, much before attaining 18 years. Moreover, there is undocumented pressure on the children to acquire the skills needed to run the family business. Parents often consider their engagement as part of their apprenticeship and early initialization into trade. (This factor enumerated in the section dealing with family attitude). Thus, the group of students engaged in family enterprises, as

revealed in this study, appears to be more vulnerable than the full time students and allowing them to be legally engaged in the family enterprises needs to be re-examined.

- **Use of Money (Purposes)**

Citing the socio-economic practicalities of India, one of the expectations from the proposed amendment was to ensure that the remuneration received by children in family owned enterprises will help them to finance their educational efforts, in case the family is unable to bear the costs. Here it should be remembered that under Right to Education Act, bulk of the educational expenses are being borne by the State relieving the parents from the responsibility of financing their children's education. This prompted us to investigate how much money earned by children from their work in family enterprises actually is being used to support education.

This study investigated the usage of finances by children and found that only 12.57% of the children were using the finances received from working in family enterprises to pay for tuition fees from private tutors. While bulk of the money (68.75%) was used to buy goods and services having entertainment value. Additionally 18.75% were also using their money to supplement family income.

When comparing this trend with usage pattern among full-fledged child labours, it was found that 46.67% of the money was being used by them to support families while 53.33% was being used to buy entertainment.

Another effect of the availability of disposable income in the hands of children was exposed when proving the health aspects of working in the family enterprises. The number of children reporting use of tobacco related products and even indulging in gambling raises cause of alarm. With little parental control / counseling /guidance on the use of funds, providing them access to money is indirectly jeopardizing their health and security.

- **Regularity of attending school**

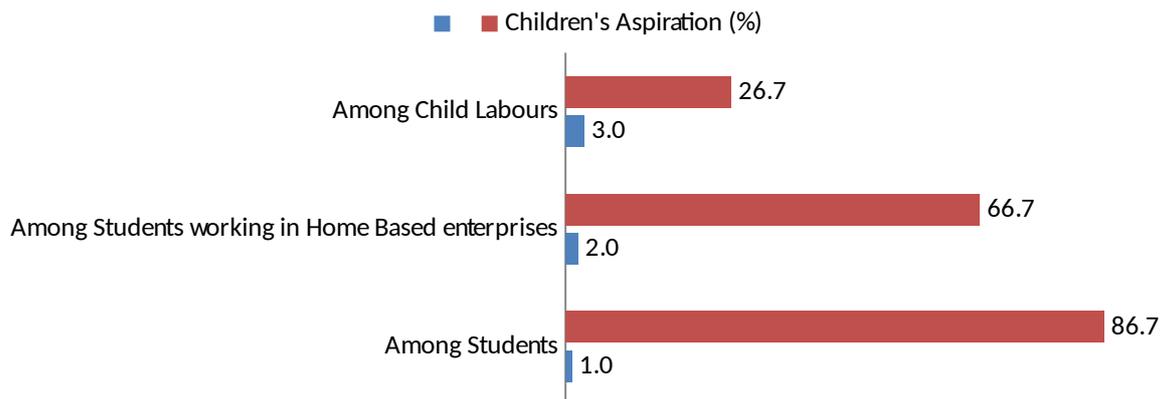
While 100% of the students reported that they were regularly going to school 13.3% of working students said that they often skip school – especially during peak season of work

(like kite makers). This revelation raises doubts on the monitoring of the viability of allowing children to work by ensuring that their right to education – especially when most of the family enterprises come under unorganized sector.

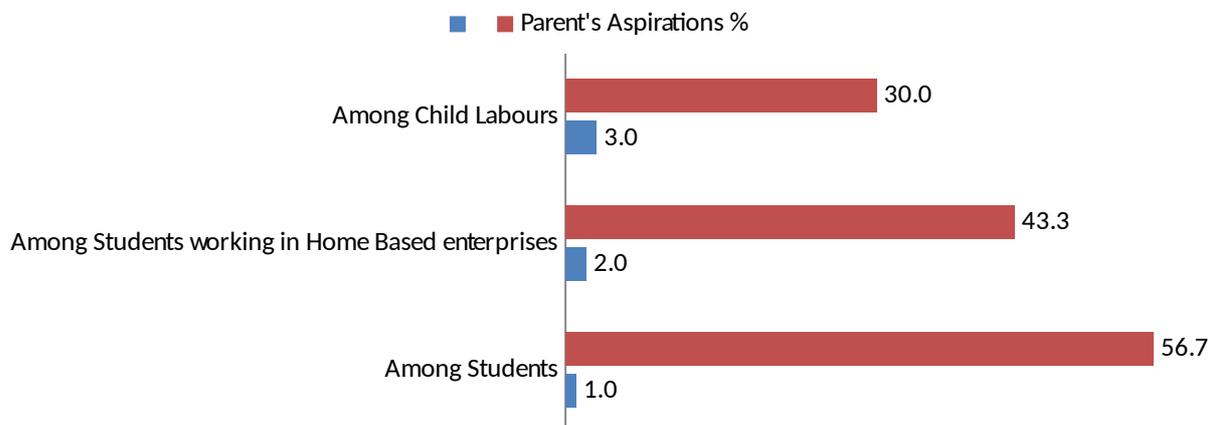
- **Aspiration among Children and Parents**

Aspirations motivate for better achievements. Since people can only achieve what they have aspired, aspirations are important inputs for achievements. Aspirations are an individual's desire to obtain a status objective or goals such as particular occupation or level of education. Educational aspirations could be influenced by family backgrounds, socio-economic status, living areas and neighborhoods. Exploration of the aspiration from future in terms of career was attempted by asking children from all three groups – ‘What do you want to be in 10 years time?’

