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## discussion points

NATIONAL  
COORDINATION  
COMMITTEE  
MEETING-2002

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4 - 5, March 2002 Shanti Sadana, Bangalore

CL-43

**CACL - CENTRAL SECRETARIAT**

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**Text and Design: CS Team**

## Tentative Schedule

4th March 2002, Monday

- ☐ 10.00 am  
**Registration**
- ☐ 10.30 am to 11.00 am  
**Welcome & Introductory Remarks** Mr.Joy Maliekal
- ☐ 11.00 am to 11.15 am  
**Self Introduction** Participants
- 11.15 am to 11.30 am** **Tea**
- ☐ 11.30 am to 11.45 am  
**Report of the previous NCC meeting** Mr.Raghavendra
- ☐ 11.45 am to 12.15 pm  
**CACL - CS Report** Mr.Baburaj
- AU Report** Mr.J.John
- ☐ 12.15 pm to 1.30 pm  
**Regionwise Panel Presentation** State Convenors  
State reports in Southern, eastern  
and western regions  
Case Study linkages, Common issues

**1.30 pm to 2.30 pm** **Lunch**

- ☐ 2.30 pm to 4.00 pm  
**Regional Reports (Continued)**

4.00 pm to 4.15 pm      **Tea**

- ☐ 4.15 pm to 5.00 pm  
**Fundamental Right to Education**      Report from CS  
Follow up action on Implementation  
Lobbying strategy etc
- ☐ 5.00 pm to 5.45pm  
**Child Labour in Hotel & Domestic Sectors**  
Report and Follow up
- ☐ 5.45 pm to 6.30 pm  
**CRC Process & UN Special Session Report**      Discussion  
**Presentation of Draft Report,**  
**Participation & Children's Role**
- ☐ 6.30 pm to 7.30 pm  
**Interaction with CACL-K Core Group**

8.00 pm      **Dinner**

**Cultural Programmes**

Participants

5th March 2002, Tuesday

- ☐ 9.00 am to 10.00am  
**Tenth Five Year Plan**  
Report and Follow up

**Child labour Social Audit-**  
Follow up

Report from AU

- ☐ 10.00 am to 10.30 am  
**CACT**

Presentation &  
Discussion

- ☐ 10.30 am to 11.00 am  
**National Event on the Girl Child Labour**  
Action Plan, Roles & Responsibilities

11.00 am to 11.15 am      Tea

- ☐ 11.15 am to 12.15 am  
**Campaign towards a People's Movement**  
Mr M.K.Bhat, Development Consultant, Bangalore

- ☐ 12.15 am to 1.15 pm  
**PIL on CLPRA - 1986 in Supreme Court**  
Future Plan

**Intervention in ILO process**  
Our position, Roles and Strategies

1.15 pm to 2.45 pm      Lunch

- 2.45 pm to 3.15 pm  
**30th April Event - Planning**
- 3.15 pm to 3.45 pm  
**UPDATE - Suggestions & Proposals**
- 3.45 pm to 4.15 pm  
**Production of Documentary on Child labour and CACL**  
Whether needed, if yes, aims and contents.

**4.15 pm to 4.30 pm      Tea**

- 4.30 pm to 5.30 pm  
**Statewise Planning**
- 5.30 pm to 6.00 pm  
**Shifting of CACL-CS & CACL - AU** Discussion
- 6.00 pm to 6.30 pm  
**CACL-CS Planning**
- 6.30 pm to 7.00 pm  
**Advisory Board Meeting**  
Presentation, Finalisation of Agenda

**6th March 2002, Wednesday**

- 10.00 am  
**Interaction with Advisory Board members**

### Summary of Decisions of the Previous NCC meet, Varanasi 3-5 March 2001

Since the last NCC meeting held during March 2001, we have witnessed several developments at the regional, national and international arenas. The decisions of the previous NCC meeting and follow up actions are summarized below.

#### **Juvenile Justice Act 2000:**

##### Decisions

- CS must provide all relevant documents to all delegates
- CS should develop a CACL position paper for ratification in the next executive committee meeting.
- CACL should participate in the consultations and processes which have been initiated by other groups.

Action: CS staff and also CACL members in various states have been involved in the consultations and processes initiated by other groups like HRF, Butterflies, etc

#### **Consultations on child labour in Hotel & Domestic Sectors :**

##### Decisions

- Culmination of these regional consultative processes in a national consultation and lobbying with the legislators.
- Campaigning for legal reform must continue through constituent members in various states.
- A demand to include these 2 sectors in the hazardous list of CLPRA based on documentation of cases of abuse and exploitation should be submitted to the Government.

