





# Join the **Campaign** **Against Child Labour**

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Central Secretariat, C/o RLHP, Udayagiri P.O., Mysore-570019.

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A booklet on child labour and CACL prepared by Central Secretariat.

Publication : January 2003

Published By:

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Join the Campaign  
Against Child Labour

Central Secretariat, C/o RLHP, Udayagiri P.O, Mysore - 570 019

## Child labour - the national scenario

Child labour is an existing and growing phenomenon. You will find a child working near you, wherever you are. You may cite several reasons for their economic exploitation and abuse. But the fact remains that the rights of the child are violated every moment. Children are not only tomorrow's citizens; they are today's citizens too! Child labour cannot be justified in any manner as it is a crime committed against a child. Child labour includes children prematurely leading adult lives, working with or without wages, under conditions damaging to their physical, mental, social, emotional and spiritual development, denying them their basic rights to education, health and development. Any child out of school is a potential child labourer.

India has got the dubious distinction of employing the largest number of children in the world. According to the NSS survey (NSSO 55th Round) results there are around 10.23 million child labourers in India. CAACL does not consider this figure to be accurate due to definitional problems like the exclusion of children's work in the age group below five and between fifteen and eighteen. Again, children engaged in household activities are not adequately enumerated. Multiplicity of definitions, no uniformity of age of child, different sources of data and exclusion of several sectors like domestic work and

agriculture amount to the reduced number of child labourers rather than the actual number.

About 77.2% of the 402 million workers in India are in rural areas and more than 73% engage in agriculture and related activities. It is an established fact that the structure of production is indeed a good indicator of child labour; the greater the weight of traditional agriculture in the economy, the higher the incidence of child labour. This structural characteristic is overwhelmingly true for child workers because in the organized manufacturing enterprises child labour does not exist.

The context is observed in agriculture and related activities, household work, construction, beedi making, mining and quarrying, brick kilns etc. This constitutes the largest chunk.

India promulgated the Child Labour (Prohibition & Regulation) Act in 1986. Despite strong interventions by the Supreme Court, convictions have taken place only in a very few cases based on violations of the provisions of the Act. CACL considers the provisions of the Act inadequate because it makes an artificial distinction between hazardous and non-hazardous sectors and legally permits child labour in so called non-hazardous sectors.

2



India is a signatory to the CRC and the laws should be framed keeping in mind the best interests of the child. A child is defined as anyone below the age of 18 years in the CRC. From field experiences, CACL has come to the conclusion that all children have the right to equal

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education in regular schools. Non - formal education or alternative schools suffer from poor quality, discrimination in the provision of opportunities, and reinforce prejudices and value judgements. When practiced by the State, non-formal and alternative schools become easy ways to escape responsibilities. Budget allocation is a measure of any government's commitment to education. Government of India allocates only 3% of its budget to education and .3% to primary education.

Child labour is denial of childhood. It is denial of child rights too! Children are eligible for the right to protection, right to survival, right to development, right to participation as the United Nations guarantees in its convention on the rights of child in 1989. These little ones undergo the worst conditions during their working life. It is applied to almost all the sectors. They are found in large numbers in sectors like diamond cutting, gem polishing, powerloom, carpet weaving, lock making, brassware, match and fireworks, glass, sericulture, garments, silk weaving, zari, handlooms and handicrafts, cotton, hosiery, hotels, garages, slate, slate pencil, beedi, circus, rope making, construction etc. Some of the pernicious characteristics of toiling children are: opportunity for the formal education is completely negated; Children as young as six years work; Employers/agents often pay an advance to the parents of these children which is adjusted against their nominal wages or not paid at all. Often their conditions are that of bonded labour and even technically they are covered by the definition of Bonded Labour under Section 2(g) of the Bonded Labour System (Abolition) Act, 1976; Large number of children are known

