



Defending Child Rights

**Report of the NCC Meeting
Bangalore, March 1999**

CR - 08

CAMPAIGN AGAINST CHILD LABOUR

Defending Child Rights

held at City YMCA, Bangalore

19th & 20th Feb 1999

Campaign Against Child Labour

Published by
Campaign Against Child Rights
C/o RHR, Anjanappa Complex
35 Hennur Main Road
St. Thomas Town P.O.,
Bangalore 560 004
Tel: 547 3922

Contents

Profile of the Campaign

Structure of the Campaign

Child Labour

Day One

Day Two - March 24

Day Three - March 25, 1999

List of Participants

Report of the NCC Meeting held at City YMCA, Bangalore March 23 —25, 1999

April 1999

Campaign Against Child Labour

Typeset by WordMakers and printed at St. Paul's Press, Bangalore

Published by

Campaign Against Child Rights

C/o RLHP, Anjanappa Complex

35 Hennur Main Road

St. Thomas Town P.O.

Bangalore 560 084

Tel: 547 3922

e-mail: srp@bgl.vsnl.net.in

sichrem@satyam.net.in

April 1999

Typeset by WordMakers and printed at St. Paul's Press, Bangalore

Profile of the Campaign

Contents

Profile of the Campaign	7
Structure of the CACL	9
Child Labour — A Glimpse	11
Day One: March 23, 1999	15
Day Two: March 24	21
Day Three : March 25, 1999	33
List of Participants	43

Objectives

Profile of the Campaign

Campaign Against Child Labour (CACL) is a national network with more than 1000 NGOs and had its Central Secretariat (CS) in Bombay, coordinated by YUVA, until December 1998. From January 1999 the CS is being hosted by Rural Literacy and Health Programme (RLHP-Mysore), and is located in Bangalore.

The Campaign has a broad-based membership consisting of NGOs, CBOs, social activists, Human Rights activists, Trade Union representatives, journalists, people's organizations and Government officials. CACL provides space and opportunity for its members to take initiatives according to their ability. The spirit of solidarity and democratic participation ensures that the issue of Child Labour becomes the prime objective of this collaborative network.

The network, begun in 1992, has been instrumental in mobilising a wide spectrum of socially concerned individuals and groups to involve themselves in the programmes to address the child labour issue.

Objectives

- ❖ Mobilisation of public opinion for the eradication of Child Labour through media based awareness programmes and sensitization programmes.
- ❖ Intervening in specific cases of violations of child rights and abuse of children.

- ❖ Ensuring diversity and broadening of member group and linking with other issues, movements, struggles towards more equitable and just development.
- ❖ Popularising the UN Convention to the Rights of the Child, 1989, and ILO conventions on Child Labour.
- ❖ Promoting research and documentation, facilitating direct involvement and search for alternatives in specific sections of child labour.

Campaign Against Child Labour is committed to the eradication of child labour through media awareness. It also involves groups from various sectors involved in its campaign against child labour and believes in networking and alliance-building with other like-minded groups. It intervenes in specific cases of violation of child rights and abuse of children, and provides advocacy and legal services so as to restore justice and child rights.

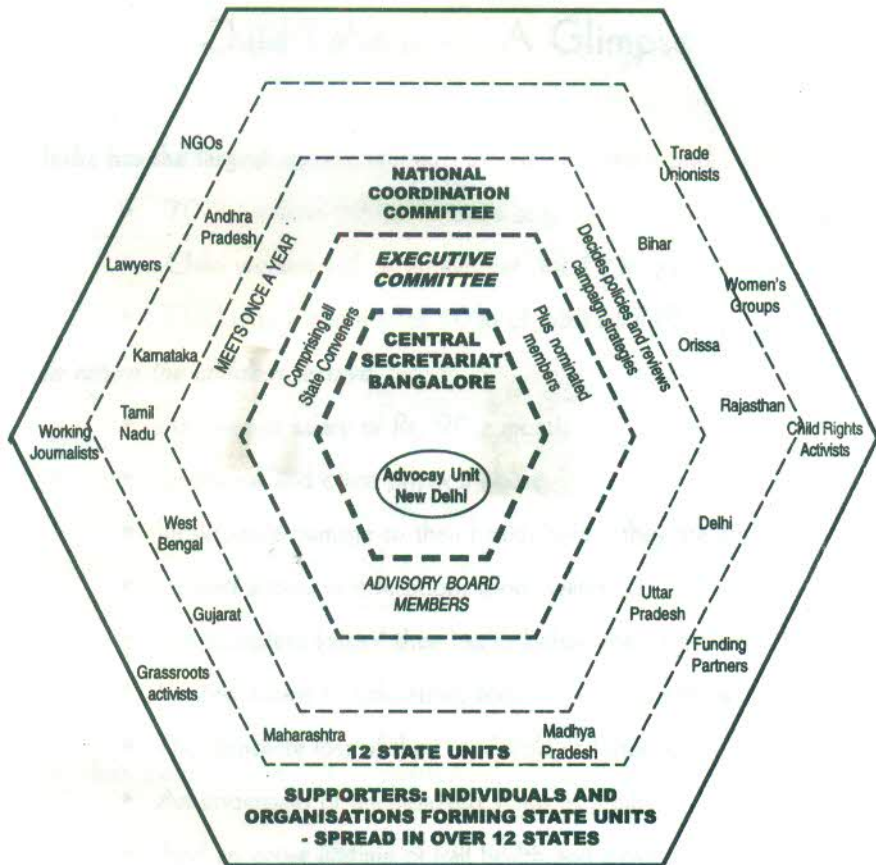
* * * *

The National Coordination Committee (NCC) which is a representative body of the 12 State chapters that constitute the CACL meets once in 9 months. The 1999 meeting scheduled to be held in February in Patna was rescheduled for March in Bangalore. The following pages contain a synopsis of the three-day meeting at Bangalore which deliberated on a number of crucial issues to strengthen the campaign against child labour.

On behalf of the CACL, I take this opportunity to invite you to join us in the campaign, if you are not a member already, and if you are, strengthen the campaign by implementing the decisions we have taken collectively at Bangalore.

