

PRATHAM COUNCIL
FOR
VULNERABLE CHILDREN



CHILD LABOUR

NO CHILD WORKING EVERY CHILD IN SCHOOL AND LEARNING WELL

**But the young, young children, O my brothers, They are weeping bitterly!
They are weeping in the playtime of the others, In the country of the free.**

~Elizabeth Barret Browning

Introduction

We are living in an era of dramatic change and transition, in a world that is being transformed by complex financial systems and revolutionary information technologies into a vast global marketplace. Globalization is creating new patterns of interaction among people, promising unprecedented opportunities for material progress in larger freedom, and also deepening the economic marginalization of those most vulnerable. In this complex scenario, human rights, which were embedded formally at the United Nations as a great international priority 50 years ago -- by means of the December 1948 Universal Declaration of Human Rights -- have gained prominence as a universally recognized set of norms and standards that increasingly inform all aspects of our relations as individuals and as collective members of groups, within communities and among nations. There is now near-universal recognition that respect for human rights -- the rights of political choice and association, of opinion and expression, and of culture; the freedom from fear and from all forms of discrimination and prejudice; freedom from want and the right to employment and well-being and, collectively, to development -- is essential to the sustainable achievement of the three agreed global priorities of peace, development and democracy.

In the midst of the evolution and global recognition of Human right, the rights of children have also found a place of priority. As the UNICEF rightly state that “To guarantee the human rights of children is to invest in the future. Children's rights are the building blocks for a solid human rights culture, the basis for securing human rights for future generations.” The United Nations General Assembly adopted the Convention on the Rights of the Child (UNCRC). The UNCRC began a worldwide revolution that is changing attitudes and behaviour towards children and is concerned to reach those children suffering from discrimination on grounds of gender, culture, language, race, religion or parents' political affiliation.

However even in the face of this global recognition and action Child labour continues to be a very complicated development issue, effecting human society all over the world. It is a matter of grave concern that children are not receiving the education and leisure which is important for their growing years, because they are sucked into commercial and laborious activities which is meant for people beyond their years.

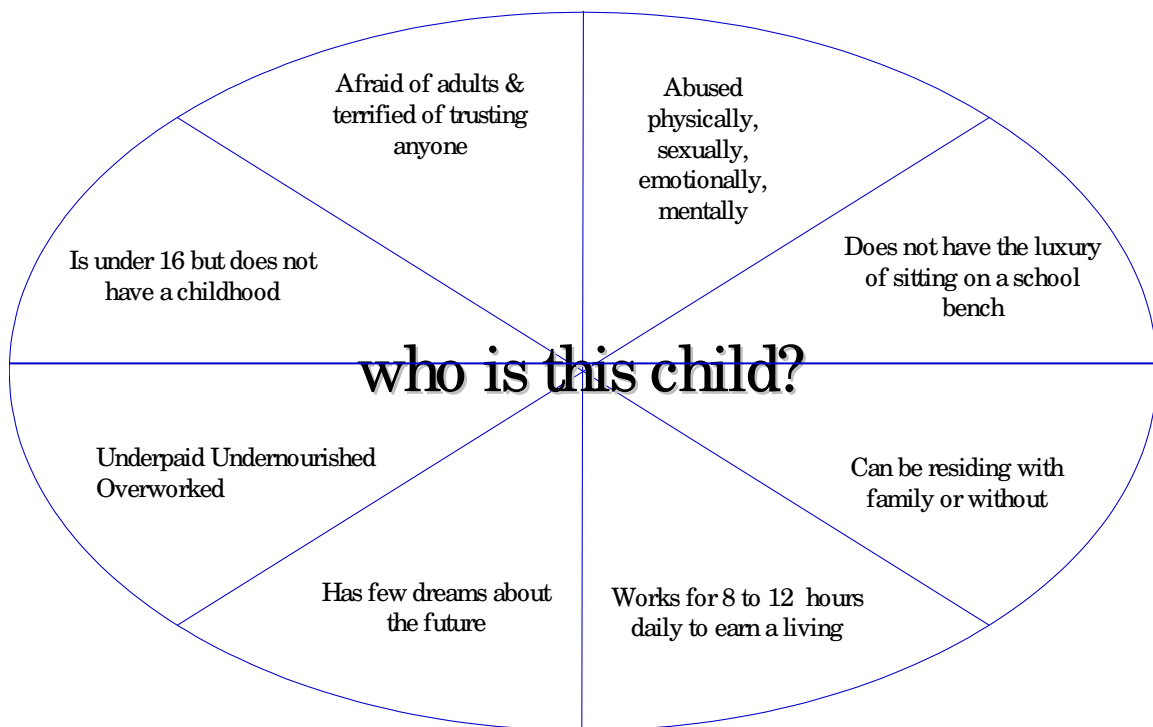
The term ‘child labour’ means any work done by child for profit. ‘Child labor’ is a derogatory term which translates into child exploitation and inhumanity according to sociologists, development workers, medical professionals and educationists. They have identified child labor as harmful and hazardous to the child's development needs, both mental and physical. The International Labour Organization defines child labourers as “children leading adult lives, working for low wages (below minimum wage), under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful education and training opportunities that could open up for them a bright future”. Lack of awareness about the basic rights of a child has lead to easy violation of laws meant to protect

