



### Inside this Issue

<b>Readers Views</b> .....	4
Opinion of readers	
<b>State-level workshop on Bonded and Child Labour</b> .....	5
<b>Mid Spread</b> .....	8
A socio-legal framework for eradication of child labour system	
<b>5Q's - Varied Views</b> .....	10
Answers from three different people on child trafficking	
<b>Glimpses of the workshop</b> .....	12
<b>Sec. 17 officers training</b> .....	13
Chart showing training programmes held for Sec. 17 Inspectors	
<b>Media Watch</b> .....	14
Glimpses of news appeared in different media	
<b>International news on elimination of child labour</b> .....	15
<b>Literature Review</b> .....	16

## Can 'Child Rights Special Gram Sabhas' help to eliminate child labour

Child labour is a burning problem. Many efforts have been made to combat this problem in the past and also several efforts are in force even now. Knowing the need of converged efforts to combat this problem, the Government has formed an action plan and has initiated several programmes and activities in this regard. It is a known fact that coordinated efforts are essential to combat this social evil. Hence, there is a need to discover how different departments can participate in solving this problem and how effective results could be obtained. In this regard, the Rural Development and Panchayath Raj Department's 'Makkala Hakkugala Vishesha Grama Sabhe' (Child Rights Gram Sabhas) can play an important role.

As the world is found to have accepted the saying 'Today's children are present citizens', there is a dire need to think on implementing measures related to child development. The increase in child population and problems erupting due to this has made it inevitable for the government, society, the community and even families to shoulder responsibilities in protecting rights of children. 'Baalavani' in

“ **The Rural Development and Panchayath Raj Department, Government of Karnataka has proved its responsibility in protecting child rights by taking an important decision.** ”



## Baalavani - A Voice to Combat Child Labour

this issue has attempted to discover how other government departments can join its hands in combating the problem of child labour. The Department of Rural Development and Panchayath Raj, Government of Karnataka has proved its responsibility in protecting child rights by taking an important decision. The Department has made it mandatory to conduct 'Child Rights Special Gram Sabhas' in all the Gram Panchayats of the State, vide its circular on September 30, 2006 (Cir. No. 367, dt: 18.09.2006)

This issue of 'Baalavani' has attempted to focus on how other departments can join its hands to combat child labour. As explained above the Department of Rural Development and Panchayath Raj has issued orders vide Cir. No. 367, dt: 18.09.2006, making it mandatory to conduct 'Child Rights Special Gram Sabhas' in all the Gram panchayats to discuss the problems of children at the Gram Panchayath level and solving them at this level itself.

### What is a Child Rights Special Gram Sabha?

Gram Panchayats which consider these problems as development issues and attempt to assess the condition of children, identify their problems and try to solve them, can be called as 'Child Friendly' GPs. Such GPs also should try to follow up the implementation measures, results and try to analyse the problems.

**“ Gram Panchayats which consider these problems as development issues and attempt to assess the condition of children, identify their problems and try to solve them, can be called as 'Child Friendly' GPs.**

Anganwadi workers, health workers, school education volunteers, child right protection members and all those people who work for overall child development should try to evince exact data related to children, analyse their problems and take suitable decisions by involving children in the process. Local bodies need to carry out this work in an organised manner with the involvement of the community, by discussing the problems with the children. Those GPs which attempt to carry out all the above activities and take up issues related to the problems of children and arrive at decisions at this level itself are called as 'Child Rights Special Gram Sabhas.'

(Courtesy: 'Makkala Hakkugala Jaarigagi Makkala Grama Sabhe, Nirvahane haagu Tharabethigonda Souchita Kaipidi, Child Rights Trust, Bangalore.)



Pics: Vishwavyas. courtesy: Child Rights Trust

According to the Rural Development and Panchayat Raj Department's circular no. 367, dt 18.09.2006, it is the right of each and every child to get nutritious food for health development and scientifically based education and games for mental development. All children in the age group of 3 to 6 years should be admitted to anganwadis and schools and obtain education. The circular also includes the point 'creating awareness against practice of bonded labour and engaging of children in agricultural works', which is noticeable.

Besides, it is also essential to take a look at the United Nations Child Rights Agreement, which has 54 Sections. The Article on 'prevention of child labour' states; Children means below 18 years of age. All children in this age should spend their school time at schools, learning, writing, learning mathematics, playing games, involving in sports, have entertainment, should be in school environment with teachers. Children should not engage in any such activity which spoils their minds and bodies. It is a shame for the respective community, local bodies, State and Central Governments where children are found to be engaged in labour.

It is essential for the Government to come with a policy to completely ban employment of child labour. Girl children are forced to quit school and are pushed into work in agricultural fields, farms, domestic work, etc., while boys are made to work in hotels, garages, etc., which is wrong. Children should be involved only in such works which they can afford to do and only in personal family works. Engaging children in labour, pledging them, pledging them as bonded labourers expecting monetary returns should not be encouraged. There is a need to create an environment where anybody could question any child who is found to be out of school.

Apart from the above mentioned laws/policies, the Right to Free Education Act, Child labour (Prohibition & Regulation) Act, 1986, etc., it is mandatory that all the children should get education.

