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**Basic Human Rights, Core Labour Standards and
Relative Educational Deprivation of Youth in Modern
Indian States**

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***BASIC HUMAN RIGHTS, CORE LABOUR STANDARDS AND RELATIVE
EDUCATIONAL DEPRIVATION OF YOUTH IN MODERN INDIAN STATES****

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The United Nations and its specialised agencies, beginning with the declaration of Universal Human Rights in 1948 have relentlessly pursued the issue and the associated one of core labour standards. Ideas pertaining to these issues have acquired a life and potency of their own and are, at least, giving a bad conscience to those claiming to be world leaders. During the 1990's, particularly since the inception of World Trade Organisation, and the UN's search for an unambiguous role, a paradigm shift is unfolding. Powerful nation states with more than proportionate influence in the UN system are successfully seizing the agenda to look good and also to enhance their national self-interests. Indian policy makers in recent years have been reacting to the emerging international agenda on this subject somewhat apologetically. This, I believe, is a serious error, is in sharp contrast with our earlier position, and is born out of ignorance of our own contributions to the debate on this subject, and needs to be quickly corrected. The Indian contributions on this issue are original and are rooted in our idealist tradition. In this presentation, I propose to explore the subject from an Indian perspective (quoting only three representative thinkers of modern India), focusing on nutrition and education and to examine policy implications for educational needs of our youth as well as our role in the community nations.

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The presentation is divided into five sections. In Section I we present the contributions of the idealists of modern India. Section II deals with the evolution of basic human rights in the UN system and the problem of their enforceability. In section III, ILO's core labour standards and their monitoring is explored. Section IV provides a reality check with Indian data including diversity of experience of Indian states and some evidence from the US. The last section is devoted to implications for national and international policy and need for serious research on the subject.

BACKGROUND: The UN's recent initiatives listed below suggest confluence of those who genuinely wish to *do good*, and those whose aim is to *feel good* or *look good*. We must support the genuine internationalists, while the others need to be exposed for what they are.

The United Nations during the last 10 years has:

- Adopted a Convention on Rights of the Child (1989)
 - 171/173 members have ratified it, U.S & Somalia are the only exceptions.
 - Right to school education is established in the CRC
 - UN General Assembly adopted it in 1997 urging member states to implement it
- Appointed a High Commissioner for Human Rights in 1993 and created an office of HCHR
- Appointed an Education Rapporteur's office within HCHR in 1997
- UNDP has refocused its work making Human Rights as the core of its development work: UNDP (1998)
- FAO has emphasised the right to adequate nutrition as a human right:FAO(1998)
 - UN General Assembly adopted it in 1997
- ILO has just adopted a Convention on Child Labour: ILO (1999)
 - One of the star speakers in Geneva forcefully supporting the convention was Bill Clinton, US President.

There are sixteen types of Human Rights listed in various documents. My focus is on:

(a) right to adequate nutrition; and (b) right to education. The UN articulated human rights are in the nature of a moral code which could get legal backing in due course.

Durants (1968) on moral codes say:

Morals are the rules by which a society exhorts (as laws are the rules by which it seeks to compel) its members and associations to behavior consistent with its order, security, and growth. So for sixteen centuries the Jewish enclaves in Christendom maintained their continuity and internal peace by a strict and detailed moral code almost without help from the State and its laws.

A little knowledge of history stresses the variability of moral codes, and concludes that they are negligible because they differ in time and place, and sometimes contradict each other. A larger knowledge stresses the universality of moral codes, and concludes to their necessity.

Moral codes differ because they adjust themselves to historical and environmental conditions. If we divide economic history into three stages, hunting, agriculture, industry-we may expect that the moral code of one stage will be changed in the next. (Durant & Durant, 1968 p.1)

I. IDEALISTS OF MODERN INDIA

Amartya Sen spearheaded a global paradigm shift in thinking on causes of absolute poverty and famines, in addition to providing conceptual clarity on the issues of measurement. His Nobel Lecture (1999 b) provides a cogent summary of his position. Fluctuations in food supply or food prices are no longer seriously considered as the causes of this phenomenon. Entitlements and their breakdown in such conditions have been brought to centre-stage¹. That adequate nutrition has emerged as a basic human right in the UN's view is partly a tribute to his persistent and intellectually challenging articulation. Every serious writer on the subject, necessarily cites his writings².

The link between capabilities and entitlements as well as the community effects, particularly in the context of gender bias and school education have been presented with similar clarity and force in Sen (1981a, 1981b, 1982a, 1982b, 1984, 1992, 1997). Democracy and freedom of press in ensuring desired outcomes on human rights issues are summarised and again highlighted in Sen (1999a,b,c and d). The trinity articulated by Sen namely freedoms, capabilities and entitlements are at the heart of basic human rights and core labour standards as we will note in Sections II and III below.

¹ See Dreze & Sen (1989, 1991), FAO (1998), UNDP (1998), Jonsson (1996) among many others

² Maxwell (1996) provides a literature survey with detailed list of references.

Amartya Sen (1999c) named the East Asian strategy of development as the *Eastern Strategy* which, he suggests is based on ancient wisdom and high degree of pragmatism. He states:

What, then, is this “Eastern strategy” of development? The innovative features included, first of all, an emphasis on basic education as a prime mover of change. Second, it also involved a wide dissemination of basic economic entitlements (through education and training, through land reform, through wider availability of credit), which broadened access to the opportunities offered by the market economy. Third, the chosen design of development included a deliberate combination of state action and use of the market economy. Going further into fundamentals, these successes were based on a far-reaching understanding-which came about through complex historical processes (including both design and chance) - that we live in a multi-institutional world, and that our ability to help ourselves and to help others depends on a variety of freedoms that we respectively may enjoy.

...There is much life left in the Eastern strategy, provided its domain of application is expanded. The new century and the new millennium call for a broadening of this wonderfully successful strategy. Much will depend on it. (Sen, 1999c, Second Asia-Pacific Lecture, Singapore, July 1999, also reported in *Asia Week*, October 8, p. 62-63)

The preamble to the Constitution of India and section on the Directive Principles of State Policy formulated during 1946 - 1949 and adopted in January, 1950 cover all the basic human rights and core labour standards. In fact, the directive principles go much further on various freedoms. A comparative summary of legal rights prepared by Siripati (1997) is given below:

The Indian Constitution was a product of the post World War II era - a seminal period in the development of human rights. Part III also reflects the inspiration and impact of another great charter of liberties - the Universal Declaration of Human Rights - that was adopted by the UN General Assembly in 1948. Many Fundamental Rights find mention in both the Universal Declaration and the International Covenant. Thus, Indian citizens had the good fortune to be constitutionally blessed with many of the International Covenant’s rights twenty-one years before India became a signatory to it. The table below shows the rights that are embodied in both the Indian Constitution and the International Covenant.

Rights contained in both the Indian Constitution and the International Covenant on Civil and Political rights

International Covenant on Rights	Indian Constitution Fundamental Rights	Name of the Right: Civil and Political
Article 8 (3)	Article 23	Freedom from compulsory labour
Article 14 (1)	Article 14	Right to equal Protection against
Article 26	Article 15	Discrimination based on any ground
Article 25 (c)	Article 16	Right to have access to public service
Article 19 (1) & (2)	Article 19 (1) (a)	Freedom of speech
Article 21	Article 19 (1) (b)	The Right of Peaceful Assembly
Article 22 (1)	Article 19 (1) (c)	Freedom of Association
Article 12 (1) & (e)	Article 19 (1) (d)	Freedom of Movement and Freedom to choose one's own residence

International Covenant on Rights	Indian Constitution Fundamental Rights	Name of the Right: Civil and Political
Article 15 (1)	Article 20 (1)	Freedom from ex-post factor legislation
Article 14 (7)	Article 20 (2)	Freedom from double jeopardy
Article (14) (3) (g)	Article 20 (3)	Freedom from Self incrimination
Article 6 (1) & 9 (1)	Article 21	Right to life personal liberty
Article 9 (2) (3) & (4)	Article 22 & 23	Right to legal remedies
Article 18 (1)	Article 25	Freedom of thought, religion and conscience
Article 27	Article 29 (1)	Rights of minorities

There are rights in the International Covenant such as right to a speedy trial; right to free legal services; freedom from imprisonment on the inability to fulfil contractual obligation; right to travel abroad; right to privacy; freedom from torture, cruel inhuman or other degrading treatment or punishment; and right to compensation to the victims of unlawful arrest or detention, which does not find express mention in the Constitution. The manner in which these rights be available to the Indian citizens depends on the fashion in which international treaty law is given domestic legal effect in India. Suffice it to say at this point, treaty law can be given internal legal effect only through domestic legislation. Supreme Court reiterated this view in *Jolly George Varghese v. Bank of Cochin*. (Siripati, 1997)

Lest we infer that our constitution makers were mainly influenced by the UN declaration of 1948, we quote Mahatma Gandhi's scepticism about enforceability of UN's 1948 declaration in the absence of an authority to enforce them. In 1947 he wrote to Sir Julian Huxley, then Director-General of UNESCO;

The very right to live accrues to us only when we do the duty of citizenship of the world. From this one fundamental statement perhaps it is easy enough to define the duties of man and woman and correlate every right to some corresponding duty to be first performed. Every other so-called right can be shown to be usurpation hardly worth fighting for. (Dasgupta, 1996, p. 46)

His scepticism about UN's ability to enforce such rights, without members surrendering some of their sovereignty, was prophetic. He knew that the world community is not yet ready for a world government. In the idealist tradition of India, Mahatma Gandhi emphasised duties from which rights emanate. Dasgupta (1996) quotes Gandhi on duties;

Rights accrue automatically to him who duly performs his duties. In fact the right to perform one's duties is the only right that is worth living for and dying for. It covers all legitimate rights.' The following year (1940), commenting on the draft of a Charter on the Rights of Man prepared by H. G. Wells, Gandhi wrote: 'I feel sure that I can draw up a better charter of rights than you have drawn up, however, what good will it be? Who will become its guardian?' Wells, suggests Gandhi, has started at the wrong end. 'Begin with a charter of duties of man and I promise the rights will follow as spring follows winter.' (Dasgupta, 1996, p. 46)

In fact in 1928 he had written in *Young India*

The economic constitution of India and for that matter of the world should be such that no one under it should suffer from want of food and clothing...(Mahatma Gandhi, 1928, *Young India*)

He accorded a very high priority to the human rights questions. He personally drafted, moved and defended a resolution, passed unanimously in 1931. Dasgupta (1996) summarises it as follows;

The charter in question forms part of the Resolution on Fundamental Rights and Economic Change adopted by the Indian National Congress at its session in Karachi in 1931. The resolution presumed to have been drafted by Gandhi, who also moved and argued in favour of it at the open session of Congress. Subsequently he described it as the most important resolution passed at this session.

