

KNOW YOUR RIGHTS

CHILD LABOUR



National Human Rights Commission

Know Your Rights Series

**HUMAN RIGHTS
AND
CHILD LABOUR**



**National Human Rights Commission
Faridkot House, Copernicus Marg
New Delhi-110001**

Know Your Rights Series:
Human Rights and Child Labour

This publication is intended to assist a wide audience to achieve a better understanding of the basic human rights.

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CHILD LABOUR

Children need to grow in an environment that enables them to lead a life of freedom and dignity. Opportunities for education and training are to be provided for them to enable them to grow into responsible and responsive citizens. Unfortunately a large proportion of children are deprived of their basic rights. They are found working in various sectors of the economy particularly in the unorganized sector. Some of them are confined and beaten, reduced to slavery or denied the guaranteed fundamental right of access to free and compulsory education thus making child labour a human rights issue and a developmental issue.

Definition

- Article I of the Convention on Rights of Children (CRC) defines a **child** as any one below the age of eighteen years.
- ILO Convention No. 138 of 1973 refers to **child labour** as any economic activity performed by a person under the age of fifteen provided, fifteen is not less than the age of completion of compulsory schooling.
- As per the **Child Labour** (Prohibition and Regulation) Act, 1986, a child below the age of fourteen years should not be employed to work in any factory or mine or engaged in any other hazardous employment

Rights of Children

Based on the **Convention on the Rights of the Child**

- Every child has the inherent right to life.
- Protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life.
- Ensure maximum extent possible, for the survival and development of the child.
- Protection against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

- The best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies,
- To be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
- Ensure such protection and care as necessary, for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

Magnitude of Child Labour in India

India has the largest number of working children in the world. Withdrawing them from work and ensuring their rehabilitation is a major challenge facing the country. The proportion of working children to the total labour force is, however, lower in India than in many other developing countries. According to the 2001 Census, 79.7 million children were neither at school nor at work and came under the category of “nowhere children”. The figure was significantly high compared to 1991 census wherein the total number of children in the age group of 5-14 years was 203.3 million, of this 11.28 million children were child workers (6.18 million boys and 5.10 million girls).

All children in the age-group of 6-14 years, who should actually be in school but are out of school, are deemed to be **actual or potential child labourers**. Child labour in India is much of a rural phenomenon than urban. 90.87 per cent of the working children were found to be in the rural areas and only 9.13 per cent were in the urban areas.

State-wise Distribution of Child Labour

The distribution of child labour in various states indicates a certain co-relation. States having a larger population living below the poverty line have a higher incidence of child labour. Consequently, higher incidence of child labour is accompanied by high dropout rates in schools.

Extent of Child Labour in India

S.No.	Name of the State/UT	1971	1981	1991	2001****
1	Andhra Pradesh	1627492	1951312	1661940	1363339
2	Assam *	239349	**	327598	351416
3	Bihar	1059359	1101764	942245	1117500
4	Gujarat	518061	616913	523585	485530
5	Haryana	137826	194189	109691	253491
6	Himachal Pradesh	71384	99624	56438	107774
7	Jammu & Kashmir	70489	258437	**	175630
8	Karnataka	808719	1131530	976247	822615
9	Kerala	111801	92854	34800	26156
10	Madhya Pradesh	1112319	1698597	1352563	1065259
11	Maharashtra	988357	1557756	1068427	764075
12	Chhattisgarh	-	-	-	364572
13	Manipur	16380	20217	16493	28836
14	Meghalaya	30440	44916	34633	53940
15	Jharkhand	-	-	-	407200
16	Uttaranchal	-	-	-	70183
17	Nagaland	13726	16235	16467	45874
18	Orissa	492477	702293	452394	377594
19	Punjab	232774	216939	142868	177268

20	Rajasthan	587389	819605	774199	1262570
21	Sikkim	15661	8561	5598	16457
22	Tamil Nadu	713305	975055	578889	418801
23	Tripura	17490	24204	16478	21756
24	Uttar Pradesh	1326726	1434675	1410086	1927997
25	West Bengal	511443	605263	711691	857087
26	Andaman & Nicobar Island	572	1309	1265	1960
27	Arunachal Pradesh	17925	17950	12395	18482
28	Chandigarh	1086	1986	1870	3779
29	Dadra & Nagar Haveli	3102	3615	4416	4274
30	Delhi	17120	25717	27351	41899
31	Daman and Diu	7391	9378	941	729
32	Goa			4656	4138
33	Lakshadweep	97	56	34	27
34	Mizoram	***	6314	16411	26265
35	Pondicherry	3725	3606	2680	1904
	Total	10753985	13640870	11285349	12666377

Note: * 1971 Census figures of Assam includes figures of Mizoram.

