

**MUJHE  
MERA  
BACHPAN  
LAUTA DO**



souvenir

*NAYI SUBAH*

**NATIONAL EVENT ON GIRL CHILD LABOUR**

5-7 March 2003

Dasara Exhibition Grounds, Mysore, Karnataka

**Campaign Against Child Labour (CACL)**



Help the girl child escape to school

CL-05



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*Nayi Subah*

**NATIONAL EVENT ON  
GIRL CHILD LABOUR**

Dasara Exhibition Grounds, Mysore  
March 5-7, 2003

*Organised by*



**CAMPAIGN AGAINST CHILD LABOUR  
Central Secretariat, C/o RLHP, Gayathripuram,  
Udayagiri P.O., Mysore - 570 019, KARNATAKA.**

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**R. VENKATARAMAN**  
FORMER PRESIDENT OF INDIA

19th February 2003

## **MESSAGE**

I congratulate your organisation, Campaign Against Child Labour, on the laudable object it has undertaken. Child labour is not only a crime against the children but it is also a crime against society. Poverty of households is the main cause for employment of children. No parent would like the children to slave at an age when it should learn, play and be merry. I wish you success in your endeavours.

**(R. VENKATARAMAN)**



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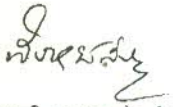
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ದಿನಾಂಕ : 27-2-2003

## ಸಂದೇಶ

ಕಾರ್ಮಿಕ ಬಾಲಕಿಯರ ರಾಷ್ಟ್ರಮಟ್ಟದ ಸಮಾವೇಶ ದಿನಾಂಕ : 5-3-2003 ರಿಂದ 7-3-2003ರವರೆಗೆ ಮೈಸೂರಿನಲ್ಲಿ ನಡೆಯುತ್ತಿರುವುದು ಅತ್ಯಂತ ಸಂತಸದ ವಿಷಯವಾಗಿದೆ. ಸಮಾವೇಶದಲ್ಲಿ ಸದರಿ ಕಾರ್ಮಿಕ ಬಾಲಕಿಯರ ಸ್ಥಿತಿಯ ಬಗ್ಗೆ ಚರ್ಚೆ ಮಾಡಿ ಅವರಿಗೆ ದಾರಿದೀಪವಾಗುವಂತರ ಮತ್ತು ಅವರು ದುಡಿಮೆಯಿಂದ ಹೊರಬಂದು ಸಮಂಜಸ ಮುಖ್ಯವಾಹಿನಿಯಲ್ಲಿ ತೊಡಗಿಸಿಕೊಳ್ಳುವ ಈ ಕಾರ್ಯಕ್ರಮವು ಅತ್ಯಂತ ಯಶಸ್ವಿಯಾಗಲೆಂದು ಹಾರೈಸುತ್ತೇನೆ.

  
(ಮೋಟಮ್ಮ)

(Message from Mrs. Motamma, Minister for Women and Child Development, Karnataka)





## From the Convener, CACL

*"I have a dream of becoming a doctor. I want to treat my mother who has TB. Because we are illiterate and unskilled, we have no regular income. My mother occasionally goes to make some agarbathis and earns some money. As it is we do not have enough money for food, and on top of it we have to find money for injections.*

*"I want to study and become a doctor. Now all that I do is wash vessels, bathe dogs, swab the floors and clean the rooms for memsaab. When will I get out of this drudgery? Who will release me? Who will fulfil my dreams?"*

This is the story of Rupa, an eight-year-old domestic child labourer. Children like Rupa await a new dawn.

*Nai Subah* (New Dawn) is an event that has been planned on a massive scale at the national level to highlight the issues of the girl child labour. For the past one year, a process of preparing the child rights defenders within the CACL network and sensitizing the public on this issue has been going on in 17 states. *Nai Subah* is the culmination of that process and the beginning of a new chapter in the life of the child rights movement in India. Nearly 2000 people, including 1200 girl child labourers from various sectors such as domestic, agriculture, beedi-making, agarbathi-making, match factories, etc. are expected to converge in Mysore on March 5 for a three-day national meet.

CACL opted to focus on the girl child labour issue because of the enormity of the problem. The girl child is the most discriminated against, on the whole, in Indian society, and the plight of the girl child worker may be deemed to be a "triple burden" – first being a girl, second being without an education and third, by losing her childhood and having to be an income-earner, some even at the tender age of four or five. This is compounded by the fact that the girl child labourer is the least visible of all in the Indian work force.

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 the hidden sectors needs our immediate intervention. It is with this in view that the Campaign Against Child Labour is making an attempt to bring national attention on the situation of the girl child labour.

According to a report of the Education Department 75.4 million children were out of school in India in 1999. Reports say that very often girl children are withdrawn from schools, and almost all of them are working at home or looking after their siblings, grazing animals, or working in different sectors such as domestic, agriculture, beedi-making, agarbathi-making, match factories, etc. On a rough estimate we are talking of 40 million working girl children, mostly working in the domestic and agriculture sectors. They are the least visible and the most vulnerable.

The laws to contain child rights violations are very weak. 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 Child Labour (Prohibition & Regulation) Act (CLPRA). 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. Girl children are mostly working in home based sectors, which the provisions of CLPRA do not cover.

CACL organized a National Convention of Child Labourers and Public Hearing in 1994 at Chennai and later in 1997 at New Delhi. These events helped in creating awareness among the public and also in 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.

It is our sincere hope that with the conclusion of this mega event, the State chapters and other concerned citizens will take the movement forward to usher in a new era and help the girl child escape from her misery and ignorance. Let us together work for that new dawn or that "heaven of freedom" as Tagore says and see to it that every child in India, especially the girl child, is in school and enjoys a childhood with respect and dignity.

I also take this opportunity to thank the innumerable people who have worked hard for several months towards making this event a reality. Mention must be made of the members of the EC and the NCC of CACL, the Conveners of the State chapters and their ECs, members of the various committees of the event, staff of CACL-CS and RLHP, and several other individuals and organizations that have supported and encouraged us in the run up to this event. A word of special thanks to all our donors – individual and corporate – advertisers, and others who have supplied us with the materials required for this event on time, the venue and stage decorators, the printers and all the support staff at Mysore office.

We are also indebted to the officers of the Karnataka Exhibition Authority for permitting us to use the Dassera Exhibition Grounds without any charge. To them a big word of thanks for the solidarity expressed. The Mayor and several other dignitaries in Mysore have encouraged us by consenting to be members of the Event Reception Committee. Their support and solidarity have been crucial and to them also, we say "Thank You."

**Joy Maliekal**



# Campaign Against Child Labour – A Profile

Campaign Against Child Labour (CACL) is a national network of 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. Launched in 1992 with a few organizations, today it consists of nearly 6000 anti-child labour groups spread across 17 states with many more in the process of joining. The ultimate goal is to broad base the campaign to include various concerned groups and individuals and make it a people's campaign.