Action :

- A compiled report of the three regional consultations was published in the form of a book titled "Toiling Souls"
- Materials have been handed over to Prof. Babu Mathew who has agreed to prepare a memorandum demanding inclusion of the hotel sector under hazardous sectors in the CLPRA
- On the advice of Prof. Babu Mathew, a separate demand for inclusion of a clause regarding the age of the domestic worker in Domestic Workers Bill or a separate legislation to cover domestic child labour

### **Supreme Court judgement of 1996**

Decisions :

- Advocacy Unit must immediately file a P.I.L for non implementation of SC directives
- Legal education workshops for field workers to facilitate greater appreciation of legal instruments and legal strategies and the
- Advocacy unit to collect information on the current status of implementation of Supreme Court directive by the Government of India.
- This information must be compiled in the form of a kit by the CS and circulated to all the Executive Committee members and the State Convenors within 3 months.

### **Education and the National Movement to make it a fundamental right:**

Decisions :

- A comprehensive media campaign must be launched including a posters campaign
- The campaign must continue till the passage of the education bill
- Political parties must be approached for pressure building of members of parliament and Dharna can be organized in front of the Parliament.

Action :

- Two-day National Consultation on 20th & 21st October 2001
- Signature Campaign
- Press Conference, rallies in state capitals and lobbying with Lok Sabha MPs



- One day national consultation on strategy and action plan and lobbying with Rajya Sabha MPs, Secretaries of political parties and the President
- A rally in Delhi is planned on 18th March 2002, involving children and parents

### **Alternate Country Report on status of child in India :**

#### **Decisions :**

- Regional and state level alternate reports should be compiled by States
- Central secretariat would facilitate linkage among various state convenors and strengthen working groups and a final national report can be compiled.
- CACL's sector - specific report on child labour must also be compiled for submission to the UN.

#### **Action :**

- CS collected data from all the states and compiled a report to be submitted during the World Summit on Children
- A panel of experts will be commissioned for proper formulation of this report

### **National Child Labour Projects (NCLP)**

#### **Decision:**

- A smaller group must examine the NCLP study and give concrete recommendations.
- Broad-base the finding, since several new projects are being initiated in Madhya Pradesh, Uttar Pradesh and a few other states.
- Project partners/ directors can be invited to share the findings and generate a wider opinion critical of NCLP

#### **Action :**

The study has been completed, but the smaller group has not been able to sit together and finalise the report

### **National curriculum framework :**

- The National Curriculum framework prepared by NCERT has been widely criticized for the 'saffronization' agenda of the Government.
- The CS/ AU must prepare a draft position paper and the EC must finalize this before next EC Meeting.

### **Review of the impact of CACL**

- Review of the campaign, its impact assessment - achievements, shortcomings, strengths and weaknesses.
- The EC should develop terms of reference, develop a framework, methodology and define expected outcome.

### **National / Asia Pacific Event**

- The focus should be on the Girl Child(Domestic worker) and Hotel Workers (Children) and Child labour scenario in totality.
- Participants would be 1500 (1300 from India and 200 from Asia Pacific region)

#### **Action :**

Since it was felt a national event would be better, a concept note has been prepared by the CS. This will be discussed and decided during the course of the present NCC meeting.



## Fundamental Right to Education

CACL, since its inception has been campaigning for education to be made a fundamental right for all children. Recently the 93rd Constitution Amendment Bill was tabled and passed in the Lok Sabha on 28th November 2002. Though the move to make Education a Fundamental right was welcomed, there were many serious lacunae. The Bill seeks to make education a fundamental right for children between 6-14 years. The crucial Early Childhood Care and Education for the 0-6 age group is denied. The CRC defines anyone below 18 years as a child and requires the Governments to pass legislations in this spirit. The 14-18 group also do not enjoy this fundamental right to education and are pushed to the purview of the Directive Principles of State Policy. The Bill proposes to make it a fundamental duty of parents / guardians to provide educational opportunities for their children. It would be a grave injustice if poverty stricken parents are punished for their inability to send their children to school.

### National Consultation

CACL had organized a National consultation to analyse the shortcomings in the Bill on October 20-21, 2001 at Bangalore. More than 85 participants, including representatives from NGOs, CBOs, academicians, child rights activists, representatives from other networks working on education like NAFRE, BJVJ, FORCES, etc. deliberated for two days and evolved a set of recommendations. These recommendations were the basis for the advocacy efforts of all the networks.

