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# 1 Child Labour in the Fast Fashion Industry, with a Focus on India

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## 5 **Abstract**

6 Introduction-Child labour can be found at all stages of the production process in the fashion  
7 industry. It can be found during the production of cotton seeds in Benin, harvesting in  
8 Uzbekistan, yarn spinning in India, right through to the different phases of putting garments  
9 together in factories across Bangladesh. 1 The problem of child labour is rampantly increasing  
10 in the fashion industry since a large part of the supply chain requires low-skilled cheap  
11 labour. Child labour is often used by industries because they are seen as obedient workers who  
12 can easily be monitored and controlled. While there exist Trade Unions and other formal, if  
13 not sophisticated, regulatory mechanisms which allow adult labourers to have some bargaining  
14 power, there is no similar system available for children. Further, they are easier to employ and  
15 further exploit because they lack the understanding of what they may be entitled to.  
16 Employers get away with it because the fashion supply chain is hugely complex and it is hard  
17 for companies to control every stage of production. That makes it possible to employ children  
18 without big brands and consumers ever finding out.

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20 *Index terms—*

## 21 **1 Introduction**

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23 the production of cotton seeds in Benin, harvesting in Uzbekistan, yarn spinning in India, right through to the  
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30 Further, they are easier to employ and further exploit because they lack the understanding of what they may be  
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32 companies to control every stage of production. That makes it possible to employ children without big brands  
33 and consumers ever finding out.

34 Child labour is often explained to be a byproduct of impoverishment. The most common argument that  
35 expounds on the widespread nature of child labour is that various families are dependent upon children to earn  
36 sustenance. Child labour is hence justified as a necessary evil with the blame centralized on the abject poverty  
37 in these societies.

38 In this paper, I shall first analyze why there exists such extensive amounts of child labour especially in the  
39 textile sector. This will lead me to focus on various social reasons to employ children in the industry which  
40 include the social acceptance, regulatory mechanisms and the logistical convenience. I shall then explore the  
41 demographics of the industry and their relevance in the employment of child labour. This will be viewed from  
42 the standpoint of the employees and their parents who often promote their children into work. I shall lastly focus  
43 on the inefficient regulations in place concerning child labour and how an effective system can be developed. This  
44 part shall also look into the reason why governments may not be inclined towards curbing child labour, and what  
45 regulatory steps can be taken.

### 46 2 II. Child Labour in the Textile Sector

47 The cotton industry employs children whose primary job is to transfer pollen from one plant to another. The  
48 children are expected to work throughout the day, and because they are in close contact with crops they are  
49 exposed to pesticides and insecticides. Further, children are expected to harvest the delicate crop, aside from  
50 sowing the cotton in the spring and weeding it in the following months. ?? The next process in the production  
51 chain is fabric spinning. In yard and spinning mills as well, child labour is extensively found. Reports suggest  
52 that a large majority of the mills employees in India start when they are under 18. ?? In the next stage, where  
53 clothes are put together, Children are again found as the primary employees. This 'Cut-make-trim' stage is when  
54 clothes are sewed together or accessorized and so on. Employers justifying hiring children at these stages by  
55 referring to it as vocational training.

56 However, industries and factories are not the only place where child labour is found. Even at small workshops  
57 and home sites, children are found performing delicate tasks such as embroidering, making pleats or sequinning.  
58 ?? At these stages, children are generally paid on a piece-based system where every cloth worked on is paid for  
59 individually. Hence, they are expected to work hours on a single garment to earn a marginal amount.

60 Child Labour requires a special response system because children are often favoured at various stages of the  
61 production process. Some tasks such as cotton picking are considered to be better suited to children than adults  
62 owing to their small fingers which do not damage the crop. In a survey conducted in Andhra Pradesh, it was  
63 found that children were paid Rs. 20 adults for working in the cotton fields. ?? This anomaly where children are  
64 preferred as workers in several sectors is special to the textile sector because of the tasks involved and must be  
65 dealt with a targeted mechanism.

### 66 3 III. Reasons for Child Labour on the

67 Ground-Level India's large population of nearly 1.4 billion individuals consists 40% of children. ?? Further, over  
68 a fifth of this population reside below the poverty line. ?? This indicates that a large amount of people in India  
69 do not have access to basic facilities. They live with the fear of ensuring their subsistence for the day. This  
70 livelihood with a lack of means of subsistence leads to families ensuring every member provides help in obtaining  
71 sustenance in everyday life.