3



to be trafficked; They are forced to work for low wages or no wages; The hours of work are never regulated as a result of which these children have to start work as early as 5.00 in the morning and continue to work beyond 11.00 at night; They hardly get rest hours and holidays; They hardly get time and opportunity for recreation and play; Children are under the control of the employer. All through the 24 hours, everyday of their working life, they are at the employers' beck and call; These children are forced to live with extremely deplorable and congested inhuman conditions with no basic amenities like toilet, drinking water and sleeping facilities and no provision for adequate food and health care; The lack of hygiene at the work place (which is same as living place) results in multiple health hazards to the children; They are targets of torture and objects of extreme physical violence; These children are subjected to sexual molestation, harassment and rape; The girl children are more vulnerable to such abuses.

The health risks for child labourers are chronic bronchitis, tuberculosis, asthma, eye defects, burns, stunted growth, spinal problems, accidents, silicosis, infectious diseases, skin diseases, dermatitis, sexually transmitted diseases etc. Many deaths (murders!) of child labourers have been reported in several parts of the country for menial causes. But punishment of the employers is a rare phenomenon. The range of employers includes doctors, engineers, teachers, professors, lawyers, high-ranking officials, police officials and politicians! The children are employed in their houses to do the domestic chores without having any specified working hours for a



nominal sum. During the working hours, the child does undergo the torture, harassment and abuse by the employer or the members of the family. Since domestic sector does not come under the prohibition part of the law, it is considered as child protection in public! But, the government employees are prohibited from employing children under the age of 14 as domestic workers as per the All India Services (Conduct) Rules, 1967. Any violation of this rule will attract penalty on the employees. Though this is a ray of hope, it is hardly implemented and monitored.

#### About Campaign Against Child Labour

Campaign Against Child Labour is a national network launched in 1992, initially with a few organizations. It grew over the years and presently consists of over 6000 anti-child labour groups spread over 16 states in India. CACL has established state units in 13 states and the networking process is in various stages in 4 other states. Active women's groups, trade unions, academic institutions, media agencies, child rights and human rights organizations, research bodies, corporate houses, student volunteers and eminent citizens constitute an integral part of the campaign. The ultimate goal is to broadbase the campaign to include various concerned groups and individuals and make it a people's campaign.

5



CACL is against all manifestations of child labour, in any occupation or processes of all sectors of work including the formal, informal, organized, unorganized, with or without wages, within or outside the family. CACL does not accept the classification of hazardous and non

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hazardous sectors in the CLPRA 1986, as all forms of labour are hazardous and detrimental to their development.

CACL aims to bring together groups, individuals and organizations to work collectively towards eradication of child labour and restoration of child rights. Initially, the focus of CACL was solely on the eradication of child labour. But over the years the scope of CACL activities has broadened to address the issue of child rights and human rights.

#### **Aims & Objectives of CACL**

- CACL aims at immediate and total eradication of child labour and ensuring fundamental right to education for all children up to 18 years.
- Create mass awareness and mobilize public opinion against child labour.
- Pressurise the Government to evolve a comprehensive policy for eradication of child labour.
- Ensure that the Government introduces and passes legislations in the spirit of the UN Convention on the Rights of the Child.
- Reviewing national policies and legislations on child labour, ensuring strict implementation of existing child labour laws
- Direct intervention in cases of violations of child rights and abuse of child labourers, in the form of fact finding and litigation

6



- Putting forth strategies and alternatives for rehabilitation of working children.

### Structure of CACL

CACL is a national network with a presence in over 16 states. The organizational hierarchy of CACL is loosely structured to avoid bureaucratic impediments.

The Executive Committee consists of the Convenors of the State Secretariat. The EC is responsible for carrying on the programmes and policies of CACL. The EC meets once in six months and reviews implementation of programmes and policies

**National Coordination Committee:** The National Coordination Committee (NCC) consists of the State Convenor, State Coordinator and 4 active members of State CACL. The NCC is the supreme authority to decide the policies and programmes of CACL. The NCC meets once in 9 months and decides on the policies and programmes and devises an action plan for the current year.