CACL is against all forms and manifestations of child labour, in any occupation or process, in all sectors of work be it formal, informal, organized, unorganized, with or without wages, within or outside the family. CACL does not accept the classification of hazardous and non-hazardous sectors as envisaged in the CLPRA of 1986, as all forms of labour are hazardous and detrimental to the healthy growth and development of a child.

## **Structure of CACL**

The organizational hierarchy of CACL is loosely structured to avoid bureaucratic impediments.

### **Core Committee**

The State Core Committee consists of the Conveners from the District Secretariats of the State.

### **State Secretariat**

Each state has a core committee, which elects the State Convener. A Co-convener can also be elected. The state can have a separate advocacy unit or it can be combined with the state secretariat.

### **Executive Committee (EC)**

The Executive Committee consists of the Conveners of the various state Secretariats. It is responsible for carrying out the programmes and policies of the CACL. The EC meets once in six months to review implementation of programmes and policies.

### **National Coordination Committee (NCC)**

The National Coordination Committee consists of the State Conveners, State Coordinators and 4 active members of State CACL. The NCC is the supreme authority to decide the policies and programmes of CACL. It meets once in 9 months and devices an action plan for the year.

### **Central Secretariat (CS)**

The coordination of national programmes and activities is the responsibility of the CS. The CS implements the mandate given by the NCC. The CS is hosted by a CACL member organization and is shifted every three years.



**RLHP Team**  
**wishes**  
**CACL**  
**the very best**  
**for the success**  
**of *Nai Subah* -**  
**National Event on**  
**Girl Child Labour**

**RURAL LITERACY AND HEALTH PROGRAMME (RLHP)**  
**No. 343, Gayathripuram II Stage, Udayagiri Post, MYSORE - 570 019**

Telefax: (080) 451216 E-mail: rlhp@sancharnet.in

## **Advocacy Unit (AU)**

The Advocacy Unit is responsible for advocacy and lobbying at the national level. The AU 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.

## **Aims & Objectives**

The objectives of CACL are to create awareness on child labour, highlight violations inflicted on child labourers, promote justice through fact finding and litigation, review policies and legislations on child labour, sensitize and educate civil society and law enforcement personnel on the evil of child labour and the urgent need to eradicate it. Ensuring the fundamental right to education to all children up to 18 years.

## **Activities**

Our activities range from networking with various organizations and mobilizing public opinion by utilizing media. Violations of child rights are highlighted by interventions in cases of gross abuse of child labourers at times even leading to their death. Litigation has been initiated in certain cases in the High Court and Supreme Court to facilitate policy changes, ensuring that the Government introduces and passes legislations in the spirit of the UN Convention on the Rights of the Child. Pressure is also applied to review national policies and legislations on child labour and to ensure strict implementation of the existing laws. Attempts are also on to put forth successful strategies and alternatives for the rehabilitation of working children. Many member organizations are also involved in providing education and rehabilitation to rescued child labourers.

## **Some National-level Actions**

**To the 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.

**To the Planning Commission:** CACL conducted two consultations – southern and northern – on “Vulnerable children: An 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.

**To the ILO:** CACL, in partnership with trade unions, intends to participate and express its views on child labour at 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 and trade unions in November 2001 at New Delhi, in this regard.

## **National Consultations**

CACL organized a national consultation on the **93rd Constitution Amendment Bill, 2001** in which major networks, NGOs and child rights groups from various parts of the country took part. A common position and alternative bill evolved, which formed the basis of our advocacy efforts. CACL went on a strong campaign to influence the MPs and ensure that the bill was passed with positive changes. But, to our dismay, the Bill went through without any amendments thus putting into question the future of the 0-6 age group for the right to education. In many ways it is a retrograde step from the earlier provision of the Constitution, which had the provision of universal primary education for all

up to the age of 14, although not as a fundamental right. Now that the bill has received the President's assent, CACL will take an active role in monitoring the implementation and influencing legislations by the States.

CACL also organized a "**National Consultation on Child Labour in the Hotel and Domestic Sectors**" and submitted recommendations to the Ministry of Labour and the Department of Women and Child Development to prohibit child labour in both sectors.

### Some State-level Actions

At the state level, CACL state secretariats have influenced state govt. policies. To mention a few:

- ♦ The Karnataka Government launched the **Action Plan** for the elimination of child labour, the formulation of which was assisted by CACL-Karnataka.
- ♦ Tamil Nadu submitted a **Children's Manifesto** to all the electoral candidates during the assembly elections, demanding their rights.
- ♦ CACL-Bihar submitted its recommendations to the National Labour Commission. It also campaigned actively against child labour in Bihar, which led to the establishment of a **Child Labour Commission**. This is a joint initiative of CACL and the Women and Child Welfare Department.
- ♦ CACL-Orissa organized a **Children's Parliament**.

### Interventions

CACL has intervened directly in a number of individual cases of child rights violations. Some of them are:

- ♦ Shivamurgan 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.

- ♦ Four children died in a fire in the Arun Kumar Match Factory in Tamil Nadu. The employer was forced to pay a compensation of Rs. 50,000/- to each of the victim's families.
- ♦ Sumitra was made to work as a domestic help by 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 got 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:

- ♦ A Public Interest Litigation was filed to release and rehabilitate the children in the cotton and sericulture industries in Karnataka.
- ♦ Campaign against fireworks to highlight the plight of children in the fireworks manufacturing industry in Sivakasi.
- ♦ Campaign against the textile industry to expose the employment of child labourers in Tirupur of Tamil Nadu.

Some CACL's interventions have evoked tremendous response within the community and have proved successful. Because of CACL's Lobbying, many state govt. schemes have been launched to prevent child labour.

CACL is also 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 a Supreme Court ruling in 1996 special schools for child labourers were set up, and

a special task force was formed to release child labourers. After CACL's intervention, the task force recommended that the district officers be conferred the powers of a Labour Inspector.

□

*Impart education  
to every child of  
this country*

*With Best Compliments From*

# **Lunar Chappals**

**Hebbal Industrial Area**

**Belavadi Post**

**Mysore - 570 056**

**Phone : 402110**

# Help the Girl Child Escape to School

C.J. George\*

Gender discrimination is a fact of life in almost all societies. The difference is only in degrees, forms, manifestations and practices. The belief that gender discrimination is specific to certain poor or conservative castes or communities is rather

misplaced. In fact such other discriminatory factors like caste, class, ethnicity and so on further reinforce gender disparities, cumulatively making women in the these circumstances victims of double or

triple discrimination. Patriarchy, which is at the root cause of this reality, is not just a dominant cultural attribute. It exercises its hegemony in other sectors of life, economic, social, and political as well. It is linked to the control of all productive resources by a few and the economic and social domination by these. The culture that emerges out of this

domination soon legitimizes itself, and passes as the culture for all. The inferior status of women thus permeates all realms of social and familial life.

It is true that the inequitable gender situation is more acute in certain regions or societies than

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The inequitable gender situation is more acute in certain regions or societies than others. The South Asian region is a clear example of this. This is demonstrated clearly by the fact that the sex ratio in this region has been continuously registering a decline.