and empower children. In homes, on the streets and in sweatshops, children are being exploited by the thousands.

CHILD LABOUR

Who is a child labourer?

In India the term Child Labourers refers to the population of working children ranging in age from five to fourteen years. The minimum age prescribed by law varies from industry to industry e.g. in factory minimum age is 14 years, and in mining it is 18 years.



Causes of Child Labour

Some common causes of child labor are poverty, parental illiteracy, social apathy, ignorance, lack of education and exposure, exploitation of cheap and unorganized labor. The family practice to inculcate traditional skills in children also pulls little ones inexorably in the trap of child labor, as they never get the opportunity to learn anything else.

Absence of compulsory education at the primary level, parental ignorance regarding the bad effects of child labor, the ineffectivity of child labor laws in terms of implementation, non availability and non accessibility of schools, boring and unpractical school curriculum and cheap child labor are some other factors which encourages the phenomenon of child labor. It is also very difficult for

immature minds and undeveloped bodies to understand and organize them selves against exploitation in the absence of adult guidance. Poverty and over population have been identified as the two main causes of child labor. Parents are forced to send little children into hazardous jobs for reasons of survival, even when they know it is wrong. Monetary constraints and the need for food, shelter and clothing drives their children in the trap of premature labor. Over population in some regions creates paucity of resources. When there are limited means and more mouths to feed children are driven to commercial activities and not provided for their development needs.

Illiterate and ignorant parents do not understand the need for wholesome proper physical, cognitive and emotional development of their child. They are themselves uneducated and unexposed, so they don't realize the importance of education for their children. Adult unemployment and urbanization also causes child labor. Adults often find it difficult to find jobs because factory owners find it more beneficial to employ children at cheap rates. This exploitation is particularly visible in garment factories of urban areas. Adult exploitation of children is also seen in many places. Elders relax at home and live on the labor of poor helpless children.