As the title of the resolution suggests it includes a list of fundamental rights and economic changes which the people of India, under Congress leadership, would seek to implement once *swaraj* was achieved. The following are said to be fundamental rights of the people:

- (a) Freedom of association and combination;
- (b) Freedom of speech and of the press;
- (c) Freedom of conscience and the free profession and practice of religion, subject to public order and morality;
- (d) Protection of the culture, language and scripts of the minorities;
- (e) Equal rights and obligations of all citizens, without any bar on account of sex;
- (f) No disability to attach to any citizen by reason of his or her religion, caste, creed or sex in regard to public employment, office of power or honour and in the exercise of any trade or calling;
- (g) Equal rights to all citizens in regard to public roads, wells, schools and other places of public resort;
- (h) Right to keep and bear arms in accordance with regulations and reservations made in that behalf;
- (i) No person shall be deprived of his or her liberty nor shall his or her property be entered, sequestered or confiscated save in accordance with the law.

Among other rights stated in the document are the following: religious neutrality on the part of the state; adult suffrage; free primary education; a living wage for industrial workers; limited hours of work; protection against the economic consequences of old age, sickness and unemployment; labour to be freed from serfdom or conditions bordering on serfdom; protection of women workers and adequate provision for leave during maternity; prohibition against employment of children of school-going age in factories; and rights of labour to form unions to protect their interests, with suitable machinery for settlement of disputes by arbitration.

Dasgupta (1996) writes:

Even though Gandhi took care not to present his resolution as providing a list of the claims to be made judicable rights in free India, it was so interpreted by many. Such a reading appears, indeed, to be implied by the wording of the resolution and it underlies the political discussion that followed it. It is also implied by Gandhi's long-held belief that while rights, in order to be honoured and not merely talked about, require duties to be performed, both by the right-holder and by others, a right in itself is nevertheless a legal entity. As he stated on one occasion, 'there is no right but is legal. *Divorced from legality moral right is a misnomer*' It gains plausibility from Gandhi's persistent advocacy of legislation conferring legally enforceable rights on disadvantaged groups even before independence was achieved. Especially relevant for this purpose, is his campaign for legal reform in order to secure the right of Harijans to enter Hindu

temples. He argued that reform was needed simply to correct the bias in the existing law which not only allowed but even encouraged discrimination: (Dasgupta, 1996, p. 52)

On the eve of independence, Mahatma Gandhi's advice to Indian masses was;

'The people should not merely run after rights. He who runs after rights do not secure them ... His right is illusory. When you do your duty the rights will drop into your lap. (Dasgupta, 1996, p. 46)

On core labour standards his advice to labourers was in a similar vein as is clear from;

'The best way, no doubt, is that you labourers understand your own rights, understand the method of enforcing those rights, and enforce them.' the labourers affected must become more organised and more conscious of their rights. This, he thought was already happening. 'They are slowly but surely being awakened to a sense of their rights. They are numerous enough to enforce them.' (Dasgupta, 1996, p. 48)

On education, Mahatma Gandhi was equally emphatic. He forthrightly points out;

- A. Money spent on primary education is a waste of expenditure in as much as, what little is taught is soon forgotten and has little or no value in terms of the villages or cities. Such advantage as is gained by the existing system of education is not gained by the chief taxpayer, his children getting the least.
- B. The whole system had to be built afresh so that the children of the peasant, who was 'the chief taxpayer', could benefit from it. To this end the conference, under Gandhi's leadership, passed a number of resolutions of which the following are the most important:
 - 1. That free and compulsory education be provided for seven years on a nation-wide scale;
 - 2. That the medium of instruction be the mother tongue;
 - 3. That the process of education throughout this period should centre around some form of manual and productive work, and that all the other abilities to be developed or training to be given should, as far as possible, be integrally related to the central handicraft, chosen with due regard to the environment of the child; That this system should gradually be able to cover the remuneration of teachers.
- C. That it is the primary duty of the State to bring to its schools every boy and girl and give them proper (not perfunctory as now) education is an axiomatic truth. But in a country like India such education must largely if not wholly pay for itself. (Dasgupta, 1996, p 139-145)

Mahatma Gandhi, therefore, was for freedoms, entitlements and capabilities' improvements. He had great faith in the power of participatory democracy. He expected the community and the state to consider provisions of the trinity as their *duty* for every human being.

Swami Vivekananda, three decades earlier, extensively discussed the need for according top priority to provision of food and education to the masses for India's regeneration. The need to create public opinion was important to him. His knowledge

of eastern and western philosophies, first hand observation of the Indian scene of 1890s gained through extensive tour of India mainly on foot, and exposure to USA, Europe and Japan (he was particularly impressed with Japanese system of education and social discipline) moved him to say:

First bread and then religion.

The present Hindu society is organized only for spiritual men, and hopelessly crushes out everybody else. Why? Where shall they go who want to enjoy the world a little with its frivolities? Just as our religion takes in all, so should our society....This is the slow but sure work to be done.

...Material civilization, nay, even luxury, is necessary to create work for the poor. Bread! Bread! I do not believe in a God who cannot give me bread here, giving me eternal bliss in heaven! Pooh! India is to be raised, the poor are to be fed, education is to be spread, and the evil of priestcraft is to be removed. No priestcraft, no social tyranny! More bread, more opportunity for everybody!...

...It takes time, quite a long time, to make a healthy, strong, public opinion which will solve its own problems; and in the interim we shall have to wait. The whole problem of social reform therefore, resolves itself into this: where are those who want reform? Make them first....A few men who think that certain things are evil will not make a nation move....First educate the nation...Therefore, even for social reform, the first duty is to educate the people, and you will have to wait till that time comes. (from Complete works of Swami Vivekananda as annotated in Vivekanda, *My India*, p. 35-36)

I could pick up quotes from Sikh, Jain, Budhist, Muslim or Christian traditions dealing with concern for the poor. Vivekananda is an accurate, modern articulation of the idealist view from every tradition that arose in India or took root here. Pandit Jawahar Lal Nehru in *Discovery of India* devotes several pages to Vivekananda while dealing with regeneration of India.

On education, for the masses of India, he was equally forthright:

The only service to be done for our lower classes is to give them education, *to develop their lost individuality...*

They are to be given ideas; their eyes are to be opened to what is going on in the world around them; and then they will work out their own salvation. Every nation, every man, and every woman must work out their own salvation. Give them ideas - that is the only help they require, and then the rest must follow as the effect. Ours is to put the chemicals together, the crystallization comes in the law of nature. Our duty is to put ideas into their heads, they will do the rest. This is what is to be done in India.

...A nation is advanced in proportion as education and intelligence spread among the masses. The chief cause of India's ruin has been the monopolizing of the whole education and intelligence of the land, by dint of pride and royal authority, among a handful of men. If we are to rise again, we shall have to do it in the same way, ie. by spreading education among the masses. (Vivekananda, *My India*, p. 36 -37)

In an emotionally charged speech he urged the Indian idealists:

Feel, therefore, my would-be reformers, my would-be patriots! Do you feel ? Do you feel that millions and millions of the descendants of gods and of sages have become next-door neighbours to brutes ? Do you feel that millions are starving today, and millions have been starving for ages ? Do you feel that ignorance has come over the land as a dark cloud ? Does it make you restless ? Does it make you sleepless ? Has it gone into your blood, coursing through your veins, becoming consonant with your heartbeats ? Has it made you almost mad ?That is the first step to become a patriot, the very first step....(Vivekananda, *My India*, p. 43)

Professor A.K. Dasgupta, in a series of lectures on Vivekananda's *Vedantic Socialism* quotes him:

In our social history there has been throughout the ages a strong voice of protest against all forms of social injustice. But that protest has not established social justice in the country. We have denounced caste only to make it a divisive factor in our national life. We have repudiated priestcraft only to rear up new classes...of priest. We have opposed democracy to authoritarianism only to make our nation a loose confederation of oligarchies. We have urged equality only to perpetuate the worst form of inequality. We have discouraged accumulation of wealth only to make wealth the only source of power. (DasGupta, 1996, p.60)

In Professor Dasgupta's words:

He therefore called us unto a new understanding of the whole meaning of life, a new perspective of human destiny in a monistic universe where kindness is not a concession to the poor but a means of self-fulfilment, where equality is not a levelling down of all into uniformity but is rooted in a sense of the unity of all life, and where by social justice is not guaranteed by a civil code but is ensured by the very spirit of love which must pulsate in a universe which has been realized as a manifestation of the Divine spirit. (DasGupta, 1996, p.61)

Vivekananda represents thousands of years of Indian idealism from all traditions and systems of philosophy with a universal sweep when he says:

May I be born again and again, and suffer thousands of miseries so that I may worship the only God that exists, the only God I believe in, the sum-total of all souls-and above all, my God the wicked, my God the miserable, my God the poor of all races, of all species, is the special object of my worship.' Here the world of relations is a world unified in God, the Absolute. (DasGupta, 1996, p. 293)

Indian mind essentially deals with universals and presents unity of all existence as its ideal. Such sweep of universalism is based on a holistic, Eastern, view of human existence. DasGupta (1996) summarised Vivekananda's position, representing modern version of Eastern traditions, as follows.

When we reflect on Vivekananda's views on these questions or problems we discover that he had no fragmentary approach to human problems, he did not divide life into so many compartments. Vivekananda had a prophet's view of the world as a whole and of human life in its entirety. We may call it a truly radical approach, a radical approach in the etymological sense of the word. He went to the root of things and he found that the root was one. In his address 'My Plan of Campaign' Vivekananda says -'To the reformers, I will point out that I am a greater

reformer than any of them. They want to reform only little bits. I want root-and-branch reform.' It was this idea of the regeneration of India and of mankind which prompted Swami Vivekananda never to assume a political role. And here Swami Vivekananda is the most original, most innovative amongst these heroes in history who worked for human redemption. Vivekananda was opposed to political revolution because he was opposed to a political approach to human problems. He was not afraid of being accused of a form of orthodox religiosity when he boldly affirmed that religion was deeper than politics. Vivekananda rejected the Aristotelian idea that 'Man is a political animal' as he equally firmly rejected Marx's view that religion was the opium of the people.' (DasGupta, 1996, p.287)

Ronald Dworkin (1977), in his influential book, *Taking Rights Seriously*, points out

The concept of rights, and particularly the concept of rights against the Government has its most natural use when a political society is divided, and appeals to co-operation or a common goal are pointless. (DasGupta, 1996,p.44)

Sen (1982a,b,&1984) while discussing *Rights and Agencies*, brings out the rationale of "agency" in ensuring rights. Mahatma Gandhi, acutely aware of it, had pointed out to Sir Julian Huxley in 1947, is the world ready for such a universal enforcement of basic human rights through the UN system with its present level of authority? The issues raised by Mahatma Gandhi and Sen are those voiced by Swami Vivekananda in the nineteenth century. The world cannot shy away from them. UN system's attempts in this context are well meaning but lack the authority of the agency to implement them.