Joy Maliekal
Convener

CACL NATIONAL STRUCTURE



Child Labour — A Glimpse

India has the largest number of child labourers in the world

- ◆ 70-80 million children in India begin work at a very early age.
- ◆ Child workers toil, at an average, for 12 hours every day.
- ◆ Child labour contributes 20% of India's GNP.

In return the children receive

- ◆ An average salary of Rs. 90 a month.
- ◆ Emotional and often physical abuse
- ◆ Incalculable damage to their health before they are even 14.
- ◆ Limited access to education, food, water and shelter.
- ◆ The complete loss of their health before they are even 14.
- ◆ Limited access to education, food, water and shelter.
- ◆ The complete loss of their invaluable childhood.
- ◆ An underpaid or unemployed status as adults.
- ◆ And an entire lifetime of frail health and penury.

Magnitude of Child Labour

The estimates on the magnitude of child labour in India vary:

- ❖ 13.06 million : The 1981 Census
- ❖ 17.36 million : The Planning Commission, 1983

- ❖ 44 million : The Operations Research Group, Baroda, 1983
- ❖ 20 million : Labour Minister, August 1994, when he announced a plan to "liberate" 20 million working children in hazardous employment.

All these estimates fall short of the actual figure for a number of reasons

- Multiplicity of definitions
- Different sources of data
- Lack of information on the vast unorganised sector of the economy which, in fact, employs the most children.
- Non-inclusion of domestic workers.

Recent estimates are based on the number of families living below the poverty line:

- ♦ 111 million : The Balai Data Bank, Manila. If nearly half of India's over 800 million population lives in poverty, the number of working children in India is likely to be over 100 million.
- ♦ 77 million : Commission on Labour Standards and International Trade, Government of India, 1995. Estimate computed on the basis of families living below the poverty line.

Campaign Against Child Labour estimates that there are 70-80 million child labourers, based on the number of non-school going children and families living in destitution.

Causative Factors

CACL believes that no single cause can be isolated for the prevalence of child labour. It is inherent in the cycle of poverty, unemployment, underemployment and low wages, caused by inequitable distribution of resources, unleashed by a centralised and lopsided economy and the backward nature of agriculture.

In some areas, the dominance of a particular community engenders exploitation like bonded labour. The largest number of child labourers in fact belong to the scheduled castes and tribes.

The non-availability or the lack of access to schools, an irrelevant school curriculum and the costs incurred for education leads to children being pushed out of schools into the labour force.

Children are employed because they constitute cheap labour - a force that can be easily exploited, bullied into obedience and because they are not able to organise themselves against exploitation in the way that adults can. The persistence of child labour depresses and contributes to adult unemployment. At the same time, it perpetuates child labour as children grow up into unskilled, debilitated adults, not even employed in the industry where they worked earlier.

Child labour is thus both a cause and effect of illiteracy and of ignorance, of poor standards of living and levels of family and community life and cultural attitudes. The issue of child labour is therefore inextricably linked with the overall need for social and political change, land reforms and alternative models of development. However, CACL underlines the fact that children cannot wait, there is an urgent need to tackle the problem immediately.

Day One: March 23, 1999

The meeting of the NCC commenced at 9.30 a.m. with the registration of the participants.

The following state chapters were represented: Orissa, Gujarat, Bihar, Delhi, Tamil Nadu, Maharashtra, Andhra Pradesh, West Bengal, and Karnataka.

Joy Maliekal, Convener, called for an Executive Committee (EC) meeting at 10.30 a.m. for the express purpose of discussing the tentative agenda of the NCC meeting and other essential matters prepared by him.

The NCC meeting got under way at about 12.30 p.m. Joy Maliekal officially welcomed all the participants to the meeting, placing on record his sincere thanks to all the delegates who were able to attend despite the short notice given.

The agenda, as approved by the EC, for the three-day NCC meeting was then distributed to the participants.

Joy reported that the last EC meeting in October 1998 acted upon the request by YUVA to consider shifting the Central Secretariat (CS) from YUVA, Mumbai, and requested RLHP, Mysore, to host the same. RLHP was to have officially hosted the CS from January 1999, but due to several constraints it effectively started functioning only from the first week of March.

Joy also informed the NCC that, as per the decision taken at the last EC meeting, the NCC meeting was to be held in Patna.

However, due to logistical constraints, and after consultation with several EC members, it was finally decided to hold the NCC meeting in Bangalore.

This brief introduction was followed by self-introduction of the participants and lunch break.

Post-Lunch Session

C.J. George, Programme Coordinator of TDH-Germany, was requested to chair the proceedings of the post-lunch session. He informed the group that this was the first time that the CS is functioning from outside YUVA, Bombay, since the founding of the CACL in 1992. He also said that the NCC meeting had to be arranged at short notice which has caused inconveniences to several participants. He then invited the group to propose any new items to be added to the NCC agenda. There was none.

Suresh (YUVA) described the various phases of transfer of the CS from YUVA to RLHP. The decision regarding the transfer was taken in October 1998, and the period from October to December 1998 was devoted to the transfer process. Meanwhile, Joy and the Treasurer of RLHP, Koshy Mathew, visited YUVA in December to effectively complete the transfer process by familiarizing themselves with administrative and financial procedures followed thus far and to brainstorm with the YUVA team on some of the important programme components for 1999.

By January 1999, YUVA had transferred the files and the data base of over 5000 network activists to RLHP's new location at Bangalore identified for the CS. However, as Joy informed the group, because of lack of funds and staff, the CS could not be fully functional from January 1999, and added that, in all probability, the CS will start functioning fully by May 1999.

Further, Suresh assured the group that, as per the decision of the EC meeting held in the morning, an official letter regarding the transfer



George Chira chairing the Session. On his left are Joy and Suresh

of responsibilities from YUVA to RLHP will be mailed before April 10, and that an amount of Rs. 40,000.00, being the balance of the previous year's receipts will be transferred to RLHP.