While among students, 86.7% said that they have specific goals. Most of the boys wanted to be police and girls wanted to be teachers. But among working students, this definite aspiration was voiced by only 66.7%. This figure further dipped to 26.7% in case of child labours (working in garages, Dhabas, rag picking or doing casual labour) as most of them were not sure as to what kind of life they would have in future.

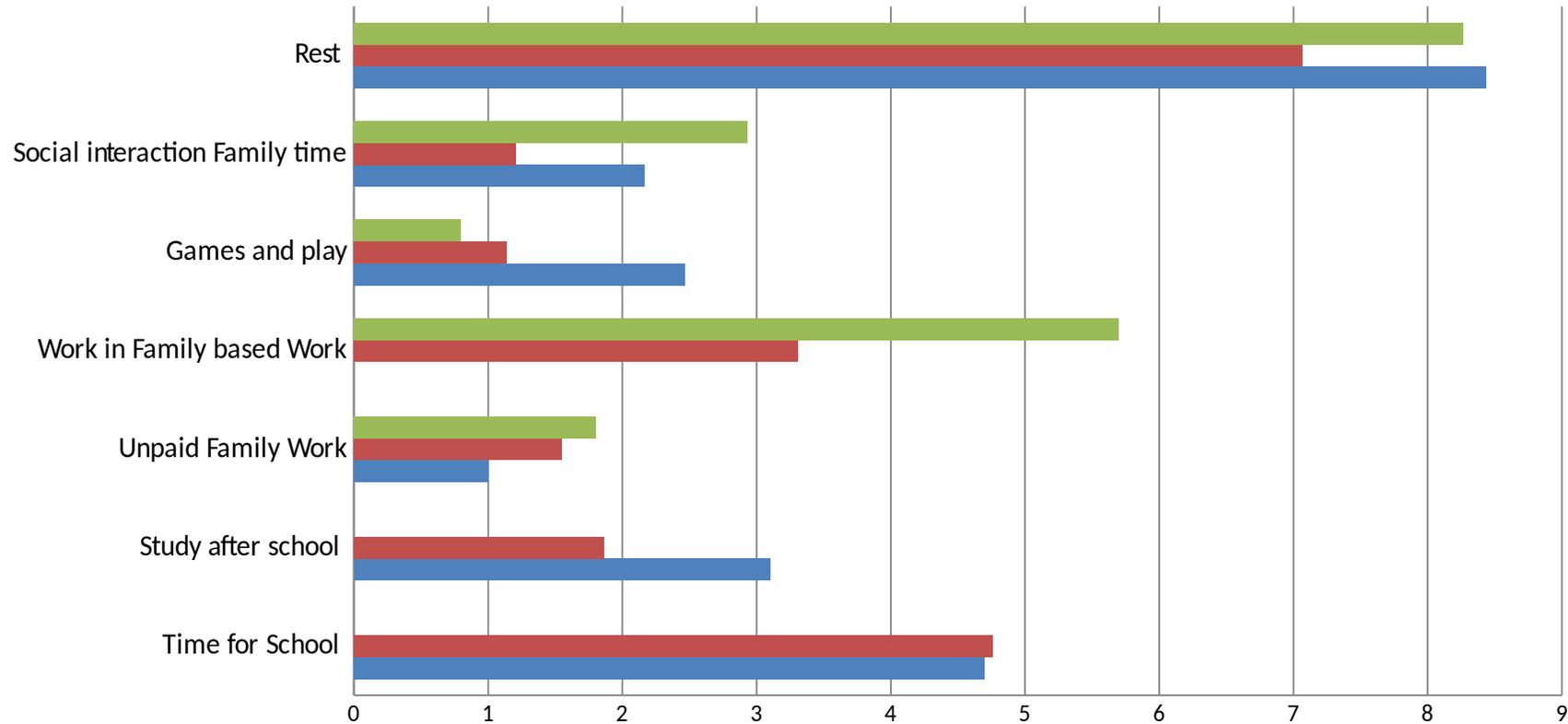


The aspiration of parents for a better life of the children almost matched the data set retrieved for children in the 3 different groups. Parents who aspired for higher education and respectable life are represented in the following chart.



The rest of the parents of girls aspired to marry them off and for boys a regular job was aspired for.