### How can 'Child Rights Gram Sabhas' help to combat child labour?

'Baalavani' contacted Shri Vasudeva Sharma, Executive Director of Child Rights Trust, an NGO working

for protection of child rights and Coordinator of 'Karnataka Child Rights Observatory' and shared his views in this regard. Explaining about the functions and responsibilities of 'Child Rights Special Gram Sabhas', Mr. Sharma said that the basic responsibilities included to see that all children receive their basic rights like; nutritious food for development of health, arriving at scientific methods and through innovative learning and playing methods to develop children mentally and physically, admit all children in the age group of 3 to 6 years to anganwadis and schools, creating awareness against engaging children in agricultural labour and taking care of girl children. He expressed his view that apart from these basic responsibilities the 'Child Rights Special Gram Sabhas' can contribute a lot for the cause of children by involving children themselves and discussing about their problems. "Being a part of Karnataka State Child Rights observatory (KCRO) and also Karnataka State Commission for Protection of Child Rights, I have experienced and witnessed several other important points which needs to be noticed. As per my observation there is no proper data about children in any of the GPs. The initiative of holding 'Child Rights Special Gram Sabhas' have been very useful. It has provided a wonderful platform for the children to express

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their problems and find solutions immediately. Children also face many problems relating to lessons, games, education, etc., which they cannot share with anybody and also cannot hope to find a solution many times. But, the 'Child Rights Special Gram Sabhas' have been an ideal platform for children in sharing their problems and also there are many examples where their problems were solved on the spot.



#### **Case Study: Kankavva's Desire**

*Kanakavva hails from a poor family in Hatti, a small hamlet, in Koppal district. Her parents are old and are unable to work. They do not own even a small house and live in a tiny hut in the hamlet. But Kanakavva is an active girl with lot of dreams like any other normal children. Her dreams to learn and aim big in life were shattered in her young age, due to poverty. The family could not afford to provide education to her. Luckily for Kanakavva a day came where she got an opportunity to fulfil all her dreams. Kanakavva's desires developed wings on that fateful day when 'Child Rights Special Gram Sabha' was held in her village. Kanakavva who participated in the meeting gathered all her courage and explained about her woes in front of the GP members and others. Listening to her woes the GP development officer got up and announced to shoulder Kanakavva's educational expenses. Not only this, he also announced to provide a house for her parents.*

*Kanakavva is presently going to school and learning like any other child. This incident took place during the 'Child Rights Special Gram Sabha' held in the month of March 26, 2011 at Lebagera Panchayat in Koppal district. (Case study Courtesy: 'Makkala Hakkugala Visheshha Grama Sabhegalu', Child Rights Trust, Bangalore)*

The above case study reveals how children can share their problems and find solution through 'Makkala Grama Sabhas'. There are many such topics and points where solutions to childrens problems can be found in conduct these meetings, programmes and activities which are needed to be held during such meetings, responsibilities of GP president, members, secretary, CEO, guides, etc. This would be of great help for the authorities concerned in organising these Sabhas and making it successful.

The presence of children, protection of child rights, development and participation are a few major important points

## *Baalavani - A Voice to Combat Child Labour*

which add to the development of a nation. Likewise, local governments at the panchayath level should also notice progress of children thereby focusing on development of their respective GPs. In the year 2003, Child Rights Trust had initiated a similar drive to assess the status and condition of children. Efforts were made to collect relevant details by visiting aganwadis, health service volunteers and schools in several districts of North Karnataka. It had also involved in a project to rescue and rehabilitate child labourers, initiated by UNICEF and NORAD in the districts of Gulbarga, Davangere and Magadi in Bangalore Rural District and had strived to uphold the rights of children. During the GP, taluk and ZP elections, the organisation was also instrumental in canvassing the importance and need of protecting child rights among the candidates. Efforts were made to sensitize the GP representatives on particular points related to children, which need to be focussed. The organisation was also successful in receiving good response, claims Mr. Vasudeva Sharma.

There are thousands of orphaned children, neglected children, children working as bonded labourers, children who have un-

dergone various kinds of harassment and violence, children who have been pushed out of schools or houses, out of school children, child labourers, etc. in the State. It is essential to identify the problems of such children and provide solutions to them at the Gram Panchayath level itself. If the GPs can strive to understand about the need to combat child labour, understand and implement various government programmes for rescue and rehabilitation of child labourers, finding a solution to this problem would not be difficult.

“All the Gram Panchayaths in the State should strive to collect all the information related to children, analyse them and take necessary steps at the local level itself. If this can be made possible, the responsibility of the country as per its International agreement to protect child rights and achievement of the Human Development Millennium Goal could be easier. It can prove that our nation has taken a leap towards protection of child rights,” says Mr. Sharma.

Congratulations. Happy to receive the 8th issue of 'Baalavani.' As usual the page making has come out good and bright and the content of the story is worth reading. Colour combination too makes it quite readable and one would surely enjoy while reading. But some of the children's pictures used in this issue looks out of focus. These pictures represents a different class. I mean, most of the children in the photo looks more of middle and upper middle class. I am sure our focus is on deprived children and it would be more appropriate if we use their photos. I may be wrong but think it over. Good luck for you and the team.



**Dr. Ashok Kumar,**  
HOD, Electronic Media,  
University of Bangalore.

Will try to pen an article related to child labour and send it to be published in 'Baalavani'. Also I will try to send you the work that is been done by us in working with various communities in Tumkur and starting the Child Rights Club in 2 gram panchayats in Koratagere Taluk , Tumkur.

**Mr.Shashidhar .C**  
Program Manager, Department of Social work,  
Acharya Institute of Management and Sciences

'Baalavani' contains excellent write-ups, which is very educative to the society. Thanks for sharing this information.

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We would like to subscribe for the 'Baalavani.' Is it only an electronic news paper? Can we get a printed edition of Kannada and English? How much is the subscription rate? Kindly send me all subscription details?

**Sr.Teena Xavier**  
Project officer  
Holy Cross Comprehensive Rural Health Project,  
Hanur, Kollegal Tk., Chamarajnar Dt.