**Central Secretariat:** The coordination of national programmes and activities is the responsibility of the Central Secretariat. The Central Secretariat implements the mandate given by the National Coordination Committee. The Central Secretariat is hosted by a CACL member organization and is shifted every three years.

**Advocacy Unit:** The Advocacy Unit is responsible for advocacy and lobbying at the national level. The Advocacy Unit is also shifted once in three years.



**Advisory Board :** CACL also has an advisory Board, which consists of eminent persons from different walks of life who offer advice from time to time on broader issues and provide direction to the campaign.

**State Secretariat:** Each state has a core committee which elects the State Convenor. A co-convenor can also be elected. The state can have a separate advocacy unit or it can be combined with the State secretariat. The State Core Committee consists of the Convenors from the District Secretariats of the State.

### CACL activities and interventions

CACL has submitted recommendations and influenced policy decisions of the Government.

**II National Labour Commission :** Recommendations on the measures to eliminate child labour were formulated and submitted to the II National Labour Commission at the national level. State secretariats in some of the states also submitted state recommendations.

**Planning Commission :** CACL conducted two consultations - southern and northern on "Vulnerable children - Approach paper to the Tenth Five Year Plan". The consultations helped in evolving a set of recommendations to be included in the Tenth Five Year Plan, which was submitted to the Planning Commission.

**ILO :** CACL, in partnership with trade unions intends to participate and express its views on child labour in the International Labour Conference. This will influence the policies of the Government. A social audit on 15 years of interventions on child labour was organized by CACL.

8



and other Trade unions in November 2001 at New Delhi, in this regard.

- At the state level, CACL state secretariats have influenced state government policies. The Karnataka Government launched the Action Plan for elimination of child labour, the formulation of which was assisted by CACL-K. Tamil Nadu submitted a Children's Manifesto to all the electoral candidates during the assembly elections, demanding their rights. CACL-Bihar also submitted its recommendations to the National Labour Commission. Children's Parliament was organized by CACL-Orissa

- CACL organized a national consultation on the proposed 93rd Amendment Bill, 2001 in which major networks, NGOs and child rights groups from various parts of the country took part. A common position and an alternate Bill evolved, which will form the basis of our advocacy efforts. CACL has mounted a strong campaign to influence the MPs and ensure that the Bill is passed with positive changes. Now, the Bill has received the President's assent and CACL will take an active role in monitoring the implementation and influencing legislations by the States.

- CACL organized a national consultation on child labour in hotel and domestic sectors and submitted recommendations to the Ministry of Labour and Dept of Women and Child Development to prohibit child labour in both the sectors.



CACL has intervened directly in a number of individual cases of child rights violations

- Sivamurugan was beaten to death at Vani, Maharashtra in 1993. CACL fought this case and his employer paid a compensation of Rs.1,00,000/- to his family.

- 4 children died in a fire in Arun Kumar Match factory in Tamil Nadu. The employer was forced to pay a compensation of Rs.50,000/- to each victim's family.

- Sumitra was made to work as a domestic help by the Mrs. Vimlabhai Deshmukh, a former minister in the Karnataka State Government. She was taken from Sumangali Ashram in Bangalore on the assurance that she would be adopted. CACL intervened and released the girl.

- A small girl working in a Tirupur hosiery unit had her scalp peeled off when her hair caught in an overlocking machine. CACL helped in filing a case and the Court ordered the employer to pay a compensation of over Rs.2,00,000/- to the family.

Interventions in various sectors where child labour is endemic include,

- Public Interest Litigation was filed to release and rehabilitate the children in cotton and sericulture industry in Karnataka

- Campaign against fireworks to highlight the plight of children in the fireworks manufacturing industry in Sivakasi.

10



● Campaign against the textile industry to expose the employment of child labourers in Tirupur of Tamil Nadu.