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others. The South Asian region is a clear example of this. This is demonstrated clearly by the fact that the sex ratio (FMR) in this region has been more or less continuously registering a decline

in the number of females for every 1000 males in the population. In India, for instance, the number of females decreased from 972 in 1901 to 927 in 1991. The ratio has marginally improved to 933 in the last decade, but remains dismal. This reflects the acute state of discrimination and inferior status of women in the Indian society, which is obvious in many ways:

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\*Mr. George is with Terre des Hommes (Germany) India Programme



the increasing violence against women, child marriages, female illiteracy, female infanticide/foeticide, lower health and nutrition status of women, low wages, practices like dowry, absence of inheritance and land rights rampant and under-reported cases of rape, molestation and eve teasing and mere nominal participation in social and political spheres.

The debate on the falling number of females in the Indian society, which started in the mid-seventies with the first report on the status of women in India, continues. This has been becoming more passionate and active during the past two years, particularly after the publication of the provisional results of the census 2001. These results revealed that while there was a marginal improvement in the number of women (from 927 to 933) for every 1000 men in general, there was a fall of 18 females (from 945 girl children in 1991 to 927 in 2001) for every 1000 males in the of 0-6 age group. Taken in conjunction with a similar steep decline in the previous 3 censuses, presents an alarming picture. The number of girls has actually fallen from 976 for 1000 boys in 1961 to 927 in 2001.

#### Child Sex Ratio 0 – 6 years

| Years | Families<br>per 1000 males |
|-------|----------------------------|
| 1961  | 976                        |
| 1971  | 964                        |
| 1981  | 962                        |
| 1991  | 945                        |
| 2001  | 927                        |

Source: Economic Survey of Government of Maharashtra

To understand the implications of this further, it is also necessary to look at the figures in different regions, states and sectors. For example, the FMR in urban areas was reported to have declined by 32

points during this period while the reduction in the rural regions has been only 14 points. Most alarmingly, the decline has been very steep in the states like Haryana, Punjab, Gujarat, Himachal Pradesh and Maharashtra, the very states in the forefront of economic development in the country.

#### Comparison of FMR in different states to 1000 males

| States      | 1991 | 2001 |
|-------------|------|------|
| Punjab      | 875  | 793  |
| Haryana     | 879  | 820  |
| Gujarat     | 928  | 878  |
| Maharashtra | 946  | 917  |

The discrimination against the girl child is rather all-pervasive and begins very early, often even before her birth. It continues as she trudges along the roles of daughter, wife, mother, etc. The roles themselves are fixed around the home and family, notwithstanding the fact that she is continuously contributing to productive labour both outside the home and inside. Dictums like 'A girl is the wealth of others' – (*Paraya dhan*), 'Bringing up a girl child is like watering a neighbour's garden' – commonplace in many of the Indian languages – indicate how the discriminatory attitude is entrenched. The girl children of India are thus subject to biases and discriminations of various kinds in various measures, forms and degrees.

#### Survival Increasingly Threatened

The threat to the survival of the girl child has increased. Today in addition to the traditional practices of female infanticide and foeticide, fairly common in many parts of the country even today, modern technology and techniques such as sonography and amniocentesis are misused for annihilating the female foetus. The numbers of girls are decreasing, and this seems to be happening

more in the high per capita income regions, even as the trend continues in other states like Rajasthan, Madhya Pradesh and Uttar Pradesh. Under-five mortality among females is also higher due to shorter breast feeding, less care, less nutrition, inadequate and delayed nutrition and so on. The push towards a small family norm and the predominance of market economy has strengthened the preference for a son, adding to the discriminatory trend. Practices like dowry are being reinforced due to both increasing consumerism and also religious revivalism in the society. This is

making marriages more expensive in the middle and upper caste/class sections. The same trend is being emulated by the lower caste groups in the society as well. All these trends contribute to worsen the survival prospects of the girl child. According to a study in 1998-1999 in rural India, 42 out of 1000 girls died before the age of 5 years while in the case of boys, the number is only 28. It is reported that 'every third girl child born in India does not survive to see her teenage' and 'Every sixth girl child dies due to gender discrimination'.

According to a UNICEF study almost 3mn of the total 4.5mn marriages in the country are of girls below 18 years, though 18 is the legal age for marriage. Early labour, early marriage, early motherhood: this seems to be the pattern for a majority of Indian girls. This contributes to increased risks of premature delivery, various health hazards,

low birth weight babies, anemia, high maternity and infant mortality rates.

### Shrinking Opportunities

Looking at education at least 22% girls have not been to school at all. Educational expectations from girls are much lower than from boys. Consequently they are withdrawn from school easily. Thus more than 50% of the girls enrolled in primary schools

drop out before the age of 12. The general indifference to girls' education is responsible for this. The PROBE study of 1999 reported that 49% of the households had withdrawn girls from school, for labour while this was given as the main

reason for withdrawing boys only in 26% of cases. Girls are pulled out of school for looking after siblings, helping in domestic work, minding livestock and for other chores.

Girls are thus part of the invisible labour force at home. They take over the responsibility of running the home, cooking, collecting drinking water, fuel, bringing up the siblings, minding the livestock and family farms, while the mother is engaged in outside work. This denies girls the rights to development, health care, education, leisure, play, and so on.

Article 24: Prohibition of employment of children in factories, etc.

***"No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any hazardous employment."***

Article 45: Provision for free and compulsory

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Girls are part of the invisible labour force at home. They take over the responsibility of running the home, cooking, collecting drinking water, fuel, bringing up the siblings, minding the livestock and family farms, while the mother is engaged in outside work.

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education for children

***“The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.”***

### **The Toiling Girl**

In addition to sharing family responsibilities, they are of course a large work force, pliable, docile, hard working, regular and meticulous. They toil in many sectors like agriculture, domestic work, hotels and eateries, glass and glassware industries, zari making, pearl factories, vending, hosiery, silk weaving industries, match and beedi manufacturing, construction, bricks and tiles kilns, agarbatti making, rag picking and so on. The statistics on child labour are much disputed and the estimation of the number of children who are labouring range from 20 million to 110 million.

The different estimates are based on different definitions of child labor and also different age groups. Official figures are available for children who are out of school as 63 million (Saikia Committee 1997) for the age group of 6-14 years of age. According to the Department of Education (1999) 75.4 million children in the age group of 6 – 14 years are out of school in 1991. It would not be wrong to assume that most of these children are engaged in some kind of labour, either as part of family labour or wage labour or self employed, as in the case of scrap collectors. Given the fact that more girls are pushed out of school for various reasons, the number of girls out of school could be around 40 million, almost all **working in some sector or other.**

As shown above, a majority of these children would be girl children, toiling in various sectors. Apart from the labour exploitation and abuse these

children are often exposed to sexual abuse as well. A survey of 6 metropolitan cities reported that among the 70,000 to 1,00,000 women in commercial sex work, 15% had entered the labour force between the age group of 15 to 18 years.