## Workshop on 'Bonded and Child Labour'

The Department of Rural Development & Panchayath Raj and Department of Labour, Government of Karnataka, in association with the National Human Rights Commission, had jointly organised a two-day workshop on 'Bonded and Child Labour', at Vikasa Soudha on 17<sup>th</sup> and 18<sup>th</sup> December, 2011.

Justice B.C. Patel, Hon'ble Member, NHRC, inaugurated the workshop by lighting the lamp along with Sri S.V. Ranganath, I.A.S., Chief Secretary to the Government, Government of Karnataka, Dr. Sanjay Dubey, Director, NHRC, and other dignitaries.

Dr. (Smt.) Amita Prasad, I.A.S., Principal Secretary to Government, Department of Rural Development and Panchayat Raj (RDPR) in her welcome address said that the workshop intended to understand how the system works and in the light of surfacing of issues, how they should be tackled. She also noted that the Deputy Commissioners, Chief Executive officers of ZPs and officials of other relevant government departments are required to play a meaningful role in tackling these burning issues.



Hon'ble Justice Sri B.C. Patel released the book 'Readings on Abolition of Bonded Labour System', jointly published by Department of Labour and Department of Rural Development and Panchayath Raj, edited by Sri J.T. Jinkalappa, Joint Labour Commissioner, Government of Karnataka.

In his inaugural speech Justice Sri B.C. Patel emphasised that the need of organising this workshop was to activate the authorities concerned relating to Bonded and Child Labour issues. Referring to the delayed responses in matters related to bonded and child labour issues being received by NHRC, from the district authorities, he said, he had noticed that the District Magistrates were not properly being helped by their subordinates. He also stressed on the absence of even a single report on



field visits made by officers of District Magistrate or Sub Divisional Magistrates, to check the ground realities relating to bonded or child labour issues. He said that, it is our duty to sensitize the officers through this workshop on understanding their powers and responsi-

bilities and discharge their duties according to law.

Dr. Sanjay Dubey, Director, NHRC, delivered the key note address. He expressed his concern on the inability to abolish bonded labour system in India. He also expressed his anguish on the recent reports of the International Labour Organisation, stating the bad scenario of bonded and child labour system in India. He said that bonded labour system was a civil evil and India was a reservoir of child labour and we as a nation have been stigmatised over these issues. He elaborated on the responsibilities of Deputy Commissioners and magistracy about abolition of Bonded labour system.

Chief Secretary to Government of Karnataka, Sri S.V. Ranganath, I.A.S., in his presidential address underlined that legislations regarding Bonded Labour and Child Labour are part of broad strategic initiatives undertaken by the Government of India, to combat issues arising out of poverty. He opined that in India, we are fighting yesterdays' battles and not tomorrow's challenges. He noted that the debate and discussions related to bonded or child labour system, which is being done now, should have been done 30-40 years ago. He added that the improper implementation of Bonded Labour and Child Labour Acts would have a cascading effect on other related issues. He also opined that improper implementation of schemes means imposing of costs on the people and hence proper governance is the need of the hour. He concluded by stressing the need of team work and passion to combat child and bonded labour problems to get positive results.



Secretary to Government, Department of Labour, Sri G.S. Narayanaswamy, I.A.S., proposed the vote of thanks. He said that the subject scheduled for the two days workshop has high relevance. He concluded by noting; "it is for us to show the strength

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Dr. C.K.N. Raja, Constitutional expert made the keynote presentation on 'Conceptual and definitional clarity, constitutional and legal provisions, inter-



national treaties related to elimination of bonded labour'. Expressing his proposition, he noted that the 'Bonded Labour (Abolition) Act, 1976, was one among the five hundred and odd social legislations in India. He drew the attention of the gathering towards a point in an article authored by Justice V.R.

Krishna Iyer, wherein he has said, "we have 500 and odd social legislations in India. But, we can say none of them is a successful legislation, because of rampant executive corruption, judicial lethargy and the legislative inaction." Drawing attention towards Article 256 of the Constitution, Dr. Raja said that he was surprised as to why this Article is neglected. The article very clearly states that, it is the duty of the State to ensure compliance with law and if concerned people have failed in ensuring this, action should be initiated against those people. He stressed that it was not the failure of law, but the failure and inability of the people in enforcing the law, whether it is Bonded Labour Act or Child Labour Act.

Speaking on the number of bonded labourers in the world, he said that attempts have been made to assess the number of bonded labourers. According to a researcher by name Siddarth Kedar, there are 18.1 million bonded labourers in the world, at the end of 2006. Whereas the ILO's assessment is 9.3 million in Asia Pacific region and 2 million in India, Pakistan and Nepal combined. He explained that bonded labour may not necessarily be practiced in factories, industries, woollen industry or some places in plantations, etc., but it is being practiced in the homes of highly sophisticated people in the society. He ended up by explaining the provisions of the law



pertaining to Bonded Labour, stating that the technicalities of the law have to be sidelined, if the main purpose of the law is to be implemented.

The second day of the technical session commenced with a presentation by Prof. Babu Mathew, Faculty, National Law Univer-

sity, New Delhi. He presented a paper on 'Conceptual and Definitional Clarity, Constitutional/Legal Provisions and International Treaties, related to elimination of child labour in India.' He commenced presentation, by mentioning the 'Gurupadaswamy Committee Report'. He said that the Committee used the definition available in the encyclopedia of social sciences. In that encyclopedia there was a distinction between 'work' and 'labour'. It was said in that encyclopedia that labour is exploitative and work can be enabling. And therefore the Gurupadaswamy committee made a recommendation that there should be a distinction between 'labour' and 'work'. What the committee conceived of as 'labour' which is exploitative became the portion that went into prohibition and what they considered as enabling that which gave children some skill, that was made regulatory. Hence, prohibition & regulation was combined in the statutory framework.