Some of our interventions have evoked tremendous response within the community and have proved successful. See some instances:

● CACL - Bihar campaigned actively against child labour in Bihar and this led to the establishment of Child Labour Commission. This is a joint initiative of CACL and the Women and Child Welfare department.

● The Karnataka government launched an Action Plan for elimination of child labour, which was formulated with the assistance of CACL - Karnataka.

● Because of CACL's lobbying, many state government schemes have been launched to prevent child labour.

● CACL is motivating the Government to remove the distinction between hazardous and non-hazardous sectors and ban employment of children in all sectors.

● CACL's advocacy has resulted in 25% reservation in all Government hostels for released child labourers. This facility was very essential in the rehabilitation of the released child labourers.

● According to Supreme Court ruling in 1996 special schools for child labourers was set up. A special task force was formed to release the child labourers. After CACL's intervention, the task force recommended that the district officers be conferred the powers of a Labour Inspector.



## International treaties and Conventions

UN Convention on the Rights of the Child (CRC)- 1989: India signed for CRC in 1992 and became one among the 192 signatory countries to CRC. CACL subscribes to all the articles of CRC and considers it as a major international initiative in order to protect the rights of millions of marginalized children. CACL recognizes this as one of the most important tools for lobbying and advocacy with Government.

Although India ratified the CRC, the unfortunate fact is that attempts have not been made by the government to implement the provisions of it in the country. Seven alternate country reports by different NGOs and networks including CACL were submitted to the UN in 1997. Every country that has ratified CRC has to submit the country report once in five years. There is a provision for the NGOs to submit their alternate reports to the UN. CACL had submitted the first alternate report to the UN and is planning to submit the second alternate report after the India Country report is presented to the UN. CACL in its campaign to eradicate child labour, popularizes the CRC in its working areas. Whenever the documents or recommendations are submitted to the Government, CRC provisions are quoted to make it obligatory to the cause of children.

12

## Conventions 138 and 182 of ILO



International Labour Organisation, which is a tripartite body consisting of governments, employers and trade unions, has come up with major conventions in order to

eradicate child labour. India has till now ratified only six conventions. Convention 138 which has made recommendations on minimum wage and Convention 182 which is on worst forms of child labour have not yet been ratified by India. CACL intends to intensely lobby and pressurize the Government to sign these conventions relating to child labour.

### ***Nai Subah - National event on girl child labour***

CACL is now putting effort to bring the national focus on the plight of girl children by organizing a national event on girl child labour named as "Nai Subah" on March 5-7, 2003 at Mysore, Karnataka. CACL had organized the National convention of child labourers and Public hearing earlier in 1994 at Chennai and in 1997 at Delhi. The Mysore event will be the third in the series. 1200 girl child labourers working in various sectors from 20 states will be participating in this event. A national event focusing on girl child labour is an attempt to provide a common platform to share the experiences of persons involved with these children at the grassroots level and also let the children speak up for themselves. It is the constant endeavour of CACL member organizations to eradicate child labour and restore rights to every child in the country. The issues of the girl child are critical and central to any child rights restoration. Many issues and concerns like infanticide, foeticide, declining sex ratio, health and education for the girl child, gender disparities, etc. have assumed alarming proportions. The plight of the girl child labourer, especially in hidden sectors like the domestic



sector, needs our immediate intervention. These events helped in creating awareness among the public and also exerting pressure on the Government to form policies and programmes to tackle the problem. The event presently planned will help keep up the pressure on the Government to immediately implement programmes for the rehabilitation of girl child labourers.

### Why don't you join us?

It is our collective responsibility to take care of the other children as we care for our own children. Despite the fact that there are 120 schemes and programmes attached to 12 ministries and departments for the welfare of the children in this country, it is impossible to point out at least one successful venture. Though there are a variety of laws at the national and international levels, abuse and economic exploitation of children continue to be a constant phenomenon. The nexus of bureaucrats and employers conniving with the local politicians does enough harm to the proper implementation of existing laws on child protection. Our constitutional guarantees remain in the dusty shelves of judiciary, never reach to the toiling children.