### Signature Campaign

Concurrently, CACL launched a signature campaign, where more than 15000 letters were written demanding recommended changes in the Bill, to the Prime Minister, HRD Minister, Speaker of the Lok Sabha and the Leader of the Op-

position.

### **Lobbying with the MPs of Lok Sabha**

A nationwide campaign was launched by State secretariats of CACL, where we lobbied with the MPs of Lok Sabha to debate the issue on the floor of the House and propose the changes. Rallies were held in state capitals and major district headquarters and also press conferences were held to sensitise the media and the public.

### **Strategy and Action Plan**

#### **following the passage of the Bill in the Lok Sabha**

But despite our concerted efforts, the Bill was passed in the Lok Sabha without any changes. Following the passage of the Bill in the Lok Sabha, CACL felt the need for a critical analysis of the strategy and formulation of our future action plan. A national level consultation on strategy and action plan regarding the 93rd Constitution Amendment Bill was organised at New Delhi on 20th February 2002, which was followed by two days of lobbying with MPs of Rajya Sabha from various political parties and the Office of the President. A rally is planned to be held in March at New Delhi, which will include children who will submit a memorandum to the MPs and the President. The issue has been highlighted in the highest echelons of political power and we continue our struggle in the hope of achieving positive results and achieving our goals.



## **CRC Process & UN Special Session Report**

### **Alternate report on the status of the child in India**

India, being a signatory to the CRC has an obligation to submit a country report once in 5 years to the UN. The CRC also provides scope for alternate reports being submitted by the Civil society. The Country report was supposed to be submitted by January 2002, but has not been finalised till date. CACL had organised 4 state level consultations and 2 regional level consultations to develop the alternate report on the status of the child in India. Subsequently, it was felt the State Convenors should collect and compile data in their respective states and prepare state reports, which can be compiled into regional reports. The CS would then take responsibility for preparing the final report.

The CS had compiled a report on the status of the child in India, which could be converted to alternate country report by changes in format and additional data. The final decision concerning the report was deferred till the NCC Meeting in March 2002

### **Report on the Status of the Child for UN Special Session on Children**

A report countering and critiquing the claims of the Government with regard to the Status of children in our country was prepared. Mr. Joy Maliekal, National convenor along with two children was to participate in the Special Session on Children during September 2001, which was postponed due to the terrorist attacks on the World Trade Center in New York. The report was compiled from sources and data collected from various states. The draft was also circulated to all the Executive Committee members for their feedback and their suggestions were incorporated.

Subsequently, it was felt that the report would carry more weight if handed over to some experts who could add the professional touch. The process for identifying the experts and eliciting their opinion has already begun. The report will be finalised shortly, in consultation with an expert committee.

## **Declaration of the Workshop on Tenth Five Year Plan -Vulnerable Children & Education**

While welcoming the decisions of the Planning Commission to constitute a working group on Vulnerable sections of labour namely Child Labour, Bonded Labour and Migrant Labour, the Campaign Against Child Labour (CACL) expresses its concern that the Approach Paper to the Tenth Five Year Plan does not adequately address issues of vulnerable children.

The Approach Paper was discussed by the constituents of CACL on 28th and 29th July 2001 at New Delhi.

The group brought into focus the lack of child right's perspective and the absence of the mention of the child labour in the Plan documents.

The group strongly feels that rather than piece-meal and fragmented policies on child rights, the Plan document should reflect comprehensive and strategic Plan for child survival, protection and development, which can only contribute to a long-term solution of vulnerability of children.

CACL demands that the Plan Document should reflect some non-negotiables on Child rights and entitlements like maternity entitlement, early childhood care and development, eradication of child Labour from all sectors, preschool education, formal education upto 10th Std. and promotion of adolescent health. The budgetary allocation for education to be above 6% of GDP. There should be separate budgetary allocation beyond elementary education.

Further the group observes that the shifting of responsibility for poverty alleviation programmes, health and education to PRI's and local government will increase vulnerability of children, if it is done without ensuring commitment of

resources and adequate powers to these bodies.

The group also demands, that a separate section on child labour should be incorporated in the Plan document with holistic strategy including the family and the community .

It specifically points out that the unpaid labour of children, including sibling care by girl child, should be recognised as child labour and adequate policies be worked out for its elimination.

Group strongly feels that the stress on non-formal education and para teachers as a long term policy perspective will deprive children of formal and quality schooling, thereby increasing their vulnerability.

The group expresses its concern specifically on the proposed handing over of ICDS to states without ensuring resources will dismantle the major programme of early childhood care.

The group emphasises the urgent need to plan and implement mandatory birth registration to ensure various entitlements of the child.