He lauded the Department of Labour, GoK, stating that the very conceptualization of the workshop itself was a proof that there are thinking people in the Department of Labour. Drawing attention towards the ILO Convention No. 138, (Minimum Age of Employment), he said that law is evolving. He criticised that in India still there is not a protective frame work for children.

Pointing out that there are 11 lakh schools in the country, which is the largest number in the entire world, he said that they don't work properly and that was the crux of the whole problem. He concluded by stressing on making the government schools function, which could solve all the problems, including child labour.

Mr. G.S. Narayanaswamy, I.A.S., Secretary to the Government, Department of Labour, in his presentation stated that the 10<sup>th</sup> Five Year Plan document, envisaged "the task of elimination of child labour



**“ The target group for the NCLP scheme is all children below 14 years of age and who are working in, occupations and processes listed in the Schedule to the CL (P&R) Act, 1986; i.e., occupations and processes, which adversely affect their health and psyche.**

## *Baalavani - A Voice to Combat Child Labour*

on the top of the Nation's Agenda & gave a Mission Mode." Karnataka State implemented both National Child Labour Policy (NCLP) as well as Karnataka State Child Labour Policy (SCLP). In addition to this, implementation of projects by International organisations like ILO and UNICEF, for elimination of Child Labour was undertaken in selected districts. The NCLP scheme was announced in the year 1987 by the Government of India. In the beginning, NCLP scheme was in 7 districts in Karnataka and now it was being implemented in 17 districts.

In the beginning NCLP scheme was extended only to the children working in hazardous occupations and processes. From 2009 onwards, the target group for the NCLP scheme is all children below 14 years of age and who are working in occupations and processes, which adversely affect their health and psyche. Sri Narayanaswamy said that the Government of India had sanctioned 387 Day Bridge Centres to the 17 districts and so far through NCLP scheme 85,394 child labourers were rehabilitated.

Speaking about the operationalisation of NCLP, he explained that in each district 'District Child Labour Project Societies' have been registered under the Chairmanship of District Magistrate and presently, a survey to identify child labourers is under process. He said that 1,03,902 children were rescued through enforcement and Courts have imposed Rs. 75,67,285 as fine and a sum of Rs. 53,81,472 has been recovered as compensation from the employers who have employed child labourers in violation of Sec. 3 of the Act. Apart from this lot of awareness generation activities are being undertaken, in collaboration with NGOs & District Legal Aid Societies. The Secretary also briefed about the vision and objectives of the 'Action Plan to Eliminate Child Labour in Karnataka.

Explaining about the various recent initiatives undertaken by the State Government to combat child labour, the Secretary noted that an online web based complaint receiving mechanism is established, besides utilizing the services of 1098 Helpline. A control room has been established to receive complaints in the Department of Labour. Apart from this a web based child labour tracking system has been developed which will start functioning soon, a bi-monthly e-journal 'Baalavani' is being published both in English & Kannada. A Data Center has been established with the support of ILO. Special study material 'Aralu Mallige' has been designed with the support of ILO and in association with DSERT, for freed child labourers learning in Bridge Centres. He also said that Rs. 600 lakhs had been earmarked in the State Budget for the year 2011-2012 for activities related to elimination of child labour.

In his presentation Mr. S.R. Umashankar, I.A.S., Commissioner of Labour, Government of Karnataka, explained in detail the activities of Department of

Labour, for identification, rescue and rehabilitation of child labour. Describing the status of compliance in Karnataka, he noted that a separate Child Labour Cell, headed by an Officer of the Joint Commissioner rank was established in the year 1997 in the Secretariat, to monitor the progress. A state-wide survey for identification of child labour was conducted in the year 1997 and again in a few child labour dense districts, survey was conducted in 2001. Another survey had been initiated in the State in the year 2011, which is presently under progress, he added. In the year 2001 there were only 2,055 inspectors to carry out enforcement activities in the entire state and the number at present stands at 10,032, following identification of additional inspectors, the Commissioner observed.



Briefing the improvement measures undertaken by the Department of Labour, he said that the Department had initiated a training programme for notified Inspectors under Section 17 of the Child Labour (Prohibition & Regulation) Act, 1986. As many as 1,03,902 child labourers were identified, rescued and rehabilitated in the State since 2001 through inspections, till date. As many as 18,779 cases have been filed in the competent Court of Law against offending employers and so far in 1,253 cases, Courts have imposed a fine of Rs. 75,67,285. Further he noted that a sum of Rs. 53,81,472 had been collected towards Child Labour Rehabilitation cum Welfare Fund.

Hon'ble Justice Sri B.C. Patel in his concluding remarks observed that the people should come forward and raise their voice against child labour by passing on information to the authorities concerned whenever they come across child labourers. He concluded by stating that it is left to the society to transform ultimately.

Sri S.R. Umashankar, I.A.S., Commissioner of Labour in Karnataka, proposed the vote of thanks.

\* \* \*

► More pics on pg 12

# A socio-legal framework for eradication of child labour system

....contd from last issue

The International Labour Conference (ILC) adopted a resolution on child labour in 1979. The resolution called for a combination of measures for humanizing child labour wherever the same cannot be eliminated outright.

The ILO, through the Global Technical Co-operation on Child Labour (GTC-CL) 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:

- a. Prohibition of Child Labour
- b. Protecting Child Labour at work
- c. Attacking the basic causes of child labour
- d. Helping children to adapt to future work
- e. 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.

