

# INDIA

*A quarter of the world's child-labour force is said to be in India, where poverty and the lack of compulsory education make it an especially serious problem. An Indian labour ministry survey says that one out of four Indian children between the ages of five and 15 is working. The total could be between 7.5 million (a government estimate in 1985) to 44 million (an unofficial estimate). Legislation in 1986 banned the employment of children under the age of 14 in hazardous work such as glass-making, fireworks, match factories and carpet-weaving. But some employers have openly defied the labour ministry and resisted attempts at enforcement. The government complains that jurisdiction is divided between it and state governments, and its budget for child welfare in 1992 was only \$2.2 million.*

## The field study

This was carried out in the notorious town of Sivakasi in Tamilnadu state, where about 45,000-50,000 children are believed to be working in the fireworks and match industries. There is no obvious trade-union presence. The investigators were presented to owners or managers at the factories as relatives or friends from outside Tamilnadu who were on holiday and interested in seeing how matches and fireworks were made. Their guides asked them not to mention in their reports the names of the factories they had visited. Why? "If the employers came to know that they had helped us, concealing our identity," the investigators reported, "they feared they might be in serious trouble and their lives might be in danger." In half a dozen cases, that fear was unfounded because these factories bore no name board identifying the owners.

In Sivakasi, the match-making industry was the first one to be set up. The techniques were brought there from Calcutta, and eventually the chemicals were made at Sivakasi. Several firms diversified into fireworks after imports were banned. Both industries gave birth to a printing industry to produce the needed labels. For the employers the business became a highly profitable one.

### **Jobs are protected**

Matches can be made automatically. But there is only one mechanised match company in India: WIMCO, which has units in several states including Tamilnadu. Its capacity is restricted in order to leave room for the more labour-intensive semi-mechanised plants, which produce about 83% of the output.

Sivakasi and neighbouring Sattur produce about 55% of India's matches. About 60,000 workers are employed by the industry. About half of the employees are below the age of 14, and some children begin their working life at a match factory at the age of five.

Frequently child labour is employed at small unlicensed factories which are subcontracted by licensed ones.

**Fireworks:** About 90% of India's production of fireworks is at Sivakasi in both licensed and several hundred unlicensed factories. Most of the output is used on one day a year: Diwali, - the Festival of Lights. In the industry they say: "We produce for 300 days a year, we sell for 30 days, we sell in a rush for three days and the whole thing goes up in flames in three hours!" Diwali is a holiday for the child-workers. But they are not given a single firework by their employers; they must buy them like everybody else - and usually cannot afford to do so.

### **Where's the licence?**

As with matches, child labour is concentrated in unlicensed fireworks factories working under sub-contracts. About 30,000 people work in fireworks factories, roughly 20% of whom are children, who begin working at the age of ten. The children are used to dye outer paper, make small firecrackers, roll the powder and pack the final product.

Most of the children working in the Sivakasi-Sattur belt come from villages

in Kamaraj district but some, from the so-called "backward castes", come from villages 40-50 kms (25-30 miles) away and survive in slums. Many of their families have land and have benefited from a rural-development scheme which gives them a loan to buy a bullock and cart, a cow or poultry.

But the area is drought-prone and irrigation is inadequate; poverty and ignorance persist.

### **Who will feed me?**

The wages are appalling. Children earn about 15-18 rupees (48-57 US cents) a day on piece-rates. In exceptional circumstances they can pick up 20 rupees. In the mini-factories, wages are much lower: 8-15 rupees a day.

Some of the families which depend on child labour to support them fail to provide two square meals a day. One 12-year-old girl told an interviewer that she was given only two dishes of gruel a day.

Factories work a 10-12 hour day, seven days a week, and longer during the peak pre-Diwali period. The children are brought in from Kamaraj in the morning, after being woken up as early as 3 am. They get home as late as 10 pm. Their buses are crammed and many children stand for the journey of two or three hours.

The village agent is paid by the factory to go from door to door, banging with his bamboo stick, until the children (mostly &ls) get up and are ready for the bus. When asked if the long hours derived her of the pleasures of childhood, 12-year-old Kavitha gave a resigned look. When asked if she would like to go to school like other girls, she shot back: "Who will feed me, then?" Did she know any games? "Running," she replies. Any other games? Kavitha is silent.

Sub-contractors not only pay their child-workers less than the main licensed companies but also disregard safety laws more freely. At one sub-contractor's plant ICFTU investigators found that chemicals were stored in houses or huts, contrary to safety laws. As they are not registered factories, their sub-contractor owners cannot be prosecuted under the Factories Act. It is also claimed that children working

for such sub-contractors are beyond the reach of the Child Labour Act.