Mathews Philip (Bangalore) offered a word of appreciation to YUVA for their contribution towards the growth of CACL during these years. It was decided that the news of the transfer of CS be included in the forthcoming issue of UPDATE, due to be published by April by the new CS. George called on the NCC to render support and guidance to Joy in his new assignment.

Joy informed the group that for various practical reasons the CS office has been set up in Bangalore within Koshy Mathew's office complex, which has the required infrastructure.

A brief discussion arose as to where the CS should be located — in Mysore where the RLHP is primarily located or in Bangalore, in

new premises. One suggestion was that, in view of the need for the continued presence of Joy at the CS office, the CS could be located for the first year in Mysore, and later, if the need arose, in Bangalore. However, it was felt that the process of shifting programme coordinators from Mysore to Bangalore after a year may entail practical difficulties. After an intense discussion on this matter, it was felt that the decision regarding the location of the CS office should be left to RLHP.

Joy informed the NCC that the last EC had, in fact, concurred with the idea of shifting the CS office to Bangalore, primarily for the convenience of travel to and from different parts of the country. As Bangalore is also the base of a number of NGOs that are involved in the issue of child labour, it would be easy for Joy and the programme coordinators to interact with them.

Presentation of Post-Bhubaneswar Reports

Suresh of YUVA, programme coordinator of CACL until December, and Jaspreet of CEC, Delhi, hosting the Advocacy Unit were invited to highlight the post-Bhubaneswar activities, after which all State chapters presented their reports of activities and progress made by the Campaign in their respective States.

Suresh (YUVA, Bombay)

Suresh identified the following achievements and limitations of the CS:

- ◆ Stress laid on intensifying the campaign.
- ◆ Furthered the study on the Supreme Court judgment on child labour.
- ◆ Study on NCLP to strengthen CACL-K was undertaken.
- ◆ The presence of CS in several child labour programmes at the state and regional levels.
- ◆ Five cases of child rights violations, identified at the public hearing, were dealt with.

- ◆ A Fact-finding team on child rights violations has been formed.
- ◆ The overall coordination among all state chapters has not been good, though individual states are doing well in their campaign work.

Suresh, further proposed the following:

- ◆ A need is felt to forge a single identity of one campaign, with one platform across the country.
- ◆ A need is also felt to hold the NCC meeting more often.
- ◆ Have a regular UPDATE newsletter which would serve as a medium of exchange of news and events of child labour among different states.
- ◆ Facilitate the critical involvement of the Government in the Campaign.
- ◆ Maintain and strengthen the contact with state groups.
- ◆ The responsibility of training Zilla Panchayat members should rest more with the state CACL.

Then, Suresh briefed the group on the finances of the Campaign, and invited the EC and funding agencies to scrutinize accounts as and when required.

Jaspreet (Central Advocacy Unit, Delhi)

Some members raised the question regarding the status of the Advocacy Unit (AU), seeking clarifications about its role and function, and wondered if it were duplicating some roles of the CS. The fear that the AU was operating as an independent unit was shared by a few members.

Suresh volunteered to offer certain clarifications about the AU. It was recalled that in the last NCC meeting held at Bhubaneswar, the members felt the need to address legal issues of the violation of child rights in a coordinated and concerted manner at the national

level, and to make effective representations and to lobby with the Central Government. In the wake of this discussion, the Central Advocacy Unit was set up in Delhi, the suitable place for administrative purposes. The CS provided support and guidance to the AU. After this briefing, members proposed that a detailed discussion on the relationship between AU and CS, be held later in the meeting.

Jaspreet reported on the follow-up of the cases of violation of child rights, the representation and contact made with the Central Government and the studies undertaken regarding NCLP.



CACL-Tamil Nadu representative Nambi addressing the NCC

Day Two: March 24

The session began at 9.30 a.m., with Mathews Philip in the chair. The reporting continued and given below are salient points from the reports of various state coordinators/representatives.

Ranjan Mohanty (Orissa)

The CACL in Orissa has been functioning since 1992 and is a network of over 200 NGOs. The campaign has become a social movement.

- ◆ Because of CACL, the issue of child labour has received statewide attention. At least on two occasions, the local TV had highlighted the issue and commended the role of CACL.
- ◆ A massive convention was organized, which was attended by 1000 people, consisting of child laborers, Government representatives, concerned citizens, writers and legal experts. The focus was on education and sectoral issues. Various sectors wherein child labour was present, were identified.
- ◆ The Campaign has taken roots at the Gram Panchayat level with 200 model panchayat set up in 10 districts.
- ◆ The Campaign has been decentralized at the regional level also.
- ◆ Effective interventions were initiated in five cases of child rights violation.

- ◆ District child labour rehabilitation and welfare committees were formed in all the districts.
- ◆ It has been working to withdraw a number of working children from beedi-rolling and other sectors.
- ◆ "Sisu Adhikar Protection Committees" are formed at the Panchayat and village levels. The committee organized district workshops at Bhadrak. Child labour awareness programmes have been integrated with literacy and anti-poverty programmes.
- ◆ Six panchayats and 100 villages can boast of child labour-free areas.
- ◆ Human Rights Day was observed on 10th December. Wall-poster campaign and a round table discussion with media people and legislators were organized.
- ◆ Discussions have been initiated with the Panchayat Raj Department on developing a strategy on child labour programme.
- ◆ A study on the implementation of Supreme Court judgment and an evaluative study of DPEP and NCLP have been undertaken.
- ◆ As a result of the campaign and other activities, pressure has been exerted on the Government to deal with child rights violations effectively. Awareness has been created among the public. The child's right to education has been accepted by the policy makers and the general public.

Nambi (Tamil Nadu)

The State chapter has one convener, eight committee members, and four zonal coordinators. It is presently working in 15 districts of Tamilnadu.

The major event was the Yatra held in Karur where about 5,000

people consisting of child labourers, trade unionists, lawyers, school and college students and Government officials participated. The Yatra covered 27 districts and was held for seven days. Four groups from four zones started simultaneously and converged in Karur. A rally was also organized in Tirupur and other places. The district groups submitted their memoranda at the respective district headquarters. A great deal of involvement at the panchayat level was evident in the yatra. Because of the campaign, a greater awareness has been created among the public and a great deal of pressure was placed on the industries and the Government to consider the child labour issue seriously. Reacting to the Campaign, the industries called a press meet and made allegations against the CACL. However, the Collector lent his support to the CACL.