**2. UN General Assembly Measure:** The UN General Assembly during 1989 adopted the 'United Nations Convention on the Rights of the Child', which provides an elaborate catalogue of rights of children that can be grouped into four main categories, namely;

- i. Right to Survival
- ii. Right to Protection
- iii. Right to Participation and
- iv. Right to Development

In a nutshell, the Conventions on Child Rights, 1989 provide;

- i. Protection for children from all forms of abuse, neglect and exploitation and
- ii. Full opportunities for education and healthy growth.

The Convention on the Rights of the Child is the outcome of the effort of the international community to arrive at a standard to be followed by all countries in matters relating to children. In the words of the Convention, "in all actions concerning children... the best interests of the child shall be a primary consideration." It lays emphasis on the fundamental freedoms

and liberties of the individual, protection against discrimination, violence, abuse, neglect and exploitation as well as on the positive measures such as upbringing within the family and under parental care, access to health care, social security, education, and to rest and leisure.

It is obligatory for UN Member Governments to ratify this Convention to provide the necessary legislation and institution to implement the child rights. India became a party to this convention on 11<sup>th</sup> December 1992. Now, India is under obligation to take necessary legislative, administrative, social, and educational measures for implementation of the Convention.

**3. UNICEF Measures:** 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. UNICEF has focused its activities on the issue of child labour. The UNICEF has now the mission Statement of Convention of the Rights of the Child 1989 as its guiding force. UNICEF in its 'The State of World's Children' Reports, dealt with the problem of child labour. UNICEF has prioritized elimination of most abusive (worst) forms of child labour such as children working in hazardous industries, prostitution and bonded labour etc. The broad strategy of UNICEF is to urge the States to promote compulsory elementary education and abolish child labour. UNICEF attempts to forge and strengthen alliance between Employers forums, NGOs, Trade Unions, Media, Academics, Advocates, and Parents etc., for elimination of child labour practice.

**4. International Trade-Related Measures:** The WTO and United States of America, are evolving International Trade- Related Measures to eliminate the engaging of child labour in export-oriented industries, estimated to employ 8% of child labour. Two of these measures are discussed below;

**i. World Trade Organization's (WTO)-Social Clauses:** Under the GATT agreement, the WTO was formed in 1995. WTO is trying to introduce certain labour standards as 'Social Clauses' in the regime of world trade, which are applicable uniformly irrespective of a country's stage of development. Notably imposing a ban on child labour is one of the items in the social clauses. Non-compliance of 'Social Clauses' by a country-developed or developing would lead to the imposition of import restrictions and economic sanctions. It is argued by developing countries that the WTO is

**Mid Spread**

- Dr. Sripad S.B

trying to apply 'Social Clauses' at the instance of highly developed countries like U.S.A., France etc., and strict enforcement of Social Clause by WTO will aggravate the problem of child labour rather than solving it.

**ii. The Child Labour Deterrence Bill (Thomas Harkins Bill):** The US Senator Thomas Harkins introduced this Bill, on Mar 18, 1993 in US Senate, which proposes to ban the import of goods produced either fully or partly by children under 15 into the U.S.A. This bill has not yet become a law. However few export industries operating in developing countries, reacting quickly to this bill dismissed their child labourers. To quote an instance, the Bangladesh Garment industries which exported 60% of its products to U.S.A., in 1994, sacked its child labourers, mostly girls. Later a research study revealed that these sacked girl child labourers were found working in hazardous and unsafe workshops, and were paid very less wages. Thus a mere threat posed by a Bill, has worsened the condition of child labourers rather than improving it.

It is criticised that both the above trade-related measures are aimed at improving the trade prospect of developed countries by imposing dubious restrictions to exports from developing countries rather than showing real concern for human rights.

Thus the above international legal and interventional framework acts as a benchmark for evolving and implementing national framework on child labour

**XII. National Legal Framework and Governmental Measures on Child Labour:** The Government of India and various State Governments actually have a plethora of laws and specific policies to address child labour. While child labour *per se* is not totally banned in India, The Child Labour (Prohibition and Regulation) Act of 1986 regulates the hours and conditions (but not the wages) of some child labourers and bans the use of child workers in specified/notified hazardous processes and occupations. There are various laws, to deal with the problem of various types of child labourers working in circumstances such as bonded (forced), non-bonded (voluntary), paid, unpaid, part-time, full-time, hazardous and non-hazardous. The major challenge for the country's legal system and civil society is complete withdrawal of working children and ensuring for them meaningful rehabilitation and education.

Children are the precious hope and asset of any nation. All-round development of all children is the basic duty of the Government. Children in their formative years should not be exposed to dangers and hardship of work life.

The Constitution of India, which was promulgated in

1950, in its chapters on Fundamental Rights and Directive Principles of State Policy, contain provisions related to the welfare of children. The Indian-Constitution makers have made noble proclamations about the child, which are as follows:

### (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".

**Article 23 (1):** Prohibition of traffic in human beings and forced labour: "Traffic in human beings and 'beggar' 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 abandonment."

**Article 45:** Provision for early childhood care and education to children below the age of six years: The State shall endeavor to provide early childhood care and education for all children until the age of six years."

**Fundamental Duties Article 51A (k):** states that it shall be the duty of every citizens of India, who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward.

Based on the above constitutional provisions certain/specific legislations were enacted in India.