Major Occupations and Child Labour estimates: The Mumbai experience

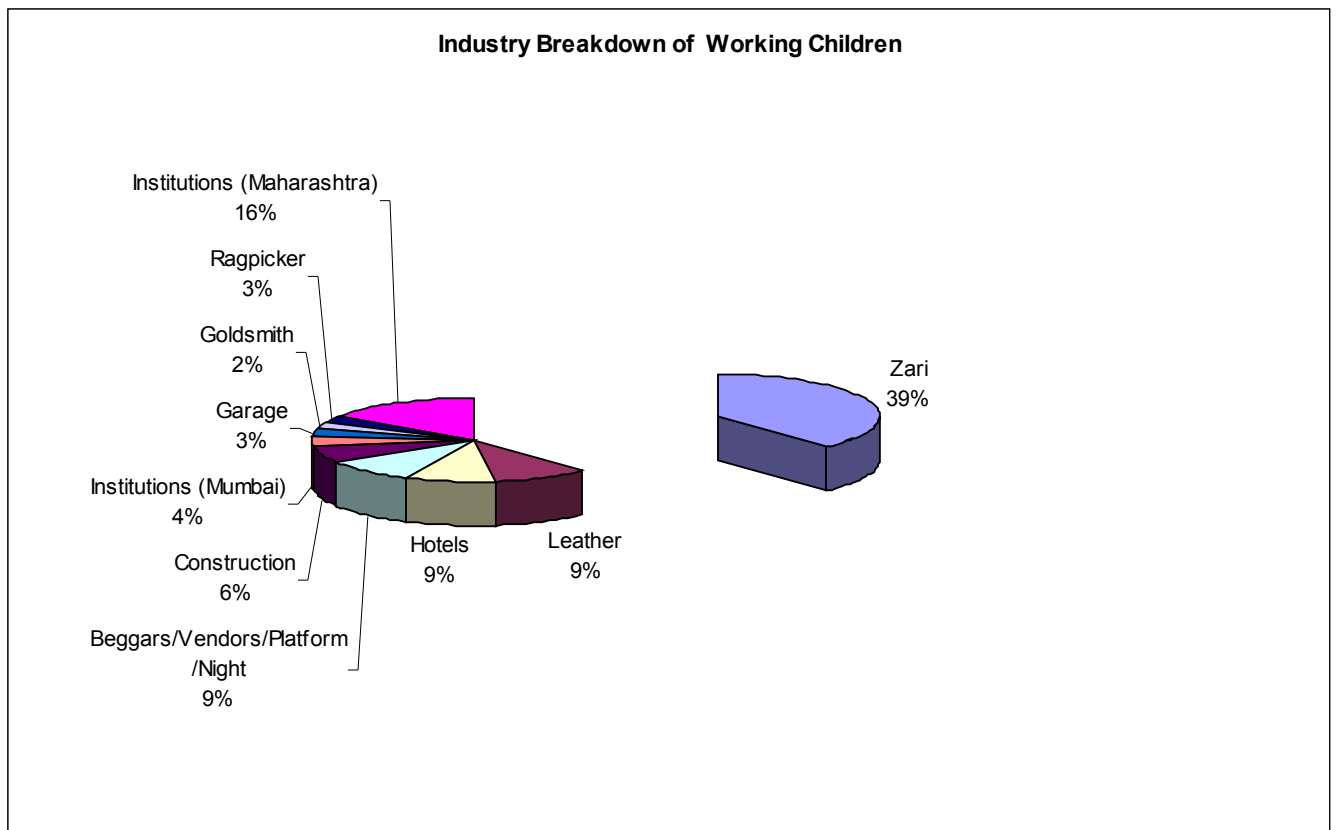
Employment of children is not confined to just a few sectors but has invaded most areas of work. Some of the major occupations where children are employed include leather work, jewellery making, carpet weaving, bidi making, match and firework, hotel and dhabas, glass, zari embroidery, domestic help, quarries, begging and rag picking.

Apart from being exposed to the occupational hazards of the specific work, these children are often beaten up by their maliks (owners), paid nothing or very little, physically and sexually abused by the owners or the elder co-workers or karigars.

A large majority of child labourers, in and around the city of Mumbai are employed in zari and leather industries. In Mumbai five major areas or pockets are the centers of zari industry, this include Dharavi, Baiganwadi (Govandi), Patelwadi (Kurla), Tulsiwadi and Kanjarwada (Byculla). Approximately thirty five thousand (34,000) children are working in Mumbai.