II UNITED NATIONS AND THE BASIC HUMAN RIGHTS

The founder members of the UN, while keen on civilised world order were wary of making legal rods for their own backs. Article 28 of the Universal Declaration of Human Rights adopted in December 1948 states

everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realised

However, the proposal to annex a *bill of rights* to the UN charter had been rejected by dominant founding members in 1945. States voting in favour of Universal Declaration in 1948 knew that they were not assuming any obligation to enforce the rights declared. (Robertson 1999, p. 43). The UN Human Rights Commissioner, Mary Robinson, lamented the lack of progress in December, 1998;

Count up the results of 50 years of human rights mechanisms, 30 years of multi-billion dollars development programmes and endless high level rhetoric and the general impact is quite

under-whelming.... This is a failure of implementation on a scale that shames us all (as quoted in Robertson, 1999, p. 32).

Mahatma Gandhi, back in 1947, had anticipated these problems of implementation in the absence of a world government and acceptable international civil authority. However, J.M. Keynes (1936, *General Theory of Money, Interest and Employment*,) had correctly emphasised the force of ideas when he concluded his powerful book with the words

it is ideas and ideas alone that rule the world.... Power of vested interests is grossly exaggerated.

Human Rights as an idea, however, has successfully caught the imagination of the humanists and idealists of the world and their articulation in international forums, among think tanks and the non government voluntary organisations within civil societies have been converging as a major force leading to the emerging paradigm shifts.

Specialised agencies of the United Nations, in particular UNICEF, ILO, FAO and the UNDP have gone to great lengths in ensuring that Human Rights move to the core of their respective specialised missions. A High Commissioner for Human Rights was appointed in 1993 by the UN and an office of UN High Commission for Human Rights was created. During 1998 and 1999, Ms Mary Robinson, the High Commissioner has taken on the task of co-ordinating activities of these agencies pertaining to her portfolio and ensuring that issues of her brief are taken on board.

UNDP (1998) consolidating on its earlier reports and studies has focussed on integration of human rights with sustainable human development. It states:

Human rights and sustainable human development are inextricably linked, complementary and multidimensional. That is perhaps nowhere better summarised than by the UN working paper on Right to Development (October 1995), which states that the right to development is: Multidimensional, integrated, dynamic and progressive. Its realization involves the full observance of economic social, cultural, civil and political rights. It further embraces the different concepts of development of all development sectors, namely sustainable development, human development and the concept of indivisibility, interdependence and universality of all human rights...Realisation of the right to development is the responsibility of all actors in development, within the international community (UNDP 1998, p. 6).

The document also provides details of how UNDP's strategy is a holistic strategy that embraces all economic, social, cultural, civil and political aspects. Sen (1999a) building on his thirty years work has provided an excellent, reasoned, conceptual basis for integration, ingredients of which were in his earlier works. The FAO on adequate nutrition and right to food, in a similar way has consolidated its work and is summarised in FAO (1998). The Director General of FAO, quoting the preamble to its Constitution, points out that "ensuring humanity's freedom from hunger" is at the heart of its functioning. The document has an introduction by the UN High Commissioner for Human Rights which states:

A human rights approach to food and nutrition problems is fundamentally different from basic needs-oriented approaches to development. It introduces a normative basis, which is obligatory at the state level. It also implies that the beneficiaries of development are active subjects and "claim holders" and stipulates the duties or obligations of those against whom such claims can be held. Finally, such an approach introduces an accountability dimension not present in basic needs strategies.

A fundamental misunderstanding in the implementation of the right to food, has been the notion that the principal obligation is for the state to feed the citizens under its jurisdiction (fulfilling the right to food), rather than respecting and protecting the rights related to food, as well as emphasizing the obligations of individuals and civil society in this regard. (FAO, 1998, p. 2)

On education as a human right, Article 26 of the Universal Declaration of Human Rights States:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

Article 28 of the convention on the Rights of the Child (1989), ratified by all the members of the United Nations except Somalia and the USA, unambiguously points out:

1. States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all:
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate

- measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
 3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

- from the *Convention on the Rights of the Child*, 1989

UNICEF (1999) correctly laments the gap between the stated ideal and ground reality particularly in the area of school education.

III: THE ILO, LABOUR STANDARDS AND CHILD LABOUR

ILO was created at the end of First World War in 1919 in response to the harshness of working conditions during the Industrial Revolution in most countries participating in trade dominated by the colonial based global trading systems. The demand for regulations of labour and employment conditions was particularly based on humanitarian foundations. Emergence of Soviet Union as an alternative system of socioeconomic organisation of labour had created a challenge to the capitalist market system. The establishment of the ILO, the only organisation with formal representation of governments, workers and employer's groups was partly a response to the Soviet Union's alternative. Intellectual influences can be traced back to Robert Owen (1818)³ on the creation of an International Labour Commission. Lee Grant's (1844) proposal to "protecting the working class from early and heavy labour" and a number of attempts at coordinating labour standards and legislation in different countries of Europe. The International Congress in Berne in 1905 and 1906 on Swiss initiative were logical extensions. The Preamble of ILO Constitution adopted in 1919 states three important reasons for its creation:

³ For further details on the historical contribution of Robert Owen and Lee Grant, see de la Cruz et al (1996), *The International Labor Organization*

Lasting universal peace can be established only if it is based upon social justice; it was urgent to improve the working conditions of large numbers of people, as injustice, hardship and privation produced such unrest that the peace and harmony of the world were imperilled; and the failure by any nation to adopt humane conditions of labour was an obstacle in the way of other nations which desired to improve conditions in their own countries. (Page 5, Cruz et al 1996)

The ILO *"is the international forum for dialogue between governments employers and unions to achieve the fundamental objective of raising labour and social standards as integral elements of national economic development."*⁴

Various GATT negotiations culminating in WTO in 1995 has created a challenge to the ILO under vastly different conditions.⁵ Demise of Soviet Union also has important bearings on the emerging concerns and tensions pertaining to labour standards.

Two significant debates have occurred around ILO Conventions in recent years. One related to the issue of the relationship between the conventions and trade, and the other related to the concept of "core labour standards".

It is now generally accepted that "the core labour standards" are those standards related to:

- freedom of association and the right to collectively bargain (No. 87 and 98)
- elimination of forced labour (29/105)
- equality and absence of all forms of discrimination (100/100)
- abolition of child labour (138).

A Convention aimed at eliminating intolerable forms of child labour was adopted in 1999.

The ILO operates through the development of conventions approved by members at the International Labour Conference. It is then up to governments to ratify individual

⁴ Commonwealth of Australia, The World at Work: Australia and the International Labour Organisation, AGPC 1991, p. 1.

⁵ Researches having access to internet will find that there are over 4600 sites dealing with the issues of labour standards. That of ILO, ICFTU and a few leading academic centres in America, Australia and Europe emphasize aspects of this issue. ILO's Philadelphia declaration is a good summary. At the first WTO major meeting in 1995 the Director General of the ILO was invited to participate but not to address the delegates. He declined the invitation. The two organisations based in Geneva are trying to develop a co-operative working relationships with inevitable demarcation disputes.

conventions. If they decide to do so, this should become part of their national law and governments must report to the ILO on the application of a signed convention (failure to implement, failure to enforce) and these are reviewed by a technical panel (Committee of Experts). Breaches of conventions are publicized and can bring publicity and moral pressure to bear on countries which fail to meet the ILO' requirements after ratification of a convention. In addition, courts in some countries accord signed ILO conventions the status of a treaty (this is the case in the United States and is increasingly so in Australia, as the High Court has expanded its interpretation of the foreign affairs power to the Constitution.)

The fact that ILO conventions are voluntary and there are no penal sanctions for not fulfilling the requirements of the convention, means that they are *'soft' laws, but the reporting and monitoring requirements make them, much more serious or 'harder'* international instruments than those developed by other United Nations agencies (e.g. UNICEF). Nonetheless, countries have become increasingly aware of the adverse publicity which can result from not fulfilling voluntarily entered into international obligations, and there has been a long term tendency for countries to be more wary of signing new conventions and declarations. This tendency is particularly noticeable with the ILO where no convention established since 1976 has attracted as many as 50 ratifications from the 173 member countries and none adopted in the last ten years has attracted 25 (Castle, et al., 1997, p.4).

The slowdown in ratification was partly the result of growing opposition to ILO standard setting from employers in both developed and developing nations and governments in developing countries. The collapse of communism and the end of the cold war made many employers doubt the value of the ILO and governments from developing countries saw ILO standards as reducing their competitive edge. However, the ILO has obtained a new lease of life in recent years, as a result of strong support from the Clinton Administration in the USA and as a by-product of the development of the World Trade Organisation. American support for a trade-linked labour clauses enforceable by penalties and sanctions as part of the WTO, led many employers and governments to reappraise the role of the ILO in the debate on labour standards and workers' rights. In particular, labour practices, which might give countries an 'unfair' advantage in trade, have been the subject of vigorous attention by the ILO. Child labour, along with freedom

of association, freedom from discrimination and freedom from forced labour, has been at the centre of the ILO's push for commitment to a set of 'core' labour standards. This has given child labour activists new hope for effective multi-lateral action to eliminate child labour.

The ILO has been involved in the fight against child labour since its establishment in 1919. One of the six conventions passed in its first session was the Minimum Age (Industry) Convention (Convention No. 5), which prohibited the employment of children under the age of 14 in manufacturing. To date, this remains the most ratified of the conventions dealing especially with child labour (72 ratifications by August 1996). A series of industry specific minimum age conventions followed covering maritime industries, fishing, mining, types of non-industrial employment and commercial and plantation agriculture (Conventions 7, 10, 15, 33, 58, 59, 60, 112 and 123).

Those minimum age conventions were reinforced by Convention 29 (Forced Labour 1930), and Convention 105 (Abolition of Forced Labour, 1957). The latter is one of the most ratified ILO conventions with 118 ratification by 1996. These conventions are aimed at forced or bonded labour which is defined as work 'exacted under the menace of any penalty' (ILO, Convention 29, 19, 30). It covers all such unfree labour, but has had particular relevance in recent years for those concerned with bonded child labourers who are often forced into dangerous occupations through family debt.

The ILO's convention on child labour (Convention 138, Minimum age 1973) and the accompanying Recommendation No. 146, provide a wide-ranging framework for standard setting for the prevention and elimination of child labour.

Convention 138 is a consolidation of principles that had been gradually established in various earlier instruments and applies to all sectors of economic activity, whether or not the children are employed for wages (ILO, 1996, p. 24).

Convention 138 requires countries to set minimum ages for various types of work. The minimum age should be related to the age at which the child completes compulsory education (15 for developed countries and 14 for developing countries, except for light work which is set at 13 and 12 years old respectively and hazardous work likely to

jeopardize the safety, health or morals of young persons' for which the minimum age is 18). Over time, the objective is to raise the minimum age to 16 as a country develops.

Convention 138 contains a number of avenues for exemptions for particular industries or enterprises. The most glaring weakness is the possibility of exemption for family enterprises, domestic service and home duties. This was justified because of practical problems with enforcement, but as we have seen this potentially excludes over 80 per cent of child workers. 138 also allows developing countries to exclude certain industries although all signatories must cover seven basic sectors; mining, manufacturing, building, transport, energy and plantation and other commercial agriculture.