The group emphasises that the implementation of minimum wages to adult workers, child care workers and ensuring of food security through strengthening of PDS as essential preconditions for weaning away children from vulnerability.

The group expresses deep concern over privatisation of primary health services and demanded the strengthening of public health as a State responsibility. The group brings special focus on the seminal importance of health services and entitlements to begin from the pre-natal stage of the child so as to protect the mother and ensure the right of the Child to survive, and eradicate mal-nutrition.

The group thinks that the role of civil society organisations and NGO's in plan-

ning, implementation, monitoring and review must be recognised and facilitated.

Observing that the perspective on gender equity is absent in the approach paper, it calls for new perspective and strategies to address stagnation and increase in Maternal Mortality Rate (MMR) and Infant Mortality Rate (IMR) as well as reduce the gap in male -female ratio.

The plan Approach paper must recognise and modify policy, law and programs in the light of various international commitments ratified.

The group on the whole reaffirms its faith and belief in Planning to uphold the constitutional responsibilities of the State to ensure equity and justice. The group believe strongly that planning should reflect a bottom up approach from people to local bodies to State and eventually the Centre, to ensure sustainability of the planning process towards equitable development.





## Fifteen years of Intervention Against Child Labour: A Collaborative Social Audit.

A three day collaborative Social Audit of Interventions Against Child Labour since the last 15 years was organised at the India Habitat Centre, Lodi Road, New Delhi, Between November 27-29, 2001.

The Social Audit examined the set objectives, approaches, effectiveness, learning and shortcomings of interventions made by NGOs, International NGOs, Multilateral and bilateral agencies, Trade Unions, Employers organisations and the Government since the enactment of the CLPRA in 1986.

The immediate context of the Social Audit was the 90th Session of the International Labour Conference (ILC) in June 2002, where it will consider the Global Report on Child Labour to be presented by the Director-General of ILO. ILO, being a tripartite body, the governments of member States, trade unions and the employers' associations are eligible to contribute to the preparation of both the Country and Global Reports. As a social partner, it is therefore, an important mechanism for the trade unions in India to intervene and address the issue of core labour standards, in particular those of the eradication of child labour from an Indian perspective.

The role of the participants in the consultation, who are stakeholders engaged in activities focussed on CL eradication programme at various levels, was envisaged as that of social auditors. During the Consultation they would have access to a whole range of information and facts provided by the various participants in their presentations and hence they enrich the discussions with their perspective and experience.

This collaborative Social Audit was jointly initiated and organised by the Central Trade Unions; HMS, CITU, AITIUC, UTUC, along with the Campaign Against Child Labour (CACL), which is a network of over 1000 organisations all over the country. However, several concerned organisations and individuals have taken this Audit seriously and contributed effectively to its planning, participation and outcome.

The decision for organising the Social Audit was taken in a meeting attended by Ms Amarjeet Kaur (AITUC), Ms. K. Hemlata (CITU), R.A. Mittal (HMS) Mr. J. Buxla, Joy Maliekal, Baburaj, Archana Srivastava, Arun Das (from CACL) and (J. John and S. Lahiri from CEC), in the HMS office on July 30, 2001. It was decided in this meeting to organise a three-day National Consultation in to discuss in detail the child labour eradication programmes in India and the report of the consultation will go as a status report to the ILC 2002 to be held in Geneva. It was decided that the Consultation will be entirely a collaborative effort and highly participatory in nature. Another planning meeting of CACL partners involving Haq, Yuva, Ankur and CEC on October 19, 2001 in CEC. The preparatory work done for the programme was evaluated and suggestions and recommendations were made regarding the structure of the programme, role of the participants, and names of presenters and chairs. The next planning meeting was on the November 8 2001 in the CITU office and was attended by CITU, CEC and TdH. In this meeting the progress and developments were discussed and more names suggested for presenters and chairperson.

The Social Audit witnessed active involvement of several agencies including ILO-IPEC, UNDP, UNICEF, Ministry of Labour, Ministry of Human Resource Development and Planning Commission, and so on giving a comprehensive understanding of their positions, perspective and approach in eliminating child labour.

Significant trends in tackling child labour were examined by the presentations from the Concerned for Working Children, Butterflies, and CACL which facilitated substantive discussion on the affectivity and the impact of civil society interventions.

Eminent citizens including Dr. Jayati Ghosh, Sri L.C. Jain, Prof. Xaxa, Prof. Muchkund Dubey, Prof. Kamal Mitra Chenoy and Prof. Utsa Patnaik, Dr. Vasanthi Devi provided the perspective and conceptual frame in which a meaningful social audit could be undertaken.

