

Child Labour in South Asia

Are Trade Sanctions the Answer?

In the countries of South Asia, poverty remains the fundamental variable in explaining high incidences of child labour. While developed countries advocate and apply trade measures to eliminate child labour, a lasting solution to the problem lies in economic development and poverty reduction. Since only about 5-7 percent of children are employed in the export sector in these countries, trade measures have met with abject failures or, at best, with extremely limited success in the elimination of child labour, besides having been known to be theoretically untenable. Given such limitations, the multilateral understanding to solve the problem of child labour should be further developed within the ILO, and not the WTO.

This briefing paper is an abridged version of a research report with the same title, which attempts to provide theoretical and empirical understanding of the problem of child labour. In the context of the debate on the introduction of social clause including elimination of child labour in the WTO and the regional dimension of the problem, this paper critically evaluates the use of trade measures in alleviating the problem of child labour in South Asia.

Introduction

The process of globalisation and the accompanied integration of world trade and economy have brought about a renewed focus on many of the social concerns wherein the issue of labour standards, particularly the elimination of child labour, has surfaced on top of the policy agenda. In this context, the World Trade Organisation (WTO) has been called upon to play a proactive role in ensuring compliance with core labour standards, including the elimination of child labour (also referred to as the social clause).

Presently, the WTO does not lay down any labour standards as a pre-requisite for trade, except under the General Exception Clause GATT XX (e) (enabling Member-countries to initiate trade restrictive measures in case of goods made with the use of prison labour but does not prohibit prison labour as such). The Preamble of the Marrakesh Agreement only states that "relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living [and] ensuring full employment."

The Singapore Ministerial Meeting of 1996 reiterated this status quo by declaring that "the International Labour Organisation (ILO) is the competent body to set and deal with these standards...that economic growth and development fostered by increased trade and further liberalisation contribute to the promotion of these standards" and rejected the use of labour standards for protectionist purposes.

This multilateral consensus notwithstanding, the US and countries in the EU have raised the issue intermittently at various WTO Ministerial Meetings, an issue which partially contributed to the collapse of the Seattle Ministerial Meeting of 1999. In addition, many of these countries have resorted to some unilateral trade restrictive measures to enforce labour standards, particularly against child labour. The prime

targets of such initiatives have been the South Asian countries. This is despite the fact that, both theoretically and practically, the trade sanction approach to deal with the problem of child labour has been found to be erroneous.

Main Concerns

Since the incidences of child labour are predominantly found in developing countries, which also have 'lower' labour standards, the demand for the elimination of child labour, as well as enforcing labour standards through the instrument of trade, is an attempt to raise the stakes for developing countries. In an increasingly competitive global and liberalised economy, the attempted linkage of trade with labour standards is set to undermine free trade and related economic growth and development and may be used for protectionist purposes (to protect jobs and higher wages in developed countries amidst fear of flight of jobs to developing countries).

Developed countries see core labour standards as a necessary condition of fair trade and maintaining efficiency in the labour market. They consider it as a part of eliminating unfair trade competition derived from labour exploitation and use of child labour to produce items cheaply to edge out countries that have higher labour standards and labour costs. Developed countries, thus, argue that, if trade and labour rights are not linked, an international devaluation of labour standards may occur with countries engaging in a competitive 'race to the bottom' and the consequent dilution of workers' rights.

Such an argument does not have any economic rationale. There is no conclusive proof that the so-called poor labour standards in the developing countries have positive correlation with export intensities of these countries. Moreover, there is no evidence that imports from developing countries cause unemployment in the developed world.

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In the context of globalisation, two reasons have brought the issue of labour standards to the fore. A growth in developing countries' exports of manufactured goods from 30 percent of their total exports in 1980s to 70 percent in 1995 caused serious concerns in developed countries.

Moreover, the tendency amongst MNCs and TNCs to shift labour-intensive production units to developing countries, due to the availability of cheap labour, threatened the employment opportunities in developed countries. As a result, the developed countries "called for universally agreed upon labour standards to be applied to international trade" and also create provisions within the WTO to impose unilateral trade restrictions on countries that fail to adhere to core labour standards.

It is noteworthy that the US, which is seen to espouse the cause of child labour as well as other core labour standards through the trade route, has not ratified the Minimum Age Convention No. 138 of the ILO. Moreover, amongst the eight core ILO Conventions, it has ratified only two (C182 Worst Forms of Child Labour Convention and C105 Abolition of Forced Labour Convention). Its commitment to the principles enshrined therein is, thus, suspect in the same way as its attempt to append a social clause to the WTO.

