

CHILDREN AND WORK

12.1 CONSTITUTIONAL AND POLICY FRAME WORK

- India has all along followed a proactive policy in the matter of tackling the problem of child labour. India has always stood for constitutional, statutory and developmental measures that are required to eliminate child labour.
- The framers of the Indian Constitution consciously incorporated relevant provisions in the onstitution to secure compulsory universal primary education as well as labour protection for children. Labour Commissions and Committees have gone into the problems of child labour and made extensive recommendations. India's judiciary, right up to the apex level, has demonstrated profoundly empathetic responses against the practice of child labour. India's policy on child labour has evolved over the years in this backdrop.

Constitutional Provisions		Box 12.1
<p>Article 24</p> <p>Prohibition of employment of children in factories etc.</p> <p>No child below the age fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment.</p> <p>Article 39</p> <p>The State shall, in particular, direct its policy towards securing: -</p> <p>(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 avocations unsuited to their age or strength.</p>	<p>(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 abandonment.</p> <p>Article 45</p> <p>Provision for free and compulsory education for children.</p> <p>The State shall endeavour to provide, within a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of fourteen years.</p>	

12.2 LEGAL PROTECTION OF CHILDREN AT WORK

- The policy of the Government is to ban employment of children below the age of 14 years in factories, mines and hazardous employments and to regulate the working conditions of children in other employments.

- The Child Labour (Prohibition & Regulation) Act, 1986 seeks to achieve this basic objective. The Act prohibits employment of children in occupations and processes listed in Part A and B of the Schedule to the Act. Through a Notification dated 26.5.1993, the working conditions of children have been regulated in all employments, which are not prohibited under the Child Labour (Prohibition & Regulation) Act, 1986. Through later Notifications, the Schedule has been substantially enlarged to add six more occupations and 33 processes bringing the total to 13 occupations and 57 processes respectively.

Section 5 of the Child Labour (Prohibition & Regulation) Act, 1986 provides for the constitution of a Child Labour Technical Advisory Committee to advise the Central Government for the purpose of addition of occupations and processes to the schedule of the Act. The Committee consists of a Chairman and such other members, not exceeding 10, as may be appointed by the Central Government

12.3 NATIONAL CHILD LABOUR POLICY

- The Government announced the National Policy on Child Labour in August 1987. The action plan under the National Child Labour Policy comprises:
 - A legislative action plan;
 - Focussing of general development programmes for benefiting children wherever possible, and
 - Project-based action plans in areas of high concentration of child labour engaged in wage/quasi-wage employment.
- Under the project based action plan, 12 National Child Labour Projects (NCLP) were initially started in Andhra Pradesh (Jaggampet and Markapur), Bihar (Garwah), Madhya Pradesh (Mandsaur), Maharashtra (Thane), Orissa (Sambalpur), Rajasthan (Jaipur), Tamil Nadu (Sivakasi), and Uttar Pradesh (Varanasi-Mirzapur-Bhadohi, Moradabad, Aligarh and Ferozabad).
- A major activity undertaken under the NCLP is the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition, stipend, health care etc. to children withdrawn from employment.
- The Budgetary allocation for the Tenth Five Year Plan is Rs.667.50 crores
- There are currently 100 National Child Labour Projects in 13 child labour endemic states for rehabilitation of about 2.11 lakh children removed from work.
- Government has approved the continuation of the existing 100 NCLPs during the Tenth Plan. It has also approved setting up of additional 150 NCLPs. 50 new Districts selected for setting up of NCLPs was announced in a function held on 14.01.2004.
- A review of the implementation of various programmes for elimination of child labour reveals that even though considerable efforts have been made, in order to make a significant dent in this age old social evil, a multi pronged strategy coupled with a massive mobilisation of resources, both physical and financial, is required.
- Before considering any expansion of the programme, it was considered appropriate to get the existing projects evaluated through independent evaluation agencies. Accordingly, five evaluation agencies were identified for evaluating identified child labour projects in the States of Uttar Pradesh, Tamilnadu, Andhra Pradesh, Orissa and Rajasthan. The reports received

showed, inter alia, that the magnitude of the child labour problem can be considerably reduced through rehabilitation measures by the projects and that there is need to continue the component of special schools or camp approach. The need for awareness generation among the public was also been highlighted.