Despite the apparent flexibility of 138 and its numerous exclusions, the pace of ratification has been slow, with only 55 ratifications to October 1997. The reasons for the slow pace of ratification are varied. Some developed countries see it as being too broad in its application extending as it does to many types of out-of-school part-time work for teenagers, such as paper or milk runs, which is seen by many parents as normal and desirable. Hence, the reluctance of countries like Britain and Australia to ratify 138, as they have seen it as affecting too many activities. Developing countries see it as placing obligations on them, which are not appropriate to their stage of development. Whatever the reasons for non-ratification, the lack of support for Convention 138 has been a major problem for the ILO, especially when the widespread support for United Nations Convention on the Rights of the Child (1989) is considered. 187 countries had ratified this convention by July 1996, even though it covers a broad range of children's rights, both economic and non-economic. Children are defined in the declaration as person under 18 years and governments are required to legislate minimum ages for employment, regulate laws and conditions of work for young people and provide appropriate sanctions and enforcement. The lack of follow up reporting make this a very 'soft' type of international convention for countries to adopt, but the success of the Rights of the Child convention encouraged the ILO to look again to its approach to child labour.

This process was assisted by the development of the International Programme for the Elimination of Child Labour (IPEC) in 1992. This programme funded initially by the

German government, recognised that legislation is only one component of a successful strategy to reduce and eventually eliminate child labour. IPEC sought to establish priorities and run action-oriented programmes in a number of countries to remove child labour from some of the most harmful and exploitative occupations and rehabilitate the children involved. IPEC's emphasis on targeting led to a realisation that more comprehensive support for child labour conventions might be found through an approach which priorities the problem and targets the worst abuses and the youngest children. It is this approach that the ILO and UNICEF have developed over the past two years as they sought to develop a new ILO convention on child labour that was adopted in 1999.

Among all the Core ILO conventions and those on human rights, the US has ratified only one as is clear from the following table. In fact the Somalia and US are the only two countries who have not ratified the UN Convention on the Rights of the Child (1989).

Table 1: The Fundamental Human Rights Conventions and South Asia -

	C.29	C.105	C.87	C.98	C.100	C.111	C.138
Afghanistan		X			X	X	
Bangladesh	X	X	X	X		X	
India	X				X	X	
Islamic R. of Iran	X	X			X	X	
Nepal				X	X	X	X
Pakistan	X	X	X	X		X	
Sri Lanka	X		X	X	X		
OECD Countries							
USA		X					
U.K.	X	X	X	X	X		
Australia	X	X	X	X	X	X	
Sweden	X	X	X	X	X	X	X
Japan	X		X	X	X		

Source: The Fundamental Human Rights Conventions: South Asia and World Ratification Chart, ILO, New Delhi.

Forced Labour

Forced Labour Convention, 1930 (No. 29)

Abolition of Forced Labour Convention, 1957 (No. 105)

Freedom of association

Freedom of Association and Protection of the Rights to Organise Convention 1948 (No. 87).

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Discrimination:

Equal Remuneration Convention, 1951 (No. 100)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Child Labour:

Minimum Age Convention, 1973 (No. 138).

The successive US administrations have not bothered to ratify ILO Convention No. 138 of 1973 dealing with Minimum Age, or UN Convention of Rights of the Child 1989. Bill Clinton, US President made an impassioned speech at the ILO before the latest Child Labour Convention was adopted in mid 1999. These lukewarm approaches to ILO and UN Conventions is not allowed to come in the way of US leadership taking high moral ground on human rights issues of which we have cited child labour as an example. One can easily replicate examples from other areas of human rights.

UNICEF (1997) State of the World Children clearly stated that incidence of child labour in pockets of US agriculture and service sectors has been observed. US Child Labour Laws are out of date by almost half a century. The Labour Secretary Ms Herman when questioned by the media mentioned that US is considering updating its child labour laws. In the meantime, moral leadership implied in crusade against child labour in developing countries has to be claimed by the economic leaders of the world.

Among OECD members from Europe and North America concern for human rights is a confluence of their enlightened citizens genuine concern for universal human dignity reflected in the need for basic human rights. Their trade union leadership interested in making core labour standards universal as part of their organisations' philosophies and leadership bent on getting political economy advantage from these concerns within their constituencies and internationally. As such those who are genuinely concerned to *do good* find themselves supported by those who wish to *feel good* and are led by the leadership whose main concern is in *looking good*. Young adults, university students and consumer lobbyists standing vigil outside national parliaments, protesting outside erring embassies and distributing pamphlets in super-markets in these countries, are slowly growing band of humanists with truly universal outlook. That their idealism can become an instrument for the politicians to get votes at home and advantages in trade negotiations abroad is understood by astute players of political leadership game at the national and international levels.

IV REALITY CHECK BASED ON INDIAN AND US DATA

Given our focus on India, we shall go into details of the Indian situation and diversity among major states. US material will be mainly referenced for illustrative purpose only.

Evaluating US declaration of war on poverty 1966 (and lost by mid 1970's along with another one in Vietnam), Aaron (1978) says:

If a modern-day Rip Van Winkle had fallen asleep in the United States in 1965 and awakened in 1976, he would have observed a striking change in the national mood. A country that in 1965 had seemed confident of its military strength and purposeful in its missions abroad, that was embarked on a series of efforts to solve problems that had long troubled a newly ascendant majority of the American people..... (Aaron, 1978, p.1)

At every turn Rip Van Winkle would encounter lamentations about the failure of all national efforts to reduce inequality and eliminate poverty, to improve schools, to reduce unemployment and its hardships; he would find a sense that not only had past efforts failed, but future ones were also doomed by the incapacity of the government to act effectively. (Aaron, 1978, p.1)

The period from 1964 to 1968, which saw a series of attempts at social reform followed by retrenchment, is unique in American political history. A deluge of legislation dealing with education, training, health care, housing, and numerous other areas affecting incomes and welfare issued forth from Congress. Then the flow ceased, and some of the programs enacted during that period were repealed, scaled down, or delegated to state and local governments with few restrictions to ensure that their original purposes were carried out. (Aaron, 1978, p.146)

The moods of the post-depression and the post war years, the sense that humanity must act to improve the world and secure it from disaster while time remains, have ended. (Aaron, 1978, p.167)

On the situation in the United States of America, Cook and Brown (1996), point out: "Children's rights have traditionally been limited in the US, since common law tended to regard children as property of their parents".

On child poverty, quoting research by the Tufts University's Centre on Hunger, Poverty and Nutrition Policy, Cook and Brown (1996) state:

The Center's examination of trends in US child poverty reveal two very different realities for America's children. For children in the US, there are literally two separate Americas. *In 1993, there were 15.7 million children living in poverty in the US, 22.7 percent of all children.*

From 1970 to 1992, however, the number of children in poverty increased by nearly half, from 10.4 to 15.3 million. This 22-year period was characterized by greater variation in economic conditions, several lengthy recessions, the OPEC oil embargo and periods of high inflation. In

addition, during the 1970s and 1980s there were significant reductions in federal and state government support for anti-poverty programs (Cook and Brown, 1993b,c quoted in Cook and Brown, 1996, p.13).

Estimates of childhood hunger in the US also reflect the two Americas, closely paralleling poverty. In 1992 the Center on Hunger, Poverty and Nutrition Policy used three separate methods to produce national hunger estimates in a scenario framework.. These three estimation procedures led to mid-range estimates of approximately 12 million children under 18 years of age experiencing hunger during 1991 (Center on Hunger, Poverty and Nutrition Policy, 1992).

The fulfilment of basic rights requires performance by some individuals or institutions of at least three kinds of duties: (1) duties to avoid depriving (ie duties not to eliminate children's access to adequate nutritious food); (2) duties to protect from deprivation, by designing institutions that enforce duty (1) without creating incentives to violate it (ie duties to protect children against elimination of their access to adequate nutritious food by other people); and (3) duties to aid the deprived, who are either one's special responsibility, victims of social failures of duties (1) or (2), or victims of natural disasters (ie duties to provide access to adequate nutritious food for children unable to obtain such access on their own), (Cook and Brown, 1996, p.15)

Mahatma Gandhi, Amartya Sen and Swami Vivekananda's views presented above acquire as much relevance to the US child poverty as to that of India's. Duties driven system with legally enforceable rights are the only way out. Enlightened civil societies can create public opinion that will force the pace of legal and social change in their respective domains.

The fact that over 55 percent of Indians are below the age of 25 years and two third of them are under 15 years of age is known to demographers but needs emphasis because of its crucial policy relevance (See Table 1 for details). Situating young India in Human Rights context necessarily requires focussing on age-group 0-14 years as a starting point.

Before getting into that issue, we examine trends in the nutritional status of an average Indian reported in Figure 1. Note that cereal production per capita increased from 148 kg per year in 1950 to 189 kg in 1995. Per capita availability also increased slowly with fluctuations having dampened after 1980. Food distribution system played an important part in it. On estimates of proportions of population below the absolute poverty line, improvements since 1972-73 in rural and urban poverty are noticeable as can be seen in Figure 2. In Figure 3 we report changes in levels of protein and calorie intake by expenditure class. The calorie intake of the bottom 30 percent of population continues

to remain below the officially accepted minimum level. However, between 1972-73 and 1993-94 a slight improvement in calorie and protein intake is noticeable.

In Table 2 we present details of child population, in the age group 5-14 years, for major states of India for the Census years 1961-1991, with expert Committee projections to 2016 AD. In 1961 of the 113.98 million children, 34.6 million were receiving full time education, 64.91 million were at home, neither participating in education nor labour force, while the rest of 14.4 million were full time child labourers. In 1991 the total number rose to 209.98 million with 106.4 million in schools, 92.27 million at home and 11.3 million in child labour. *Is it an improvement? Certainly on child labour front where the absolute number declined by over 3 million but with mixed results on children at home.* Their absolute number increased but relative percentage share declined. Chaudhri (1996, 1997, 1999) provides details on regional, gender and rural-urban aspects in details. An interesting point worth noting is the geographical concentration of children at home in two major states of India, namely Bihar (15.5%) and UP (23.4%). If we are looking for violation of human rights to education, Bihar and UP accounting for 38.9 percent lead the states.

A recent publication, *PROBE (1999)* provides detailed analysis of state's failures and comparative success in Basic Education. It covers all aspects of primary school education in selected states of India. As could be expected Bihar and UP are indited while efforts in Himachal Pradesh come for praise. Weiner (1991) considers it a major failure while Dreze and Sen (1995) provide a reasoned argument for treating the issue as an opportunity.

In Table 3, we provide indicators of education, poverty and human development for 1991. Poverty measures in India deal with absolute poverty. As such, it represents a good approximation to measure of failure on basic human right to food and nutrition. Chaudhri et al (1999) go into details of nutritional changes among the bottom thirty percent of population. A detailed annotated bibliography of the subject is also available with them.. Based on columns 5-6 and 7-8 we can observe that gender bias in education is high in Bihar, Madhya Pradesh, Rajasthan and UP. These states also have lower gender development index (GDI) and human development index (HDI).