- **Time Availability for Studies / Recreation / Rest**

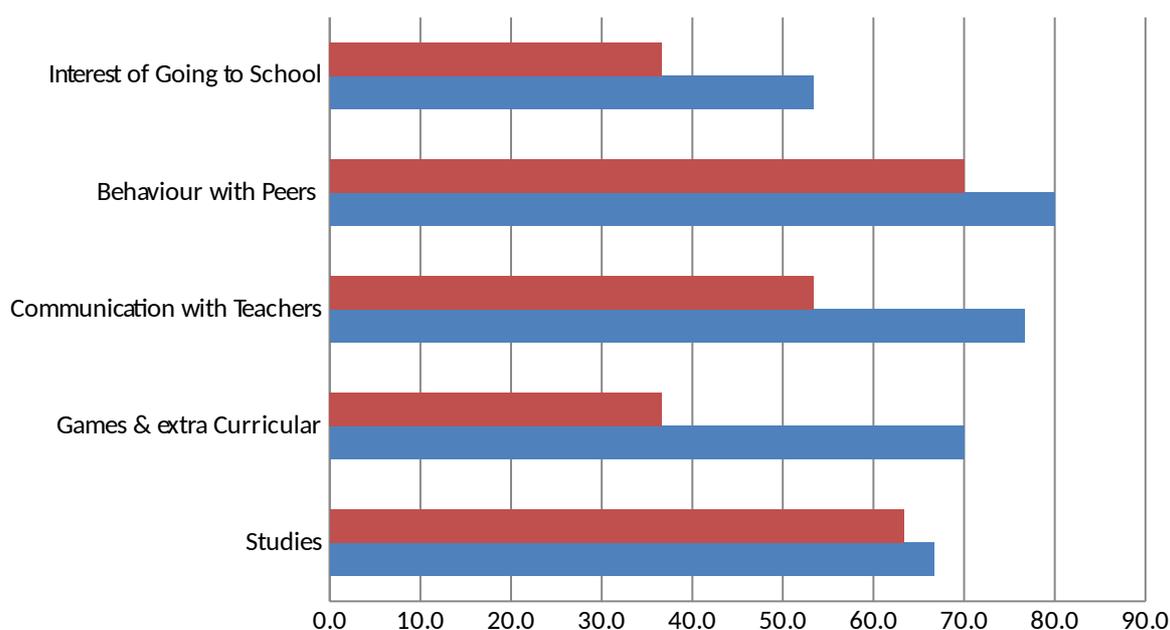


A comparative analysis of time availability for studies, recreation and rest was investigated and the comparative figures are presented in the figures above. While time for school remains almost same for working and non working students, **the time available for working students to study at home was found to be significantly less than that of students**. Unpaid family work was found to be almost same for both these groups. Child labourers received least time for games and play followed by working students – while non working student got the most time for recreation. **Working students also received lesser amount of time for social interaction and family bonding as compared to non working**

students. Most significantly, the time available for rest revealed a potential health hazard for working students as it was found that they were getting around hours of rest which is much less than other two groups.

- **Self Assessment of Performance**

Respondents in the study were asked to assess their own performance for 4 indicators which reflected their interest in schooling. These were – academic performance, communication with teachers and peers, overall interest in going to school. The following chart represents the response of students for working and non working groups who said that they ranked their performance as ‘excellent’ or ‘very good’ on the 4 indicators. On all the indicators it was seen that lesser percent of working students were happy with their performance.



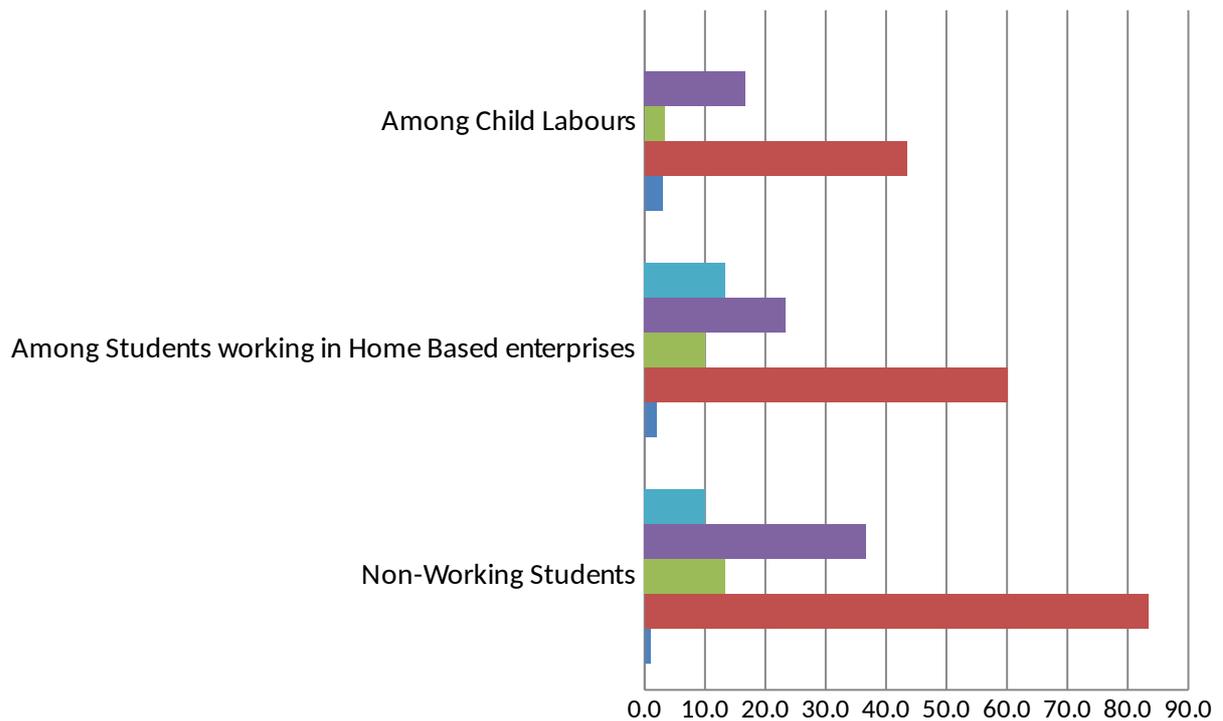
- 66.7% of non working students said that their academic performance was excellent or very good – as compared to this 63.3% working students said this.
- 70% of non working students said that their performance in games and extracurricular activities was excellent or very good – as compared to this 36.7% working students said this.
- 76.7% of non working students said that their communication with teachers was excellent or very good – as compared to this 53.3% working students said this.
- 80% of non working students said that their conduct with peers was excellent or very good – as compared to this 70% working students said this.
- 53.3% of non working students said that their academic performance was excellent or very good – as compared to this 36.7% working students said this.