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It is estimated that at least 20% of the total domestic workers are children below 18 years old and a good majority of them are girls.

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Sectors like domestic work, agarbathi making, beedi rolling, match boxes, silk twisting, hosiery, silk weaving, agriculture (transplanting, weeding, cross pollination) employ large number of girls. It may be opportune to quote some studies and estimates.

A study by Arun Bhattacharjee reached the conclusion that “The social belief that a female child is an economic liability can be countered by the argument that a girl works more than nine hours a day. By the time she ceases to be child she has provided economic help to the family worth Rs. 39,600.”

The unequal distribution of labour between the boys and girls is legitimized by the patriarchal value system. The girl must do the chores at home while the boys are allowed to play or go to school. It is as if the girl has to earn her livelihood while the sons are favoured by the parents anticipating support and help in their old age. And where there is a crisis, say drought or famine or even an economic crisis in the family, girls are the first to be taken out of school and sent to work.

It is estimated that at least 20% of the total domestic workers are children below 18 years old and a good majority of them are girls. Apart from

being exploited economically, through long hours of work, negligible pay, no leave, status of semi-bondedness, these children are often subjected to physical and sexual abuse. The latest report of a couple punishing a girl child by piercing her vagina and other parts with hot iron bar, allegedly for eating jaggery (Bihar – *Indian Express*, Feb.7, 2003) is an illustration of the situation. Cases of torture and abuse of girls working as domestic help have been frequently reported. Very recently the Judicial Magistrate in Mangalore sentenced the employers of Sonia, a 10-year-old domestic labourer, to six months imprisonment. Sonia was not provided adequate food, made to work beyond her capacity and severely beaten with iron rods.

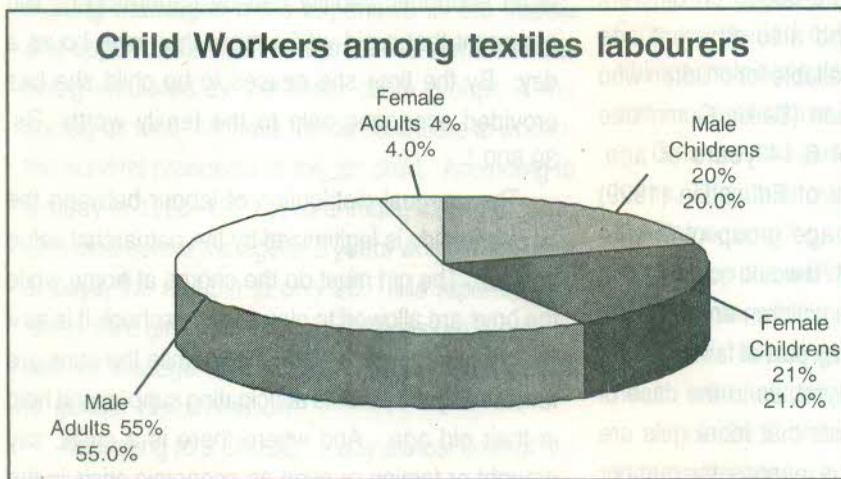
The extent of girl child labour in the textile sector is well known. An overview of the labour situation presented the following picture.

This again clearly indicates that more girl

little. Such jobs are not normally accepted by boys and men. The girl child labour here is on the one hand deprived of her right to schooling and learning and on the other hand does not even learn a skill as a result of her employment. Girls are thus confined to low pay, low skill and low status jobs.

The rate of participation in labour of girls is more than that of boys. An examination of the data on child labourers showed that 4.3% of all girls below 14 were employed while only 2.1% of all boys were in jobs. This means more young girls are employed compared to boys. As the rate of schooling is improving, more boys are going to school and more girls to work. Between 1971 and 1981, there was a decrease in the rate or percentage of working boys in the rural areas while there was an increase in the percentage of girl child labourers.

A recent study by MAYA in the Rural District of Bangalore revealed that 15.8% of the girls in the villages were going to work, compared to 12.6% of the boys. Most of these girls were employed in sericulture and silk reeling and twisting. In some villages, the percentage of girls out of school was as high as 32%. These girls are denied the opportunities for education and development. They continue to be unskilled,



children are at work in this sector than boys.

It is reported that as much as 90 % if the children working in the match industries in Shivakasi are girls below 14 years. They work in extremely hazardous conditions doing repetitive jobs and are paid very

illiterate and under-paid. This situation perpetuates poverty and destitution in the rural areas.

The Beedi industry is yet another sector spread out in various states (Tamil Nadu, Karnataka, Madhya Pradesh, Orissa, Andhra Pradesh,

Maharashtra and so on.) which employs a large number of girls. Girls even as young as 5 and 6 years were found to be working for 10 hours a day by a researcher.

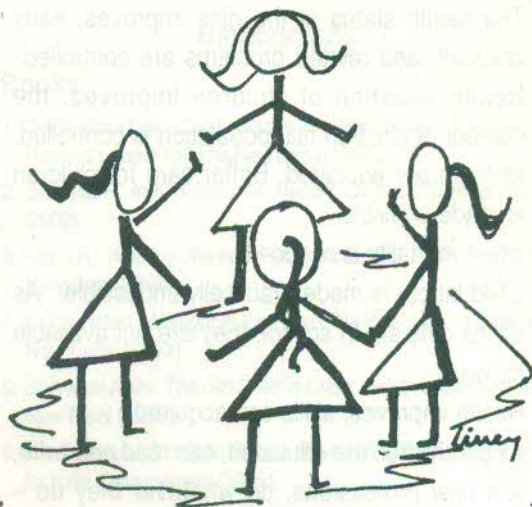
Yet another report on the 1981 census informs that 8.35 percent of girls under 14 years of age were employed as main workers while 9.35% were marginal workers. As is well known, the bulk of the work of girls is invisible because it is mostly home-based or belongs to the domestic sphere.

### Whither Protection?

Is she protected from exploitation by legislation? Hardly – is the answer. The CLPRA is applicable to only those sectors where a clear employee–employer relationship exists and where the girl actually works in a factory. Home-based work is completely out of its purview. Even the so-called hazardous sector employment, where child labour is prohibited, falls out of the purview of the law when the work place is not a factory, but the home or other informal arrangement. And that is the general case both in girls' and women's employment, for example, beedi rolling, agarbathi making, papad making, choir, silk and carpet weaving, domestic help, rag picking and processing and so on.

It is exactly the same situation as far as the regulation is concerned. No regulation can apply where there is no identifiable employer. Thus the legal protection available to the girl child labourer is dismal. The provisions are utterly insufficient and the implementation is even more distorted. The whole society stands indicted of not providing for the survival, protection, development and participation of the girl children, particularly the girl child labourer.

Thus millions of girl children are deprived of their rights of survival, protection and development. They have no opportunities to explore, to experience, to



learn or to enjoy care and leisure. Their childhoods have been snatched away. They are exploited and oppressed in various ways. They are compelled to lead adult lives, labouring and fending for themselves and others. The girl child labourer's aspiration is to have her childhood back (*Mujhe Mera Bachpan Lauta Do*).