Theoretical Explanations of Child Labour

According to the ILO, child labour can be explained by the mutual interplay of immediate; underlying; and structural causes (Table 1). At a theoretical level, different models explain child labour as a factor of household behaviour, poverty, lack of education, failure of labour and capital market.

Children as Household Assets: The household behaviour theory assumes a household as a primary unit where decisions are taken regarding sending their children to either work or school. In poverty situations, children are considered as an asset to supplement household incomes and ensure the survival of the family, substitute hired labour

in family units and provide security in old age and disability situations.

Some of these household behaviour theories consider fertility/number of children as an important explanatory variable in the incidences of child labour. According to the model propounded by Becker (1960), the number of children/fertility is determined by cost-benefit analysis regarding children in a household. He argues that "an increase in income increases both quantity and quality of children but the quantity elasticity of demand for children is smaller than the quality elasticity of demand for children." Conversely, a large family size may also explain high incidences of child labour.

The Poverty Hypothesis: The most dominant school of thought attributes child labour to poverty, which operates at both the country and household levels. Based on a country-level correlation between incidences of child labour and GDP per capita, Krueger (1996)¹ has established a negative correlation between per capita income and labour force participation by children.

According to him, child labour declines as one move from low-income to high-income countries and, hence, economic development leads to decline in child labour. For example, labour force participation by children between 10-14 years is the highest in world's poorest countries, reaching as high as 49 percent in Burundi and 42 percent in Rwanda. In contrast, countries with more than \$5000 GDP per capita, record no incidences of child labour.

Relationship between Child labour, Poverty and Schooling/Education: Many theorists provide a missing link in the poverty explanation by propounding a link between child labour, education and poverty. Their central argument is that children work because the returns to work experience exceed the returns to schooling and there is an absence of link between educational qualifications and life opportunities and because education is given a low priority in policy terms. Indian policy-makers' reluctance to adopt and implement compulsory education

Table 1: Levels of Causality for Child Labour

<i>Immediate causes</i>	<i>Underlying causes</i>	<i>Structural or root causes</i>
Limited or no cash or food stocks; increase in price of basic goods	Breakdown of extended family and informal social protection systems	Low/declining national income
Family indebtedness	Uneducated parents; high fertility rates	Inequalities between nations and regions; adverse terms of trade
Household shocks, e.g. death or illness of income earner, crop failure	Cultural expectations regarding children, work and education	Societal shocks, e.g. war, financial and economic crises, transition, HIV/AIDS
No schools; or schools of poor quality or irrelevant	Discriminatory attitudes based on gender, caste, ethnicity, national origin, etc	Insufficient financial or political commitments for education, basic services and social protection; "bad" governance
Demand for cheap labour in informal micro-enterprises	Perceived poverty; desire for consumer goods and better living standards	Social exclusion of marginal groups and/or lack of legislation and/or effective enforcement
Family business or farm cannot afford hired labour	Sense of obligation of children to their families, and of "rich" people to the "poor" people	Lack of decent work for adults
Source: ILO, <i>A Future Without Child Labour</i> , Geneva: International Labour Office, 2002, p 47.		

programmes and indifference to low enrolment and high dropout rates has resulted in one of the highest rates of child labour in the world.

Labour Market Failure: A growing body of literature points to the fact that child labour is directly related to the structure of the labour markets or the labour market failures, arising out of wage differential between child and adult labour and low adult wages. In a competitive market where wages are flexible, child labour can easily substitute adult labour in the labour market and this may encourage child labour. However, in case the wages are not flexible due to minimum wage and similar legislation, given the higher productivity of adult workers, child worker may not be a welcome proposition for the labour market.

The model developed by Basu and Van (1998)² postulates a negative correlation between child work and parent's income. In the labour market, child labour can substitute adult labour despite being only fractionally as productive as an adult, which, in turn, drives down adult wages and, thereby, further reinforces child labour.

Capital Market Failure: The capital market imperfections are cited as significant determinants of child labour. Baland and Robinson (2000)³ argue that there is a trade-off between child labour (current income) and accumulation of human capital through education (future income). In situations where children could borrow and compensate their parents for reduced child labour, the problem of child labour could be alleviated. Their model shows that, in case of perfect capital markets, transfer of resources would occur from children to parents and restore the efficiency of resource allocation.

In all the theories discussed above, poverty has remained the underlying and most fundamental explanation of child labour, which is also predominantly the cause of child labour in countries of the South Asia region.