Some other achievements:

- ◆ 15 bonded labourers have been released.
- ◆ The court has ordered the police department to pay a compensation of Rs. 2 lakhs to the parents of a boy who died in the police station.
- ◆ Has created a positive unsettling atmosphere among industries which largely employ child labourers.
- ◆ The State Labour Commissioner has been contacted. The labour commissioner from the Central level is expected to visit the CACL.
- ◆ The CACL is working with LEAD on effective strategies of child labour eradication.
- ◆ In the case of the 15-year-old girl who died in a factory in Tirupur, follow-up actions were taken. As per factory rules no person below 16 years of age should be employed. Therefore, the factory was ordered to pay a compensation of Rs. 2 lakhs to the parents of the girl.

Nimmaiah (Andhra Pradesh)

The CACL has been functioning since 1992, and eight committees have been formed with three district conveners. Andhra Pradesh has the largest number of child labourers in the country. Some of the achievements are:

- ◆ 400 people participated in a cycle yatras organized in Hyderabad.
- ◆ A workshop on child labour with the teachers' union was conducted, and about 350 panchayat teachers participated fruitfully in the workshop.
- ◆ A sensitization programme for parents on child labour issues has been launched. Theatre groups and puppetry art have been employed in awareness building programmes in villages.
- ◆ The state chapter has focussed on beedi-rolling and agricultural sectors where child labour is predominantly found.
- ◆ CS staff visited Nalgonda and was very positive about CACL's work there. The District Collector of Nalgonda has been very supportive.
- ◆ In March, as part of the "Global March," a rally was organized and about 500 children and 1,000 others participated. The "Global March" rally was also organized in Nellur by Nirandra Vidya Kendra Organization.
- ◆ The NCLP and NFE schools have been functioning well in slums and villages. 90% of the children have been enrolled in schools and only 40% of dropouts have been reported.
- ◆ In Kadappa's mining areas where children are employed, a meeting was organized on eradication of child labour.
- ◆ "Back to school" programme will be launched on April 13, largely supported by the Government. It is a three-month

programme attempting to re-enroll all the dropouts in schools. The residential programme last year has not been successful. Efforts are therefore made to make it fruitful this year. One camp will be set up in each mandal, and about 100 children will be enrolled in each school. Unfortunately, the Government and the teachers have shown very little commitment towards this programme.

However, the State chapter is facing some challenges, as enumerated below and these have to be addressed without delay.

- ◆ Lack of adequate staff personnel in Hyderabad.
- ◆ In the light of the fact that the Government is doing what NGOs are to do, a question arises about the role of NGOs in the state.
- ◆ The Chief Minister has launched his "Vision 2020" programme. Most of the activities in the State are carried out through political parties. Therefore, political involvement does create an obstacle to the effective and independent working of NGOs.
- ◆ There is a real need to form an effective structure and network among NGOs in the Campaign Against Child Labour. As about three to four campaigns are being organized by NGOs independently, there is a need to coordinate these activities on one platform.

Raghavendra (Karnataka)

The State chapter has one state convener, three programme coordinators and 17 members in the core group. Its advocacy cell is in Bangalore. The state has been divided into five regions, and the five regional conveners coordinate the district-level network. The state chapter consists of 300 NGOs, activists, advocates, trade unionists and noteworthy sanghas. The thrust of the Campaign has been to strengthen the rural network. Presently, it is working in 18 districts.

A five-day yatra is being organized in 18 districts at the taluk level. The yatra team is composed of people from the NGOs and is trained by CACL. Currently, 120 NGOs are actively involved in the Campaign.

For the past two-and-a-half years RLHP (Mysore), has been hosting the State Secretariat. In February 1999, the State Secretariat was transferred to Vikasana, Chikmagalur.

Some of its achievements in the reporting period are:

- ◆ A state-level convention was held in Mysore on November 30, 1998. RLHP, together with the Karnataka State Labour Department and the NGOs, organized the programme. About 700 child labourers and 600 parents, teachers, hotel owners, trade unionists and Government officials attended the one-day Convention. The Deputy Chief Minister, the Labour Commissioner and the Law Minister also participated in the programme. A pledge to eradicate child labour was taken by all.
- ◆ Studies were undertaken in three cases of child rights violations.
- ◆ A study on NCLP is under way.
- ◆ A Newsletter is being published regularly.
- ◆ The Labour Commissioner has shown a great deal of interest towards the Campaign. The Labour Commissioner, with the assistance of CACL, conducted a surprise inspection of silk-reeling and twisting units in Magadi and identified 53 child labourers. Legal action has been initiated against the erring factory owners and the hearing is going on. They have been threatened with disconnection of their power supply, should they not abide by the rules and regulations.

Samit Basu Malik (West Bengal)

It is a forum comprising seven NGOs. The members of the forum have expressed their wish to set up a state chapter of CACL. A

suggestion was made that the CS team could visit W. Bengal and initiate CACL programmes there.

Presently, the Forum has been focussing on conducting meetings, organizing rallies and awareness building programmes in schools, and promoting advocacy and education. It has identified the child labourers in fireworks and sweet-making shops and industries. A survey on child labour is yet to be conducted, and the communication with the CACL is to be strengthened.

Ram Swaroop Bhai (North Bihar)

The state chapter is divided into three zones, and in the North Bihar zone 20 committees have been set up. Some of its achievements and limitations are:

- ♦ Cultural yatras have been organized.
- ♦ A massive rally was held in Patna.
- ♦ Workshops on legal aspects and the Government position on child labour were conducted for lawyers and Government officials.
- ♦ Focussed on beedi-rolling sector and mobilized the children to go on a strike against child labour.
- ♦ A follow-up action is underway regarding a child labourer who was raped and murdered.
- ♦ There have been relapses on practical implementation of the policies and programmes of CACL.
- ♦ There appears to be an erroneous thinking in the state chapter that poverty is the main cause of child labour.
- ♦ Its position on child labour is not clear and definitive, for it has advocated the payment of adult wages to child labourers.