### Perspectives for Change

The fact that millions of girls of India are languishing in toil and hard work is not just a matter that affects the girls or their families. It is an enormous loss to the whole country and humanity itself. These very same girls are part of the future of our society that is our own future. But the concern for them must not only be because of the future but because of the present as well because their rights are human rights and must be defended, here and now.

How do we do this? We can do this by 'helping them to escape from labour to school'. It might be interesting to fantasize about the situation in which all the girls up to 18 years of age are in schools where quality education would be imparted. What could be the results?

- ✓ Child marriages are averted
- ✓ The health status of the girls improves, early childbirth and related problems are controlled.
- ✓ Health situation of children improves, the number of children fall, population is controlled. Mothers are educated. Better care for children is made possible.
- ✓ Infant mortality is reduced.
- ✓ Child labour is made practically impossible. As all the girls are in school, they are not available for work.
- ✓ Health improves, skills are acquired.
- ✓ All girl children are educated, can read and write, join new professions, do whatever they do – agriculture, cooking, house keeping, animal husbandry with better skills.
- ✓ Resist exploitation and discrimination.
- ✓ Illiteracy is eradicated, scientific temper instilled. Superstitions and irrational practices are discerned and rejected.
- ✓ Better participation by women in social and political matters are achieved and more equitable society is created.
- ✓ Education could reduce the shortage of skilled human power and excess of labour in the traditional sector and make a dent in the problem of unemployment.
- ✓ Further improvement in the health situation could make the following changes as mentioned in the World Development Report as “Improved health contributes to economic growth in four ways: it reduces production losses caused by worker illness, it permits the use of natural resources that had been totally or nearly inaccessible because of disease, it increases the enrolment of children in schools and makes them better able to learn and it frees for alternative uses resources that would otherwise

have to be spent on treating illness. The economic gains are relatively greater for poor people, who are typically most handicapped by ill health and who stand to gain the most from the development of under-utilized natural resources.”

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The education of the girl child will have a ripple effect which will lead to significant changes in her own life and in the whole society. But this cannot be achieved with the kind of schooling that is available to her today.

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Thus it is possible that quality education of all girls presently out of school lets loose a whole chain of positive social changes and ushers in a new dawn (*Nai Subah*).

The education of the girl child will have a ripple effect which will lead to significant changes in her own life and in the whole society. But this cannot be achieved with the kind of schooling that is available to her today. The new education policy of 1986 affirmed that ‘a new structure of equality between the sexes must rest on the corner stone of education for girls’. The policy aimed at removing traditional discrimination and creating appropriate school curriculum without sex stereotyping. It further promised to secure access to education to all girls and promote girls entry to vocational and professional courses. But as is the case so often, the policy has mostly remained on paper and the girls continue to languish out of school and in employment.

At the threshold of the 21<sup>st</sup> century, the girls of

this country deserve much more. They, each one of them, have a right to quality education, education that will enhance their critical and creative potential. Education must not only be free for her, but must free her spirits, her potentials and her dreams. It must promote the spirit of enquiry, must be contextual, bringing meaning to her life, and must be joyful and liberating. Hers must be a school to which she can escape from the shackles of labour and all the other oppressive conditions of life.

The recent steps by the Government of India of passing the 93<sup>rd</sup> amendment of the Constitution, to make education free and compulsory for all the children between 6 – 14 years of age does not grant much to the girl child. On the contrary, it breaches the promises made to her (quoted above) through article 45 and 24 of the Constitution of India. It is time to make new commitments, new promises and not to breach the old ones.

Her plea has been best expressed through Tagore's *Chitra*:

"Do not keep me on a pedestal to be worshipped,  
Nor under your feet to be trampled,  
But keep me at your side to share,  
And to dare in facing this world."

The girl child's right to survival, health care and nutrition, education, social opportunities and protection has to be recognized and made a social and economic priority. Along with this the basic structural inequalities that cause poverty, malnutrition and the low status of women have to be addressed, if these rights are to be ensured.

This is the responsibility and concern of everyone. Only a concerted mobilization and action by all can help to create a new environment for the girl child labour and help her to awaken to a **new dawn (Nai Subah)**. We should have acted yesterday. Today is already late. Let us not make it any later. Now is the

time.

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## अभियान गीत

हमें अपनी ज़िन्दगी खुद बनाने दो  
हमारी खाहिशों को कभी न छीन लो ।  
आज अपना बचपन हम माँगते हैं  
आज अपनी हिम्मत हम बाँधते हैं  
बाँधते हैं, बाँधते हैं । । हमें ....

एक साथ कदम बढ़ाते जाएँ हम, जाएँ हम  
कभी किसी के बल से टूट न जाएँ हम, न जाएँ हम  
काम और वेतन बढ़ों की ही रहे  
हम श्रम के बंधन से मुक्त ही रहे  
मुक्त ही रहे, मुक्त ही रहे । । ....

घर की रोशनी में अब रहेंगे हम, रहेंगे हम  
उठो चलो अँधेरे से बचेंगे हम, बचेंगे हम  
भूख और प्यास की आग ना रहे  
पढ़ेंगे और लिखेंगे नई आरजू लिए  
आरजू लिए, आरजू लिए । । हमें ....

कभी कहीं किसी से ना डरेंगे हम, ना डरेंगे हम,  
मानवता की नीति को रचेंगे हम, रचेंगे हम  
सपने ये हमारे, हमें साथ दीजिए  
मिले हैं आज हम तो चलो ज़िन्दगी जिएं  
जिन्दगी जिएं, ज़िन्दगी जिएं । । हमें ....



## CACL's Viewpoint on Poverty and Child Labour

Is poverty really a reason for child labour? When poverty has several causative factors how can it be a prominent reason for child labour? In fact, poverty is a result of unscientific state policies and programmes. State's failure in delivering what has been constitutionally guaranteed to the common public has created and accentuated poverty. Now in the context of new economic policy, the intensity of poverty increases and the disparity gets widened.

If one says poverty is the reason for child labour or any other such issue, the solution to the problem is abstract. It is to this abstract solution that the state resorts to escape from solving this problem. The common mindset is conditioned that poverty is God's wish or punitive action. Therefore, showcasing such an abstract reason will never deliver the results.

The prominent reason for child labour would be the State's failure to enroll the children in schools and retain them there till they get the elementary education. Millions of our children are in the labour force for the major reason that the existing schools could not retain them. Lack of infrastructure including separate toilets for girl children, insufficient teachers, lack of mid-day meals and drinking water, irrelevant education curriculum, distance of school from home, etc. contribute to children dropping out of school.