- A Central Monitoring Committee for overall supervision, monitoring and evaluation of the National Child Labour Projects was set up under the Chairmanship of Secretary, Ministry of Labour with representatives of State Governments and concerned Ministries/Departments. State Governments have been advised to set up State Level Monitoring Committees similar to the Central Monitoring Committee. Action is also being taken at the district and State level to monitor the pace and progress of operationalisation of NCLPs. Detailed instructions have been issued to Project Societies, regarding the manner of operationalisation of projects, selection and training of teachers, curriculum, course content and textual material, evaluation of learning outcomes, mainstreaming of children etc.
- A Comprehensive exercise to evaluate the National Child Labour Projects in the country has been conducted by independent agencies in 2001. 50 National Child Labour Projects have been covered in the first phase. The evaluation exercise was coordinated by the V.V.G. NLI, Noida. The finding and recommendations that have emerged, inter-alia, include the following:
 - In most areas, the community has welcomed the opening of the NCLP schools. This has provided an opportunity to fulfill the educational needs of the locality and these special schools need to be continued.
 - Local attempts to link training of teachers/instructors to the District Primary Education Programme (DPEP) or have them systematically trained through DIET/DRUs in the district have shown positive results in terms of increased comprehension among these instructors about the special need of children enrolled in the NCLP Schools.
 - While some districts are pursuing their teaching through the non-formal education method, others are using the formal school syllabus. One positive aspect of using the formal syllabus is that it has enabled a smooth transition of children from the NCLP centers to mainstream education. A mix of the two types of curricula is also followed in some pockets where mainstreaming has also been effective. Adoption of different curricula has reflected itself in terms of varied levels of mainstreaming across regions.
 - While use of adoption of either curricula could be appropriate to achieve a satisfactory level of mainstreaming, the issue that requires to be focused upon is adequate and timely supply of appropriate teaching-learning material. The desirability of having a uniform curricula at the national level or at least the state level should be examined.
 - Provision of Mid Day Meal and Stipend have been important motivational factors for parents to send their children to the special schools.
 - In some projects stipend money is used for supplementing the nutrition component or for purposes like providing uniforms for the children. There seems to be wide community support for such arrangements which are

normally undertaken after taking the parents of the children enrolled in special schools into close confidence.

- Tests to assess the learning achievements of children to facilitate their entry to formal schools need to be conducted systematically.
- Once children are mainstreamed to formal schools, it would be necessary to have a plan of action to ensue a 'follow up' or tracking of these children to monitor their progress in schools and provide them help in case they are not able to cope with the curricula.
- There is a mix of part time and full time Project Directors in a project society. The availability of a full time Project Director is found to provide a momentum to the activities of the NCLP.
- Within the Government Departments a number of NCLPs have effectively converged with the Education Ministry/Department and the Health Ministry. However, convergence with the Department of Rural Development needs to be strengthened. .
- Government commitment to addressing the problem of child labour is reflected in the announcement made in the National Agenda for Governance (1998). The agenda states that the aim is to ensure that no child remains illiterate, hungry or lacks medical care and that measures will be taken to eliminate child labour.