Child Labour Estimates (Mumbai)

Mumbai Industry	Number of Children	With/Without Family
Zari	12,500	Without
Leather	3,000	Without
Hotels	3,000	Without
Beggars/Vendors/Platform/Night	3,000	Evenly Divided
Construction	2,000	With
Institutions (Mumbai)	1,200	Without
Garage	1,000	With
Goldsmith	800	Without
Sexual Trafficking	1,000	Without
Domestic Workers	5,000	With
Ragpicker	1,000	With
Total	33,500	



Pratham and the Campaign against Child Labour

While working on the mission of 'Every child in school and learning well' in the city of Mumbai, Pratham came across many children who were found to be in different kinds of difficult circumstances. Many of the children in the city worked as child labourers in industries like zari, leather, gold polishing, hotels, rag pickers and some of them were street children, child beggars on signals and railway platforms. This led to a grim realization that the goal of universalization of primary education and 'every child in school' could not be achieved without reaching out to these children who were not only victims of fate but also victims of our neglect. Thus the Outreach program was started in Mumbai in April 2001 with the vision of 'No Child working and every child in School'.

The target population for the outreach program was out of school children like: child labourers, street children, children begging or selling things, children in Government Institutions, rag pickers, children on platforms and pavements. The idea was to give these children a basic right to childhood.

What began as just a means to make contact with and bring education to such children has now grown in depth and vision. As majority of these children's were migrants from different states Of India like UP, Bihar, Rajasthan and West Bengal. Thus Pratham began its Outreach program in these source states in order to prevent the inflow of children from these source states into metro cities and to sustain the children in the source states who were rescued and sent back. Today the outreach program is operational in 7 major states in India and this growing network of outreach program is known as Pratham Council for Vulnerable Children (PCVC). Through the activities of PCVC we have been able to cover around 16,000 children (75% boys) all over India. The objectives of the program can be summarized as:

- Basic literacy for child labourers and other nowhere children.
- Reach Out to children in vulnerable conditions
- Alleviate their vulnerable condition (viz., contact them, provide opportunities for relief through recreation and health initiatives or pull them out of that situation through raids, rescue, repatriation & rehabilitation)
- Bring them into Education net and Mainstream them into schools
- Sustain them in schools
- Improve their levels of Learning
- Prevent children from coming into vulnerable and abusive conditions
- To create Scalable City and Rural Models across India

The program was designed initially to reach out to these vulnerable children in terms of providing them with basic literacy by teaching children at their place of work or wherever they are, but in the hind sight we always aimed at complete withdrawal from work and proper rehabilitation of the child. Education being a non-controversial issue was used as an entry point and a strategy to reach to these children and gain a better understanding of their situation.

Until 2005, though painfully aware of the extremely exploitative situation that children are in, rescue and rehabilitation work was not being carried out except in extreme situations. However, the cruel death of a 12 year old boy, Afzal Ansari, a child labourer and a student of the Pratham educational class who was working in the zari unit of Govandi triggered the initiation of the entire movement against this inhuman practice.