*to be continued...*

## 5 Q's-Varied views

1. The problem of child labour is said to be more in agriculture. According to ILO reports, 80 per cent of the child labour in India is in agricultural sector. What do you think is the reason of its prevalence even in recent times?
2. In agriculture, child labour is banned only in processes where tractors, threshing and harvesting machines are used and for chaff cutting. Do you think more processes should be added to this or there should be a blanket ban in this sector?
3. Do you think the rural populace has awareness on ill-effects of child labour? How do you think the problem of child labour in agriculture can be overcome?
4. Hazardous child labour, injuries and ill health in agriculture; why children are at greater risk than adults?
5. While great progress has been made in many countries in reducing child labour worldwide, a number of factors have made agricultural child labour particularly difficult to tackle. Do you agree and if so why?

**Ans (1):** Nearly 70 per cent of the population in India are depending on agricultural activities to eke out their living. It would be appropriate to say that the children of all these families are child labourers who are engaged in agricultural activities in one or the other way and hence it would be right to say that 80 per cent of child labour is in agricultural sector. Though the time has changed and many children of agricultural labourers have started going to schools, it is common that these children stop going to school during reaping period. Since more number of labour is required during reaping time, parents themselves encourage their wards to engage in work and of course poverty adds to the reason. But we should say that the number of child labourers in agricultural sector has come down considerably, as people are engaging in other kind of works.

The men are restricting themselves to sowing and women and children are found to continue in further activities. Agriculture is not a one man activity; it requires lot of man power. The need of children in such activities was somewhat low when there were joint families. Since the number of single families has increased, it has become inevitable for children also to engage in work. Hence, it is essential to control this.

**Ans (2):** I think that the present prohibition limits are good. But what is the need of the hour is proper implementation. It would be inappropriate to impose a blanket ban of child labour in the entire agricultural sector. Because the financial condition of poor families in our country is very bad. Hence, it would be suggestible to allow children to engage in work only in non hazardous work and only during specific seasons and then prohibit child

labour during further seasons and other works.

**Ans (3):** Yes, there is lack of awareness. Children are being employed for the reason of improving the economical status of the family and also due to increased job insecurity in agricultural sector. While it is essential to sensitize parents to know the precautionary measures needed to be followed while they engage children in work, it is also essential to create awareness among the parents to see that their wards are not deprived of education. It is also suggestible that the education in our country should be much of agricultural based and also holidays should be declared based on reaping period. By doing this it would be easier for the children to engage in work along with their respective families and also gain some experience and knowledge about agriculture. I would like to specify that there is a difference between children engaging in work on their own agricultural land and children working in other peoples land. The above mentioned measures could bring down the intensity of child labour in agriculture in a large volume, in my opinion.

**Ans (4):** Children are swift and are shufflers. They cannot stay in one place for a long time. They might easily forget the instructions. They also are open to break rules and thus they are experimental. Hence, they are more vulnerable to face physical harm more than adults. Children always imitate their elders and also are more vulnerable to fall prey to bad habits like chewing tobacco, gutka, smoking, etc., and face health problems. They might also fall ill by neglecting to undertake precautionary measures.

**Ans (5):** Yes, it has not been possible to tackle the problem of child labour in agriculture. A major reason for this is due to commercialisation of agriculture across the world. Today agriculture is not a means of earning bread; it has converted to a business. Labourers are made to work for long hours. It has been possible to initiate action against companies by imposing ban on several activities. Since the number of small farmers is huge and poverty looms large in agricultural sector, it has not been possible to completely prevent child labour.

**Ningu Solagi,**  
Child litterateur & Member, Bal Vikas Academy,  
Mundargi

**Ans (1):** India is an agricultural dependent country. Modernisation has still not made its impact on many villages, especially in the Northern parts of Karnataka, according to me. The farmers have not yet updated their knowledge regarding usage of machineries and sophisticated technology in agricultural activities. Farmers depending upon traditional agricultural ways and beliefs can still be seen. The divide between rich and poor has widened, resulting in increased inequality. Many children who should have been in schools are out of school due to bad financial condition of their families and hence are being exploited by the so called wealthy people/employers, in the society. Even parents are to be blamed for this situation. In this backdrop, I should say that the illiterates still have not understood the strength behind having education. Many people still exist in the society, who neglect their children without knowing the fact that education is the right of children.

**Ans (2):** Prohibition of engaging children in work where machines are used is welcome. But when practically seen, using of child labour in agriculture has come down. Employing of child labourers in works like spraying of pesticides and other works which is beyond their age can also be seen. Such type of works should be stopped completely. It is important to educate children about agriculture, based on their interests. Parents and employers should understand that nobody has the right to grab their childhood.

**Ans (3):** People living in rural areas are already sensitized about the ill-effects of child labour. But there are people who still strongly believe a few age old sayings like 'work is worship', etc. Many people believe that instilling interest among children from their childhood days and sensitizing them about hard work would help

them thrive in their future. Hence, despite knowing the ill-effects of child labour, many show their ignorance. Apart from this, with an intention of saving their ancestral property and inheritance of work culture, many people want their wards also to inculcate interest in similar works. *Decrease in number of agricultural labourers has added fuel to the fire. Child labour has become inevitable due to such reasons.*

It is suggestible that agricultural based education system should be introduced in our country gradually. It is essential to develop word culture. Implementation of free and compulsory education system and encouraging parents to send their children to schools compulsorily should be enforced. Apart from this, creating awareness through posters showing ill-effects of child labour and organising public meetings in presence of elected representatives and participation of parents, guardians, can bring down the problem to a certain extent. People who violate child labour rules, should be stopped from receiving government benefits.

**Ans (4):** Children are like flowers. Their minds and souls are like white paper, without any stains. They will have their own likings and desires. Childrens focus will be always towards play and cherishing food. They will not be in a position to shoulder the responsibility of work. They undergo mental stress when they are forced to work. Out of frightening and timidity, they cannot complete the work in a proper way, which will lead to physical under development and often fall prey to ill-health. All these are natural among children. They are also more prone to develop negligence and carelessness under such circumstances.