While such an evolutionary phenomenon as social audit could mean several things for several stake holders, its rationale must be seen as a process of examining critically all relevant interventions in the past fifteen years, seeking to eliminate child labour. The social audit has been a significant entry point of open space for stakeholders indulge in self critical appraisal of their interventions. Quite frank and candid acknowledgment of shortcomings and limitations in the interventions enhanced the quality and substance of the social audit.

## **Session Wise Summary**

### **Session I:**

First session began with a welcome address by Jaya Srivastava from Ankur in which she categorically stated that CACL considers any work that hampers the growth and development of the child as child labour (CL). Dr. Jayati Ghosh from JNU, in her keynote address, situating the problem of child labour in a wider context, said that CL is a reflection of poverty, low labour productivity, unemployment and called upon the participants of the social audit to redirect focus on macro economic policies that were impacting on child labour. Marry Johnson, Director ILO office for India and Nepal, acknowledging that children constitute the bottom of the global value chain, in her address stated that the WTO meeting in Doha has firmly established that ILO is the forum for discussions on international labour standards. The session concluded with brief presentations of reports of field studies in the Beedi Sector (Tikamgarh district of MP), in the domestic help sector (Delhi) and in the case of Hybrid Cottonseed Production (Rayalseema and Telengana regions of AP). These studies focussed on current trends in child labour in these sectors. Chairing the session Mr. L.C. Jain, former Deputy Chairman, Planning Commission vehemently criti-

cized the State for having over-ruled the Constitutional guarantee for education for all children up to the age of 14 by introducing the 93rd Amendment.

### **Session II:**

Professor Muchkund Dubey, Former Foreign Secretary GOI, chaired the second session which looked at the interventions of multi and bi-lateral agencies in the area of elimination of child labour. Stating that DFID approach on eliminating child labour is driven by the CRC, and the ILO Conventions 138 and 182, Ms. Judy Walker, representative of Department for International Development, Government of UK strongly advocated that DFID aims at not reducing or ameliorating but eliminating CL. Terre des Hommes (Germany) India Programme representative shared the how Development Support Organisations address the issue of child labour. Critiquing these interventions Mr. Biswajit Dhar from the RIS critiqued the interventions by pointing out that child labour is a result of distorted economic policies said that these organisations have always intervened in terms of projects and so they have not been able to address the problem in its totality. Muchkund Dubey concluded by emphasising that the manner in which funds are utilised should be addressed.

### **Session III:**

The Third session looked at the interventions made by the United Nations organisations such as the UNDP, the ILO and the UNICEF. Professor Utsa Patnaik, Economist from the Jawaharlal Nehru University, chaired this session. Dr. Neera Burra, Resident Representative UNDP shared that they approach child labour from the perspective of eradicating poverty and especially focus on schoolgirl children who are engaged in household work. The strategy is social mobility and empowerment and a rights based approach. Ms. Deepa G Wadhwa and Mr. M.P. Joseph representing the ILO-IPEC said that ILO-IPEC aims to develop replicable pilot interventions, which contribute to the progressive elimination of the Child Labour. Critiquing the LO-IPEC programme Paro Chaujar from CACL pointed out that the IPEC concentrates only on short term impacts of withdrawing children from hazardous sectors. UNICEF representative shared that its focus is holistic, and it also believes in empowering the community.

**Resolution I:** Resolves that Government take immediate steps to review the 93rd Amendment in view that the age groups of 0-6 and 14-18 have been consciously avoided in the Bill, thereby constituting a regressive step in conferring the status of fundamental right to education, as assured by the judgment of the Supreme Court in Unnikrishnan verses State of Andhra Pradesh case. Through this judgment right to education had been made available to children up to 14, including 0-6, thus making available to them early childhood care and pre-school education. The body resolved that it will send letters to MPs with all the reservations on the 93rd Amendment Bill.

**Resolution II:** Resolves that a signature campaign be lead to the President expressing the need to take imidiate steps to review the 93rd Amendment and also to further take the issue to the Gram Panchayats.

**Resolution III:** Resolves to work against macro economic policies that create socio economic conditions which perpetuate child labour.

**Resolution IV:** Resolves that national efforts on commitment to eliminate child labour on a long term basis be strengthened and consolidated.

**Resolution V:** Resolves that government be urged to ratify the ILO convention number 138 on minimum age of employment.

**Resolution VI:** Resolves that employers be looked at as partners for the elimination of child labour and to engage in a dialogue with those employers who are directly involved in Child labour concentrated sectors like Builder/ Owners Association, Merchants Association and Bidi Workers Association.