72 The promulgation of child labour starts from the lack of financial capabilities of a family to maintain themselves.  
73 Contractors then use this to exploit families and induce children to work at factories, where they sometimes pay  
74 a meagre sum to the family for taking the child. Moreover, the child is rarely paid any substantial wages that  
75 can afford meals or is just paid in kind with one or two meals a day.

76 Empirically, the primary reason for the existence and the increasing amount of child labour is dedicated to  
77 poverty. In a research conducted on child labour in the handicraft industry in Kashmir, the simplest conclusion  
78 found was that parents prefer to send their children to work over school. ?? Most economic models suggest that  
79 children are sent to work owing to low income families. 9 Child labour is attributed to the large sizes of family  
80 in India and linked with the demand for more income. This demand is sought to be supplied by putting every  
81 child to work.

82 Studies suggest that another factor attributable to child labour is the migration of poor families to urban  
83 cities in search for employment. Often, parents move to urban areas envisaging better opportunities to  
84 work and earn, but this demand is scarcely met. This leads to parents then also looking for employment  
85 for their children, since they cannot even leave them with their families around the village anymore. 10  
86 <https://www.prssindia.org/theprssblog/poverty-estimation-india> Last accessed on 12th September, 2022. 8 B.A  
87 Bhat and T.A Rather, Child labour in the handicrafts home industry in Kashmir: A Sociological Study, 4  
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91 (2009).

92 IV.

### 93 4 State Endorsed Child Labour

94 The reasons of Poverty discussed in the previous section, if were seen in exclusivity, common sense would suggest  
95 that the eradication of poverty would lead to an abolishment of child labour. Hence, it would also dictate that  
96 an increase in the GDP of the Country would be directly proportional to the decrease in child Labour. Despite  
97 this, a large majority of children aged 5-14 work in the agriculture and service industry. ??1 It becomes essential  
98 to analyse other factors that lead to child labour at this juncture. Weiner points out that accepted arguments  
99 of child labour existing due to poverty and lack of funds by the Government to work on it lack conviction. He  
100 argues that child labour is not heavily opposed by the Government because it is a major part of their industrial  
101 strategy. ??2 An argument that suggests that the Government promotes child labour may at first appear to be  
102 a liberal conspiracy theory. Especially with statutes like the Child Labour (Prohibition and Regulation) Act,  
103 1986 ("CLPRA") and making primary education compulsory, such an argument does not seem to have credence  
104 superficially.

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105 Credibility in such an argument can be seen through an analysis of the Government expenditure on enforcement  
106 of the CLPRA and the Right to Education Act, 2009 ("RTE"). India's expenditure on education constitutes a  
107 small fraction of its GDP which has been continually going down despite not a large enough increase in literacy.  
108 Not only has India decreased the amount of expenditure in comparison to other sectors despite the adoption of the  
109 RTE, this expenditure is much less as compared to other countries such as United Kingdom and Argentina. ??3  
110 Even Afghanistan and Nepal in the sub-continent have a higher percentage of their GDP dedicated to education  
111 than India. This however, only proves that the government is not focusing on education.

112 To substantiate the above claim further, a logical analysis must be drawn to understand how putting children  
113 to work may be a part of government strategy and beneficial in some way. It is evident from recent policies in  
114 India that Foreign Direct Investment is being encouraged. Recently, India even overcame China in the amount  
115 of Foreign Investment inflows into the country, with its highest ever amount of FDI in a calendar year. ??4 The  
116 processes in the textile sector have already been analysed where it is evident that a large amount of low-skilled  
117 labour is required. This means that any large manufacturing company must look for methods in which they can  
118 acquire the services of these low-skilled labour forces at very low wages. Hence, if a country provides opportunities  
119 to corporations to hire low-skilled labour which is often child labour at very low wages, the investment and the  
120 number of contracts that the country can incite increases drastically. Similarly, the other large nation with focus  
121 on FDI being China also has a large amount of child labour. ??5 The fact that the Government's focus on  
122 securing employment over regulating child labour can even be seen in the orders of the Courts. It is often evident  
123 that the judiciary is deferential to the Government policy and has a larger chance of resorting to their strategic  
124 planning. ??6 Recent orders of the Supreme Court regarding employment in the firecracker industry state: "We  
125 cannot give money or jobs or support people who will lose their jobs if we shut down firecrackers manufacturing  
126 units... We do not want to generate unemployment. ? Such a revenue to the State as well as employment to large  
127 number of workers on which five lakh families sustain cannot be put in jeopardy by imposing a total ban." ??7  
128 It is evident that even the Court realizes that often the focus of the state is not just the morality of something,  
129 but also the economics of it. The prevalence of child labour in the firecracker industry is well-known and the  
130 Supreme Court's stance cannot be justified by ignorance. ??8 Hence, credibility to the argument by Weiner can  
131 be assigned with regards to the focus of the Government to encourage and incentivize multi-national companies  
132 to invest in India. This is done by offering cheap labour and not actively prohibiting children to work in these  
133 factories. Hence, the lack of active regulation is equivalent to an endorsement of child labour in India.