** Census could not be conducted.

*** Census figures 1971 in respect of Mizoram included under Assam.

**** includes marginal workers also.

Source: <http://labour.nic.in/cwl/ChildLabour.htm>

Factors which contribute to the phenomenon of Child Labour:

There are mindsets of parents, mindset of employers and perceptions of the civil society which are responsible for the origin, continuance and perpetuation of the phenomenon of child labour.

Mindset of parents

- Parents are generally known to view education as promise for a job.
- They think and believe that a few hours at the work place are preferable to spending years in the school where the curriculum, course content and textual materials are not attuned to the day-to-day needs of life and where the teaching-learning process is dull, unattractive, uninteresting and irrelevant.
- They think and believe that children can substantially contribute to the process of an incremental income generation for a poor family with a low income.
- They advocate child labour on the ground of transfer of intergenerational skills.
- They harbour an apprehension that educated and unemployed children would simply be a liability for them.

Mindset of employers:

- Employers regard every working child as a labourer who works for low wages, is easily pliable, does not drag the employer into trade disputes, has nimble fingers and, therefore, is more productive than an adult worker.
- they discourage education of children on the following grounds:
 - ✓ children once educated would start asserting their rights;
 - ✓ they would refuse to submit to authority;
 - ✓ education of the unlettered masses would lead to deterioration of labour relations;
 - ✓ it would usurp the system of easy supply of child labour.

o Perception of the working children themselves:

- They look upon their jobs as training for skills.
- They also look upon their jobs as an experience for getting better jobs at higher wages.
- They feel that educational curriculum is not job oriented; it does not help in having prospects of good remunerative employment.
- Schooling for children implies dependence on the family for 5 to 7 years.
- Many children abhor this dependence.
- They regard their employment as a means to help and support younger siblings.

Perception of the Civil Society:

- The civil society is by and large indifferent to the issue of elimination of child labour.
- ◆ A segment of the civil society believes that child labour per se is not bad; what is objectionable is exploitative child labour.
- They by and large tolerate child labour in simple, harmless and innocuous occupations.
- They advocate prohibition of child labour only in hazardous occupations and processes while preferring to regulate employment of children in the rest.
- They fail to perceive the vital link between elimination of child labour and right of all children in 6-14 age group to free and compulsory education.

These mindsets need to be demystified one by one.

First, mindset of parents:

- Children, as a matter of fact, work much longer than adults (UNICEF studies in regard to employment of children in brick kilns in Thane

district of Maharashtra have confirmed beyond doubt that children work for 12 to 16 hours) but what they receive is a pittance;

- According to the provisions of Central Minimum Wage Rules, 1950, children are required to work only 50% of the working hours of an adult while being entitled to receive only 50% of the wages of an adult;
- This is an anomalous distinction which despite promises has not been removed;

The theory of incremental income generation is, therefore, a myth;

- The theory of inter-generational transfer of skills is equally a myth. The son of a carpenter is not meant to be a carpenter. The children of blacksmiths are not meant or destined to be blacksmiths. To say so we will only promote caste-based division of social labour.

Second, mindset of employers:

- children are not adults and are not required to be members of a trade union;
 - the question of their not dragging the employers to trade disputes does not, therefore, arise;
 - nowhere it has been conclusively established that children are more productive than adults merely because they possess nimble fingers;
 - in any case, nimble fingers are meant for reading, writing, arithmetic, painting, sculpting, cartooning and not for weaving durries and carpets;
 - true education imparts humility; it makes the learners better, brighter and nobler human beings;
 - true education enables learners to distinguish between important and unimportant, immediate and remote, essential and inessential; it does not make them indisciplined.
- o If a balance sheet is drawn showing temporary gains of subjecting children to work and the loss to the health, security and total development of these children.