**Ans (5):** Among other important priorities, people give more prominence to own land and residence. It is quite common that everybody will be thinking about it. It is also obvious that our focus is more on such subjects. It is natural among human beings to yearn to have children for the reason that they should have somebody to look after the property after their death. Those who own land and farms which they have inherited from their ancestors crave to have successors. They also intend that their children should know the importance of hard work and hence involve them in work, right from their childhood. Also there are people who send their wards to work for the want of more wages. Hence, in my view, it has not been possible to completely eradicate child labour in agricultural sector due to all these reasons.

**Doddanna Gaddanakeri,**  
Litterateur, Navanagar, Bagalkot.

## SNIPPETS OF THE WORKSHOP



Hon'ble Justice B.C. Patel, NHRC, New Delhi lighting the lamp to inaugurate the two-day workshop on 'Bonded and Child Labour', held at Vikas Soudha in Bangalore.



Sri D.P. Singh, Welfare Commissioner, Ministry of Labour and Employment, Government of India lighting the lamp at the inaugural function of the two-day workshop.



Dr. Sanjay Dubey, Director, NHRC, New Delhi, lighting the lamp during the inaugural function of the two-day workshop on 'Bonded and Child Labour'.



Sri S.V. Ranganath, Chief Secretary, Government of Karnataka, lighting the lamp at the inaugural function of the two-day workshop.



Hon'ble Justice B.C. Patel releasing a book 'Readings on Bonded Labour System', jointly published by the Department of Rural Development and Panchayath Raj and Department of Labour, Government of Karnataka.



A section of the participants at the workshop.



JMFC Magistrates participating in the two-day workshop.



Mandya DC Sri P.C. Jaffer during an interactive session at the workshop.

### *Baalavani - A Voice to Combat Child Labour*

The Department of Labour, Government of Karnataka has initiated a series of training camps across the State, in all districts on 'roles and responsibilities in elimination of child labour' for Inspectors recognised under Sec. 17 of the Child Labour (Prohibition & Regulation) Act, 1986. Two workshops were held in Bangalore, on 19<sup>th</sup> and 26<sup>th</sup> November, 2011, with participation of about 500 persons. A total of 10,041 officers of various other government departments have been identified and nominated as Inspectors under Sec. 17 (as mentioned above). The following chart explains the schedule of training programmes completed and number of officers participated.

Sl. No.	Name of the District	No. of Sec. 17 officers of other departments	Training held on
1.	Bangalore (Urban)	274	19-11-2011
2.	Bangalore (Rural)	296	26-11-2011
3.	Bagalkot	321	10-01-2012
4.	Belgaum	749	26-12-2011
5.	Bidar	196	14-02-2012
6.	Bellary	467	22-12-2011
7.	Bijapur	289	27-12-2011
8.	Chamarajanagar	175	06-01-2012
9.	Chikballapur	250	25-01-2012
10.	Chitradurga	203	05-01-2012
11.	Chikmagalur	358	30-01-2012
12.	Davangere	382	22-02-2012
13.	Gadag	384	Pending
14.	Gulbarga	350	12.01.2012
15.	Haveri	410	27-12-2011
16.	Hassan	319	15-12-2011
17.	Dharwad	319	27-12-2011
18.	Koppal	231	25-02-2012
19.	Uttar kannada (karwar)	340	21-12-2011
20.	Kolar	252	14-12-2011
21.	Mandya	397	Pending
22.	Madikeri	101	16-02-2012
23.	Dakshin Kannada	279	17-02-2012
24.	Mysore	588	22-12-2011
25.	Raichur	315	03-02-2012
26.	Shimoga	360	19-02-2012
27.	Tumkur	510	17-02-2012
28.	Udupi	176	29-12-2011
29.	Ramanagara	254	29-12-2011
30.	Yadgiri	225	22-12-2011
	Labour Department	271*	
	Total	10,041	

\* Number depicts total number of Inspectors in State from Department of Labour.

## Media Watch

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Deccan Herald (17.09.2011)

### SHRC rescues 7 child labourers

Bangalore: The State Human Rights Commission (SHRC) on Friday rescued seven child labourers in the age group of seven to nine years.

The Commission, assisted by the Labour Department and Bruhat Bangalore Mahanagara Palike's food inspectors, raided the premises run by a person identified as Stephen, 35, who produced sweets under the name of AJ Food Products in a store room in Gottigere, off Bannerghatta Road.

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Vijay Karnataka (15.10.2011)

### Woman sells children

Tumkur: An incident a woman sold her three children for the want of money. The incident came to light after one girl child among the three children escaped from the clutches of the buyer.

The incident has taken place in Upparahalli in Tumkur. Shaira is the woman who sold her three children. She had six children including four daughters and two sons. Her husband Arif Pasha had died a few years back. She sold her three children about a year back and had married another person.

Afsara Banu (17), Sahida Banu (14) and Asma Banu are the three unfortunate girls who were sold by their mother. All the three were being tortured by the employers who bought them.

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Deccan Chronicle (17.09.11)

### How Sweet it is: Raid frees child-labourers

In a surprise raid, the State Human Rights Commission (SHRC) on Friday rescued seven minors from a chikki confectionary that had been run illegally from the ground floor of a residential building in Smrithinagara near Gottigere, off Bannerghatta road. All the rescued children hail from Tamil Nadu and are aged between nine and 17, according to SHRC officials.