In Table 4 we provide details of per capita income, expenditure on primary education, school educational statistics and different indices of development and poverty. Diversity among the Indian states on each of these counts is unmistakable. For example Punjab with a per capita income of Rs 2124 has 9 percent of population below the poverty line and spends Rs 735 per capita on school education. In contrast Bihar with a per capita income of Rs 640, spends only Rs 109 per capita on school education and has 46 percent of population living below the poverty line. On every development indicator index the states are divisible into two distinct groups. The indicators seem mutually reinforcing.

In Table 5 we report the results of rotated varimax factor analysis with principal component method based on interstate data for 1991. The first factor explained 45 percent of variance and had high factor loadings with educational and human development indicators. Females (5-14 years) and males (5-14 years) attending school had loading of 1.0. Gender development index, male and female children completing primary school education; life expectancy at birth for males and females and index of nutrition and social development had factor loading of +0.8. Chaudhri (1996, 1997) had referred to these highly correlated, mutually reinforcing variables which operate in positive direction, indicating improvements as "*virtuous spiral*". Opposite of the virtuous spiral, was defined as "*vicious spiral*". These, as could be expected, had negative factor loadings of -0.9 for child mortality, -0.8 for total fertility rate and -0.7 for share of labour force in agriculture.

Factor 2, explaining 19 percent of the variance had a negative loading of -0.6 for underweight male children and -0.9 for female labour force participation rate in agriculture. Positive loadings are for HDI, life expectancy and school education enrolment and completion. Overall message about educational variables close association with other positive development indicators is unambiguously clear.

Considering nutritional, educational and human development indicators in the human rights context over half the states of India with a human development index of 0.5 or higher are performing well. On the other hand Bihar, Maharashtra, Madhya Pradesh, Orissa, Rajasthan and UP are a cause for serious concern. None of the three Indian thinkers quoted above would be pleased with our efforts of the last 50 years. They will

be pleased with efforts and outcomes emerging from Kerala, Tamil Nadu, Punjab and Himachal Pradesh and would urge other states to follow their lead.

V CONCLUSIONS

Globalism dealing with gains from trade and associated cultural benefits of backward and forward economic linkages is distinctly different from paternal internationalism or do-good moralism. Strictly speaking it is not morality but well-meaning sentiments. UN's spearheading of international morality through Human Rights should be seen as early signs of an emerging international order.

The Secretary-General of the UN, Mr Kofi Annan told the current session of the General Assembly (September, 1999),

State sovereignty, in its most basic sense, is being redefined by the forces of globalization and international cooperation. The state is now widely understood to be the servant of its people, and not vice versa. At the same time individual sovereignty - and by this I mean the human rights and fundamental freedoms of each and every individual as enshrined in our Charter - has been enhanced by a renewed consciousness of the right of every individual to control his or her own destiny. (Ching, *Far Eastern Economic Review*, p. 40)

And the French Premier, Lionel Jospin told the General Assembly,

The United Nations' mission is not limited to the settlement of conflicts among states. This mission extends to defending human dignity within each state and where necessary - as the Charter permits - against states. (Ching, *Far Eastern Economic Review*, p. 40)

Have colonial powers and the slave traders of the last century achieved quantum jump in their moral evolution? Probably no, but they are moving in the right direction. Can they be trusted to do the right thing on basic human rights? Robertson (1999), a well documented book, *Crimes Against Humanity: The Struggle for Global Justice* concludes on a pessimistic note. Sen (1999a), *Development As Freedom*, on the other hand, in the tradition of idealists is rather optimistic on these issues. Evolution of the west on Human Rights is real but rather slow. We, in India should provide moral leadership by positive example.

Sen (1999c) rightly admires the Eastern Strategy which puts education and shared economic growth at the core of a successful development strategy. Mahatma Gandhi and Swami Vivekananda would have approved of it.

The Indian policy makers need to take an enlightened and proactive stand based on our tradition , at the UN and other international forums. At home a healthy competition among states, a mandatory reporting of progress and *according highest priority* to provision of adequate nutrition and quality school education to the young Indians should be at the heart of our development strategy. Those who wish to see a strong India, economically and morally, necessarily have to start here.

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Table 1 : Percentage Distribution of Population by sex and age groups

Age Group	1961			1971			1981*			1991@		
	Persons	Male	Female	Persons	Male	Female	Persons	Male	Female	Persons	Male	Female
1	2	3	4	5	6	7	8	9	10	11	12	13
0-4	16.5	16.2	16.8	14.5	14.2	14.9	12.6	12.3	12.9	13.1	13.1	13.0
5-9	13.2	13.0	13.4	15.0	14.9	15.1	14.1	14.0	14.1	11.7	11.8	11.6
10-14	11.3	11.3	11.4	12.5	12.8	12.2	12.9	13.2	12.6	11.5	11.6	11.1
15-19	18.4#	18.4	18.5	8.7	8.9	8.4	9.6	9.9	9.4	10.8	11.2	10.4
20-24				7.9	7.6	8.1	8.6	8.4	8.8	9.6	9.4	9.7
Total 0-24	59.5	58.9	60.1	58.6	58.4	58.7	57.8	57.8	57.8	56.7	57.1	55.8
25-29	14.7#	14.7	14.7	7.4	7.2	7.8	7.6	7.5	7.8	8.2	8.1	8.3
30-34				6.6	6.4	6.8	6.4	6.3	6.5	7.0	7.0	7.0
35-39	10.8#	11.1	10.4	6.0	6.1	5.9	5.9	5.8	5.9	6.1	6.1	6.2
40-44				5.2	5.3	5.0	5.1	5.2	5.0	5.0	5.0	5.0
45-49	10.0#	10.4	9.7	4.2	4.4	3.9	4.4	4.5	4.3	4.5	4.4	4.5
50-54				3.7	3.9	3.6	3.8	4.0	3.6	3.6	3.6	3.6
55-59				2.3	2.4	2.3	2.5	2.5	2.5	3.1	3.1	3.1
60-64	4.8#	4.7	5.0	2.6	2.6	2.6	2.7	2.7	2.7	2.2	2.1	2.2
65-69				1.3	1.3	1.3	1.4	1.4	1.5	1.9	1.8	2.0
70+				2.1	2.0	2.1	2.4	2.3	2.4	1.9	1.8	2.1
All ages	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Office of the Registrar General, India

* Excludes Assam and all ages includes age not stated in the 1981 Census

@ Excludes Jammu & Kashmir and the figures are based on SRS data.

Combined years

Table 2: Child Population (5-14 years) in Indian States 1961 - 1991 with Projections to 2016

States										1961		1991				
	1961	1971	1981	1991	1996*	2001*	2006*	2011*	2016*	Students	Not in	Students	Per cent of	Not in	Per cent	Child Labour
											schools		all India	schools	of All India	% of All India
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(17)	(18)	(19)	(20)	(21)
1 Andhra Pradesh	9,224,996	11,564,453	14,138,294	16,655,656	18,147,000	17,501,000	14,162,000	12,839,000	13,231,000	2557397	4751508	8,081,380	7.6	6,912,336	7.5	14.69
2 Bihar	12,495,293	16,166,772	19,782,633	23,585,809	25,346,000	26,693,000	24,936,000	24,808,000	26,501,000	2,780,938	8,172,775	8,329,755	7.8	14,313,809	15.5	8.33
3 Gujarat	5,575,323	7,635,236	8,981,496	9,952,794	10,915,000	10,808,000	10,211,000	10,170,000	10,415,000	2,060,591	2,901,670	6,183,709	5.8	3,245,500	3.5	4.63
4 Haryana	2,252,082	3,061,947	3,684,747	4,308,223	4,791,000	5,062,000	4,645,000	4,258,000	4,442,000	1,267,086	1,304,733	2,630,426	2.5	1,568,106	1.7	0.97
5 Himachal Pradesh	670,535	930,011	1,143,923	1,241,683	---	---	---	---	---	285,214	307,859	893,894	0.8	291,351	0.3	0.50
6 Karnataka	6,452,716	8,212,931	10,062,257	11,083,831	12,063,000	11,806,000	10,439,000	9,829,000	10,169,000	2,175,907	3,279,439	6,349,156	6.0	3,758,428	4.1	8.63
7 Kerala	4,678,209	5,779,093	6,180,026	5,983,926	6,283,000	5,937,000	5,205,000	4,757,000	4,912,000	2,901,815	1,627,420	5,175,420	4.9	773,706	0.8	0.31
8 Madhya Pradesh	7,913,164	11,520,370	14,437,706	16,740,647	18,750,000	19,972,000	19,517,000	19,838,000	21,212,000	1,804,673	4,619,182	7,831,955	7.4	7,556,129	8.2	11.96
9 Maharashtra	10,142,716	13,585,164	16,606,086	18,650,065	20,296,000	21,077,000	18,742,000	16,490,000	16,667,000	3,933,576	4,806,448	12,295,604	11.6	5,286,043	5.7	9.45
10 Orissa	4,369,236	6,169,018	7,334,421	7,704,761	8,420,000	8,422,000	7,080,000	6,251,000	6,357,000	1,381,141	2,340,390	4,058,608	3.8	3,193,759	3.5	4.00
11 Punjab	2,846,380	3,833,832	4,200,614	4,702,876	5,130,000	5,269,000	4,942,000	4,579,000	4,699,000	1,057,684	1,472,005	2,975,624	2.8	1,584,384	1.7	1.26
12 Rajasthan	5,354,581	7,385,480	9,720,864	11,992,321	13,401,000	14,146,000	13,193,000	12,909,000	13,975,000	1,072,137	3,177,320	4,850,269	4.6	6,367,853	6.9	6.84
13 Tamil Nadu	8,057,402	9,922,564	11,555,559	11,979,383	12,735,000	11,941,000	10,109,000	9,070,000	9,220,000	3,352,625	3,689,960	8,466,784	8.0	2,933,710	3.2	5.12
14 Uttar Pradesh	18,889,772	24,004,063	31,280,964	37,021,048	41,789,000	43,611,000	44,298,000	48,896,000	54,765,000	3,609,389	13,350,434	13,996,576	13.2	21,614,386	23.4	12.47
15 West Bengal	9,041,214	12,552,123	14,862,246	17,105,523	18,659,000	18,802,000	16,176,000	14,517,000	14,886,000	3,023,328	5,566,432	8,029,130	7.5	8,364,702	9.1	6.29
India	113,980,144	150,838,209	179,597,245	209,986,630	233,231,000	239,050,000	221,232,000	216,174,000	227,560,000	34,595,761	64,914,608	106,402,142	100.0	92,273,392	100.0	100#

Sources:- Computed from:

1. CENSUS OF INDIA 1961,1971,1981 & 1991 General Population Tables
2. Census of India 1991, Population Projections for India and States 1996-2016, Registrar General, India, New Delhi, 1996.
3. MHRD data for Full-time Students and 27, 38 & 43rd Rounds of NSS for estimation of Child Workers.
4. Chaudhri, D.P. (1996), A Dynamic Profile of Child Labour in India 1951-1991, CLASP, ILO New Delhi, June 1996

Note: Very few Children in the age group 0-4 years are found in the labour force. Therefore even Census based Labour Force Participation rates for Children are virtually for the age group 5-14 yrs. Hence NSS & Census Rates are comparable.