Gains

– Nil

Losses

- educational deprivation;
- loss of childhood;
- early ageing;
- stunted growth;
- fatigue;
- loss of productive energy;
- low longevity;
- loss of eye sight;
- loss of hearing;
- loss of sensory nerves;
- As Children cross childhood and enter their adulthood, very and little élan vital will be left in them.

Forms of Child Labour**Children are engaged:**

- as labourer in both unorganized and informal sectors, which do not come within the purview of the law.
- as migrant labourers migrating from rural to urban area (accompanying migrant parents or otherwise).
- as bonded labourer pledged by the parent or guardian to the employer in lieu of debts or payments.

Sectors of the Economy in which Children Work**1. Manufacturing Sector**

Children are engaged in various manufacturing processes of different home-based industries. Very often they work in sub-human conditions

and exploitative situations. Some of these industries are:

- Brassware
- Lock
- Match and fire works
- Diamond cutting
- Gem cutting and polishing
- Glass and bangle making industry
- Carpet making
- Stone quarries
- Brick kilns
- Sericulture-silk industry
- Beedi making
- Pottery units
- Knife making units
- Slate making units
- Textile (both cotton and silk), weaving, printing, embroidery and zarimaking
- Leather flaying and tanning units
- Rolling, labelling and packaging beedis in 11 States
- Building and construction operations in the whole country
- Stone quarries
- Sports goods manufacturing units
- Motor vehicle repairing workshops all over the country

2. Agrarian Sector

In rural areas children are engaged in agricultural and allied occupations as a part of family labour or as individual workers.

3. Service Sector

In the service sector, children form part of

- Self-employed labour
- Invisible labour
- Wage-based employment

Adverse Effects of Child Labour on the Health of Children

Children work for long hours often in dangerous and unhealthy conditions and are exposed to lasting physical and psychological harm.

They tend to develop –

- Respiratory problems such as asthma, tuberculosis
- General weakness, stunted growth, body ache and joint pains
- Poor eyesight and other eye problems such as watering, irritation and reddening of eyes
 - Loss of appetite
- Tumours and burns
- Disability by working on looms
- Susceptibility to arthritis as they grow older
- Mental disabilities

4. There are a few other intolerable forms of Child Labour such as:

- All forms of slavery;
- Practices similar to slavery (sale and trafficking of children, debt bondage serfdom, forced/ compulsory labour);
- Child sex abuse;
- Child pornography;

- Child prostitution;
- Child drug peddling

Constitutional and Legal Safeguards

1. Constitutional Provisions

The framers of the Constitution of India realized that children are the most vulnerable section of society and thus are at the maximum risk of being economically exploited. In order to safeguard children against economic exploitation the Constitution makes the following provisions:

(i) Fundamental Rights

Article 21 A:

Right to Education

“The State shall provide free and compulsory education to all children of the age of six to fourteen years in a manner as the State may, by law, determine.”

Right of Children to Free and Compulsory Education Act, 2009, has been passed by the Parliament on 4th August 2009, which describes the modalities of the provision of free and compulsory education for children of the age of six to fourteen years. The Act has since received the assent of the President on 27.08.09 and has come into force w.e.f. 1.04.10.

Article 23 (1):

Prohibition of traffic in human beings and forced labour

“Traffic in human beings and ‘begar’ and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.”

Article 24:

Prohibition of employment of children in factories, etc.

“No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.”

(ii) Directive Principles

Article 39:

Certain principles of policy to be followed by the State

The State shall, in particular, direct its policy towards securing-

“

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material a adornment.”

Article 45:

Provision for early childhood care and education to children below the age of six years

“The State shall endeavour to provide early childhood care and education for all children until the age of six years.”

Duty of Parent/Guardian towards the Child

Article 51A(k) on Fundamental Duties states that it shall be the duty of every citizen of India, who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

2. Legislations

Based on the Constitutional provisions and the Directive Principles of State Policy, a number of legislations have been enacted from time to

time. The following is the list of such legislations, which aim at elimination of child labour from hazardous industries and regulation of their conditions of employment in other non-hazardous occupations.