12.4 SUPREME COURT JUDGEMENT ON CHILD LABOUR

- The matter regarding elimination of child labour has also been deliberated by the Hon'ble Supreme Court. The Supreme Court of India, in its judgement dated 10th December, 1996 in Writ Petition (Civil) No.465/1986 has given certain directions regarding the manner in which the children working in hazardous occupations are to be withdrawn from work and rehabilitated as also the manner in which the working conditions of children working in non-hazardous occupations are to be regulated and improved upon.
- The important directions given in the judgement dated 10th December, 1996 include completion of the survey of children working in hazardous employments within a period of six months, payment of compensation amounting to Rs.20, 000/- by the offending employer for every child employed in contravention of the provisions of the Act, giving alternative employment to an adult member of the family in place of the child withdrawn from the hazardous occupation or payment of an amount of Rs.5, 000/- for each child employed in hazardous employment by the appropriate Government, payment of interest on the corpus of Rs.25,000/- (Rs.20,000/- to be paid by the employer and Rs.5,000/- to be contributed by the appropriate Government) to the family of the child withdrawn from work, provision of education in a suitable institution for the child withdrawn from work and constitution of the Child Labour Rehabilitation-cum-Welfare Fund, constitution of a separate cell in the Labour Department of the appropriate Government for the purpose of monitoring.

- In a related judgement on 7th May, 1997, the Supreme Court in Writ Petition Civil No.12125/84 and 11643/85- Bandhwa Mukti Morcha, etc. (Petitioner) V/s UOI & Ors.(Respondents) has also given a number of directions on identification, release and rehabilitation of child labour. The Court, inter alia, directed Government of India to convene a meeting with the State Governments to evolve principles/ policies for progressive elimination of employment of children below 14 years in all the employments consistent with the scheme laid down in Civil Writ Petition No.465/86. These directions were given by the Court in the context of employment of children in the carpet industries in the State of U.P. In this case, the Court issued following directions to the Government of Uttar Pradesh:
 - Investigate into the conditions of employment of children.
 - issue such welfare directions as are appropriate for total prohibition of employment below 14 years of age.
 - Provide facilities like education, health, sanitation, nutritious food, etc.
- The implementation of the directions of Supreme Court is being monitored by the Ministry of Labour and compliance of the direction reported to the Hon'ble Court on the on the basis of information received from the State/UT Governments from time to time.

12.5 ASSISTANCE TO VOLUNTARY ORGANISATIONS

Under the Grant-in-Aid Scheme, voluntary organizations/NGOs are being financially assisted to the extent of 75% of the project cost, for taking up action oriented projects for rehabilitation of working children. During 2003-2004 Voluntary Organizations were extended assistance under the Scheme. Periodic reports from the assisted NGOs, field visits by Official of the Central and State Governments play an important role in monitoring these projects.

12.6 NATIONAL RESOURCE CENTRE ON CHILD LABOUR (NRCCL)

The National Resource Centre on Child Labour (NRCCL) was set up in the V.V.Giri National Labour Institute in Noida, U.P in March, 1993 with financial support from the Ministry of Labour and UNICEF. The Centre has been entrusted with the task of documentation, publication and creation of a data bank on child labour, research and training, media management and technical support services etc. The main objective of the Centre is to assist the National and State Governments, NGOs, policy makers and other social groups in the field of child labour through a research, Training, Technical Support, Advocacy, Media management, Documentation, Publication and Dissemination to various target groups towards progressive elimination of child labour in India. Some of their major research activities include evaluation of the Grants-in-aid scheme of this Ministry in West Bengal and a case study on Child Labour in Slaughter Houses and Allied Activities. NRCCL has also been conducting orientation and sensitization programmes for personnel involved in Child Labour projects.