Child Labour in South Asia: An Overview

Among the developing regions, the South Asia region accounts for the largest concentration of child labour and children not attending school. The region, thus, has become a focus of the international campaign to eliminate child labour. A conservative estimate puts the number of such children (5-14 years) between 20-30mn in five countries of South Asia. The South Asian Coalition on Child Servitude (SACCS), however, estimates that there are more than 80mn working children in South Asia under 14 (55mn in India, 10mn in Pakistan, 8mn in Nepal, 7mn each in Bangladesh and Sri Lanka).

On an average, the percentage of working children/economically active children in the age group 5-14 years vary between 5-42 percent in five major countries of South Asia – Bangladesh 19.1 percent, India 5.4 percent, Nepal 41.7 percent, Pakistan 8.3 percent. However, in Sri Lanka, about 21percent of the children in the age group 5-17 are engaged in some form of economic activity, although children engaged in economic activity alone are 7.5 percent (Table 3). Since the 1980s, the percentage of children (10-14 years) in the labour force has declined in all the

countries of the region, although the rate of decline varies between the countries of South Asia (Table 2).

According to the ILO database on economically active population, child labour (10-14 years), as a percentage of the total workforce for countries in South Asia, in 1995 ranged between 0.6 to 12 percent. Children's involvement in the total labour force is also projected to decline (Table 3).

The Causes of Child Labour in South Asia

Given the diversity, both within and across these countries, the causes for child labour are case-sensitive. Nevertheless, a common set of causes can be discerned for the region of South Asia, as a whole. A look at the region-specific causes strengthens the argument that child labour originates in a complex set of socio-economic and cultural settings and alleviating the problem requires an innovating solution instead of a trade-based approach.

Poverty: Poverty, both at the country and household levels, constitutes the most significant determinant of child labour in South Asia. In Bangladesh, about 55mn people are below the poverty line. In this situation of abject poverty, child labour contributes about 20-25 percent of the family income, most of which is spent on food, thus making child income critical to their survival.

Similarly, studies in India have found that nearly half of the families with working children are below the poverty line. The result is a downward trend in wages, which keeps the child and his family in perpetual poverty, thereby further re-enforcing child labour. In Nepal, with about 70 percent of the people living in poverty, child labour practices are perpetuated. In Pakistan and Sri Lanka too, household poverty and the need to supplement household income is one of the important factors for child labour, apart from children's assistance required in the household enterprise.

Mode of Production and Pattern of Landholdings: The predominantly agricultural economies, along with the feudal landholding pattern, also perpetuate the phenomenon of child labour in the region. For instance, the pattern of landholdings in India, due to a limited land reform programme, has increased the debt burden of rural labourers and marginal farmers, forcing their children to work. The migration from rural to urban areas to escape rural poverty and search for jobs is fairly widespread in India, which also contributes to child labour.

In Nepal, only 30 percent of the land is arable, resulting in slow agricultural growth and sluggish economy, thus

Table 2: Percentage of 10-14 age group Children in the Labour Force in South Asia 1980-99

	1980	1990	1995	1996	1998	1999
Bangladesh	35	33	30	30	29	29
India	21	17	14	14	13	13
Nepal	56	48	45	45	43	43
Pakistan	23	20	18	17	16	16
Sri Lanka	4	-	-	2	2	2
South Asia	23	-	-	17	16	16

Note: Percentage figures have been rounded up to the nearest whole number.

Source: *World Development Indicators 2000* and *World Development Indicators 1998*, Washington: World Bank, pp 46-48 & pp 50-52.

	Percent of Working/ Economically Active Children*	Child labour as percentage of total workers 1995	Child labour as percentage of total workers 2000**	Child labour as percentage of total workers 2010**
Bangladesh	19.1	9.17	7.15	4.08
India	5.4	3.68	2.95	1.51
Nepal	41.7	12.12	11.30	8.86
Pakistan	8.3	5.73	5.12	3.02
Sri Lanka	7.5	0.64	0.42	0.00

* Based on country-level ILO survey in the mid 1990s. The age group except for Sri Lanka is 5-14 years. For Sri Lanka it is 5-17 years.
** ILO projections.
Source: R Castle, D P Chaudhri and C Nyland, 'Child Labour in South Asia: Domestic and International Initiatives (Including ILO and WTO's)' in *Proceedings of the National Seminar on Child Labour: Realities and Policy Dimensions*, New Delhi, 5-7 December 2000 (organised by V V Giri National Labour Institute, Indian Society of Labour Economics and Institute for Human Development).

perpetuating poverty levels. In order to avoid poverty, children often migrate to cities, thus providing a permanent pool of labour. The feudal system in Pakistan also sustains child labour, bonded child labour in particular.