While students from all the three groups said that teachers never refused to re-explain any issue, **there were reports of corporal punishment being resorted to in order to discipline children by 46% and 63% respondents from the non working and working community of students respectively.** This may further impact students’ interest in going to school.

Due to the several initiatives undertaken by the *Sarva Shiksha Mission* and the Government, infrastructure does not seem to be an issue that impeded schooling of respondents covered under this study. Out of the 90 children – only 2 complained about quality of mid day meal.

- **Family bonding and Community relationship**

Family bonding and interaction with parents and siblings was also examined as part of the study as this is associated with all round development of children. It revealed that children who work spend less time with families. Since reduction of quantity of time together can well be compensated by the quality of time spent together, this study attempted to explore both the qualitative and quantitative aspect of family bonding. Bonding with family and community members helps in formation of the ideals of a child while providing them the necessary conducive environment to grow and develop to their full potential.



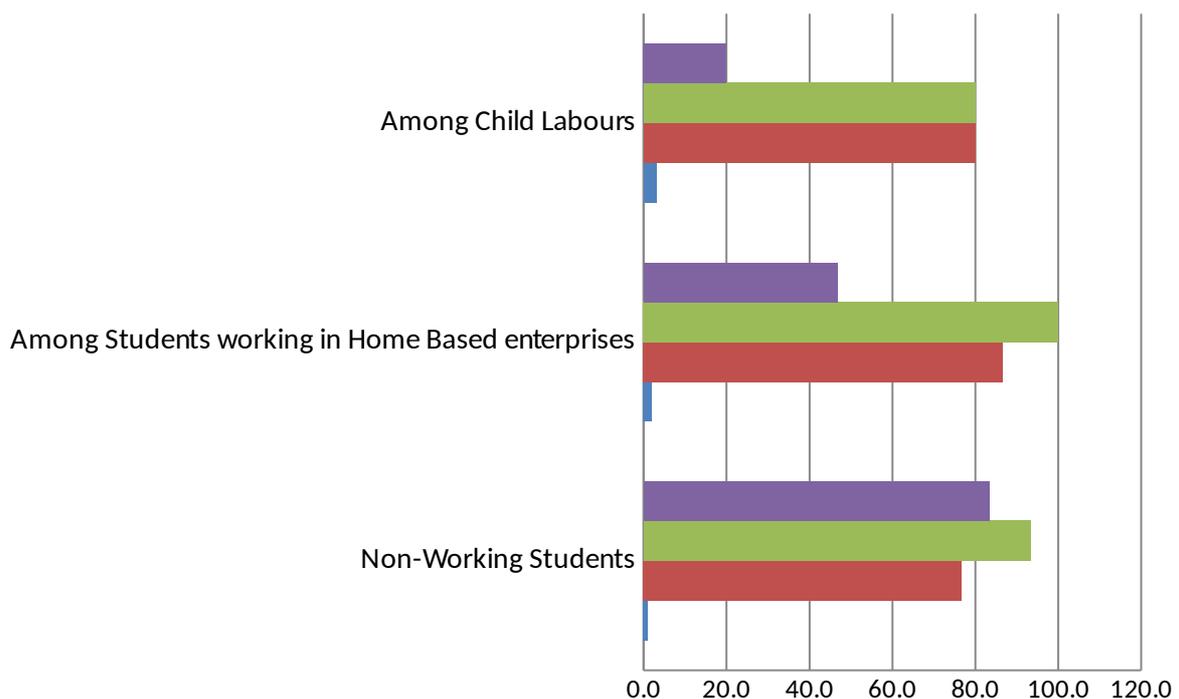
- 83.3% of families of non working students was were found to be regularly eating at least one meal together. In case of working students, it was 60% and in case of families with child labours, it was 43.3% and mostly happened during festivals only.
- 13.3% of parents of non working students were found to discuss family problems regularly with children. In case of working students, it was 10% and in case of families with child labours, it was merely 3.3%.
- 36.7% of parents of non working students were found to take the opinion of children in purchasing household things. In case of working students, it was 23.3% and in case of families with child labours, it was merely 16.7%.
- Going out for family trips was generally low in all groups.

One of the reasons leading to lack of bonding among families with working children may be attributed to conflicts with parents arising out of financial autonomy accruing to children resulting out of employment. Besides, preoccupation and business of all members in their respective work may also impact this crucial development indicator for children. More in depth study may be needed to explore the reason – but as found in this study, part time work as well as full time work was impeding family bonding.

The intensity of relation of the three groups of children with their community peers was also probed in this study.

The data reveals that all three categories of students get involved in social and religious occasions which further the bond with community. They were also found to maintain good relation with community peers.