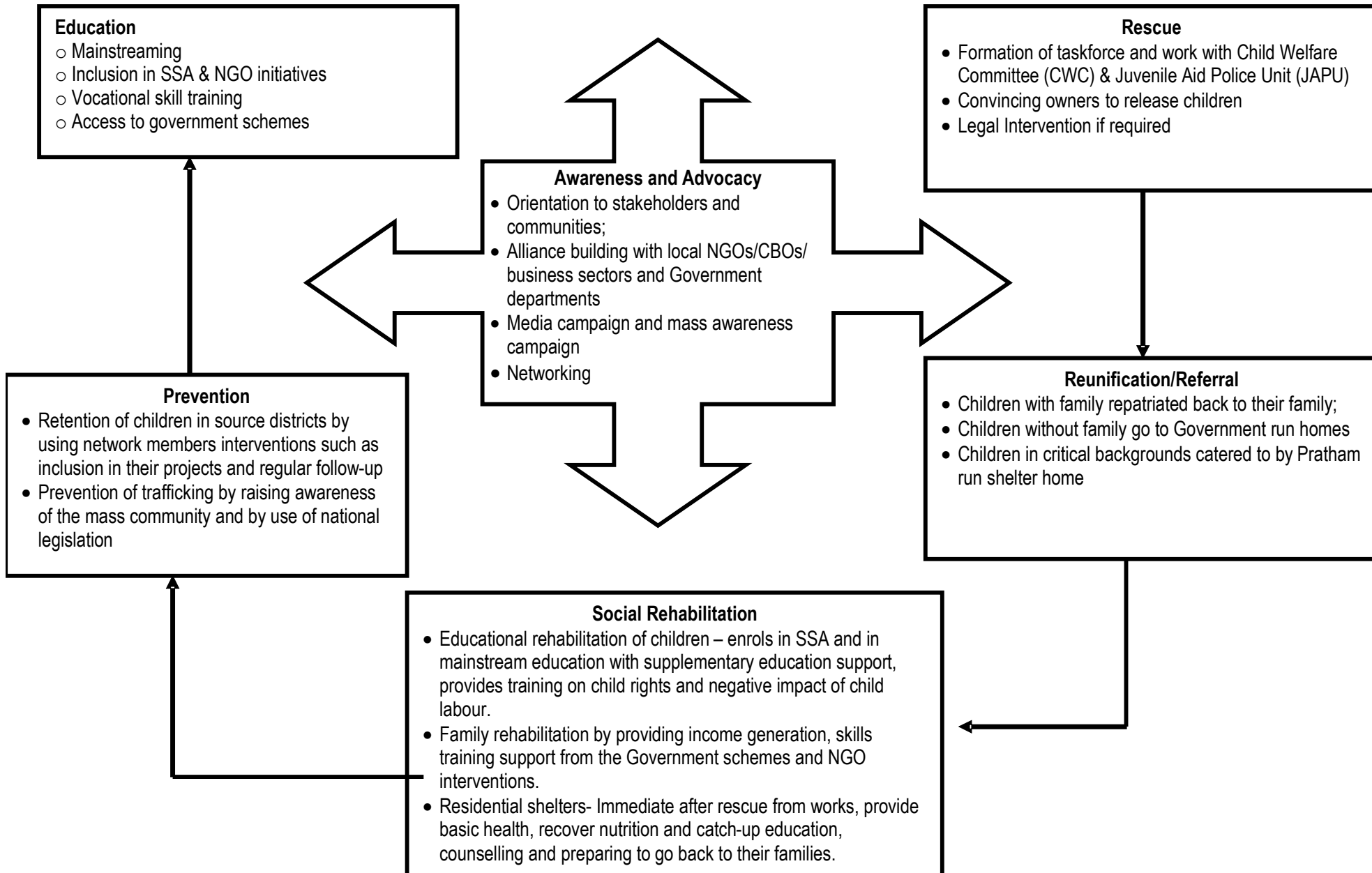
As a response to this tragedy, Pratham approached the Honorable Deputy Chief Minister of Maharashtra and the Labour Minister. The strong grass root presence of Pratham helped it to strongly and successfully advocate the issues of this section of the society. The magnitude of this issue was also brought to the notice of all the stake holders like the officials from the labour department, the police, the department of women and child welfare, department of health and all the likeminded NGOs of the city. Pratham appealed to all these stakeholders to come together and step into active rescue-and-rehabilitation mode. This led to the formation of Task Force consisting of the important Government departments and NGOs including Pratham. As a member of the Task Force (formed by Maharashtra Government for eradication of child labour) we played an important role in the rescue and repatriation of child labourers.

Due to this initiative more than 23,000 child labourers (around 2200 through legal intervention, around 20000 through convincing the employers) were rescued from in and around the city. Majority of these children were from the States of Bihar, Uttar Pradesh, and some from Rajasthan and Gujarat. The children were repatriated to their respective villages.

A link was found between cities like Mumbai, Delhi, Surat and States like Bihar, Uttar Pradesh, West Bengal and Rajasthan; where the former being the receiving areas and the latter being the source areas. Hence, Pratham started working in these source areas in order to prevent children from entering into the labour force. Here the focus was to provide education, residential care for children hailing from very critical backgrounds and age appropriate vocational training in the source areas so that they do not migrate to cities. On the other hand we also worked with the local government authorities and communities so as to make them take the onus that no child from their village is being pushed into child labour. Large scale education programs were started with the help of the Central Government in the states like UP and Bihar.