Because of these confusions, the NCC members suggested that the CACL committee should visit every state and ensure the clarity and uniformity of the CACL position.

Presentation of Papers

The presentation of some key papers commenced at 12.45 p.m. with Nambi in the chair. The first paper was on "Education in India" by Desmond D'Abreo.

Desmond painted a grim picture of the education scenario in India today, saying that only 28% of the villages have primary schools; 50% of the primary schools in villages are one-teacher schools with five rooms and five blackboards with the lone teacher having to shuttle between classes; 50% of village schools have no solid building; classes and exams are held under trees and alongside roads; 70% of the schools have no blackboards; 80% have no visuals and maps, and that 93% have no toilet and drinking water facilities.

He is of the firm opinion that no real value education is provided for the children and that the current education indoctrinates only the values of capitalism,, materialism and individualism. This, he believes, is very alarming when one thinks of a value system and the future of an individual and of the society. There is a dearth of quality education in the country.

Gandhi held the lofty ideal that the parents are the first and most effective teachers. However, parents in villages generally are illiterate because of which they shift the responsibility of educating their children to the teachers. And, sadly enough, teachers impart values contrary to the home surroundings and living conditions.

Hence, it is imperative that there be effective coordination between the Government, the teachers and the parents. But, some questions arise: Is the Government qualified and competent in the field of education? Does it have a value-oriented vision? If so, what kind of values? Desmond pointed out that the illiterates in India outnumber the total populations of Japan, Canada and USA put together. At the end, he exhorted the members to challenge the present education system and to work towards promoting quality education that will benefit every child in this country.

The second paper was on "Education as a means to eradication of child labour," presented by Archana.

The speaker quickly briefed the members on the history of various legislations on child labour and education, and pointed out that there has been no significant change in the legislations during the past 100 years. The Government has handed over the powers to local bodies to enact and implement a law with effect to compulsory education. However, this act failed utterly because of inadequate schools, economic depression, increased child labourers and the unwillingness of the Government to prosecute violators.

The right to education has been enshrined in the UDHR, while Article 45 of the Indian Constitution talks of providing for free and compulsory education, though not making the right to education a fundamental right. There are legal provisions to penalize employers of child labour, but these laws are far from being implemented.

Archana said that it was worthwhile to note that none of the child labour enactments refer to education and pointed out the gross neglect on the part of the Government of the importance of education as a means to eradicate child labour. She said that a large number of Government officials do not even have the necessary knowledge of the Act that empowers the State Government to make education compulsory. There is an on-going discussion on whether the State should make it compulsory for the parents to send their children to schools under grave consequences, and on the practicality of the implementation of such laws. There is, however, a strong public opinion that the right to education must be made a fundamental right in the Constitution, she opined. That education is a necessary though not a sufficient condition for eradication of child labour is drawing greater attention and acceptance among the public.

Post-Lunch Session

The afternoon session commenced at about 2.45 p.m. with J. John of CEC, Delhi, in the chair to discuss important issues related

to the Campaign. The following is a brief summary of the issues and CACL's position on them:

NCLP

The analytical study and research shows that this programme has been a failure and has not been effective in the eradication of child labour, although the Government has invested a great deal of money into this project. A study which began in 1998 is under way. Six districts have been selected for this study — two in Karnataka, two in Tamil Nadu and two in Andhra Pradesh. After completion of this pilot study, similar studies will be undertaken at the state and national levels.

In the context of the Government's non-cooperation and the failure of the Project, a need was strongly felt among the members to intervene effectively so as to make this project successful. A few questions were also raised and discussed by the members: 1) Should the CACL submit the proposal, the Government had asked for? 2) Should the CACL involve directly in the project, and if it does, would there not be the danger of aligning with the Government which, in the process, would compel the CACL to accommodate its policies, stand and strategies? 3) Would it not be best for CACL to clarify and state its policies in unambiguous terms, and cooperate critically with the Government based only on CACL's policies and programmes? The group consensus leaned towards the last option as the preferable one.

Supreme Court Judgment

It was observed that there was no follow-up action or implementation of any aspect of the Judgment by the Government. The Government's indifferent attitude is to be perceived as obstructing the process of eradication of child labour.

The members, therefore, felt that CACL should use this Judgment to identify instances of violation of child rights, and to bring such

instances to the notice of the labour department machinery so as to have the Judgment implemented effectively.

The members made the following suggestions to be reflected on and to be incorporated into the action plan of CACL for 1999:

1. CACL should conduct an independent survey based on primary data and reliable sources of information to counter the Government survey which appeared to be very biased and inaccurate.
2. Based on its own survey, the CACL should file a counter petition in the Supreme Court to challenge the Government's findings and position on child labour.
3. CACL should include 36 new hazardous jobs in its survey to make it more accurate and comprehensive.
4. CACL could conduct a sample survey of child labour, focussing on a few districts.
5. Initiate lobbying with the Census Department, persuading the department to include the item "child labour" in the Census survey of 2001.

83rd Amendment

The Amendment addresses the issue of free, compulsory and quality education for children. The members were of the unanimous opinion that this Amendment should be made a fundamental right as an effective measure in the process of eradication of child labour.

The non-negotiable conditions of CACL on this issue are:

- ✓ Free, compulsory and quality education for all children.
- ✓ The above should be applicable to children of aged 1 to 14.
- ✓ The onus to implement should be placed on the State.

There was no unanimous opinion among the members on whether the parents should be compelled to send their children to schools.

It was observed that the Government was not interested in the Bill because of its own vested interests.

CACL should take more interest in this matter and follow an action-oriented programme.

The state chapters were encouraged to make it a focal point of their state programme on April 30, 1999.

Child Labour Act

In the light of the analytical study made on this Act, the members raised the following questions:

Should the CACL propose a new Bill that would recommend the abolition of the irrational distinction between the "hazardous" and "non-hazardous" occupations?