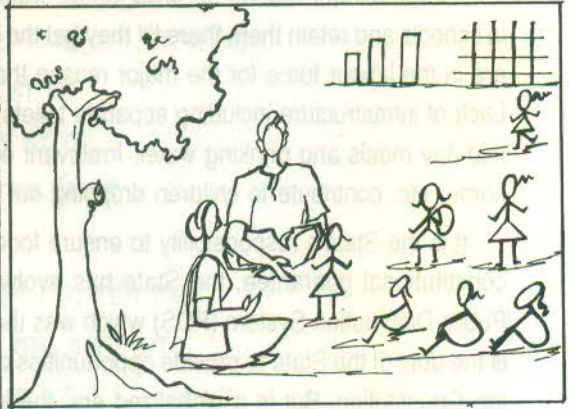
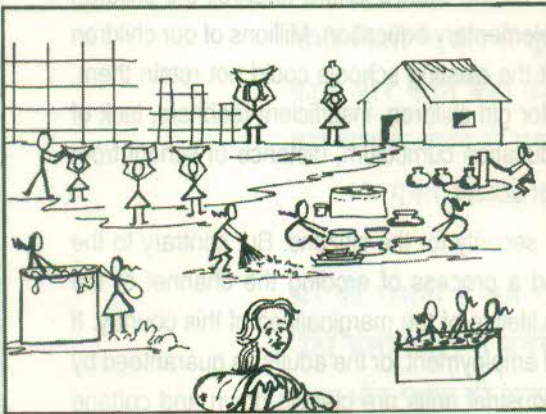
It is the State's responsibility to ensure food security for the citizens. But contrary to the constitutional guarantee, the State has evolved a process of eroding the channel of the Public Distribution System (PDS) which was the lifeline of the marginalized of this country. It is the duty of the State to provide opportunities of employment for the adults as guaranteed by the Constitution. But in a globalized era, the industrial units are closing down and cottage industries are on the edge of extinction. As a result, millions of workers became unemployed and have resorted to the web of economic exploitation.

The children of these workers have joined the labour force while the parents are out of jobs. Landlessness, non-implementation of the Minimum Wages Act, communal riots, armed conflict; development projects are the major factors, which play a pivotal role in displacing people from one place to another. Movement of populations looking for livelihoods and safer areas to live in has become a regular phenomenon in our country. Obviously, the children of such people get stuck in the web of economic and sexual exploitation of a greedy market economy. It is the State's duty and responsibility to ensure a safe and sustainable economy wherein the children can get elementary education and its citizens can live in harmony with the communities and be free from exploitation of any kind.

# Convention on the Rights of the Child

## Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parents(s), legal guardian(s) or any other person who has the care of the child.



# Programme Schedule of the National Event on Girl Child Labour

## Monday, March 3, 2003

Arrival of volunteers, members of EC

## Tuesday, March 4, 2003

- 0930 to 13000 hrs : Orientation Programme for  
facilitators on the event
- 1300 to 1400 hrs : Lunch
- 1500 hrs : Visit to the zoo by children  
Time for creative activities
- 1600 to 2030 hrs : Informal cultural programmes
- 2030 hrs : Dinner

## Wednesday, March 5, 2003

Arrival of delegates – children

- 0800 hrs : Breakfast
- 0900 to 1230 hrs : Children's Programme: Creative Activities
- 1230 to 1400 hrs : Lunch
- 1500 hrs : Exhibition of paintings, posters,  
photographs on child labour as a side event
- 1500 hrs : Inaugural Ceremony**

Welcome

Lighting of the Lamp by children while CACL song is aired

Speeches by Guests of Honour

Release of the Research Study

Release of the Souvenir

Skit by RLHP children

Vote of Thanks

### ***Guests of Honour***

**Ms. Nandita Das**, Noted actress

**Ms. Nagaratna**, Former street child and distinguishing student in SSLC

**Sri. Vishwanath**, Minister for Cooperation, Karnataka

**Smt. Motamma**, Minister for Women and Child Welfare, Karnataka

**Sri. Lukose Vallathara**, Commissioner, Collegiate Education, Karnataka

**Sri. Kumara Nayak**, District Commissioner, Mysore

**Sri. T.K. Anil Kumar**, Chief Executive Officer, Mysore Zilla Panchayat

**Sri. Bipin Gopalakrishna**, Commissioner of Police, Mysore

**Ms. Amarjeet Kaur**, Secretary, Child Rights Cell, AITUC

**Sri. R. Raghu**, Chairman, Karnataka Exhibition Authority, Mysore

- 1900 to 2030 hrs : Splitting the children into groups  
Ice-breaking & Self introduction sessions
- 2030 hrs : Dinner
- 2100 hrs : Cultural Programme

### **Thursday, March 6, 2003**

- 0730 to 0900 hrs : Breakfast
- 1000 to 1300 hrs : Public Hearing**

#### Introductory Remarks

Depositions by girl children working in various sectors

- 1000 to 1300 hrs : Children's Group Discussions  
20 groups – Sharing of experiences  
and aspirations  
Documenting the outcome
- 1300 to 1430 hrs : Lunch
- 1430 to 1600 hrs : Public Hearing (continued)**
- 1430 to 1630 hrs : Expressions in colours:  
Children will express their hopes,  
experiences in colours
- 1630 hrs : Tea
- 1700 to 2000 hrs : Children's Procession & Human Chain
- 2000 hrs : Dinner

2100 hrs : Film Screening & Magic Show  
(Screening of the film made by CACL  
on child labour)

**Friday, March 7, 2003**

0730 to 0900 hrs : Breakfast  
0900 to 1230 hrs : Preparation of Declaration by children  
**1000 to 1300 hrs : Symposium on girl child labour**

(Adult delegates and local guests will participate and make policy recommendations)

1130 hrs : Press Conference at Hotel Siddhartha  
addressed by Jury members

1230 to 1430 hrs : Lunch

**1500 hrs : Valedictory Ceremony**

Arrival of Guests

Welcome

Round-Up

Children's sharing of Event Experiences

Verdict of the Jury

Presentation of the Children's Declaration

Presentation of Solidarity Declaration from the Symposium

Speeches by Guests

Vote of Thanks

Concluding with campaign song, drums and dance, holding of hands

1900 hrs : Departure of guests

1930 hrs : Dinner

2100 hrs : Informal Cultural Programme by Children

**Saturday, March 8, 2003**

07.30 hrs 09.00 am : Breakfast, followed by children being  
readied for journey back home

## Depositions from Different Sectors for the Public Hearing

1. Andhra Pradesh Cotton seeds, Beedi
2. Bihar Carpet, Stone Quarrying
3. Chattisgarh Road Construction, Domestic
4. Goa Domestic, ragpicking
5. Gujarat Gem-cutting, Plastic rope-making
6. Jharkhand Agriculture – Minor Forest Produce, Quarrying, Bricks, Coal-mining
7. Karnataka Domestic, Agarbatti, Ragpicking, silk
8. Kerala Fisheries, Handloom
9. Madhya Pradesh Road Construction, domestic, ragpicking
10. Maharashtra Cattle-grazing, waste-picking, agriculture
11. Orissa Beedi, Minor Forest Produce, Bricks, Dhabas.
12. Tamil Nadu Silk, Textiles – hosiery, Powerloom and handloom, Match, Gem-cutting
13. West Bengal Silk, Rag picking, Beedi