Mumbai being a receiving area the focus of work was to prevent the entry of children before they become the victims of the evil practice of child labour. To do this we managed to keep vigilance through our Help desk at Kurla Railway Terminus which happens to be a major entry point for the children into the city. At the same time we worked towards making all communities (major pockets of working children) in Mumbai as child labour free and have been successful in declaring 759 nagars as child labour free.

PRATHAM Model:



Why Employing Children is Illegal?

Apart from being morally incorrect it is illegal to employ children below the age of 14 years for any purpose. The Indian Constitution forbids employment of children below the age of 14 years in dangerous jobs like factories and mines. Children are the assets of the country and they should be allowed to lead a happy childhood and get education. Child labour is a gross violation of the spirit and provisions of the constitution.

The Indian laws that seek to prohibit employment of child labour include:

Article 24 of the Indian constitution clearly states “No child below the age of fourteen years shall be employed to work in any factory or mine or employed in any hazardous employment”.

Article 39 (e) directs State policy such “ that the health and strength of workers 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”.

Article 39 (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.

Article 45 makes provision for free and compulsory education for children up to the age of fourteen years.

With regard to child labour, the Indian government implemented the **Child Labour Act** in 1986. The purpose of this act is to “prohibit the employment of children who have not completed their 14th year in specified hazardous occupations and processes”.

Articles 23, 24 and 26 of **the Juvenile Justice (Care and Protection) Act 2000** also seek to protect children from exploitation and neglect.

Provisions in numerous other acts such as Factories Act 1948, Mines Act 1952, Beedi and Cigar workers (condition of employment) Act 1966 and Shop and Commercial Establishment Act prohibit employment of children.

India is also a signatory to United Nation’s Convention on Child Rights. According to this convention and child labour violates the following rights of a child:

- The right to be cared for by his or her parents . (Article 7).
- The right of a child separated from his or her parents to maintain regular contact with them . (Article 9)
- The right to be brought up by parents or guardians whose basic concern is the best interests of the child. (Article 18)

- The right to protection from physical or mental ill-treatment, neglect or exploitation. (Article 19).
- The right to conditions of living necessary for the child's development. (Article 27).
- The right to education. (Article 28).
- The right to rest, leisure, play and recreation (Article 31).
- The right to protection from economic exploitation and from performing any work that interferes with his or her education or is harmful to his or her mental, spiritual or social development. (Article 32).
- The right to be protected from all forms of sexual exploitation and sexual abuse. (Article 34).
- The right not to be arbitrarily deprived of liberty. (Article 37).

Concluding Remarks

The case study describes the process and the strategies that have helped Pratham to achieve its objective of Every child in School and No child working. Apart from a holistic approach, there is an urgent need to involve local bodies both rural and urban. The civil society, the media, the government, the corporate sector and the voluntary sector have all worked as a team with a common objective of making Mumbai Child labour Free. We now need to work in a mission and movement mode, especially at the national level. Mainstreaming these children is not the only solution but we need to consider the child and the family together as a unit. The socio-economic and cultural factors need to be addressed and only when there is uniform implementation of the Minimum Wage Act, that children will not be perceived as economic assets. At the national level, the challenge is huge but we can handle the challenge if we all work together with a strong political WILL, WITH CHILD FRIENDLY ENABLING POLICIES WHICH ARE PRO CHILD .

Pratham believes that every problem has a solution and so does this. We should pledge to do not **ONLY** what we **CAN** but whatever it **TAKES TO** free our children and provide Every Child Has a Right to education

Let us work towards making the words of the greatest man of our country come true. "If we are to reach real peace in this world and if we are to carry on a real war against war, we shall have to begin with children. And if they will grow up in their natural innocence, We wont have to pass fruitless, idle resolutions, but we shall go from love to love and peace to peace."