- *Factories Act, 1948*
- *Plantation Labour Act, 1951*
- *Merchant Shipping Act, 1951*
- *Mines Act, 1952*
- *Motor Transport Workers Act, 1961*
- *Apprenticeship Act, 1961*
- *Beedi and Cigar Workers (Conditions of Employment) Act, 1966*
- *The Bonded Labour System (Abolition) Act, 1976*
- *Child Labour (Prohibition and Regulation) Act, 1986*

Salient Features of the *Child Labour (Prohibition and Regulation) Act, 1986*:

The Act:

- Prohibits/bans the employment of any person who has not completed his fourteenth year of age in occupations and processes enlisted in Part A and B of the Schedule of the Act.
- Lays down a procedure to decide modifications to the Schedule of banned occupations or processes
- Regulates conditions of work where children are not prohibited from working
- Lays down enhanced penalties for employment of children in violation of the provisions of the Act and other Acts

Section 14 of the Act provides for punishment upto 1 year (minimum being three months) or with fine up to Rs. 20,000/- (minimum being ten thousand) or with both, to one who employs or permits any child to work in contravention of provisions in Section 3.

Children employed in occupations and processes, not banned by the Act are regulated by the following provisions:

- A child shall not be required to work for more than six hours a day which shall be inclusive of his/her half an hour break.
- No child shall be permitted or required to work between 7 p.m and 8 a.m.
- No child shall be required or permitted to work over-time.
- Every child shall get a weekly off.

There is an obligation on the part of the employer to furnish information to the inspector regarding the employment of children. It is mandatory for the employer to maintain a register on this matter.

The Government had prohibited employment of children as domestic servants or in dhabas (roadside eateries), restaurants, hotels, motels, teashops, resorts, recreational centers. The ban has been imposed under the Child Labour (Prohibition & Regulation) Act, 1986 and affected from 10th October, 2006. So far employment of children has been prohibited in 16 occupations and 65 processes including this.

3. International Safeguards -Convention on the Rights of the Child

India became a party to the Convention on the Rights of the Child, on 11 December 1992. The Convention gives substance to India's concern for the protection of the rights of children in all spheres, including protection from economic exploitation. As a signatory, India is under obligation to take the necessary legislative, administrative, social, and educational measures to ensure the implementation of the Convention.

Besides, India has ratified six ILO (International Labour Organisation) Conventions relating to child labour, three of them as early as the first quarter of the 20th century. The International Labour Conference adopted a Resolution on child labour in 1979. The Resolution called for a combination of measures for elimination of child labour and measures for humanizing child labour wherever the same cannot be eliminated outright.

The ILO through the Global Technical Co-operation on Child Labour known as the International Programme on the Elimination of Child Labour (IPEC) has been playing an important role in the process of gradual elimination of child labour and protection of children from industrial

exploitation. It has focused its attention on five major issues:

1. Prohibition of child labour
2. Protecting child labour at work
3. Attacking the basic causes of child labour
4. Helping children to adopt to future work
5. Protecting the children of working parents

In June 1999, the ILO adopted the Convention on the Worst Forms of Child Labour. This Convention addresses issues such as rehabilitation and social integration of child labourers.

United Nations International Children's Emergency Fund (UNICEF) acknowledges the importance of child labour prevention and elimination. It accordingly supports Government and civil society in their efforts to redress the needs and rights of all children.

4. National Child Labour Policy

Elimination of child labour demands sustained efforts over a period of time. Enactment of child labour laws, rehabilitation of child labour and preventing entry of children to work should be part of the elimination strategy. Efforts should be made to improve the economic status of their parents through various anti-poverty and employment generation programmes.

The National Child Labour Policy, 1987 includes the following factors:

- Strict enforcement of the provisions of the *Child Labour (Prohibition and Regulation) Act, 1986* and other concerned legislations
- Rehabilitation of child labour withdrawn from employment.
- Reducing the incidence of child labour progressively
- Providing better and readily accessible education, through formal or non-formal systems of education.
- Improving health conditions for child labourers.