* Denotes Projection data not available.

The total percentage for child labour explained by the states recorded here is 95.45. The shortfall is made up by child labour in states not recorded.

TABLE 3: SECTORAL EMPLOYMENT, WAGE RATES AND DEMOGRAPHIC DIVERSITY AMONG MAJOR STATES OF INDIA, 1991

1	Workforce Participation Rates Main and Marginal Workers		Female Labour Participation Rate	Share of Labour Force	Male Worker Productivity	Rural Wage Rates (Rupees Per Day)		Non Agricultural Regular Wage Rates		Total Fertility	Life Expectancy at Birth (Yrs)		Under 5 Mortality Rate (Girls and Boys Pooled)	Index of Nutrition and Social Development	Nutritional Status (wt-for-age) Per Cent,<-2SD
	Female	Male	in Agriculture %	in Agriculture %	(Rs)	Female	Male	Female	Male	Rate	Female	Male			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Andhra Pradesh	34.3	55.5	82.7	68.6	9293	13.2	18.4	23.4	37.7	2.8	61.5	59.0	91.2	0.5	47.1
Bihar	14.9	47.9	90.9	80.7	2934	17.1	19.2	33.4	33.9	4.6	58.3	60.4	127.5	0.4	55.5
Gujarat	26.0	53.6	75.7	56.3	10807	16.3	19.0	30.6	37.8	3.2	61.3	59.1	104.0	0.6	41.6
Haryana	10.8	48.5	71.7	57.8	21871	30.1	35.2	14.4	36.8	3.8	63.6	62.2	98.7	0.6	34.9
Himachal Pradesh	10.8	48.5	88.9	66.5	6045	30.1	35.2	14.4	36.8	3.1	64.2	63.8	69.1	0.6	47.8
Karnataka	29.4	54.1	75.4	63.1	11016	13.3	15.5	22.8	35.0	2.9	63.6	60.0	87.3	0.5	52.9
Kerala	15.9	47.6	41.6	37.8	16830	23.3	31.4	33.0	40.3	1.7	74.4	68.8	32.0	0.7	28.8
Madhya Pradesh	32.7	52.3	88.5	75.3	8556	16.6	18.7	17.4	29.8	4.4	53.5	54.1	130.3	0.4	53.0
Maharashtra	33.1	52.2	82.8	59.6	9758	14.2	20.1	23.8	33.9	2.9	64.7	63.1	70.3	0.5	51.3
Orissa	20.8	53.8	80.9	73.0	6278	12.4	14.5	19.4	30.9	3.1	54.8	55.9	131.0	0.5	53.4
Punjab	4.4	54.2	33.1	55.3	26967	27.1	37.1	29.4	33.4	3.1	67.5	65.4	98.7	0.6	34.9
Rajasthan	27.4	49.2	87.6	68.8	9090	14.4	17.1	19.6	33.3	4.5	57.8	57.6	102.6	0.5	42.5
Tamil Nadu	29.9	56.4	74.7	59.5	10943	12.1	15.1	13.9	26.3	2.2	63.2	61.0	86.5	0.6	43.1
Uttar Pradesh	12.3	49.7	84.0	72.2	7773	19.1	21.3	21.7	31.9	5.2	54.6	56.8	141.3	0.4	51.8
West Bengal	11.3	51.4	54.1	53.0	7808	19.1	21.3	15.2	34.9	2.9	62.0	60.5	99.3	0.5	52.9
ALL-INDIA	22.3	51.6	79.7	65.2	8061	NA	NA	NA	NA	3.6	59.4	59.0	NA	NA	NA

Notes: NA: Not Available/Applicable

Sources:

Column 2 Workforce Participation Rates, Total Main + Marginal Workers, Female, Census 1991

3 Workforce Participation Rates, Total Main + Marginal Workers, Male, Census 1991

K Seeta Prabhu, P C Sarker and A Radha, "Gender Related Development Index for Indian States", Economic and Political Weekly, October 26, 1996, pg WS-74

4 Female Labour Participation Rate in Agriculture (Proportions of main workers)
Census of India, 1991

5 Share of Labour Force in Agriculture %

6 Male Agricultural Workers Productivity (Rs per worker at 1990-93 prices), 1992-95

i: Government of India, Area and Production of Principle Crops (various issues), Ministry of Agriculture, New Delhi

ii: Government of India, Primary Census Abstract part II-B(I), for 1991 Census, Office of the Registrar general and Census Commission, India, New Delhi

iii: G.S Bhalla and Gurnail Singh, "Recent developments in Indian Agriculture: A State Level Analysis", Economic and Political Weekly, March 29, 1997, pgA-12

7 Rural Wage Rates (Rupees Per Day), Ministry of Agriculture measure, Female, 1991

8 Rural Wage Rates (Rupees Per Day), Ministry of Agriculture measure, Male, 1991

9 Non Agricultural Regular Wage Rates (Rupees Per Day), NSS (43rd Round) measure, Female, 1987-88

10 Non Agricultural Regular Wage Rates (Rupees Per Day), NSS (43rd Round) measure, Male, 1987-88

Government of India, Ministry of Agriculture, 1992; Vaidyanathan, 1994

K Seeta Prabhu, P C Sarker and A Radha, "Gender Related Development Index for Indian States", Economic and Political Weekly, October 26, 1996, pg WS-75

11 Total Fertility Rate (15-49yrs)

12 Life Expectancy at Birth (Years) 1990-92, Females

13 Life Expectancy at Birth (Years) 1990-92, Males

A.K. Shiva Kumar, "UNDP's Gender-Related development Index - A Computation for Indian States", Economic and Political Weekly, April 6, 1996 pg 892

14 Under 5 Mortality Rate (Girls and Boys Pooled), 1992-93, NFHS data

C Gopalan, "Towards Food Nutrition Security", Economic and Political, Weekly, December 30, 1995, pg A-137

15 Index of Nutrition and Social Development, 1992-93

(i) The concerned components calculating INSD are available for above 15 states only (NFHS - 1992-1993)

C Gopalan, "Towards Food Nutrition Security", Economic and Political Weekly, December 30, 1995, pg A-136

16 Nutritional Status (wt-for-age) Per Cent, <-2SD, 1992-93, Males

TABLE 4: INDICATORS OF EDUCATIONAL AND HUMAN DEVELOPMENT IN MAJOR STATES OF INDIA, 1991

	Per Capita Income(Rs)	Per Capita Health Expenditure (Rs)	Per Capita Education Expenditure (Rs)	Full Time Students %		Completing Primary School %		Development Indices				Poverty Indices				
				Male	Female	Female	Male	GDI	HDI	INC1	INC2	HC Poverty	POV1	POV2	POV3	POV4
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Andhra Pradesh	1227.0	3.9	316.2	60.4	38.7	26.4	45.3	0.4	0.4	58.1	28.4	22.1	7.4	9.9	56.7	26.0
Bihar	640.0	5.9	108.8	34.9	19.8	17.4	42.9	0.3	0.4	59.5	30.5	46.3	17.1	22.2	41.4	19.3
Gujarat	1416.0	4.3	329.3	69.6	52.3	33.5	53.6	0.4	0.5	56.3	25.9	21.6	15.1	17.5	48.8	18.6
Haryana	1915.0	2.3	851.1	43.2	26.4	30.9	53.5	0.4	0.5	33.5	32.8	19.5	10.1	13.0	48.7	28.2
Himachal Pradesh	1180.0	2.3	524.4	47.5	37.3	30.9	53.5	0.4	0.5	53.6	30.9	19.5	18.5	20.1	37.9	23.4
Karnataka	1224.0	5.5	222.1	60.9	48.1	30.4	46.8	0.4	0.4	59.7	23.4	34.9	16.3	18.8	45.1	19.8
Kerala	1017.0	6.6	154.1	90.4	87.1	60.5	65.8	0.6	0.6	49.7	33.2	30.3	11.8	14.2	50.5	23.5
Madhya Pradesh	898.0	4.7	192.3	32.3	22.6	21.0	44.6	0.3	0.3	59.2	24.8	42.4	14.9	18.6	45.3	21.1
Maharashtra	1802.0	3.8	471.7	71.7	55.0	35.9	55.1	0.5	0.5	56.3	24.8	35.9	13.1	15.5	50.3	21.2
Orissa	896.0	4.4	202.7	29.9	20.0	23.0	42.8	0.3	0.4	73.8	18.0	36.5	23.8	25.3	33.4	17.5
Punjab	2124.0	2.9	734.9	38.4	31.3	41.0	51.6	0.4	0.5	41.8	29.6	9.3	13.6	14.6	47.7	24.1
Rajasthan	961.0	5.8	164.6	35.5	10.2	15.6	41.8	0.3	0.4	55.5	26.6	25.9	18.2	21.3	40.3	20.2
Tamil Nadu	1119.0	5.7	194.9	55.3	41.4	40.1	58.7	0.4	0.4	59.4	27.1	37.5	13.0	14.6	45.3	27.1
Uttar Pradesh	884.0	4.2	210.5	32.9	15.9	21.4	47.3	0.3	0.3	54.9	27.2	34.8	18.8	20.6	40.2	20.3
West Bengal	1186.0	5.5	215.6	48.1	42.2	29.2	47.4	0.4	0.5	71.2	21.1	49.5	23.7	29.3	30.3	16.7
ALL-INDIA	1186.0	NA	NA	46.5	32.3	NA	NA	0.4	0.4	57.6	26.8	35.0	15.9	18.8	43.8	21.6

Notes: NA: Not Available/Applicable

- Column 2: The statewide estimates of real GDP per capita (PPP\$) have been arrived at by calculating the ratio of the state's per capita domestic product to per capita national and applying this proportion to India's real GDP per capita estimated to be PPP\$ 1,230 according to UNDP (1995).
 4: Actual values were deflated with the GDP deflator, and then indexed to expenditure in 1991-92.
 5&6: Attendance rates for age-group 5-14 are weighted averages of the rates for age-groups 5-9 and 10-14

Sources

- Column 2: Real GDP Per Capita (PPP\$), 1992
 A.K. Shiva Kumar, "UNDP's Gender-Related Development Index - A Computation for Indian States", *Economic and Political Weekly*, April 6, 1996 pg 889
 3: Share of Health in Total State Expenditure (in Percentage), (Expenditure on Fertility Determinants) 1994-95
 i: Centre for Monitoring Indian Economy: Profiles of the States, March 1997.
 ii: Mausumi Manna, "Factors Affecting Fertility Decline and Fertility Variation in 1990s: An Inter-State Analysis", *Economic and Political Weekly*, December 19, 1998, pg 3283
 4: Per Capita Expenditure on Elementary Education (at 1980-81 Prices), Rs million, 1991-92
 i: Ministry of Human Resource Development (1995)
 V K Ramachandran, Vikas Rawal and Madhura Swaminathan, "Investment Gaps in Primary Education: A Statewise Study", *Economic and Political Weekly*, January 4-11, 1997, pg. 43
 ii: Basic Statistics Relating to the Indian Economy States: CMIE, September, 1993
 5: Proportion of Children Attending School, Aged 5-14 years, Rural, Male, 1987-88
 6: Proportion of Children Attending School, Aged 5-14 years, Rural, Female, 1987-88
 i: National Sample Survey Organisation, 1992
 ii: V K Ramachandran, Vikas Rawal and Madhura Swaminathan, "Investment Gaps in Primary Education: A Statewise Study", *Economic and Political Weekly*, January 4-11, 1997, pg. 40-41
 iii: National Sample Survey Organisation, 1992
 Census of India, Social and Cultural Tables and Tables C-1 to C-6 by P Padmanabha, Registrar General and Census Commissioner, India.