Or, should it recommend the inclusion of more occupations under the list of "hazardous" that would make the Act more comprehensive?

After discussing and weighing the pros and cons of the issue, the members, in the light of the ILO meeting to be held at Geneva soon, thought it would be best not to propose a new Bill at the present moment, but rather, recommend an amendment in the Bill to make it comprehensive and reasonable.

Day Three : March 25, 1999

Special Guest — Karnataka's Labour Commissioner

Lukose Vallatharai, IAS, Labour Commissioner of Karnataka was warmly received by the NCC as the special guest. Audrey from Mumbai chaired the first session of the day.

This session began at 9.45 a.m. with Joy Maliekal introducing Lukose to the members, highlighted his genuine interest and involvement in the Campaign.

Lukose began by saying that child labour is no longer a mere social issue but is also a political issue, and that it needs to be understood in the broader perspective of world economics and political constraints. In today's world, trade plays a vital role.

The speaker is of the belief that every parent wants the best for their children, and would exercise the best option for the growth of their children. The question then arises, why do parents send their children to work? When parents are very poor, it becomes extremely difficult for them not to send their children to work. Lukose is of the firm opinion that the community should take up the issue of child labour.

He said: "India's economic wealth cannot come from agriculture and industry but only from services. It is a fact that people can deliver quality services only when they are educated. The wealth of



Lukose Vallatharai addressing the NCC

the nation depends on the quality of human capital, and on the quality of education. Therefore, education is a necessary condition for economic growth."

The eradication of child labour is also closely linked with the removal of poverty, the raising of minimum wages, better living standards and the level of literacy. When higher wages are provided, better productivity can be expected. Therefore, Lukose said, the struggle should also be to raise minimum wages which would enable parents to consider sending their children to school, and quoted the example of Kerala.

Lukose believes that a comprehensive approach which includes education, rehabilitation, elimination of poverty, and other related issues would be more effective than positioning oneself on a single platform. He was critical of the role of some Western nations and

aid agencies and admitted that the Government machinery can play only a limited role, and that finally, it is the citizens or the community that can bring about effective changes.

Session on Roles of the CS and AU

Nimmaiah chaired this session with Mathews Philip and Suresh providing the inputs.

Suresh, once again, briefed the group about the status and role of the AU according to the understanding and decision taken by the previous NCC meeting held at Bhubaneshwar. He listed them as follows:

Central Secretariat:

- ✓ Correspondence and communication.
- ✓ Publication of "Update" newsletter.
- ✓ Information exchange.
- ✓ Organizing national meetings.
- ✓ Address database maintenance and updation.
- ✓ Network building and consolidation.
- ✓ Expanding within existing states.
- ✓ Offering support to new states and within regions.
- ✓ Coordinating between States, CS and AU.
- ✓ Representing the Campaign at different fora.

Advocacy Unit

- ✓ Dealing with specific cases of violation.
- ✓ Issue-based lobbying.
- ✓ Strengthening communication with media.
- ✓ Facilitation of issue based linkage between states.
- ✓ Monitoring government statements on development issues.
- ✓ Providing links with state AUs.

- ✓ Intervene in national debate on laws, policies, budgets, judgments.
- ✓ Responding to national and international development on child labour.
- ✓ Role of legal working group to be merged with AU.

Suresh pointed out that because there was a need to constitute a unit, preferably in Delhi, to deal with legal issues at the national level, the AU was set up in Delhi, and the CS, then under YUVA, provided support and guidance to it.

Mathews mentioned that the AU was started to deal with legal issues, and the Supreme Court judgments. And, for purpose of administrative conveniences, the AU was set up in Delhi. However, he pointed out, the Campaign itself is advocacy, as the very notion of campaign is to advocate for the protection of child rights and to fight its violations.

Following this brief introduction on the current status of AU, the members engaged in a fruitful discussion to clarify the roles. The following points emerged from that discussion:

- ◆ Many members were of the opinion that the activities of CS appeared to be minimal compared with those of the AU.
- ◆ It appears, more importance has been given to AU and legal aspects of the campaign. And, the members thought, that in due course of time, the AU may diminish the role and importance of the CS.
- ◆ The AU should provide services and function only in a supportive role.
- ◆ The members generally shared the fear that there was a real danger of the AU becoming an independent project *per se*.
- ◆ The members were of the firm opinion that the AU should not function as a parallel unit. Rather, it should be part of the CS in its functioning and status.

- ◆ Some members suggested that a good rapport be built between CS and AU.
- ◆ The members felt that the AU cannot have independent projects, policies, goals and functions. All of its draft proposals have to be discussed and approved by the EC of the Campaign.
- ◆ The CS is part of the NCC and therefore, draws its policies and functions from the NCC.
- ◆ It was also suggested that the AU should be part of the CS and function under the CS, and that the CS function under the EC.

After due deliberations on the above concerns, the following decisions were arrived at:

- ✓ Neither CS nor AU is an autonomous body. Both bodies should function under the umbrella of CACL, as both aim to further the implementation of CACL's policies and programmes. Therefore, both CS and AU should function under the power and direction of the EC of CACL. The EC alone has the power to direct, delegate or withdraw certain powers given to the CS and the AU. Hence, the EC will, in a later meeting, decide the roles and functions of the CS and the AU.
- ✓ The role of "facilitation of issue-based linkage between states" is shifted from the AU to the CS.
- ✓ The EC will decide on who will represent CACL at different fora. Thus, this role will not be the sole privilege of AU.

Action Plan

Based on the previous day's discussion on various issues that emerged during the course of the NCC meeting, the following action plan was finalized.

On the NCLP

- ◆ To critically collaborate with the Government on this project, based on CACL's policies and goals.
- ◆ CACL to play dual roles : NGO and programmes.

On the Supreme Court Judgment

- ◆ Formulate a concept of child labour that would be more comprehensive.
- ◆ Lobby with the Government.
- ◆ After due preparations, initiate the inclusion of child labour item in the household survey in 2001.
- ◆ CACL to conduct an independent survey on child labour and file a petition in the court of law.