### **No gratuity for you**

Adult workers who have completed five years' service at a match or fireworks factory are entitled to a gratuity from the company. However, on the eve of their completion of the five years, employers dismiss the workers, or ask them to resign "voluntarily". The next day they are taken back as gratuity-less "new employees".

What of burns caused by accidents? Sivakasi has a hospital, and the workers have an insurance scheme, but the hospital has no proper clinic for burns despite frequent requests and protests and broken government promises. Accident victims have to be taken 70 kms (44 miles) to the hospital at Madurai.

There are many fatal accidents at Sivakasi. This is because unregistered match and fireworks factories are not covered by the safety laws. Match factories are supposed to have rubber floors, but the investigators found none. At one mini-factory, little more than a large shed, they found highly inflammable chemicals dispersed around the working area with little thought for fire protection; the entire shed looked as if it would be gutted in seconds if it caught fire.

### **Trust us!**

Even when inspections take place, they are often inadequate. Inspectors are usually engineers who have little knowledge of dangerous chemicals, who often accept the assurances of the foreman that everything is in order. But there were three serious accidents in the past 13 years: 37 dead (including children) in September 1981, 39 dead in September of the same year and 16 dead in 1992. Scores of minor accidents, some of them causing burns, have gone unreported.

While our team was visiting one small plant, fire broke out twice as children were working. They put the fires out nonchalantly and resumed their jobs. The foreman laughed at the visitors worried looks.

Ignorance about health care and employers' negligence is overwhelming

at small plants. There are few toilets or supplies of drinkable water. Children complain of headaches and back pain. In part of the match-making process girls rapidly pound match sticks on their chests, which some people claim causes tuberculosis. Another extraordinary practice, that of the children using their thighs to apply chemicals on match-sticks, is said to cause skin diseases.

### **Growing up quickly**

In the absence of proper documentation, how do you decide whether an employee is a legal child worker or a legitimate adult one? The method used is an analysis of the formation of teeth; growth of limbs; changes in tissue; growth of bones; and hair. All of these factors depend, of course, on the individual's diet. Canny employers "promote" girls from childhood to adolescence over the age of 14 by telling them to wear half-sans and to put a dot on their foreheads like grown-ups.

Managers employing children either register their age as being above 14 or do not register them at all. When honest inspectors report child-labour at a factory, the prosecution often fails. This is because the Child Labour Act stipulates that a worker's age may be assessed only by a registered and approved doctor - not an inspector.

The Inspectorate of Factories has an office in Sivakasi along with a Deputy Chief Inspector and a ten-man staff. The inspectors have to cover 3,000 factories, which means that factories are visited, on average, twice a year. There is a widespread view in Sivakasi that some of the inspection staff collude with the employers. The Joint Chief Inspector says such allegations are wild and ill-founded. He describes what happens. It is not encouraging.

### **Hide in the store-room**

When an inspector visits a factory, child-workers are bundled into store-rooms and sheds and told to stay there until he goes. The inspector will catch one or two of them only if he is quick or lucky. If he catches workers who look under-age, the onus of proving this is on him.

Until now, mini-plants have not been covered by child-labour laws but they will

be - but this will stretch the Inspectorate's inadequate resources even more. In addition to carrying out inspections, inspectors have other jobs such as collecting workers' savings and contributions to welfare and insurance funds.

If a case goes to court, the litigation drags on for months. At the end of it, instead of receiving the maximum punishment of three months in jail or a fine of 10,000 rupees, a guilty employer may get away with a small fine that is easily covered by the handsome profits he has been making while the case is heard. In recent years there have been 49 cases presented by the Inspectorate in Sivakasi and only one conviction.

### **What next?**

It is imperative that the government specifies, under Section 18 of the Child Labour Act, who is competent to issue birth certificates which are acceptable in a court, and to oblige employers to keep lists of employees containing their dates of birth based on approved birth certificates and their dates of employment.

The employers are unrepentant. A spokesman for the Match Manufacturers' Association admits there may be child labour in the mini-plants run by sub-contractors but asserts that stories of child labour in Sivakasi are mostly myths propagated by the media, people "outside" and the automated company, WIMCO, which wants a larger share of the market and is allegedly blackening the name of the semi-mechanised firms.

The employers contend that their industry has made a major contribution to the economy of a chronically drought-prone and backward corner of Tamilnadu. Maybe. But they are taking out more than they are contributing.