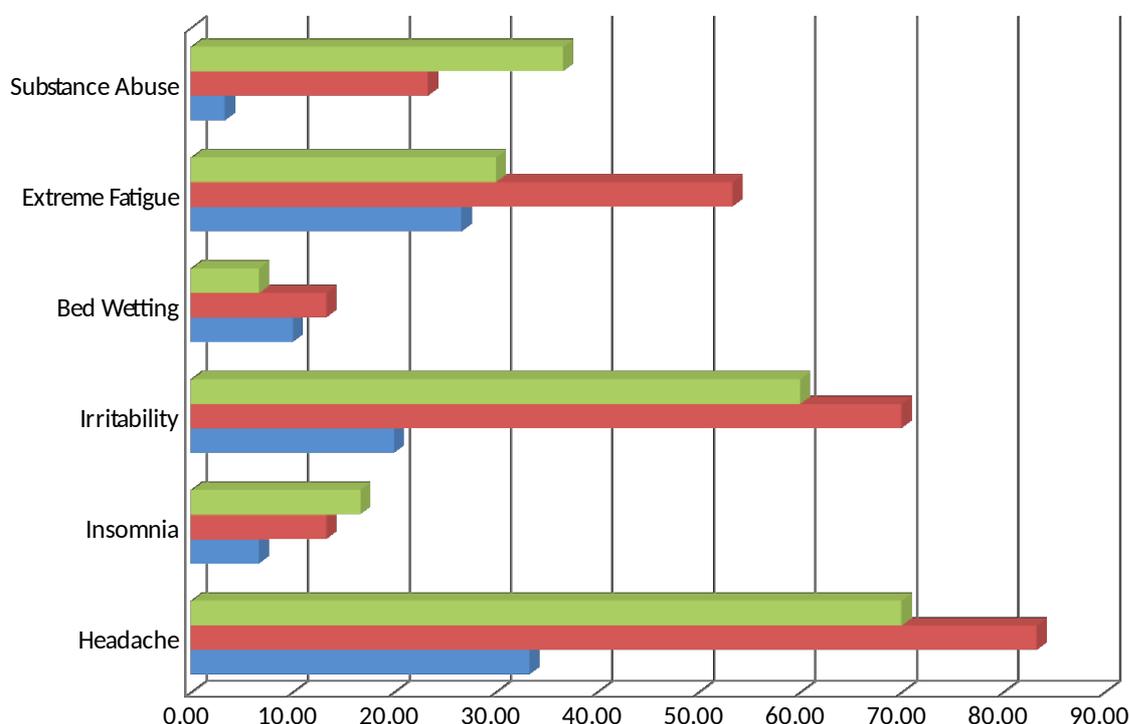
But the interesting data set pertains to the question when students were asked as to whether they spend time with community peers on a daily, weekly or monthly basis. It was found that that **83.3% of non-working students found to spend time daily with the community peers.** Whereas, in the group of **working students and the child labours, 46.7% and 20% respectively said that they found time on daily basis to interact, play games or interact with community children of their same age.** These children said that they found time for such recreation on during holidays and weekends.



This dataset also focused on the pressure being exerted on working children for complying with their dual role of being students as well as workers. Ultimately, their time and space for recreation and participation in peer activities is being curtailed.

- **Mental and Physical Health Status**

Mental Health status of working students reveal the extremely vulnerable condition leading for pressure of both studies and work. The respondents were asked whether they experienced headache, insomnia, irritability, bed wetting and extreme fatigue. They were also asked whether they used tobacco products or abused any other substances. The disturbing result represented below showed that with some indicators, the working students were experiencing worse health problems than child labours.



On the indicators of headache, irritability, bedwetting and extreme fatigue, working students reported more problem than both child labours and non working students. Non- working students enjoyed best mental health status among the three groups.

The report of using tobacco products or abusing other substance (like naphthalene/dendrite) was most common among the child labours. However, 23.3% of the working students also reported these practices.

Whether availability of disposable income leads to these habits along with pressure of peer groups constituting child labours, or other reasons for proliferation of such habits among children is to be studied in details.

The physical health status was examined by asking the respondents on whether they suffered from any of the following diseases during the last six months and whether such illness have affected their capacity to work and attend school. The listed ailments were

• Superficial injuries or open wounds	• Breathing problems	• Stomach
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<ul style="list-style-type: none"> • Fracture • Dislocations, sprains or stains • Burns, corrosions, scalds 	<ul style="list-style-type: none"> • Eye problems • Skin problems 	<ul style="list-style-type: none"> problems / diarrhea • Fever
--	---	--

Category	No Health Problems	Less than 5 Health Problems	5 or more Health Problems
Non-Working Students	36.67 %	60.00 %	3.33 %
Students working in Home Based enterprises	33.33 %	56.67 %	10.00 %
Child Labours	0.00 %	93.33 %	6.67 %

The result from the response to the above query was summarized in the following table:

Out of the above listed ailments/diseases, 13% of the child labours reported injuries, open wounds and burns that temporarily caused them to stop working. However, such major injuries were not reported by any respondent from either working or non-working group of students. Not a single child labour reported perfect health - with no problems at all.

- 56.67% and 10% of the working students reported less than 5 health issues and more than 5 health issues respectively.
- 36% and 3.33% of the non-working students reported less than 5 health issues and more than 5 health issues

This data also points to the fact that working students have worse health status than non working students covered under this survey.

A health camp was organized by Action Aid and People's participation at the time when this study was being conducted. The attending physicians also reported the dismal health status of the children in the community. It was reported that working children were severely underweight and suffered from chronic malnutrition (including vitamin deficiency) along with worm infestation, anemia and poor hygiene induced ailments.

- **Parental Attitude towards children's education**

Level of education and awareness on importance of children's education has definite impact on the attitude of parents towards education of their children. Generally, the level of literacy among parents of the children who participated in the study was very low. Only 43.3% and 40% of parents were found to be literate. Awareness of child rights and right to education of children was also low. The lowest level of parental literacy and awareness was reflected in the category of child labours - where only 13.3% parents could read and write.

Category	Education (Literate)	Aware of Child Rights	Aware of Right to Education
Non-Working Students	43.3%	60.0%	60.0%
Students working in Home Based enterprises	40.0%	40.0%	40.0%
Among Child Labours	13.3%	3.3%	3.3%

The parental involvement in education of children was also examined through the lens on their involvement in attending meetings in schools, discussing progress on studies on regular basis and most importantly – helping children with their studies.