12.7 INTERNATIONAL PROGRAMME ON THE ELIMINATION OF CHILD LABOUR (IPEC)

- The International Programme on Elimination of Child Labour is a global programme launched by the International Labour Organisation in December 1991. India was the first country to join it in 1992 when it signed a MOU with ILO. The long term objective of IPEC is to contribute to the effective abolition of child labour. Its immediate objectives are: -
 - Enhancement of the capability of ILO constituents and Non-Government Organizations to design, implement and evaluate programmes for child labour elimination;
 - To identify interventions at community and national levels which could serve as models for replication; and
 - Creation of awareness and social mobilization for securing elimination of child labour.
- At the international level, IPEC has a Programme Steering Committee consisting of representatives of the ILO, the donors and participating countries. The IPEC Programme Management is guided from the ILO Headquarters. At the national level in India, there is a National Steering Committee of which the Labour Secretary is the Chairman. This is tripartite in composition with representation for NGOs as well.
- IPEC-India has in the period spanning 1992-2002 supported over 165 Action Programmes. Apart from these, Integrated Area Specific Project and State Based Project in Andhra Pradesh are the large and comprehensive projects.
- Currently IPEC is implementing the INDUS Child Labour Project which is funded by the Ministry of Labour, Govt. of India and the Department of Labor, United States of America (USDOL) and is implemented in ten hazardous sectors in 20 districts across four States namely, Maharashtra, Madhya Pradesh, Tamilnadu and Uttar Pradesh. An estimated 80,000 children will be withdrawn and rehabilitated under this project. Support activities will also be directed to 10,000 families of former child workers.
- In recent times, it has been impressed in various fora, including at the meeting of the IPEC Programme Steering committee, that IPEC activities should be conducted in conjunction with national policies, priorities and programmes of the recipient Member States. The concerned Member States should be fully aware of activities undertaken under IPEC. All proposals recommended by the National Steering Committee must be processed expeditiously and sanctions communicated in time, backed by timely release of funds. It has also been impressed that it is essential to augment funding for IPEC activities in India and that contributions should be towards core funding rather than to specific projects.
- The Memorandum of Understanding signed by the Government of India in 1992 for the implementation of IPEC in India expired on 31st December 1996. It has thereafter been extended from time to time. The IPEC programme had been extended till December 2002 by mutual exchange of letters. The IPEC programme is further being extended till September 2006.

12.8 STRATEGY FOR THE TENTH PLAN

In the Tenth Plan, the policies and programmes for elimination of child labour will be continued in a more focused manner. The objective of the programme is to eliminate child labour in hazardous activities by the end of the plan period. Keeping in view the National Child Labour Projects are being extended to 150 additional districts. Of these, 50 new districts have already been included in the NCLP Scheme.

Convergence with the ongoing schemes of the Dept. of Education, Rural Development, Health and Women & Child Development would play a critical role in the ultimate attainment of the objective of elimination of child labour in a time bound manner. Efforts on eliminating child labour have been strengthened in the Tenth Plan by linking them with the Sarva Siksha Abhiyan of the Ministry of Human Resource Development. As part of this, child workers in the age group 5-8 years will be directly mainstreamed through formal schools. Working children in the age group of 9-14 years would be mainstreamed through the special schools of NCLPs to formal education system. Besides this, during the Tenth Plan, the formal school mechanism would be strengthened both in terms of quality and numbers.

The NCLP scheme has also been revised to include/strengthen and certain important parameters.. The revised scheme also provides for

- One Master vocational trainer for each NCLP for training of vocational teachers of the NCLP schools. This will strengthen the Vocational training component in the scheme.
- A Medical Doctor for every 20 schools to take care of the primary health needs of the children.
- The amount for provision of nutrition to the children in the special schools has been doubled from Rs. 2.50 per child per day to Rs. 5.00 per child per day.
- As against the existing arrangement of disbursing the stipend of Rs. 100/- per child per month, in the revised scheme, the monthly stipend will be deposited regularly in the Bank account of the child and disbursed to her/him as a lump sum amount at the time of her/his mainstreaming into the regular schools.
- Large-scale involvement of the voluntary organizations at the district level to assist in the running of the NCLP schools. The attempt during this Plan would be to encourage the running of the rehabilitation schools only through accepted and committed NGOs so that the Government machinery is not burdened with running of such schools.
- By following the strategy enunciated above and combining this with the existing established mechanisms of enforcement, it is expected that a drastic reduction in child labour would result by the end of Plan period.

Keeping in mind constraints of resources and the prevailing level of social consciousness and awareness, the government has fixed the time till the end of the 10th Plan to eliminate child labour in the hazardous sector. Elimination of all forms of child labour itself is a progressive process beginning with elimination efforts in the hazardous areas.