134 V.

## 135 **5 Regulating Child Labour**

136 The already unpliable task of regulating child labour becomes even more arduous if the Government's strategy  
137 revolves around it. Hence, the primary objective in drafting a policy would not be to attempt to abolish since  
138 the truths of poverty will still justify child labour. Rather, regulation of child labour in a sophisticated manner  
139 where the Government takes active steps in ensuring that children who are enticed by factories have safe working  
140 conditions and receive fair wages.

141 The CLRPA contains various provisions which seek to regulate the amount of time a child works in a day and a  
142 week. However, what it fails to implement is a sophisticated system that can ensure that children are adequately  
143 represented in work environments. The legislation only lays down rights of the children and duties of the employer  
144 without prescribing any way to efficiently monitor or exercise the fulfilment of these duties. A huge problem of  
145 child labour is that children are not capable of entering into negotiations and lack any bargaining power against  
146 the employer. They cannot form Trade unions or enter into any sort of collective bargaining without outside  
147 support.

148 The nature of child labour is such that it is often forced. While valid consent of a child is anyway not in  
149 question, their guardians who often send them to work do that under duress. As analysed, the reason for child  
150 labour stems from impoverishment foremost, and hence any decision taken then is taken under economic duress.  
151 Hence, child labour is seen at the ground level as a relief from impoverishment rather than an issue. This entails  
152 that parents send their children into labour and often gratuitous to the employers for even employing them. This  
153 sense of gratuity ensues that even the parents cannot unionize against employers and gain bargaining power.

154 Hence, with the lack of any support at ground level to ensure safe working conditions for children, the case  
155 remains bleak. The employer would find it easier to bribe an official 19 than keep up with the extensive regulations.  
156 There needs to be a regulatory agency that is able to mitigate the vast difference in the bargaining power between  
157 the two parties. Hence, the regulatory mechanism must be able to balance children's rights and the employer's  
158 production costs.

## 159 **6 VI. Accountability in the Textile Sector**

160 The propagation of child labour in the textile sector is because of the massive number of multinational companies  
161 that are looking for ways to find cheap labour. These companies invest in developing and under-developed  
162 countries where their cost of production is very low to ensure a high margin of profit can be maintained. The  
163 method of acquiring services in these regions is often through indirect contracts and multiple levels of sub-  
164 contracting. In such a scenario, it becomes even harder to regulate child labour from the top tier.

## 6 VI. ACCOUNTABILITY IN THE TEXTILE SECTOR

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165 In light of the most obvious mechanism to curb child labour failing, other regulatory mechanisms have to  
166 be analysed to protect children who are subject to such exploitation. The first of these is a more sophisticated  
167 regulatory mechanism which ensures that children are adequately represented against their employers. This  
168 system needs to be designed in a way where it does not deal with absolutes and extremities to avoid skirting  
169 of the regulation. Rather a balance mechanism where regulatory officers can balance the rights of the children  
170 while not imposing extraneous obligations on the employer, though not ideal, may be a practical solution.

171 The application of the Contract Labour Act must be extended in such a manner that even multi-national  
172 companies can be held accountable for illegal acts done within India. This will include the hiring of child labour  
173 and maintain poor work conditions by the subcontractors within India. Such a model has large support and  
174 may work well since MNCs do have the funds to ensure accountability to the lower-most tier. ??5 The other  
175 mechanism is a method that may find even more credibility in India. India already has mechanisms of holding  
176 corporations to ethics. With the advent of the concept of Corporate Social Responsibility ("CSR") to ensure  
177 that corporations do well for the citizens, an extension of the same could be to hold them accountable for their  
178 actions as well. Most corporations use CSR to just advertise themselves across the board as an ethical brand,  
179 and hence a better accountability model needs to be suggested.

180 Corporations try to offset their carbon footprint by outsourcing their carbon emission productions to nations  
181 where labour is cheaper. Similarly, corporations try and claim that their products are more eco-friendly than  
182 they actually might be by smarter branding. For example, often companies would use tags produced out of  
183 recycled plastic, and use that to advertise their sustainability without alluding to the child labour aspects of  
184 production. Hence, stricter accountability needs to be enforced for corporations attempting to claim benefits for  
185 possible ethical choices.