Category	Parents regularly Attending meetings in School	Parents regularly Discussion on Studies with children	Parents regularly Helping Children with Studies
Non-Working Students	50.0%	73.3%	43.3%
Students working in Home Based enterprises	40.0%	33.3%	40.0%
Among Child Labours			

Parents among non working students were found to be more involved in the education of their wards than parents of children engaged in the family enterprises.

- **Moral / Ethical Question of Sending Children to Work**

On the moral and ethical question of engaging children in work, parents of non working children unanimously said that they did not support the attitude of other parents who were making their children work either in home or outside enterprises.

The parents of child labours also aired similar views – but at the same time expressed their helplessness due to financial constraints which impelled them to send children to work. Some other parents of child labours also spoke of their inability to discipline and control their wards, as they (children) did not listen to them, go to school or study. It was better for them to work rather than while away the time and indulge in unholy activities like gambling.

The attitude of parents of working students was found to be most unapologetic. 5 parents who engaged their sons and daughters in the family based dairy enterprises said that it was nothing working as the children were just helping out in the family work and since they were not going to work outside, it cannot be considered to infringe on the rights to the child. Parents of girl children also said that involvement in these works will help in developing skills of the daughters to better discharge her roles after marriage.



Summary of Findings

A number of government schemes envisaged benefitting child labours and keeping them in school. But despite such initiatives the issue of child labour continues to remain a sore on the image of shining India.

Despite the recent rise in enrolment, millions of children are still not in school. Given this reality, we need to ask ourselves certain basic questions. If a child is allowed to work in a non-hazardous industry, will she or he also be able to go to school? Will her engagement in both education and employment not be physically and mentally taxing? The present study conducted by Action Aid Association and People's Participation, substantiated the doubt over this question.

- **Less time available for studies:** It found that children working in family enterprises get significantly less amount of time (1.9 hrs) as compared to non working students (3.1 hrs) to do studies after school hours. This poses a significant hindrance to continuation of education in the higher classes – when the class lectures become insufficient to cope with the syllabus. Thus allowing children to work in the family based enterprises may adversely impact the possibility of these working students to continue higher education. The combined pressure of juggling work and studies also makes them vulnerable to discontinue schooling.
- **Less time available for recreation and rest:** The study also revealed that the combined pressure of studies and work has reduced the time available for the working students to take rest (7.1hrs) or indulge in games and recreations (1.1 hrs). The time available for rest is even less than that available to child labours (8.3 hrs) covered under the study. This violates the overarching principles of child rights as enshrined in the UNCRC guaranteeing ever child the right to life, development, protection and participation.
- **Negative impact on mental and physical health:** More number of working students reported symptoms like headache (83%), irritability (73%), and extreme fatigue (53%) than the control groups constituting non working students and child labours. The condition of physical health was also a cause of concern as chronic ailments causing development deficits like malnutrition worm-infestation anemia, were found to be common among the children.
- **Problems in school:** Infrastructural problems in schools resulting in discontinuation of education were not reported from any of the groups – thereby reestablishing the efforts of the government in this regards. However, practice of corporal punishment in school was still reported – posing the greatest obstacle in the way of creating child friendly environments. Only 53.3% of the respondents from the group of working students said that their communication with teachers was satisfactory. The disadvantaged backgrounds of working students demand more empathy from teachers who must play an important role in ensuring that these children continue schooling. Interestingly, 53.3% of the children from the non working group said that their interest to go to school

overrides all other consideration – but this figure among working students was found to be 36.7%.

With the proposed amendment, education, although legally mandated, run the risk of becoming an "option" and not a "compulsion", especially for girl children among whom there is a relatively higher dropout rate in schools.

- **Parental attitude towards children working in family business:** Parents conceive the act of engaging the children in the family work from a lens of benevolence whereby they help them in early training of picking up livelihood skills and also equipping them to continue the family business. Since children work within the family space, it is not considered by them as a child labour. The problem with this attitude is anticipated to be two folds.

Primarily, the logic that working in family enterprises at an early age helps children to learn skills early in their life runs against the process of social mobility through education to occupations outside the traditional ones. This is a normal process in any modernizing society. The move to give written legal sanction in the form of the proposed amendment, in order to facilitate the employment of children in family occupations will lead to reinforcing adherence to caste based occupations.

Secondly, the data explored through this study provide substantial evidence that in families where children discharge double roles of being students as well as labourers, the propensity among siblings to discontinue education before the age of 18 years is extremely high (63.3%). Thus these working children are also vulnerable to this risk of dropping out of school in case they face any problem with continuing the dual role.

- **Disposable income and its usage:** The study also marginally revealed the increasing risk of substance abuse and habit of gambling among children with disposable income accrued unto them from the part time work. While it was found that only 12.5% of the children were using their earning to finance their education, the huge majority was being to supplement family income or buy products and services having entertainment value. This section requires further and intensive examination and on basis of the findings of such study, formation and implementation of appropriate measures to check the problem among young adolescents.
- **The definition of family under this act:** During conduction of the study, the survey team also encountered another typical problem while identifying students working in family enterprises on the question of what is defined as a family. It was found that in many instances parents or legal guardians do not own the enterprise but is owned by a relative like uncle or a relation thorough inhabiting the same native village.

Nobel laureate Kailash Satyarthi said this exception in the law could be misused unless the ambiguous term "family" is clearly defined. Speaking from personal experience, he said he had been attacked when he went to rescue a child labourer. The "owner" claimed the child was his nephew and that it was none of his business to "meddle in family issues". In the

name of "sharing and dividing" work within a family, becoming apprentices and picking up "traditional skills", children may become vulnerable to greater exploitation.