## Working Committees of the Event

### Steering Committee

Joy Maliekal – Convener  
CS Staff  
All State Convenors/EC Members  
Convenors of other sub-committees

### Programme Committee

Audrey Ferreira – Convener  
Ingrid Mendonca, Pune  
Thomas Jayaraj, Chennai  
Lincy Pramod, Bangalore  
Bansuri Choudhury, New Delhi  
Vasudeva Sharma, Bangalore  
Lucy Kumar, Bangalore  
Nehal, Gujarat  
K. Raghavendra, Mysore

### Public Hearing Committee

Ossie Fernandes, Chennai – Convener  
Alpa Vora, Mumbai  
Kavitha Krishnamurthy, Bangalore  
Paro Chaujar, New Delhi  
Bansuri Choudhury, New Delhi  
Archana Srivastava, Mumbai  
Prabir Basu, West Bengal  
Vinod Kumar, Jharkhand  
Geeta Menon, Bangalore  
Shanti Fonseca, Goa  
Suresh Rao, Ahmedabad

### Reception Committee

Lakshapathi, Bangalore – Convener  
Philomena Joy, Mysore  
Lakshmi Rani, New Delhi  
Narayan, Mysore  
Venkatesh, Mysore  
C. Nambi, Coimbatore  
M. Ravi, Bangalore  
Aloka Mitra, West Bengal  
Sherly, Bangalore  
Prof. Ramdas, Mysore  
Santosh Kumar, Mysore  
Kempegowda, Malavalli  
Tolabandi, Bijapur

### Media/Public Relations/Souvenir

Mathews Philip, Bangalore - Convener  
Koshy Mathew, Bangalore  
Ajay T.G., Chattisgarh  
Sanjay Bhattacharya, Bhopal  
P.P. Baburaj, Mysore  
J. Johm, New Delhi  
Arun Das, Bihar  
George Chira, Pune  
Kathyayani Chamraj, Bangalore

### Food Committee

Reji P.E., Bangalore – Convener  
N. Radha, Trichy

George Chira, Pune  
Chethan Kumar, Bangalore  
Philomena Joy, Mysore  
Suchitra Rao, Bangalore  
Prasanna Kumar, Bangalore  
Yethiraj, Mysore  
One Representative from each State

#### **Medical and First Aid**

Santosh Kumar, Mysore – Convener

Dr. Rajendran, Mysore

Dr. C. Manjrekar

Dr. Mahesh

Assisted by a Team of doctors from Holdsworth Memorial Hospital, Mysore

#### **Venue and Stage**

Lincy Pramod, Bangalore – Convener

Uday Kumar, Bangalore

Venkatesh, Mysore

Yethiraj, Mysore

#### **Research and Study**

Alpa Vora, Mumbai – Co-ordinator

Kavitha Krishnamurthy, Bangalore

Bansari Chaudhary, New Delhi

J. John, New Delhi

## **Mysore Support Team**

#### **Travel**

Mangalraj

Anand

Mumtaz

Shakerabegum

Mary

Ranganatha

Manchiah

#### **Reception**

Basamma

Jayalakshmi

Cheluvamma

#### **Room Service**

Jamila

Rukmani

Malar

Shobha

Vasanthamma

Indiramma

Mahadevamma

Parvathi

Suresh

Ramesh

Nagesh



**Accommodation**

Rukmani . J

Sharadamma

Radha

Raphia

Alima

Mumtaz

Muthuraj

Bhyrappa

Saraswathi

Sheela

**Stage**

Jagadeesh

Manjunath

**Monitoring**

Vasantha

Puttamma

Girijamma

Puttamma

Jayalakshmi .Y

**Food**

Yathiraj

Lilly

Prakash

Pramila

Kannan

Subramani

Manju. N

Muruges

Palani

Ramachandra

Naganna

Chikathayamma

Nagamani

Indiramma

Mangalagowri

Mahadevamma

**Water**

Chamundi

Tulasi

Madhamma

Puttamma

Haseena

Geetha

Rajamma

**Cleaning**

Yogesh

Shobha

Parvathi

Tulasi

Chamundi

**Hygiene**

Sowbhagya

Padmashree

**Media**

Chandru

Nagendra

Suresh

**Children's Group Monitoring**

Premalatha

Ravishankar

Susheela

## **International Treaties and Conventions – CACL's Views**

### **The UN Convention on the Rights of the Child (CRC), 1989**

This was signed by India in 1992, and was one among the 192 countries which signed it. CACL subscribes to all the articles of CRC and considers it as a major International initiative and an important tool for lobbying and advocacy with the Government.

Having ratified the CRC it is unfortunate that the Government of India has not made any attempt to implement of its provisions. Countries ratifying the CRC have to submit a country report once in five years. There is a provision for NGOs to submit their alternative reports to the UN. CACL has submitted the first alternative report along with seven other reports submitted by different NGOs and networks to the UN and is planning to submit the second one after the India Country Report is presented. CACL popularizes the CRC in its working areas, and its provisions are quoted in documents and recommendations made to the Government.

### **Conventions 138 and 182 of ILO**

International Labour Organization is a tripartite body consisting of governments, trade unions and employers which has come up with major conventions to eradicate child labour of which India has ratified only six. Convention 138 which has made recommendations on minimum wage and Convention 182 on worst forms of child labour have not yet been ratified. However, CACL does not support any classification of child labour and it is against all forms of child labour.

### **WE BELIEVE ...**

Child labour is 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 the fact that children cannot wait, there is an urgent need to tackle the problem immediately.

### **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.

### **WE ARE AGAINST ...**

All manifestations of child labour in any occupations or processes in all sectors of work including the formal and informal, organised and unorganised, within or outside the family.

### **OUR MISSION ...**

Is the immediate eradication of child labour in India.

### **WE APPEAL ...**

To all concerned citizens of India to join us in our campaign against child labour.

**Campaign Against Child Labour**

# Girl Child Labourers: A Lifetime of Carrying Burdens and Bending

Kathyayini Chamraj\*

I particularly remember Yellamma, a 15-year-old bonded labourer on a farm growing roses for export in Anekal taluk of Bangalore Urban district, Karnataka. She worked from 4.00 AM to 6.00 PM plucking roses, watering the plants, making bunds, weeding and spraying pesticides. She was working at Rs. 900 per year to pay off a loan of Rs. 4,000 taken to meet the cost of treating her father's illness. The loan however kept increasing instead of diminishing, as her earnings did not even cover the interest of Rs. 4,800 per year that was being charged.

She had such a wooden face for a girl at the threshold of youth. I remember her acid retort when children around her giggled as she was telling her story. "They do not know what suffering is, that is why they are laughing." Yellamma, in addition to working on the farm, used to cook, clean and fetch water for her family before attending a literacy class at night. So great was her desire to educate herself.