**Resolution VII:** Resolves that political parties will be sensitised about child labour.

**Resolution VIII:** Resolves that a facilitating group be constituted to carry forward the initiative of auditing the interventions against child labour collectively, with CACL, AITUC, CITU, HMS, UTUC, INTUC, UNICEF, ILO, Butterflies, CWC, Christian Aid, National Domestic Workers Movement as its initial mem-

bers. The role of the group would be to Identify research organisations, list major interventions by NGOs, TUs, UN/Bilateral and Government Ministry, make critical assessment of these interventions and present this document from this working group to the Govt of India, UN and Bi-lateral agencies. Therefore in this process assess: a) what strategies (or components) have succeeded. b) what strategies (or components) have failed and c) how to move foreword towards a more effective policy and programme to effectively prevent and eliminate child labour.



(Prepared by AU, Delhi)

paint. The children are encouraged to express their views and ideas on these issues by painting on a huge cloth which will constitute a banner.

The adults will have a separate programme to discuss the status reports of various states and prepare a memorandum with demands and recommendations. This will be followed by a massive rally in which banners painted by the children are exhibited.

The event culminates in a public function, where the charter of our demands is submitted to the invited ministers and legislators by the children. The children will speak about their situation by themselves.

### **Phase I: State Processes:**

Each state will have a state level consultation with representation from all the districts in the State. The agenda and the issues to be addressed come from an inclusive process and is bottom-up. These consultations would, in addition,

- Share information.
- Prioritise state specific agendas and identify common issues & concerns.

The process will remain inclusive and focused on girl-child labour. Since the process is inclusive, no preset themes are chosen. The theme of the event will emerge from the State Processes. At present the process is in its infancy and there is opportunity for everyone to be actively involved right from the start.

### **Phase II: Regional Processes :**

The regional consultations viz., southern, northern, eastern and western will be an attempt to consolidate the findings and outcomes of the state processes in each region.

### **Phase III: The National Event**

In the event, we would endeavour to work out concrete action plans to address the issues identified. There will be a public sharing of the experiences of the girl child labourers across the nation and wide social and economic strata. Their

concerns and suggestions will be articulated in a charter of demands aiming at policy level changes to address the issue of girl child labour immediately.

#### **Phase IV: Post event**

The findings and the outcome will be published in the form of a book and will form the base for advocating policy level changes. A monitoring mechanism will be set in motion to evaluate the impact of the event and follow up with the concerned agencies. Efforts will be continued to ensure changes in the policy to immediately eradicate child labour with special focus on girl child labour.

#### **Expected Results**

- Public attention will be focused on the plight of the girl child labour and a mass movement against employment of child labourers, especially girl children in the domestic sector will be initiated.
- The Government will be under pressure to review policies, and introduce measures for immediate eradication of child labour, with special focus on girl child labour.

It is imperative that we act now, if the girl child labourers in our country can hope to be released and rehabilitated, to lead their lives in a semblance of dignity.





## Public Interest Litigation in the Supreme Court on CLPRA, 1986

The Government of India enacted the Child Labour (Prohibition & Regulation) Act (CLPRA) in 1986 in order to eliminate child labour from the country. This legislation was a watershed in the process of eradication of child labour. The Act which is split into part A Occupations and Part B Processes, earlier identified only seven Occupations and 18 Processes where children are employed. Over a period of time, the Act included 13 Occupations and 57 Processes through various notifications now totalling 70 sectors. This legislation named only such children who are employed in hazardous sectors.

The CLPRA, though created a ray of hope among the anti-child labour groups in its launching period that it would be able to rein the curse of child labour to some extent, has proved to be ineffective in curbing the child labour. Basically, the CLPRA is a law to prohibit and regulate child labour, not to eradicate child labour from the society. This inherent contradiction of CLPRA in other way promotes child labour.

Since it makes a division on child labour such as hazardous and non hazardous sectors, 75% of the child labour never come in the purview of this Act. In agriculture, domestic work, hotel and several other sectors, children work continuously for more than 10 hours and more often in dangerous circumstances. Gross violations of rights of the child are repeatedly reported from these sectors. It has been proved over the period of time that all the sectors where children are employed are hazardous. Therefore, all manifestations of child labour in any occupations or processes in all sectors including formal and non formal, organised and unorganised, within or outside the family are to be vehemently opposed.