Recommendations

- The rationale of maintaining education despite helping parents or working in family enterprise is ambiguous whereas there are studies which reveal that working (either in hazardous or non-hazardous condition) would always bring the stress for contributing labour for the children. The same argument was substantiated in this study.
- As per National Policy on Children, the commitment of the Government of India to consider persons aged less than 18 years as children forms a strong premise to expect that it will formulate and a guideline towards implementing complete ban on child labour (up to 18 years). This would be the primary recommendation based on the set of data revealed through this study.
- In light of the objective of the proposed amendment to ban child labour up to 14 years and regulate the employment of children between 15 and 18 years, it is also recommended that the Section 5 of the CLPRA Amendment Bill 2012 legalizing use of child labour in family-based enterprises requires a closer and more critical introspection. This need arises due to the potential of this clause of being misused by employers of such enterprises under the guise that the children belong to their families.
- In view of findings of this study it can be argued that in case of children working in family enterprises, their physical and mental health gets negatively impacted along with school attendance, recreation and overall developmental rights.
- A number of occupations in which children were found to be engaged in the guise of being family businesses, that can be hazardous as well – like include new occupations such as handling of e-waste. It is thus recommended that the original longer list of hazardous occupations with regard to the children between 15 and 18 years should be reinstated and updated with the list with occupations and processes, which are hazardous, based on an assessment of the newly emerging occupations on account of urbanization and technological changes.
- Cross departmental communication between the Department of Labour and Employment, Department of Education and Department of Women and Child Development is urgently needed to ensure that the nodal departments vested with dealing with the issue of child labour and ensuring the access of children to right of education establish meaningful and effective linkage between themselves and synergizes their activities to ensure achievements of interrelated tasks.

A Demonstrative Case Study from the Field: Children working in family enterprise

It was quite late last night before Asiya Khatoon (name changed) cleaned the leftover after her father finished his dinner. After completing this duty, she was free to retire to bed. As sleep quickly grabbed her tired soul, she could still sense that her mother was packing and making the kites ready for dispatch tomorrow morning.

By the time she woke up, her father had already left with the kites to deliver to several places in the southern suburb of Kolkata.

Ashiya lives with her parents and 3 siblings in a slum located under the jurisdiction of Titagarh Municipality. A typical day of the 12 year old begins by helping her mother to fetch water from the public water point. Then she helps in cleaning and other domestic chores. As her mother enters the kitchen to prepare food for the family, Ashiya is entrusted to take care of her infant brother.

Ashiya desperately tries to use this time to prepare for her classes while comforting her infant brother. By the time her mother comes to relieve her from the responsibility of babysitting, she is already late and has to rush to prepare and leave for school.

At school, the little girls always feel the inadequacy of keeping up with the progress in class. She hoped to get some more time to do her studies on her own. Her mother being illiterate cannot help with the subjects and she only gets help from the teacher in the coaching class – which she attends each evening.

By the time she returns home from school, it is late afternoon and Ashiya has to do her share of kite making work. In off season, she works for an hour and half in the afternoon before moving to attend the coaching class which gets over by dusk.

After returning home, from coaching class she quickly settles to complete the rest of her daily share of kite making work while her mother prepares the dinner. This time also she also takes care of her brother. In between she has to run errands for her mother and ailing grandmother.

After a long and hard day Ashiya's father return home, sits to have his dinner. By the time the little girl does the cleaning and retires to bed, the date in the calendar is almost due for a change.

Ashiya drifts to deep slumber as tomorrow being Sunday, there will be no school and she can play with her friends in the community – once in the week.

END OF REPORT

Data Collection Team

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Abbreviations

AAA	Action Aid Association
CLPRA	The Child Labour (Prohibition and Regulation) Act
ILO	International Labour Organization
MLE	Ministry of Labour and Employment
MWCD	Ministry of Women and Child Development
(NCLP)	National Child Labour Project
RtE	Right to Education Act 2009
SSM	Sarva Shilsha Mission
UNCRC	United Nations Convention on the Rights of the Child

References

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QUESTIONNAIRE

Name _____ (Sex) _____

Class last Attended _____ in _____ (Year) School _____

General Information

For how many years are you living in your current place	years
Where did you live earlier?	
Does your father support the family?	Y/N
If yes, what does your father do for living? If no, skip to next question	Van Rickshaw Puller Rag Picker Mason Helper Coolie Small Business (shop) Small Business (roaming) Service with regular salary No fixed job
If no, what is the issue?	Father deceased Father lives in a separate family of his own Father cannot work due to illness Father does not work due to addiction issues
Does your mother also work outside home?	Y/N
If yes, what does she do?	Domestic Helper Rag Picker Assists in father's business Small Business of her own
If no, what is the issue?	Mother deceased Mother lives in a separate family of his own Mother cannot work due to illness

Details of Siblings	Elder Brothers	Elder Sisters	Younger Brothers	Younger Sisters
Please mention your number of siblings				
In each group, how many of them go to school?				
In each group, how many of them have dropped out?				
In each group how many of them go to work to support the family?				
If yes Is this place of engagement owned by your	Y/N			

family?	
What is the form of establishment where they are engaged?	Dhaba / eatery / tea shop Garrage Rag picking Van Rickshaw Factory (specify) Other daily wage earning (specify)

Your Status:

Currently are you engaged in any full time / part time work?	Y/N	
Can this work be categorized as unpaid care work? (specific question for girls)	Y/N	
Is this a place of engagement a family owned business?	Y/N	
Please mention the work	Full time	Part Time
	In Dhaba or eatery Garrage Rag picking Van Rickshaw Factory (specify) Other daily wage earning (specify)	Garrage Rag picking Other daily wage earning (specify)
If you work in a family business, are you compensated monetarily for your work? (Y/N)		
How much do you earn on an average month	Part Time	Full Time
What purpose do you use your money ? (multiple answers possible)	Give for family support Keep some amount for personal use Save Others (specify)	
What do you do with the money, If you utilize the money for personal use?	Buy Foods Buy personal grooming items Entertainment Spend with friends Others (specify)	

Aspiration

How do you want to see yourself 10 years from now ?	
What do you want to be when you grow up?	