Illiteracy: Another determinant for child labour in South Asia is the dynamic relationship between education, poverty and household behaviour. For instance, parents do not attach importance to education and, instead, opt for short-term economic gains accrued from child labour. This trend is also perpetuated by the absence of any assured correlation between education and better jobs.

Besides, the master-apprentice system in the non-formal sector also operates within a family environment, resulting in widespread incidences of working child. Lack of educational opportunities, particularly in the rural areas, also perpetuates child labour, as the distance to school and accessibly hinders attendance and results in high dropout rates of students, who inevitably join the labour force. The phenomenon of child labour is closely linked to illiteracy.

According to Operation Research Group (ORGB) 1983 survey in India, over 64 percent of the child workers in India were illiterate. The Ministry of Labour, Government of India, Reference Note also established a correlation between the high incidences of child labour and school dropout rates. In Nepal, majority of the working children are not only illiterate but also belong to less educated families. Similarly, in Pakistan, 33.2 percent of the working children are illiterate.

Lack of Adequate and Effective Enforcement and Legal Remedies: The absence of a coherent government policy and non-implementation of existing laws complemented with poor surveillance, enforcement and intervention mechanisms due to lack of resources and corrupt practices sustains the phenomenon of child labour in all countries of South Asia.

Other Factors: On the demand side, children are also employed because: (1) they are docile; (2) they are less likely to be absent; (3) they do not form unions and their employment reduces the possibility of hartal or strike; (4) management of children is easy; and (5) the owners feel

sorry for the poor children and give them work. In some sectors, children are believed to be uniquely suited for some work such as carpet and gem industries. It is said that nimble fingers can weave 41 greater number of knots in carpets and polish tiny gems more efficiently.

A Critical Evaluation of Trade Sanction Approach

The application of trade sanctions approach to combat the problem of child labour gained ascendancy in the nineties, as a result of advocacy by various trade unions and pressure groups in the US and Europe, supported by mounting media campaign and calls for boycott of goods made by using child labour. Trade intervention has taken the form of either the threat of, or immediate ban or in the form of labelling of products.

In some instances, positive trade incentives under the Generalised System of Preferences (GSP) are also used to ensure compliance with certain labour standards. For example, the European Union's GSP, 1998, while providing reduced tariffs on the import of many products from developing countries, requires ban on prison and slave labour, respect for trade union rights and prohibition of child labour. Countries that provide proof of compliance receive privileged access to EU markets. Similarly, the GSP of the US has been extended and occasionally revoked in order to ensure compliance with certain labour standards.

Impact of Trade Sanctions

The beginning of nineties saw the use of trade sanction to alleviate the problem of child labour by the US policy-makers and also by some countries in the EU. The sectors that were affected in countries of South Asia were apparel/garment industry in Bangladesh, carpet industry in Nepal, football industry in Pakistan and carpet and bidi industry in India. The immediate cause of these trade initiatives was the Harkin Bill – the Child Labour Deterrence Act, 1993 – that proposed to ban the import of those goods into the US that used child

labour in its production process, either wholly or partly.

The impact of the Bill was most pronounced on the garment industry in Bangladesh. In addition to this Bill, which was not passed but caused severe indirect impact, the American television newsmagazine, NBC Dateline, carried a feature on child labour in the Bangladesh garment industry, which manufactured garments for supply to the Wal-Mart stores in the US.

As a result of the public outcry, the company cancelled its contract with the Bangladeshi manufacturers. This had a snowballing adverse impact on other manufactures and suppliers in the garment industry. Fearing boycott and resulting loss in market

share, the BGMEA announced, on 4 July 1994, that it would eliminate child labour in the garment industry by 31 October 1994, resulting in the dismissal of nearly 50,000 children from the garment industry, affecting nearly 1.5mn families.

The consequences for the children displaced from relatively safe work places and their family income were disastrous. According to a study, instead of returning to education, most of them took up hazardous work in leatherwork and brick-making. A lot of them turned to begging, becoming domestic servants and, alarmingly, prostitution, to survive.