Therefore campaigning against child labour is imperative both at the individual and organizational levels. It is to be done at the local as well as the national level. It is a struggle for regaining the rights of the child who has been denied them for all these years. While campaigning against child labour, we will have to address several other issues related to children. Since child is an integral part of the society, an integrated approach that encompasses

14



all the aspects needs to be adopted to remove the children from labour and ensure their rights. The Campaign Against Child Labour precisely does it in 16 states of the country and relentlessly works for a better tomorrow for the working children. You can join this campaign and strengthen it with your contributions in terms of cash, kind, time and skills.

15

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16

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**Laws :**

- Constitution of India
- Supreme Court/ High Court Judgments
- Child Labour (Prohibition & Regulation) Act, 1986
- Juvenile Justice (Care & Protection) Act, 2000
- Shops & Establishments Act
- Indian Penal Code (IPC)
- Criminal Procedure Code
- All India Services (Conduct) Rules
- The Children (Pledging of Labour) Act, 1933
- The Bonded Labour (Abolition) Act

**Policies :**

- National Policy for children 1974
- National Health Policy
- National Policy on Education, 1986
- National Policy on child labour (1987)
- National Nutrition Policy

**International bindings :**

- UN Declaration on the rights of the child, 1959
- UN Convention on the Rights of the Child, 1989
- ILO Conventions
- World Conference on education for all, 1990
- UN Millennium Declaration, 2000

**On the Anvil :**

- Policy charter on children
- National Commission on children
- Fundamental Right to Education
- Law Commission recommendations
- Domestic Workers Bill, 2001

## SOME SCHEMES FOR CHILD PROTECTION

- National Child Labour Project (NCLP)
- International Programme on the Elimination of Child Labour (IPEC)
- Child Labour Cell
- National Authority for Elimination of Child Labour, 1994
- Grants to voluntary Agencies (Schemes of Ministry of Labour)
- Central Adoption Resource Agency
- Scheme for assistance to Homes for infants and young children for promoting in- country adoption.
- Scheme of prevention and control of Juvenile Social maladjustment
- Integrated Programme for Street Children
- Services to children in need of care and protection (Schemes of Ministry of Social Justice and Empowerment)

### Education Schemes

#### Elementary & Secondary

- DPEP - 1994
- Midday Meal Scheme August 15, 1995
- Operation Black Board 1987 - 88 (Expanded in 1993-94)
- NFE - 1979-80 ( 25 states )
- Lok Jumbish -Rajasthan 1991-92 (People's movement for Education for all)
- Shiksha Karmi Project 1987 - Rajasthan
- Mahila Samakhya - 1989
- National Bal Bhavan
- Integrated Education for the Disabled 1974
- Education Technology Program
- Scheme on Education Concession for children of parents killed/ disabled in armed conflict.
- Education concession for Tibetan Refugee children.
- Sarva Shiksha Abhiyaan



## HEALTH RISKS FOR CHILD LABOURERS - General

Beedi Rolling	: Chronic bronchitis, TB
Glass Industry	: Asthma, bronchitis, TB, eye defects, burns
Handloom & Carpet	: Asthma, bronchitis, TP, spinal problems
Zari & Embroidery	: Eye defects
Gem polishing & diamond Cutting	: Eye defects, injuries
Construction	: Accidents, stunted growth
Rag picking	: Skin diseases, infectious diseases, tetanus
Pottery	: Asthma, chronic bronchitis, TB
Stone & Slate	: Silicosis
Sex work	: STD, AIDS
Agriculture	: Hazards related to farm Machinery and pesticides
Domestic work	: Stunted growth, Dermatitis, Abuse