Your Education

How long did you study in the last school you attended?	sessions
Do you regularly attend school now?	
If answer is NO, then ask - Since when have you stopped going to School	

Time available for studies / school / work

	In hours
Time for school	
Time for after school study	

Time for work (unpaid care)	
Time for work (unpaid / paid family enterprise)	
Time for socializing & sports	

Lack of Involvement of parents & family

Did any one of your parents visit the school during your tenure in school to discuss your progress with teachers?	Y/N
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Lack of Initiative of teachers and schools

Did you face any problem in understanding lessons in class, how to you address the issue?	Y/N
If yes, did you ask teacher to clear your doubts?	Y/N
If no, why did you refrain from asking?	
Did this issue contribute in aggravating your lack of interest for studies?	
Did poor class performance attract punishment ?	Y/N

Support services

Did you face any medical condition obstructing your educational efforts?	Could not read blackboard, Hear instructions from teacher, Any other physical discomfort)
Any other reason for discontinuing your education (probe this especially for girls)	Y/N

Infrastructure in School

Did the school have separate class room for each class?	Y/N
Did the school have enough bench/chair for sitting?	Chair / Desk Floor
Did the school have separate and adequate toilet facilities for girls)	Y/N
If yes, please explain	
Did you regularly get Mid Day Meal in school?	Y/N
Were you satisfied with the quality of food given in MDM?	Y/N

5. Your assessment of the curricular and extra curricular activities

	Excellent	Good	Unsatisfactory	Don't Know
Scholastic Performance				
Extra curricular Activities				
Communication with Teachers				
Communication with peers				
Interest of your child to go to school				

Note:

- Scholastic: understanding class lessons, regularly completing home work,
- Extracurricular activities : regular participation
- Communication with teachers: any problem with teacher or guardian call

- Interest of going to school – attendance percentage

Family Bonding

How often do all members of the famil eat together?	Daily	During Holidays	During Festivals	Never
Do you parents discuss family problems with you?	Mostly	Rarely	Never	
Do you give your opinion on family matters like menu for lunch, buying things for home, etc	Mostly	Rarely	Never	
Do all members of the family go for leisure trips together?	Mostly	Rarely	Never	
Other than work and financial mater – what other issues do you give opinion ?	1. 2.			

Social Participation

Do you participate in social and religious functions?			
What was t he last function that you participated.'			
What was your role in the participation?			
How is your relation with peers in your locality	Good	Bad	Not Involved
How much time can you give towards these activities?	Daily	Weekly	Monthly
What do you discuss among his group? (Don't Prompt) games – discussions – debate etc (DON'T prompt)			

Health

Did you have any of the following in the past 12 months because of your work?			
1. Superficial injuries or open wounds		6. Eye problems	
2. Fracture		7. Skin problems	
3. Dislocations, sprains or stains		8. Stomach problems / diarrhea	
4. Burns, corrosions, scalds		9. Fever	
5. Breathing problems		10. Extreme fatigue	
		11. Other (specify)	

Think about your most serious illness/injury, how did this/these affect your work/schooling?	
1. Not serious- did not stop work/schooling.	
2. Stopped work or school for a short time	
3. Stopped work or school completely	

Malnutrition

Height for weight	
Anaemia	
Iodine deficiency	
Vitamin deficiency	
Worm	

Mental Health

Do you experience any of the following ailments?	
1. Migraines,	
2. Insomnia,	
3. Irritability,	

4. Enuresis (bed wetting)	
5. Asthenia (abnormal lack of energy)	

Substance Dependence

Do you experience any of the following?			
1. Tobacco Products,		4. Other products like	
2. Prescription Drugs,		dendrite, etc	
3. Contraband Substances			

Structured interview for Parents

1. What is your age?	25 – 30	31 – 40	41 – 55	above 55
2. Your education?	Illiterate	Primary	Secondary	H.S and above
3a. Do you have any idea of rights of children?	Y/N			
3b.If yes, can you enumerate some of these rights? (see if right to education is mentioned)				
3c. If not mentioned, prompt but keep a note here: Did the respondent need to be prompted on right to education?	Y/N			
4a. Do you think that the rights of children were upheld in the school attended by your child?	Y/N			
4b. If no, what do you think are the violations related to?	<ul style="list-style-type: none"> • Discrimination on basic of social / economic considerations • Ability/ disability (physical, mental) • Corporal Punishment • Others (mention) 			

Have you ever attempted to re admit your child / children after they dropped out of school	
What were the problems faced during admission?	

How do you define the role of your children in family?	<p>To support family enterprise</p> <p>To support family with their incomes</p> <p>To support family with unpaid care work</p> <p>To learn – play – enjoy childhood</p>
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How would you like to see your child 10 years from now?	
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How often did you discuss with your child/ren, events of school after they returned home?	Daily	Often	Rarely	Never
Did you help them with their studies?	Daily	Often	Rarely	Never
Did you help your child/ren with homework	Y/N			
Do you consider it to be the right age for your child to work?				
Please give reasons				

Did you think the current job will be beneficial for his / her future as against going to school?	
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