- Providing nutrition through schemes like the “Integrated Child Development Services.”
- Intensifying the anti-poverty programmes such as integrated rural development services.
- Focusing on areas known to have high concentration of child labour
- Adopting a project approach to identify, withdraw and rehabilitate working children.

The National Child Labour Projects (NCLP) launched in 1988 is time bound projects that seek to implement model programmes consisting of key elements such as:-

- Stepping up the enforcement of the prohibition of child labour
- Providing employment to parents of child labour
- Expanding formal and non-formal education
- Promoting school enrolment through various incentives, such as payment of stipend
- Raising public awareness

The major activities undertaken under the NCLP are the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition, stipend, health care, etc. to children withdrawn from employment.

In order to fulfil the Constitutional mandate, a major programme was launched on 15 August 1994 to withdraw children working in hazardous occupations and to rehabilitate them through Special Schools. As a follow up, the Government constituted the National Authority for the Elimination of Child Labour (NAECL) under chairmanship of Union Labour Minister with representatives from the Ministries of Home, I&B, Law, Health, Education, WCD Departments etc. on 26 September 1994.

Its aim is:-

- to formulate policies and programmes for elimination of child labour
- to monitor the progress of programmes, projects and schemes and

- to co-ordinate the implementation of child labour related projects of the concerned Ministries of the Government of India

The number of districts covered under the NCLP (National Child Labour Projects) Scheme has been increased from 100 to 250 during 10th Plan. For the Districts not covered under these two Schemes, Government is also providing funds directly to the NGOs under the Ministry's Grant-in-aid Scheme for running Special Schools for rehabilitation of child labour, thereby providing for a greater role and cooperation of the civil society in combating this menace.

INDO-US DOL (INDUS PROJECT) :

The Indus Project is jointly developed by the Ministry of Labour, Government of India and the Department of Labour, United States of America (USDOL) for Prevention & Elimination of Child Labour in identified Hazardous Sectors. The Project is implemented in ten hazardous sectors in 21 districts across five states namely, Maharashtra, Madhya Pradesh, Tamil Nadu and Uttar Pradesh. An estimated 80,000 children will be withdrawn and rehabilitated in this project.

Support activities will also be directed to 10,000 families of former child workers.

The major components of the project would include:

- Identifying children working in hazardous occupations by means of a detailed survey.
- Withdrawing children in the age group 8-14 from hazardous occupations and providing them meaningful transitional education.
- Making provision for systematic Vocational education/training of adolescents.
- Providing viable income generating alternatives for families of children withdrawn from work.
- Strengthening public education of child workers (to be implemented through the Department of Education, MHRD)
- Monitoring/Tracking.

- Social mobilization.
- Capacity building of National/ State and Local Institutions
- Raising interest towards Action against Hazardous Child Labour in other States.

List of Districts Covered Under Indus Project(21)

1. **Madhya Pradesh (5):-** Damoh, Sagar, Jabalpur, Satna and Katni
2. **Maharashtra(5):-** Amravati, Jalna, Aurangabad, Gondia and Mumbai Suburban
3. **Uttar Pradesh(5):-** Moradabad , Allahabad, Kanpur Nagar, Aligarh and Ferozabad
4. **Tamil Nadu(5):-** Kanchipuram, Thiruvannamallai, Tiruvallur, Nammakkal and Virudhunagar
5. **Delhi(1) :-** NCT Delhi
(Source: <http://labour.nic.in/cwl/ChildLabour.htm>)

6. Guidelines laid down by the Apex Court to eliminate Child Labour

The Supreme Court in *M.C.Mehta v. State of Tamil Nadu* (AIR 1997 SC 699) has taken certain pragmatic steps towards effective implementation of the policy. They are:

1. Survey for identification of working children.
2. Withdrawal of children working in hazardous industries and ensuring their education in appropriate institutions.
3. The offending employer must be asked to pay compensation of Rs. 20,000/- for every child employed in contravention of the provisions of the Act. The liability of the employer would not cease even if he would disengage the child employed.
4. The sum so collected should be deposited in a fund to be known as Child Labour Rehabilitation-cum-Welfare Fund. The Fund shall form a corpus whose income shall be used only for the education,

health, safety and welfare of the concerned child. To generate greater income, the fund can be deposited in a high yielding scheme of any nationalized bank or other public body.