186 The author also personally advocates for consumers being more aware of their fashion choices. The author has  
187 recused himself from shopping at any brand that purports child labour. Limiting fast fashion choices by simply  
188 just thrifting or using outfits for longer will go a long way in this ever-growing market where the supply keeps  
189 trying to match an unnatural demand. <sup>1 2 3 4</sup>

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<sup>1</sup><https://labs.theguardian.com/unicef-child-labour/> Last accessed on August 23, 2022.

<sup>2</sup>Pramila H. Bhargava, The Elimination of Child Labour, 2003. 6 Childline India Foundation Annual Report 2020-2021. Last accessed on 11th September, 2022.

<sup>3</sup><https://www.ilo.org/beijing/areas-of-work/child-labour/lang--en/index.htm> Last Accessed on 27th August, 2022. 16 Nanh v. Delhi Administration 1980 Supp SCC 613; All Delhi Cycle Rickshaw Operators Union v. MCD (1987) 1 SCC 371. 17 <https://www.thehindu.com/news/national/we-cannot-kill-jobs-in-cracker-industry-says-supreme-court/article26507955.ece> Last accessed on 12th September, 2022. 18 National Commission for Protection of Child Rights, Report on the visit of Dr. Yogesh Dube to Review the Child Labour situation in Fire Crackers & Match Industries in Sivakasi, Tamil Nadu, 2013.

<sup>4</sup>Mihir Sharma, Restart: Last Chance for the Indian Economy 308-313 (Random House: 2015). © 2022 Global Journals Volume XXII Issue VII Version I 15 ( )

190 Year 2022 H Brands like H&M and Zara outsource their production facilities to various South-Asian countries.  
191 The nature of the textile sector is such that it is a multifaceted process. From harvesting cotton to spinning mills  
192 to the cut-make-trim stage followed by accessorizing, dying, packaging and delivered for supply across the world,  
193 the large amount of processes require different facilities and organizations involved. 20 These companies hence  
194 engage in various levels of sub-contracting to get the job done.

195 There have been recent news reports about both of these brands hiring the most amount of child labour 21  
196 and having poor labour conditions in their factories. 22 The brands however, either deny the existence of child  
197 labour 23 in their factories or attempt to justify it by not being accountable for the subcontractors. This denial of  
198 accountability due to the remoteness of the contact between the brand and the lowermost stage of the production  
199 process is a large part of the problem.

200 Lotte Schuurman at the Fair Wear Foundation states "Brands can start off by creating a supply register.  
201 Fashion brands normally have 200 or more suppliers. You should start by knowing who your manufacturers are  
202 and visiting them." 24 Schuurman believes that brand representatives must be accountable for the factories that  
203 are being sub-contracted. This is in consonance with the Contract Labour (Regulation And Abolition) Act, 1970  
204 where the principal employer is responsible for wages of the labour employed by a sub-contractor.

## 205 .1 VII.

## 206 .2 Analysis

207 It is evident that child labour is the result of the vicious cycle of poverty where kids are seen as financial assets by  
208 their parents. While, abolishing poverty itself is an utopian goal, other mechanisms can be used to hold members  
209 of the community accountable for exploitation of such children. The implementation of the Right to Education  
210 Act and the Mid-Day Meal system may be argued by some to be a major step in the regulation of child labour.  
211 However, the manner of execution of these schemes is highly debated and can arguably be said to not have a  
212 large impact.

213 [Brief-Guide-GarmentManufacturingChildLabour-in-GarmentSector-in-India.pdf Last accessed on (2022)]  
214 Brief-Guide-GarmentManufacturingChildLabour-in-GarmentSector-in-India.pdf Last accessed on,  
215 <http://globalmarch.org/wp-content/uploads/2017/09/> 10 th September, 2022.

216 [of-work-hms-takeon-child-labour-in-myanmar/ Last accessed on 28 th (2022)] of-work-hms-takeon-child-labour-  
217 in-myanmar/ Last accessed on 28 th, <http://humanrightsinbusiness.eu/portfolio/a-piece->  
218 August, 2022. 24 Supra Note 1.

219 [violation-of-labour-rights-by-hm-in-uzbekistan-bangladesh-and-cambodia/ Last accessed on (2022)]  
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222 [zara-labourers-plea-for-help-fast-fashion-business-model-h-m-primark-a8040601.html Last accessed on (2022)]  
223 zara-labourers-plea-for-help-fast-fashion-business-model-h-m-primark-a8040601.html Last accessed on,  
224 <https://www.independent.co.uk/life-style/fashion/> 28 th August, 2022.