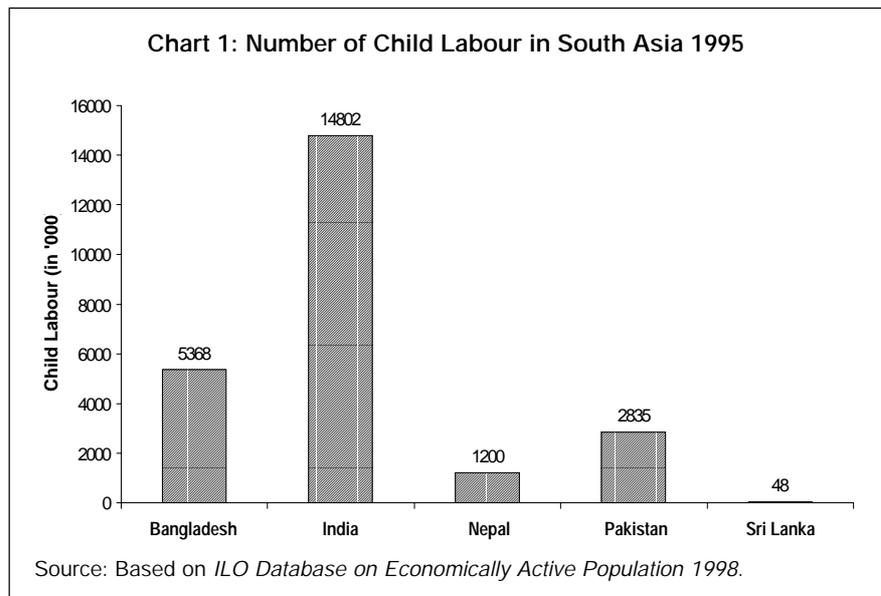
Some reports noted that some of the children now worked in hidden sweatshops hired by subcontractors in conditions worse than before, while most of the children shifted to more dangerous, low paid work in the informal sector. In particular, it affected female child labour badly as the removal of young women and girls from the factories adversely affected their chances of increasing their independence, financial security and even their prospects of marriage.

A case in point is that of a former garment worker, 12-year-old Saleha, who now worked for 8 hours a day in brick-breaking work. Her total earning declined to Taka 16-18 (US\$0.45) from the earlier Taka 38 (US\$ 1.00). According to Save the Children Fund, "she used to earn folding and packing clothes in a garment factory. She now worked all day in hot sun, exposed to pollution and harassment from passers by. Neither 'saved' from exploitative work nor able to obtain an education, Saleha and thousands like her were victims, not beneficiaries, of the ill-considered action."

The overall impacts on the economy were also significant, due to the loss of an estimated half-a-billion US dollars in 1994-1995. Such a massive loss of foreign exchange earnings denies Bangladesh the opportunity to finance economic growth, which would create conditions under which child labour would fade away.

In the case of Pakistan, similar to the situation in Bangladesh, the revelation about the rampant occurrence of child labour in the football-making industry at Sialkot led to the demand from western consumer/pressure groups, trade unions and NGOs of boycott on products from Sialkot, unless child labour was banned.

In response, in 1996, the MNCs, such as Nike and Reebok, agreed with their contractors in Sialkot, Pakistan,



to ban child labourers in football stitching. The consequences, particularly for women, were difficult, as many of them lost work because they could not leave their homes. Many of the children shifted to hazardous industries, such as brick kilns, car workshops and production of surgical instruments.

The carpet industry of Nepal also received international attention between 1993 and 1994, amidst widely reported incidences of child labour, combined with an economic slowdown in Europe. This adversely affected the hand-woven carpet industry in Nepal. According to trade figures, out of the more than 3,000 carpet manufacturers in late 1993, two-thirds went out of business.

The impact on child labour is not well-documented, but, given the fact that a large number of children were employed in this industry, closing down of factories would have adversely affected them and their families. Since 1996, labelling initiatives and trade sanctions reduced industry's income dramatically, thus adversely affecting the children and their families.

In the case of India, the US banned import of Ganesh Bidi in 1999, alleging use of bonded child labour in the industry. The move was prompted by a CBS News story regarding the use of bonded child labour by the Mangalore-based Ganesh Bidi Work. Since the US ban applied only to a select company, the immediate impact was not significant, in terms of loss of market. If the ban on import had extended to the entire industry, India may have lost substantial revenue. The consequent impact on the household industries employing child labour would have been disastrous.

Apart from outright ban, the trade intervention approach was pursued through the instrument of labelling of child labour products. The campaign for labelling was initiated by the humanitarian and religious organisations of consumer countries, through public awareness and media campaign against child labour in hand-knotted carpet industry in India, Pakistan and Nepal.