5. As the aforesaid income would not be enough to dissuade the parent/guardian to seek employment of the child, the State owes a duty to discharge its obligation. It should provide a job to an adult member of the family, whose child was employed in a hazardous industry.
6. In cases where it would not be possible to provide a job, the Government would, as its contribution grant, deposit in the Child Labour Rehabilitation-cum-Welfare Fund a sum of Rs. 5000/- for each child employed in a factory or mine or in any other hazardous employment.
7. In either of the cases whether a job is provided to an adult member of the child's family in lieu of the child or not, the child shall not be required to work.
8. In cases where alternative employment could not be made available as aforesaid, the parent/guardian of the concerned child would be paid the income, which would be earned on the corpus of Rs. 25,000/- for each child, every month. The employment given or payment made would cease to be operative if the child would not be sent by the parent/guardian for education.
9. The National Child Labour Policy announced by the Government of India has already identified some industries for priority action.
10. A district could be the unit of collection so that the executive head of the district keeps a watchful eye on the work of the Inspectors.
11. With regard to non-hazardous jobs, the Inspectors shall have to see that the working hours of the children are not more than four to six hours a day and that they receive education at least for two hours each day. It would also be seen that the entire cost of education is borne by the employer.

The Ministry of Labour is monitoring the implementation of the directions of the Hon'ble Supreme Court.

Role of the National Human Rights Commission

The NHRC is deeply concerned about the elimination of employment of child labour in the country. Despite various constitutional provisions, passing of legislations, becoming a party to International Conventions, announcement of a National Child Labour Policy, the constitution of National Authority for the Elimination of Child Labour and the undertaking of National Child Labour Projects, the goal of eradicating child labour remains elusive. Freeing the estimated two million children working in hazardous industries by the year 2000 has not been achieved.

Hence, the Commission focused its attention on the following industries wherefrom rampant reports of child labour were received.

- These include:
- Bangle/Glass industry
- Silk industry
- Lock industry
- Stone Quarries
- Brick Kiln
- Diamond Cutting
- Ship-breaking
- Construction work
- Carpet-weaving

The Commission has been monitoring the child labour situation in the country through its Special Rapporteurs, visits by Members, sensitization programmes and workshops, launching projects, interaction with the industry associations and other concerned agencies, co-ordination with the State Governments and NGOs to ensure that adequate steps are taken to eradicate child labour. The Commission is specifically monitored the carpet belt area in UP, the bangle/glass industry in Ferozabad and silk industry in Karnataka.

Corelation between elimination of child labour and right to free and compulsory education :

The Right to Education Bill, 2009 was passed by both Houses of

Parliament on 4th August, 2009 and received the assent of the President on 27.8.2009. It has been formally notified in the official gazette, by the Deptt. of Education, Ministry of HRD enforcing the law w.e.f. 1.04.10. By implication, all children in 6-14 age group are required to attend school and not be pushed to work at the cost of education. It is the bounden duty and obligation of the State to make this possible.

Children in 6-14 age group become victims of educational deprivation both at the originating point as well as at the destination point not by their own volition but by social and economic compulsions. At the originating point, poverty of the parents coupled with non functioning or malfunctioning of educational institutions (caused by teacher's absenteeism and many other factors such as non supply of text books in time etc.) is responsible for non enrolment, dropout, pull out or push out of children leading to such deprivation. At the destination point where children migrate along with their parents they become victims of such deprivation due to (a) absence of schools with medium of instruction in the language spoken by the migrant children (b) absence of teachers qualified and trained to teach in that language and (c) absentee of text books in the language spoken by the children.