Despite repeated demands from the Campaign, the Government of India has not come forward to make a new, effective legislation or an amendment to CLPRA with a view to eradicating child labour. Since this cosmetic law has proved to be ineffective in achieving its goals, it is high time to challenge its validity in the Court of Law. Hence, a Public Interest Litigation against the CLPRA, 1986 is imperative in this fifteenth year of its inception. □

## Discussions on International Labour Conference

ILO is an organization of the UN member nations, employers and workers of the nation. It is a tripartite organization involving the State, employers and workers enjoying equal rights in all the deliberations, voice vote, etc.

ILO was conceived and formed in reaction to the international politics of that time. ILO as a group had a lot of positive elements as it was the only international body where workers have the equal right of participation. ILO's central theme is social justice and equity to the labour force. It's premise is that if a nation state is developing, the fruits of development should be shared with the employed workforce of the country.

ILO has conventions totaling 183 in number which are followed by recommendations. The conventions are articulations of rights of the working populations dealing with specific groups or issues like women's rights, wages, agricultural labour, slavery, etc. and the recommendations take the form of moral rules to be followed by the nation states ratifying the conventions.

When a state becomes a member of the ILO, the workers and employees of the Nation also become members. An ILO conference is held each year in Geneva where all the members meet. The conventions are adopted in these conferences which are tripartite meetings. The laws relating to labour are enacted in the member nations which are compatible with the ratified conventions.

The ILO conventions deal with Rights of the Labour and international labour rights in the present capitalist management. In 1994, GA TT has been ratified. International trade has been liberalized. There is a social clause that labour standards should be linked to GATT rules.

In 1995, the WTO was officially formed. This was contested by developing

countries and trade unions and supported by developed countries. A ministerial committee decided that WTO should not be the monitoring agency but should be done by ILO.

In 1998 International Labour Conference, the ILO came out with the ILO Declaration on the Fundamental Rights and Principles at work, which codified 8 major conventions or core conventions. These conventions deal with the fundamental rights of workers and refer to the inalienable rights of the workers.

1. Convention 87 says that all workers have a right to organize and a right for collective bargaining. It ensures the rights of workers not only to organize into trade unions but engage in collective bargaining for their rights. .
2. Convention 29 and 105 -These are conventions against forced labour. It bans all modern forms of slavery and ensures right against slavery to all workers.
3. Convention 138 and 182- These are conventions against child labour. India has not yet ratified convention 182.
4. Convention 100 and 111 -Ensures Right against discrimination at the place of work and gender discrimination.

The ILO member nations are bound to submit yearly reports to the ILO. Every year one principle is considered in the International Labour Conference. The Director General's Global report is the summary of all the state and country reports. The NGOs can intervene in the reporting process, where international public opinion forces the Governments to answer.

Abdication of Standards Committee receives reports from trade unions and asks the concerned Governments to answer.

The participation of CACL in one of these International Labour Conferences would provide an ideal platform to the Campaign to voice its opinion. However, the scope of participation is limited. We have to associate ourselves with a trade union or one of the employer's union to participate and be heard at the

international level.

Another strategy would be to pressurize the Government here itself to take action at the international forum.

There is also provision for an NGO to get accredited to the ILO. There will be opportunities to have side meetings when the ILC takes place, and thereby influence the ILC participants. Primarily alliance with one of the trade unions would be the ideal way to participate.

During the interaction following the presentation, there was a consensus that CACL should explore the possibility of an alliance with one of the trade unions to participate in the process.

It was felt that the Global Report could also be influenced only by associating with the trade unions. It was generally felt that not intervening in the international processes might prove disadvantageous to CACL.

There was an opinion expressed that CACL is giving much importance to the participation of children in its programmes and activities. So participation of children should be on top of the agenda in all future programmes.



## UPDATE- Scope for changes

The newsletter of CACL is brought out continuously from its inception. It is basically a compiled reporting of activities of state units and Central Secretariat of CACL. The case studies which the CACL has taken up are reported in the UPDATE. It is now published by the Central Secretariat in English and Hindi. The UPDATE is circulated among the parliamentarians, MLAs, bureaucrats, media persons, trade union leaders, donor agencies, academics, lawyers, activists, different organisations and fora. It is sent abroad also. The News Letter definitely helps in disseminating the reports of activities that are undertaken by CACL. It is indeed a bridge that connects and keeps in touch with thousands of people.

But is it time to make some effective changes in the pattern of UPDATE, in the changed circumstances? There are many issues that contribute directly or indirectly to child labour. Also there are many developments at the national and international levels, at the policy levels. Various groups and fora are joining hands with the Campaign Against Child Labour. In this context, a positive change in the pattern of UPDATE is a food for thought. Can UPDATE be developed into a discussion forum also? Can viewpoints also be included in UPDATE? The absence of such a national platform on child labour is evident now. Hence, the scope and necessity of this kind of change in the UPDATE is for discussion and decision.