On the 83rd Amendment

- ◆ Participate more in the on-going debate on the Amendment.
- ◆ Exert pressure to initiate discussion on the Amendment in the Parliament.
- ◆ Make this Amendment as the focal point in the programme on April 30, 1999.

On the CLPRA

- ◆ Pressure the Government to amend the existing legislation.
- ◆ Propose to expand the list of hazardous occupations.

On the ILO Convention

- ◆ Need to gather more data in order to arrive at a practical and wise decision.
- ◆ Need to share the data and information, and to respond.

CACL Membership

As there was a need to clarify certain aspects of CACL membership, the members, after finalizing the action plan, discussed

this briefly. A question arose as to whether there should be an appeal for funds along with the membership endorsement form. If so, should it be at the state or national level? At present no membership fee is collected. But, a State is free to collect contributions. (Gujarat is the only state that adopted the practice of fee collection to meet the expenses of printing magazines, literature, etc.).

The members felt that having a membership campaign at the national level would pose practical problems of establishing and sustaining the contact with members in each state, and it would be nearly impossible to keep track of all the members in a personal manner. Therefore, it was suggested that membership campaigns should be coordinated at the state level.

As the CACL, both at state and national levels, are not registered bodies, it would be difficult to subscribe fee-policy. It was also agreed that there should be uniformity in fee/contribution collection across the country.



NCC in session

The endorsement form is to be signed along with the Position Paper by an individual or an Organization, whatever the case might be.

Thus, the final agreement among the members was that the endorsement form should be prepared and sent to the states by the CS with an appeal for contribution without any fixed amount. And, the states would send the list of members to the CS.

Post-Lunch Session

In the post-lunch session which commenced at 2.30 p.m. with C.J. George in the chair, a few common programmes to be implemented by the state chapters for the year 1999 were chalked out.

April 30, 1999 Programme

Focus on 83rd Amendment — compulsory, quality and free primary education for all children.

Several state chapters shared their plans for that day.

Karnataka: Focus on rural and urban areas. About 700 children will attend a convention to be held in Bangalore. A workshop is to be conducted for teachers on "back to school programme".

Maharashtra: Focus on sensitizing parents and teachers on the Amendment. The migrant children will be readmitted in schools in different locations on April 30 and November 13, 1999.

South Bihar: Conduct meetings at the village level on the Amendment and bring out a memorandum.

Andhra Pradesh: Organize regional level campaign. Mobilize signature campaign on the Amendment.

West Bengal: Hold preparatory meetings, organize rallies from all constituencies, start signature campaign, submit memorandum and initiate enrollment drive.

Orissa: Hold public meetings with trade unions and Government representatives, and regional level meetings on the Amendment.

North Bihar: Conduct block level and panchayat level meetings on the Amendment, meet the MLAs and submit the memorandum.

Delhi: Dispatch letters to Prime Minister and MLAs on the Amendment.

Tamil Nadu: Planning for 30th April programme will be finalized in the meeting to be held in the first week of April.

Signature Campaign

Exert pressure on the Parliament to promulgate effective legislations towards eradication of child labour through mailing postcards from all states to the Prime Minister and submitting a memorandum to the MPs. The EC is authorized to study the memorandum and suggest modifications. Important portions from the 83rd Amendment will be printed on the postcards. State chapters will send the postcards to the Prime Minister and submit copies of the memorandum to their respective MPs in Delhi.

Census 2001

CACL will obtain information from the Census Office regarding the procedures to be followed in submitting an application for a new item to be included in the Census, and then, accordingly will give direction to state groups to take initiatives to effect inclusion of "child labour" as an enumerated item in the household survey form in 2001.

Other Recommendations

(1) Make efforts to focus on one area and to eradicate child labour totally from that area. This is being done already in Bombay and Orissa. It was recommended that all the states should start this process at the panchayat level.

(2) In the light of the major national event in 1997 which motivated all the states to actively involve in the campaign, it was

suggested that a similar national event could be held in the near future. This would act as a motivating factor for the states to mobilize their resources for deeper involvement in the campaign.

(3) NCLP: It was proposed to hold regional level conferences on this issue in October and November, and based on the regional level conferences, a National level conference could be held. However, studies on NCLP need to be completed prior to holding the regional level conferences.

(4) The NCC nominated Alpa Vora (or C.J. George) to represent CACL's concerns at the Geneva Conference of the ILO.

It was also decided that the press conference to be held at 4.00 p.m. the same day would be addressed by Joy Maliekal, Suresh and Jaspreet. Other members may join the press conference.

A two-page memorandum was read out for a review. It was suggested to limit the memorandum to one page with the policies and goals of CACL stated clearly and succinctly.

In Conclusion

The formal vote of thanks was proposed by Mohanty, with Joy also thanking everyone for their active participation in the meeting.

Joy placed on record his sincere and heartfelt thanks to all participants and resource persons, for making the three-day meeting a success. A word of special thanks was offered to NESA and IGSSS for their financial and moral support in conducting this NCC meeting. Also, to several individuals who rendered support in various ways: C.J. George, Vimalanathan, Desmond D'Abreo, Chetan Abinendra Kumar, Mathews Philip, Koshy Mathew, Sony George and members of the CACL-K core group, for their guidance and support.

The NCC meeting was declared closed at 4.00 p.m.