- 7 Percent of Population Completed Primary Education, Female, 1992-93
 8 Percent of Population Completed Primary Education, Male, 1992-93
 i: EPW Research Foundation, 1994, Registrar General of India, 1992; Government of India, 1995; Dreze and Sen, 1995; National Sample Survey.
 ii: K Seeta Prabh, P C Sarker and A Radha, "Gender Related Development Index for Indian States", *Economic and Political Weekly*, October 26, 1996, pg WS-72
 9 Gender Related Development Index (GDI), 1991-92
 10 Human Development Index, 1991-92
 A.K. Shiva Kumar, "UNDP's Gender-Related Development Index - A Computation for Indian States", *Economic and Political Weekly*, April 6, 1996 pg 894
 11 Percentage of Distribution of Households by Income Group (Rural India) Upto 20000
 12 Percentage of Distribution of Households by Income Group (Rural India) 20001-40000
 i: NCAER/HDI SURVEY, 1994
 ii: Human Development Profile of India, Interstate and Inter-Group Differentials. Volume II: Statistical Tables, NCAER, November, 1996
 13 Estimates of Rural Headcount Poverty by the Expert Group Method, 1990-91
 Abhijit Sen, "Economic Reforms, Employment and Poverty: Trends and Options", *Economic and Political Weekly*, Special Number September, 1996, pg2466
 14 Pov 1: Percentage of Distribution of Households by Poverty Groups (Rural India) Lower Seg. Below poverty, 1994
 15 Pov 2: Percentage of Distribution of Households by Poverty Groups (Rural India) Upper Seg. Below Poverty, 1994
 16 Pov 3: Percentage of Distribution of Households by Poverty Groups (Rural India) Lower Seg. Above Poverty, 1994
 17 Pov 4: Percentage of Distribution of Households by Poverty Groups (Rural India) Upper Seg. Above Poverty, 1994
 NCAER/HDI SURVEY, 1994
 Human Development Profile of India, Interstate and Inter-Group Differentials. Volume II: Statistical Tables, NCAER, November 1996

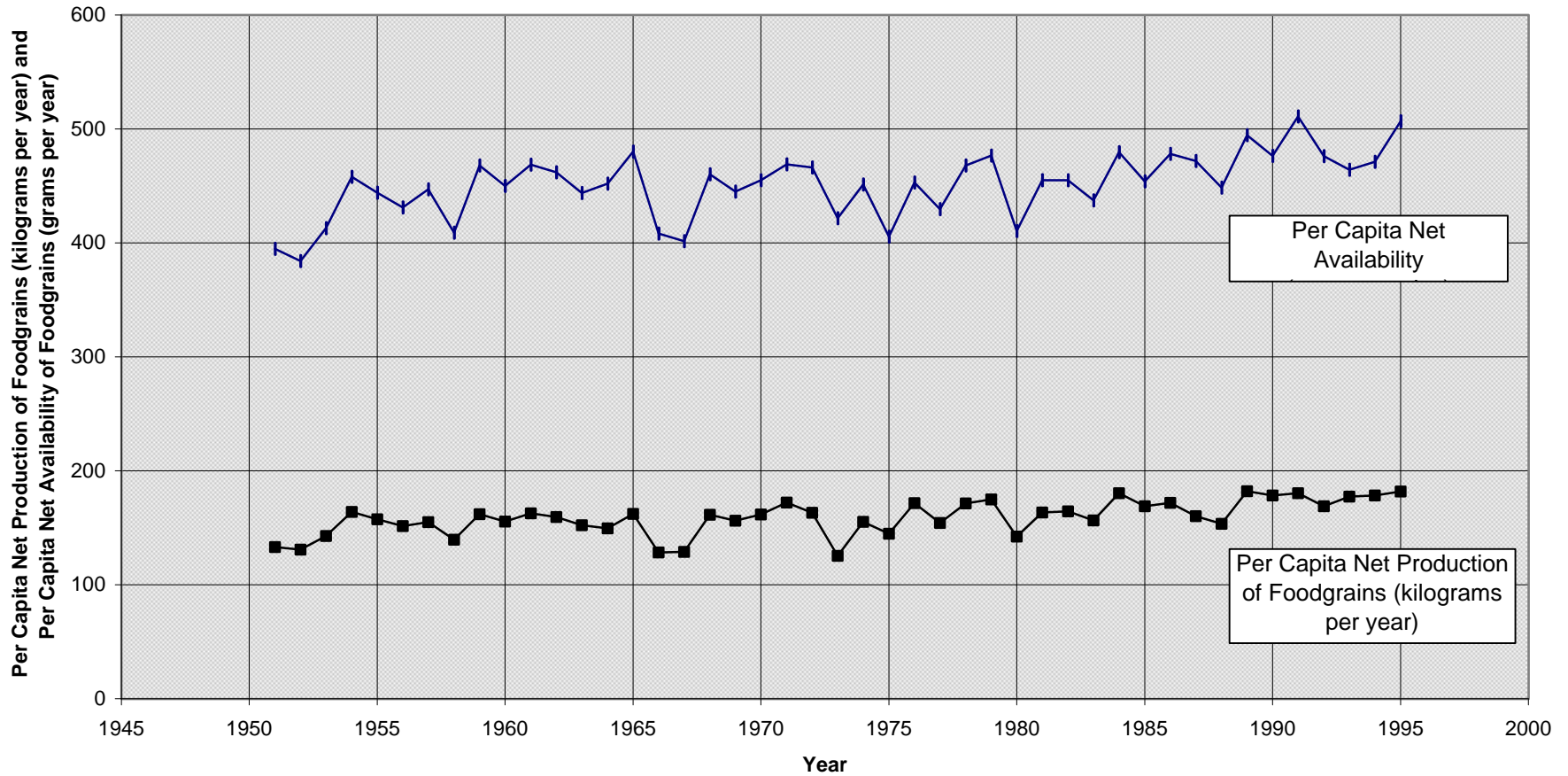
**Table 5: Poverty, Employment and Development in Indian states (1991):
Factor Analysis With Principal Components Method***

	1	2	3	4
Under 5 Mortality Rate (Girls and Boys Pooled), 1992-93, NFHS data	-0.9	-0.2	0.1	-0.3
Total Fertility Rate (15-49yrs)	-0.8	-0.2	0.0	0.0
Share of Labour Force in Agriculture %	-0.7	-0.6	0.1	0.0
Percentage of Distribution of Households by Poverty Groups, Rural India, Lower Seg. Below poverty, 1994	-0.5	0.1	0.7	0.1
Nutritional Status (wt-for-age) Per Cent, <-2SD, 1992-93, Males	-0.4	-0.6	0.4	-0.3
Female Labour Participation Rate in Agriculture	-0.4	-0.9	0.0	0.1
Estimates of Rural Headcount Poverty by the Expert Group Method, 1990-91	0.0	-0.3	0.8	-0.4
Male Agricultural Workers Productivity (Rs per worker at 1990-93 prices), 1992-95	0.2	0.7	-0.6	0.0
Real GDP Per Capita (PPP\$), 1992	0.2	0.4	-0.8	-0.2
Share of Health in Total State Expenditure (in Percentage), (Expenditure on Fertility Determinants) 1994-95	0.2	0.0	0.8	-0.1
Expenditure on Elementary Education Per Primary School Student (at 1980-81 Prices), Rs	0.3	-0.1	-0.1	0.9
Life Expectancy at Birth (Years) 1990-92, Males	0.7	0.5	-0.2	0.4
Human Development Index, 1991-92	0.8	0.5	-0.3	0.1
Index of Nutrition and Social Development, 1992-93	0.8	0.5	-0.2	0.3
Percent of Population Completed Primary Education, Male, 1992-93	0.8	0.3	-0.2	0.3
Life Expectancy at Birth (Years) 1990-92, Females	0.8	0.5	-0.2	0.2
Percent of Population Completed Primary Education, Female, 1992-93	0.8	0.5	-0.1	0.2
Gender Related Development Index (GDI), 1991-92	0.9	0.3	-0.1	0.2
Proportion of Children Attending School, Aged 5-14 years, Rural, Female, 1987-88	1.0	0.2	0.1	0.0
Proportion of Children Attending School, Aged 5-14 years, Rural, Male, 1987-88	1.0	0.0	0.0	0.0
Variance Explained	48.2	19.0	15.5	8.7
Eigen Value	12.2	2.9	Cumulative 1.5	88.4 1.0

Note: * Extraction Method: Principal Component Analysis; Rotation Method: Varimax with Kaiser Normalization.