## **Child Labour (Prohibition & Regulation) Act, 1986**

### **PART A Occupations**

Any Occupation connected with

- (1) Transport of passengers, goods or mails by railway;
- (2) Cinder picking, clearing of an ash pit or building operation in the railway premises;
- (3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;
- (4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
- (5) A port authority within the limits of any port.
- (6) Work relating to selling of crackers, and fire works in shops with temporary licences
- (7) Abattoirs / Slaughter Houses
- (8) Automobile workshops and garages;
- (9) Foundries;
- (10) Handling of toxic or inflammable substances or explosives;
- (11) Handloom and powerloom industry;
- (12) Mines (underground and underwater) and collieries;
- (13) Plastic units and fiberglass workshops.

### **PART B Processes**

- (1) Bidi- making
- (2) Carpet weaving including preparatory and incidental process thereof

19





- (3) Cement Manufacture, including bagging of cement.
- (4) Cloth printing, dyeing and weaving, including processes preparatory and incidental thereto.
- (5) Manufacture of matches, explosives and fire-works.
- (6) Mica cutting and splitting
- (7) Shellac Manufacture
- (8) Soap manufacture
- (9) Tanning
- (10) Wool - cleaning
- (11) Building and Construction industry, including processing and polishing of granite stones;
- (12) Manufacture of slate pencils (including packing)
- (13) Manufacture of products from agate.
- (14) Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos.
- (15) 'Hazardous processes' as defined in Section 2(cb) and 'dangerous operations' as notified in rules made under Section 87 of the Factories Act, 1948 (63 of 1948)
- (16) Printing as defined in Section 2(k)(iv) of the Factories Act, 1948 (63 of 1948)
- (17) Cashew and cashewnut descaling and processing
- (18) Soldering processes in electronic industries.
- (19) Agarbatti manufacturing
- (20) Automobile repairs and maintenance including processes incidental thereto, namely welding, lathe work, dent beating and painting.
- (21) Brick kilns and Roof tiles units
- (22) Cotton ginning and processing and production of hosiery goods.
- (23) Detergent manufacturing.
- (24) Fabrication workshops (ferrous and non-ferrous)

- (25) Gem cutting and polishing.
- (26) Handling of chromite and manganese ores.
- (27) Jute textile manufacture and coir making.
- (28) Lime kilns and Manufacture of Lime
- (29) Lock making.
- (30) Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding or galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scrapping of lead paint, burning of lead in enamelling workshops, lead mining, plumbing, cable making, wire patenting, lead casting, type founding in printing shops. Store type setting, assembling of cars, shot making and lead glass blowing.
- (31) Manufacture of cement pipes, cement products and other related work.
- (32) Manufacturing of glass, glassware including bangles, fluorescent tubes, bulbs and other similar glass products.
- (33) Manufacturing of dyes and dye stuff.
- (34) Manufacturing or handling of pesticides and insecticides.
- (35) Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving and soldering processes in electronic industry.
- (36) Manufacturing of burning coal and coal briquettes.
- (37) Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather.
- (38) Moulding and processing of fiberglass and plastic.
- (39) Oil expelling and refinery.
- (40) Paper making.
- (41) Potteries and ceramic industry



- (42) Polishing, moulding, cutting, welding and manufacture of brass goods in all forms.
- (43) Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting.
- (44) Saw mill - all processes
- (45) Sericulture processing
- (46) Skinning, dyeing and processes for manufacturing leather and leather products.
- (47) Stone breaking and stone crushing
- (48) Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form
- (49) Tyre making, repairing, retreading and graphite beneficiation
- (50) Utensils making, polishing and metal buffing
- (51) Zari making (all processes)
- (52) Electroplating
- (53) Graphite powdering and incidental processing
- (54) Grinding or glazing of metals
- (55) Diamond cutting and polishing
- (56) Extraction of slate from mines
- (57) Rag picking and scavenging



22



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