List of Participants

- 1. Mr.Ranjan Kumar Mohanty**
PECUC, VII / M / 13
Sartashree Vohar
Bhubaneshwar - 21.
Ph.: 0674-440432.
- 2. Mr.Binayak Swain**
AT NET, Post Bag - 11
G.P.O. , Bhubaneshwar
Ph.: 0674-559004.
- 3. Mr.Felix Parmar**
World Vision of India
2nd Floor, Sahitya Seva Sadane
Ellisbridge, Ahmedabad - 6.
Ph.: 079-6423827
- 4. Ms.Paulomee Mistry**
G-11, Parul Apt.,
Opp. Octroi Naka
Satellite Road,
Ahmedabad - 15.
- 5. Ms.Sheetal Bhat**
Ganatar - Advocacy
G-11, Parul Apt.,
Opp. Octroi Naka
Satellite Road,
Ahmedabad - 15.
Ph.: 079-6466157.
- 6. Mr.Ram Swaroop Bhai**
GRAMIN SEWA
Village P.O. Sunder Biragit,
(via) Madhepur, Madhuvani Dt.,
Bihar - 847 408.
- 7. Mr.C.Nambi**
Centre for Social Edn.& Dev.
38, Narasa Street, Avinashi,
Coimbatore Dist., TN - 641 654.
Ph.: 04296-52969.
- 8. Mr.Joy Maliekal**
RLHP
343,Gayathripuram II Stage
Udayagiri Post, Mysore - 570 007
Ph.: 0821-451216
- 9. Mr.Mathews Philip**
SICHREM, No.35,Anjanappa
Complex, Hennur Main Road,
St.Thomas Town P.O.
Bangalore - 84.
Ph.: 080-5473922
- 10. Mr.Manohar Dhanore**
Jan Jagran Yuvak Mandal
739, Jai Vishwa Bharat Colony,
Aurangabad-431 001.
Ph.: 0240-334979.

- 11. Mr.P.Siva Reddy**
Centre for HRD
2/287, Balaji Nagar
Cuddapett - 516 003 (AP)
Ph.: 08562-26026
- 12. Mr.Samit Basu-Malik**
Forum for Street and
Working Children
14/2, Sadder Street, Calcutta
Ph.: 033-2493686
- 13. Mr.Soma Bose**
Forum for Street and
Working Children
14/2, Sadder Street, Calcutta
Ph.: 033-2493686
- 14. Mrs.Saroja K.S.**
CHIGURU
No.14, 1st Main, 1st Cross,
Srinagar, Bangalore - 560 050.
Ph.: 080-6623842
- 15. Mr.P.Lakshapathi**
APSA, N.34,
Annasandrapalya
Vimanapura Post,
Bangalore - 560 017.
Ph.: 080-5232749
- 16. Mr.M.Rajasekhara Reddy**
GRASS,
3-10/5, New Bramaramba
Complex,
Venkatagiri - 524 132.
Nellore Dist.(AP),
Ph.: 08625-67470
- 17. Mr.Radre Shyuam Singh**
AVSS, Sisai P.O.
Gumla Dist., Bihar - 835 224.
- 18. Mr.G.Y.Das**
SVAS, Alamuru
E.G.Dist., 523 233 (AP)
Ph.: 08855-48615
- 19. Mr.Chandrashekar Manu**
Rural Development society
Gaddankeri P.O.
Bagalkote - 587 102, Karnataka
Ph.: 08354-56640
- 20. Mrs.Jaspreet Kaur**
CACL Advocacy Unit
Centre for Edn.& Commn.
173-A, Khirki Village,
Malviya Nagar,
New Delhi - 110 017.
Ph.: 011-6232758/6286841.
- 21. Mrs.Chandra Kantha**
CACL-CS, C/o RLHP
35, Hennur Main Road,
St.Thomas Town P.O.
Bangalore - 84.
Ph.: 080-5473922
- 22. Mr.Suresh**
RLHP
343, Gayathripuram II Stage
Udayagiri Post, Mysore - 570 007.
Ph.: 0821-451216
- 23. Mr.Raghavendra**
RLHP
343,Gayathripuram II Stage
Udayagiri Post, Mysore - 570 007.
Ph.: 0821-451216
- 24. Mr.Suresh Rao**
CACL, C/o YUVA,
53/2, Nare Park Municipal School,
Opp.Nare Park Ground,
Parel (W), Mumbai - 400 012
Ph.:022-4143498
- 25. Mr.K.Nimmaiah**
PEACE
Near S.L.N.S.Degree College
Bhongir - 508 116,
Nalagonda Dist.(AP)
Ph.: 08685-42042.

- 26. Mr.George Chira**
TdH, 78, I Floor, Nanapet,
Pune - 411 002.
Ph.: 0212-644028.
- 27. Mr.G.William**
RLHP
343, Gayathripuram II Stage,
Udayagiri Post, Mysore - 570 007.
Ph.: 0821-451216
- 28. Mrs.Audrey Farreira**
India Sponsorship Committee,
1527, Golf Course Road,
Yerawada, Pune - 411 006.
Ph.: 0212-692910
- 29. Mr.Manjul Bharadwaj**
8/17, Shri Ram Nivas,
Adrasu Lane, Khare (E)
Mumbai - 400 051.
Ph.: 022-8687552
- 30. Mr.G.Eswaraiah**
CAMEL,
Nagarajapuram,
Sulherpet - 524 121
Nellore Dist.(AP)
- 31. Mr.J.John**
CAACL Advocacy Unit
Centre for Edn.& Comm.
173-A, Khirki Village,
Malviya Nagar,
New Delhi - 110 017.
Ph.: 011-6232758/6286841
- 32. Mr.Desmond A.D'Abreo**
St.Joseph's Highlands
Lower Bendur ,
Mangalore - 575 002
Ph.: 0824-436876
- 33. Mr.Chetan A.Kumar**
IGSSS, No.326, Asha Nivas
HRBR Layout,
St.Thomas Town P.O.
Bangalore - 560 084.
Ph.: 5460204
- 34. Mr.K.N.Giri**
Gandhi Peace Foundation
Centre,
P.O.Bhodgaya, Bihar.
Ph.: 0631-400660.
- 35. Mrs.Bhavita Kumar Pradhan**
GPSS, Sisai P.O.
Gumla Dist., Bihar - 835 224.
- 36. Mr.Ramyatan Sahu**
C/o GPSS, AH & P.O.Sisai,
Gumla Dist., Bihar - 835 224.
Ph.: 06524-715407
- 37. Mr.Vinay Kr.Sinha**
Vikas Jyoti
At Ananthpur (Near TOP)
P.O.Doranda (HO) Dt.,
Ranchi - 2, Bihar
Ph.: 0651-512417
- 38. Mr.Santhosh Kumar**
RCH & DP, P.B.No.38,
Mission Hospital,
Mysore - 570 021.
Ph.: 0821-521650