The resulting decline in the demand for South Asian carpets prompted the governments, manufacturers and exporters to accede to the child labour-free labelling schemes being advocated. Subsequently, a number of social labelling initiatives, such as Rugmark, Kaleen, Smiling Carpet, etc., were launched. Other products from South Asia were also brought under the ambit of labelling

schemes such as apparel and textiles, etc. The most successful amongst these was the Rugmark labelling programme, which, in December 1995, became a legally-binding international trademark in Germany and the US in 1996 – the two largest markets for carpet exports from South Asia.

Studies conducted by the ILO on the impact of informal social labelling in the Indian carpet industry have found social labelling to be of a limited value in solving the problem of child labour, although some studies have reported a notable decline in child labour in carpet industries since Rugmark was initiated.

On the flip side, the initiative has also resulted in shifting of carpet industries from the carpet-belt to other areas, primarily to Rajasthan, and remote rural areas within the carpet-belt, thus making inspections difficult, infrequent and time-consuming. Thus, the labelling initiatives have to be complemented by other measures such as effective enforcement of the law against child labour, apart from media campaigns and NGO interventions.

Conclusion

As is evident from the case studies in countries of South Asia, the trade sanctions approach to alleviate the problem of child labour has been unable to tackle the root causes of the problem, not to mention the fact that it has often accentuated the misery of child labour. The children displaced from the export sectors simply shifted to other work, sometimes more hazardous and low paid.

In the case of South Asia, the myopic trade sanction approach has been instrumental in highlighting the plight

of only a minuscule percentage of children (5-7 percent) employed in the export-oriented sector, which consists of mostly small and medium-sized export firms or neighbourhood and family units, while the majority of child labour employed in informal and hazardous industries did not attract any attention or aid.

Trade sanctions approach, thus, has severe limitations, as a majority of the children in this region are employed in non-tradable rural agricultural employment, urban informal sectors and family-owned businesses. Even in tradable sectors, the use of trade-related instruments has not solved, but often aggravated, the problems and sufferings of child labour.

The argument given by the US Department of Labour, that developing countries' emphasis on expanding growth, based on certain labour-intensive and low-skilled exports, such as carpets and garments, may increase the incidences of child labour, has not been substantiated by any empirical study. Besides, there is no empirical evidence to support the competitive advantage argument either.

Further, the idea of enforcing labour rights through WTO across countries and regions is untenable. Such trade measures result in thwarting the objective of free trade and undermine economic development and poverty alleviation, which is the root cause of child labour, and, in fact, may perpetuate or aggravate the sufferings of child labour and their families. On the other hand, it is asserted that policies targeted at alleviating poverty, illiteracy, liquidity constraints and distortions in the labour and capital markets are likely to reduce the prevalence of child work.

Endnotes

1. Alan B. Krueger, *Observations on International Standards and Trade*, NBER Working Paper No. 5632, Cambridge, MA: National Bureau of Economic Research, 1996, pp. 24-25.
2. Basu, Kaushik and Pham Hoang Van, 'The Economics of Child Labour' in *The American Economic Review*, vol. 88 no. 3, June 1998, p. 412-427.
3. See Jean-Marie Baland and James A Robinson, 'Is Child Labour Inefficient' in *Journal of Political Economy*, vol 108, no 4, 2000, p 666.

Recommendations

- To recognise that trade-based approach to solve the problem of child labour is of a very limited use, as it targets a small group of children involved in export sector and, hence, does not address the issue in totality.
- Since incidences of child labour decline with the rise in per capita income of countries, facilitating free trade and open markets is the best way to ensure economic development and the consequent elimination of child labour and improving other labour standards.
- At the country-level, targeted poverty alleviation programmes should be initiated in regions rife with incidences of child labour. The objective of compulsory primary education and quality education should be vigorously pursued along with positive incentives, such as mid-day meal schemes and compensation to the family, to encourage school attendance and minimise dropout rates. A vocational element should be included in the school curricula so that there is a correlation between education and life opportunities.
- ILO's approach-based on consensus, prescription and persuasion on labour standards is sustainable in the long term and should be the basis of multilateral understanding and solution to the problem.
- ILO's enforcement and monitoring mechanism should be strengthened and emphasis should be placed on universal ratification of the core ILO conventions, particularly the relevant child labour conventions (C 138, C 182).
- There is a need to enrich the data by launching comprehensive surveys to assess the real magnitude and impact of the problem. This would go a long way in ensuring a holistic and long-term solution to the problem of child labour.

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