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### Special squads to curb abuse of child actors

While the city-based non-government organisations have voiced their skepticism about monitoring production houses for the implementation of the latest guidelines of the National Commission for Protection of Child Rights (NCPCR), the state along with the labour department has set up a special task force (flying squad) to check for violations at shooting sites. In a bid to prevent mistreatment of television child actors by production houses, the new NCPCR guidelines for one make it mandatory for producers to restrict working hours for children. The guidelines were issued following years of rallying by NGO working on child rights who have been demanding harsher punitive steps against production houses that harass child performers at shoots. In fact, to save money, many production houses shoot content for two or three episodes in just one shift, forcing children to work long hours. ([http://www.dnaindia.com/mumbail/report\\_special-squads-to-curb-abuse-of-child-actors\\_1620135](http://www.dnaindia.com/mumbail/report_special-squads-to-curb-abuse-of-child-actors_1620135))

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### 6 child labourers rescued from I&B ministry site

Six bonded child labourers were reportedly rescued from a construction site of Sookna Bhawan, the office of the ministry of information and broadcasting. Acting on a complaint filed by NGO Bachpan Bachao Andolan, the police along with sub-divisional magistrate (south district) reportedly raided a construction site of Sookna Bhawan in CGO Complex and rescued six bonded child labourers. The children, aged between 13 and 17 years, were allegedly engaged in iron rod cutting, electric and plumber work. All belong to Bihar and UP. Found to be working in poor conditions, some of them had sore hands and feet. They were staying in temporary hutments along the site. (<http://www.hindustantimes.com/India-news/NewDelhi/6-child-labourers-rescued-from-I-amp-B-ministry-site/Article1-801250.aspx>)

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## International News

### New age limit for child grants

January 24 2012 at 08:29am

By Mercury reporters

Children up to the age of 18 are now allowed to receive a support grant – and more than 10 million children in SA are now being supported by the state. The extended cut-off age has been welcomed by rights organisations and families affected by it. Before January only children aged up to 16 were eligible. According to the South African Institute of Race Relations, which was quoting the latest SA Survey to be released this week, last year 10.3 million children were receiving support grants. This figure had increased by 1:200 percent or by 13 times in a decade – only 800 476 children had been eligible for grants in 2001.

<http://www.iol.co.za/news/politics/new-age-limit-for-child-grants-1.1218818>

## International news on elimination of child labour

### Awareness Raising Campaign Project

**Eliminating the worst forms of child labour and providing educational opportunities**

#### Recent activities

Based on the positive experiences to date, the USDOL provided additional support to continue this regional initiative. While the overall objective remained the same, the second phase, which started in late 2004, focused on strengthening the regional alliance and mobilizing key parties to initiate relevant activities that use basic education and skills development to combat child labour.

The regional framework includes:

- Development of a regional communication mechanism and web site
- Activities to engage APEC as a regional body
- Publication of project experiences including the documentation and sharing of good practices
- Research and mapping of opportunities on decent and productive work for young people above the minimum working age as a strategy against the worst forms of child labour

The project's second phase capitalized on the raised awareness and alliances to push for policy development that centres on improving access and quality of education to combat the worst forms of child labour. Local and national authorities were encouraged to take an integrated approach to combating child labour, promoting basic education and skills development as well as alleviating poverty. APEC representatives at country level have been, and continue to be, an important part of these efforts. Efforts to identify role model approaches and publicize them within APEC have been crucial to the project's success.

#### Indonesia

Increased dialogue and sharing of experiences between key ministries, social partners, donors and other key

parties has led to wider acceptance that the twin aims of Education For All and the elimination of child labour are crucial to national development. The State Planning Board organized a national conference on this theme. Following this, the publication of a new Medium-Term Development Plan and Poverty Reduction Strategy Paper both raised the need to tackle child labour. Provincial forums were organized to build stronger links between local structures concerned with child labour and education which stimulated a range of local follow-up activity. In one area, the local education office and a community organization launched a "Back to School" campaign for children who dropped out of education. An innovative research survey examined some of the long-term implications for children who drop out of school at an early age to work.

#### Philippines

Capitalizing on the strength of the national child labour and education task force of the first phase, the Alliance of Concerned Teachers, Employers' Confederation of the Philippines (ECOP), Educational Research and Development Assistance Foundation, and the Children's Laboratory for Drama in Education Foundation worked together to engage all the affected Regions.

The local child labour and education task forces developed in the first phase are being formally integrated into the legal structure of governance and service delivery. This has led to legislation and budget allocations which support investments in education to combat child labour. Community watch groups to monitor child labour cases and children's participation in schooling have also formed. ECOP mobilized employers to support skills training and apprenticeship for young people above the minimum working age.

## Opportunities for NGOs

### Ashoka's "Activating Empathy: Transforming Schools to Teach What Matters"

Ashoka is launching a global initiative to ensure that children master empathy, enabling them to be effective citizens, leaders and trailblazers. A prize of \$110,000 in cash and similar prizes will be given to the participants. Last date for entering solution, or nominate an individual, organization, or partnership with a solution is before March 30, 2012.

USAID, Government of Norway, Bill & Melinda Gates Foundation, Grand Challenges Canada, and DFID have again come together to seek applications for the second round of Saving Lives at Birth Challenge, which offers seed funding and transition funding for innovative projects. The deadline to submit applications is 2 April 2012.

For further details e-mail us at:  
[editorsrc@yahoo.com](mailto:editorsrc@yahoo.com)

The **World of Children Award** is dedicated to dramatically improving children's lives by identifying and recognizing extraordinary individuals who work on behalf of children in need. The World of Children Award sets the Gold Standard in child advocacy worldwide and to receive a World of Children Award today is to be honored with a coveted badge of merit. Awards will be presented at an annual ceremony held in New York City, USA, in October, 2012. Nomination Deadline is April 1, 2012.