Source: See Table 3 and 4

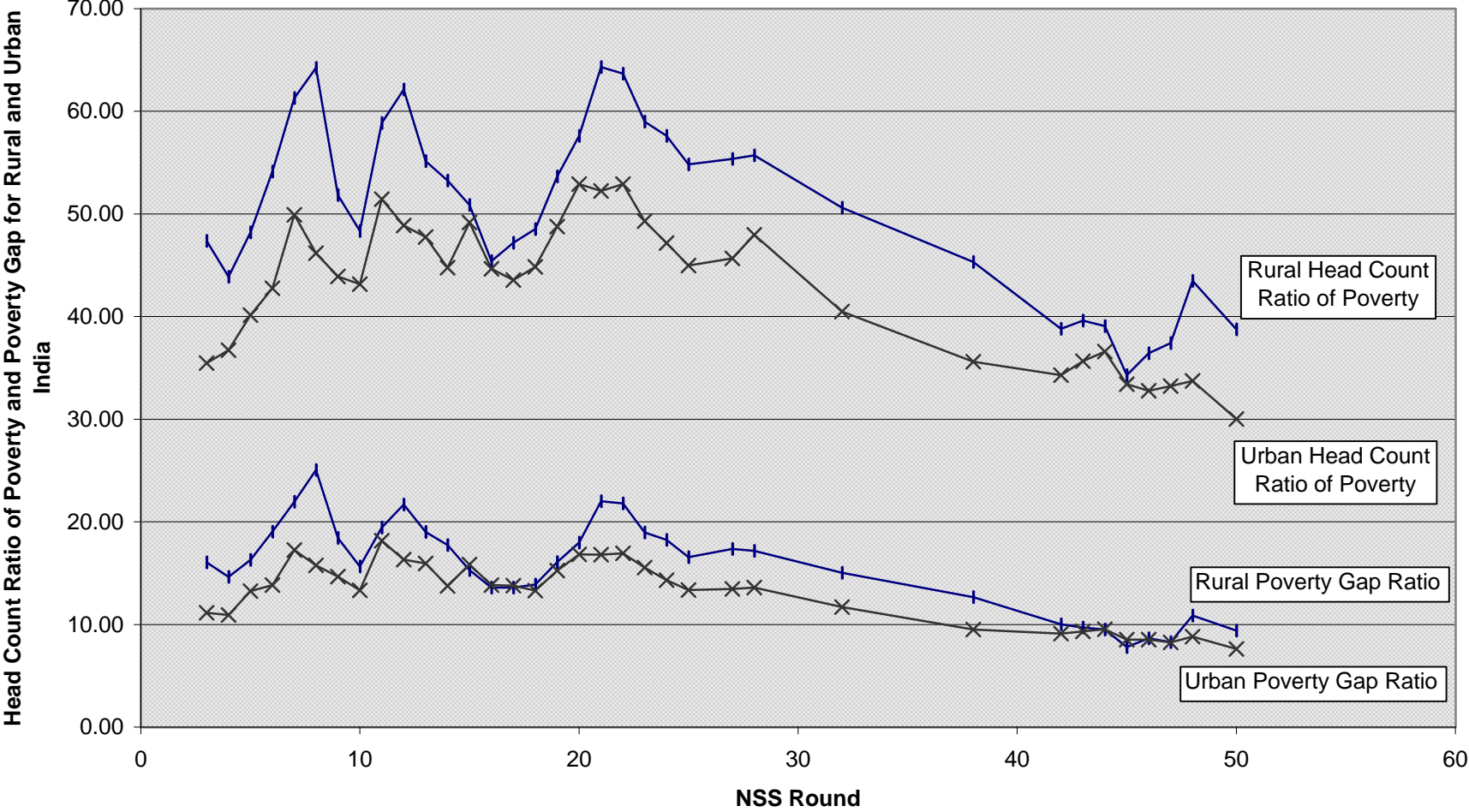
Figure 1: India: Per Capita Net Production of Foodgrains (kilograms per year) and Per Capita Net Availability of Foodgrains (grams per year) 1950-1995



Notes: Per Capita Net Production of Foodgrains (Kilograms per year) was obtained by dividing col. 3 by col. 2 in Table 2 and multiplying by 1000

Sources: See Columns 2, 3, and 9 in Table 2

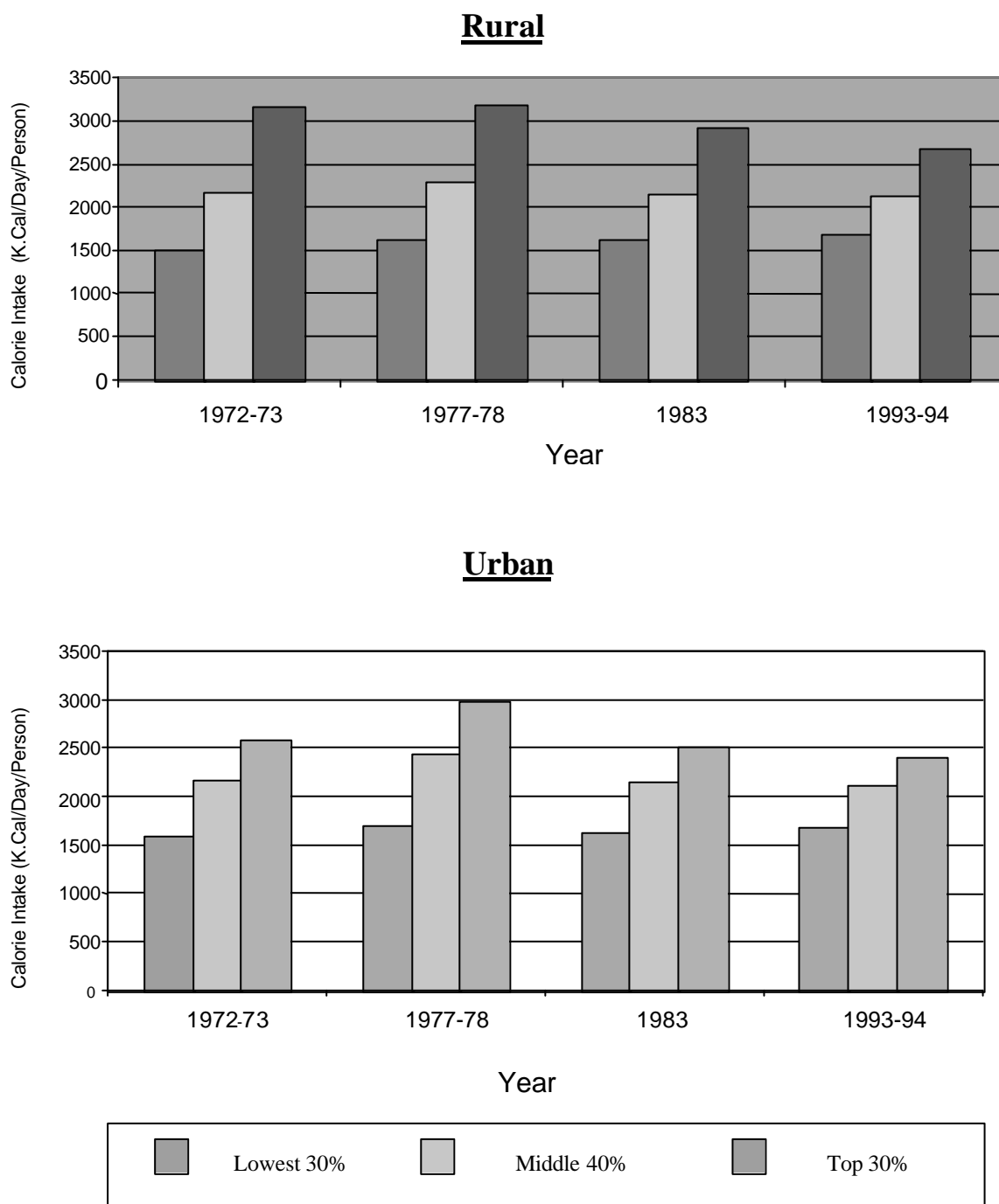
Figure 2: India: Poverty Estimates, 1951-94



Notes: NSS Round 27 covers the period from October, 1972 to September, 1973; NSS Round 50 covers the period between July 1993 and June, 1994

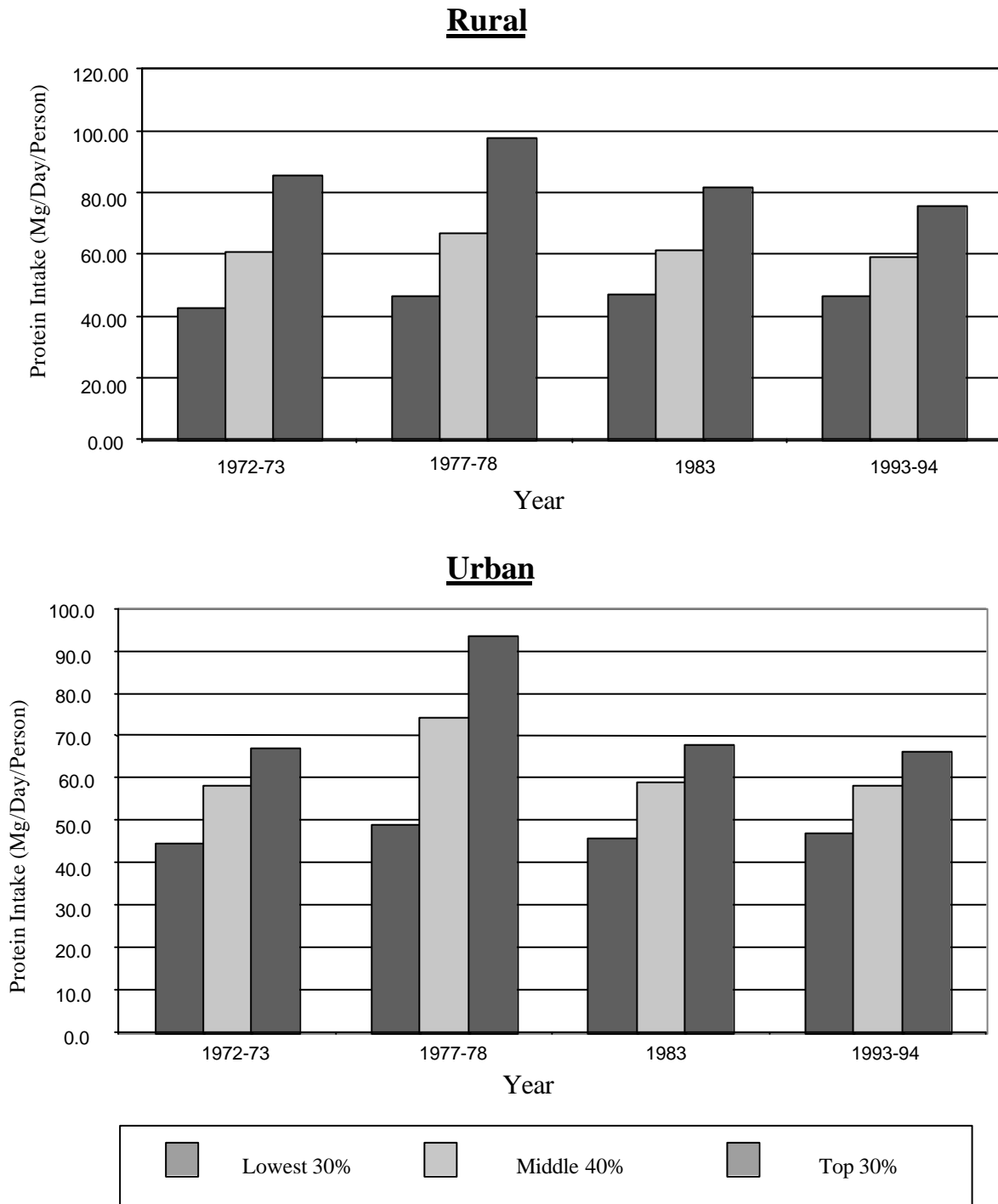
Sources: See columns 3, 4, 6 and 7 in Table 3.

Figure 3: India: Levels of Calorie Intake by Broad Consumption Expenditure Groups, 1972-73 to 1993-94



Sources: See Table 4

Figure 4: India: Levels of Protein Intake by Broad Consumption Expenditure Groups, 1972-73 to 1993-94



Source: See Table 4