Multi pronged strategies both at the originating point as well as at the destination point will be needed to make access to, retention in schools and achievement of minimum levels of learning by the children possible. These are:-

- Commitment by the parents or guardian as a fundamental duty enshrined upon them under Art 51- A, to provide opportunities for education to his child, or as the case may be, ward between the age of six and fourteen years of age.
- mapping of school complex;
- designing an appropriate school architecture which will be aesthetically pleasing;
- procurement of teaching learning aids in time;
- finalizing curriculum, course content and textual materials which will be attuned to the needs of day to day life;
- selection, orientation and training of teachers; curbing teacher's absenteeism;

- teaching learning process; how to make the same joyous, exciting, interesting, innovative, relevant and worthwhile;
- monitoring and evaluation of the content, process and outcome of learning.

Since children in 6-14 age group have to be in the school full time there is no scope for pushing them to work – hazardous and non-hazardous alike. Elimination of child labour and access to free and compulsory education, viewed in this sense, are co-terminus. All our efforts – Central and State, individual and collective must be channelized in the direction of achieving 100% enrolment, 100% retention, 100% participation and 100% achievement of minimum levels of proficiency in mother tongue, arithmetic earth and physical sciences, social sciences and environment.

Viewed in this sense once again, there is no need for Child Labour (Prohibition and Regulation) Act in its present form to continue. This should be repealed and replaced by a new law which should provide for universal prohibition of employment of children in all occupations and processes. The artificial distinction between hazardous and non-hazardous forms of employment would necessarily have to be removed. It should be clearly recognized that elimination of child labour in any form is non negotiable and should be viewed as such by all sections of the civil society. It should simultaneously be recognized that education is the key to development; it is also the surest and most effective means of preventing child labour.

Since children will continue to accompany their migrant parents in search of better employment (occasioned by disparities in development opportunities between the originating and destination State) planned, coordinated and concerted efforts will require to be made to ensure that these children are not reduced to the level of victims of educational deprivation. Some of these initiatives and efforts are:-

- schools may be started at the worksite;
- text books in the language spoken by the migrant children may be procured from the originating State;
- liaison and coordination may be established with the government of the originating State to induct a few teachers who are willing to come and work at the destination point and who can train the local

teachers in imparting instructional lessons in the mother tongue of the students;

- if that is not possible, teachers who can teach in the language spoken by the migrant children will have to be recruited from the originating State, trained and be given enough incentives so that they can stay and continue to teach at the destination point;
- monitoring and evaluation of content, process and outcome of teaching learning process should be carried out with the help of education department of the originating State.

The Commission has been deeply concerned about the employment of children below 14 years as domestic servants by Government employees. It took up the matter with the Central Government and State Governments to amend the *Civil Services (Conduct) Rules* prohibiting such employment. The relevant *Civil Services (Conduct) Rules* have been amended by the Central Government and almost all the State governments to the effect that employment of children below the age of 14 years as domestic servants by Government employees shall be regarded as a misconduct inviting major penalty.

The Commission received complaints from various authorities about the alleged violation of Human Rights of Children working in the slaughterhouses in the Country. The Commission considered the matter and in the first instance requested all the State Governments and Union Territories to issue necessary instructions to the concerned authorities who are responsible for eradication of child labour in slaughter houses and to ensure that child labour is stopped and the owners of abattoirs/ slaughter houses are prosecuted for violating the law and all the children are released and providing facilities for their schooling, etc. Accordingly a letter was sent on 09.04.2001 to all the Chief Secretaries of the States/ UTs on the above directions.

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National Human Rights Commission

Faridkot House
Copernicus Marg
New Delhi-110001

Facilitation Centre (Madad): 011-23385368

Mobile No.: 9810298900 (For Complaints)

Fax: (011): 23386521 (Complaints) 23384863 (Administration)
23382734 (Investigation)

Email: covdnhrc@nic.in (General) / jrlaw@nic.in(Complaints)

Web-Site: www.nhrc.nic.in

KNOW YOUR RIGHTS

"I am the child.

All the world waits for my coming.

All the earth watches with interest
to see what I shall become.

Civilization hangs in a balance.

For what I am, the world of
tomorrow will be.

I am the child.

You hold in your hand my destiny.

You determine, largely, whether I
shall succeed or fail.

Give me, I pray you, these things
that make for happiness.

Train me, I beg you, that I may be
a blessing to the world."

-Mamie Gene Cole



child labour

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