## Agenda for the Advisory Board Meeting

1. Welcome and Introduction
2. Ratification of Agenda
3. Review of developments at national level since last advisory committee meeting in March 1998. A report and appraisal
4. State Presentations : Summary of key issues & developments in various states.
5. Right to Education Campaign : 93rd Constitution Amendment Bill
6. Presentation on National and International initiatives on child labour.
7. Role of CACL vis a vis the state, its programmes such as National Child Labour Projects, Supreme Court Judgement, National consultation on hotel and domestic child labour, Juvenile Justice Act 2000, National Commission on Labour, National Commission for Children, Children's Code Bill, National Policy and Charter on Children, etc.
8. CRC Process - II Alternate report
9. Discussion on Position Paper : Finalization of new positions
10. Word of guidance / suggestions from the Advisory members
11. Future role of the campaign in relation to Child Rights at global level. CACL report, presentation, role of the children, etc
12. CACL future strategy and activity.
13. Other issues
14. Vote of Thanks & CACL Campaign song



## **Discussions during the EC Meeting held on 19th & 20th January 2002**

The Executive Committee Meeting was held at IITD, Kolkatta on 19th & 20th January 2002. It was an exercise to review the activities and programmes of CACL in State Secretariats, Central Secretariat and Advocacy Units in the past year and also plan for the year ahead. The reports of the various CACL units were presented and the EC endorsed it.

### **Fundamental Right to Education**

- A National Consultation on Future strategy and plan of action regarding the 93rd Constitution Amendment Bill, followed by two days of lobbying with the President and the secretaries of various political parties.
- Strategies to be broadly classified into mobilization, political and social.
- The consultation was organized in New Delhi on 20th February 2002, followed by lobbying on 21st and 22nd. CACL delegation was able to meet Mr.Manmohan Singh, Mr.Agarwal, Sonia Gandhi, Kuldeep Nayar and other MPs of Rajya Sabha.
- The lobbying efforts are continued by the Advocacy Unit in Delhi meeting other MPs in Delhi.
- A demonstration will be organized in New Delhi on 18th March 2002, involving parents and children

### **Child Labour - Social Audit**

- An ad hoc committee was formed with all the stakeholders as a follow up action
- The process of social audit to be continued
- The report of the Social Audit to be sent to the ILO
- A sub committee within CACL to be formed with a representative from each of the 4 regions who will report to Mr.John

### **CRC Process**

- The report prepared on the Status of the Child in India to be presented at the UN Special Session for children prepared by the CS can be converted to an alternate report
- Commission a panel of experts to gather data and prepare the report.
- The report prepared by the CS also has to be handed over to the experts for proper formulation

### **ILO Process**

- Participation in International Labour Conference
- CACL can collaborate with trade unions for participation or ask them to present our views at the ILC
- Possibility of arranging a side event during the ILC on child labour in India or South Asia
- Social Audit report to be sent to the Director General of ILO.
- Explore possibilities of participating along with some NGO with ILO accreditation

### **Tenth Five Year Plan**

- The recommendations from the two consultations have been submitted to the Planning Commission
- State secretariats can intervene in the State Planning Processes
- CS can arrange a training and orientation on Planning process and interventions, as a capacity building exercise.

### **UN Special Session on Children**

- CACL should participate along with some other accredited NGO.
- The status report should be refined and rewritten by a professional

### **SAARC Summit on the Girl Child**

- SAARC event would be more relevant than the Asia Pacific event.
- A concept note has been prepared.
- The SAARC level summit will be preceded by national and state level events



- Since our experiences are on child labour, the event should focus on girl child labour

### **Public Interest Litigation**

- CACL can file a PIL in the Supreme Court challenging the validity of CLPRA
- Make some sector studies and submit these reports to prove the failure in implementation of CLPRA
- Publish compilation of judgements of PIL's filed by CACL
- Constraints, strengths and outcomes of the cases can be analysed

### **Campaign Against Child Trafficking (CACT)**

- A brief on the role and objectives of CACT
- Whether there is need for a separate network or it can be an extension of CACL
- CACT will cover many purposes for trafficking other than labour like sexual exploitation, adoption, organ trade, marital alliance, begging, sports and entertainment
- The activities of CACL are more focused on advocacy and lobbying, whereas CACT will be focusing on direct interventions.



# Notes