But could she seek no help from the government to fulfil her modest and legitimate dream? It

appeared not, because the agricultural work that she is engaged in is not considered hazardous for children and is hence not banned under the Child Labour (Prohibition & Regulation) Act (CLPR Act) of 1986. She could legitimately have been released from labour under the Bonded Labour System (Abolition) Act. But that was highly unlikely as all state governments are at great pains to ensure that no such hideous infamy, as the existence of bonded labour, is ever allowed to sully the fair name of their state. She could be released very easily under the Children (Pledging of Labour) Act. But that, it appears, is precisely the reason why this law is seldom invoked – in line with the centuries-old tradition of keeping the poor impoverished – though most children are being pledged openly in this country.

## Most Vulnerable

I met Selvi, who earns Rs. 500 working as a domestic maid, in a slum in Bangalore. Her mother insists on her working, as Selvi's father is a drunkard who does not support the family. Selvi wanted to join

\*Ms Kathyayini Chamraj is a Bangalore-based freelance journalist. This article, in a revised form, appeared in *The Hindu* on March 2, 2003.

a bridge course for working children because she did not want a life like her mother's, with daily beatings from a drunken husband, but her mother would not hear of it. Her mother sent Selvi's brother to school, though.

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Though she cooked for the family twice daily, she herself was always hungry. She had to, in addition, put up with the sexual advances of the master of the house whenever his wife was out of the house.

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Gracie was another girl from a Bangalore slum who underwent untold suffering as a live-in domestic maid with a family in Mangalore. She was separated from her parents for several years and so isolated that she used to talk to herself. She taught herself to read from the discarded books of the older children in the house and learnt to count from the calendar. Though still a child, she was never bought the ice creams and toys that the baby she looked after was bought. She used to sleep on the cold floor next to the baby's cradle. Though she cooked for the family twice daily, she herself was always hungry. She had to, in addition, put up with the sexual advances of the master of the house whenever his wife was out of the house.

There are other far more gory stories about child domestic workers that have come to light - girls who have been pinched or bitten by their employers on every inch of their body; girls branded and scarred with hot irons for stealing chapatties out of hunger; girls being locked in for years together and even being chained. All this happens behind the closed doors of a home. Many of these girls' plight has come to light because their sadistic employers

murdered them or because they committed suicide unable to bear the torture.

### **Not Protected by Law**

And yet, domestic child labour too is considered non-hazardous under the CLPR Act. Many officials are unwilling to bring this sector under any legislation because of the fear that the law may be used to harass 'employers', which would very likely include themselves. It is apparently okay for these employers to commit murder but not be booked for it, because that amounts to harassment. And the ironical list of highly placed persons guilty of abusing these vulnerable children given in their custody begins with a Minister for Child Development herself in Karnataka.

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Domestic labour is becoming increasingly conspicuous as an embodiment of many aspects of slavery or forced labour.

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The International Labour Organisation's Convention No. 182 on the worst forms of child labour clearly prohibits, among others, 'debt bondage' and 'all other work harmful or hazardous to the health, safety or morals' of girls and boys less than 18 years of age. All the work being currently carried out by girls in India in agriculture, domestic service, sericulture and most other sectors could easily fall under this definition. And what is more, ILO member states which have not yet ratified Convention No. 182 too, have to gear their policies towards the effective abolition of such child labour and report annually to the ILO on their efforts. Domestic labour is becoming increasingly conspicuous as an embodiment of many aspects of slavery or forced labour says a study done by the Global March Against

Child Labour. Worldwide, millions of children, 90% of them girls and some as young as 7, may well be among them.

Despite being aware of all these realities, the Karnataka Government, which released a State Action Plan for ending child labour in May 2001, refrained from banning child labour in agriculture, the domestic service sector, and the informal sector where most of the state's children are employed – again, perhaps, for reasons already enumerated.

Among those working in a sector that is identified as hazardous under the CLPR Act and hence banned for children, I remember 14-year-old Mallamma, who worked as a bonded labourer in a silk-twisting unit at Magadi, Bangalore Urban District. She had never been to school. She thought that her employers had done her a great favour by employing her at Rs. 75 per week and giving her a set of clothes costing Rs. 1,000 once a year. She was astounded to learn that the employer was liable to pay Rs. 20,000 for her education as compensation for employing her, and that Rs. 65 per day was the minimum wages for silk-twisters like herself. Her mother, however, would not hear of sending her to school. It would be unfair to not repay the loan and leave the employers in the lurch when they had helped her in her hour of need, she felt.

It is strange that child labourers have to build the economy in the so-called 'sun-rise sectors' such as cut flowers for export and the silk industry of Karnataka, which receive much foreign aid and

investment. No one seems to be asking whether these 'development' initiatives are taking us to the 21<sup>st</sup> century or back to the 19<sup>th</sup> century. Human Rights Watch in its latest report, *Small Change:*

*Bonded Child Labour in India's Silk Industry*, has stated that the Karnataka government's ambitious Action Plan "was not in operation" a year after it was announced with much fanfare.

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It was in the late eighties that attention was drawn to the invisible, unpaid and unrecognized work being done by rural women within their families, a substantial amount of it being contributed by girl children.

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### Unpaid Work

But more than in wage employment, more girls work within the home. It was the late Anil Agarwal, former Director of the Centre for Science and Environment, who in the first Status of the Environment Report of India in the late eighties, drew attention to the invisible, unpaid and unrecognized work being done by rural women within their families, a substantial amount of it being contributed by girl children. The work remained invisible as it was never quantified as 'productive work' and added to the Gross National Product of the nation. The Report, for the first time, focussed on the hundreds of hours spent and thousands of miles walked by women in 'endless searches' to find water, food, fuel wood and fodder to keep their homes running.

More recently, P. Sainath, the renowned journalist, put up a photo-exhibition titled, "Visible Work, Invisible Women", on the work of rural women. The photographs vividly captured the endless chores women and girls are engaged in, cooking, cleaning, fetching, washing vessels and clothes, looking after children, producing crafts, working in the fields, etc.

Mr. Sainath made the startling estimation that the cow-dung saved and used as fuel by women and girls saves the Indian exchequer billions of rupees in terms of foreign exchange for import of fossil fuels.

Many girls also work on home-based productive work for the piece-rate industries (making beedies and agarbattis, embroidery, sewing, polishing precious stones, making toys, etc.) in their so-called leisure hours. While adult women are usually paid for this work, girls are not, notes the NCERT.

The International Labour Organisation (ILO) estimates that worldwide, some 70 million girls of school age do not go to school and it is highly likely that they all work, most of them at home. An article by Natacha David (*Trade Union World*, N. 2, October 1997) states that the vast majority of girls work between 4 and 16 hours a day at home. They begin working in the home at a younger age than their brothers, and work on average seven more hours a week than boys.

A study by the Indian Institute of Science says girls perform up to 30% of family labour and 20% of agricultural work. Arun Bhattacharjee estimated in 1988 itself that a girl provides a family annual labour which at minimum wages would have cost Rs. 2,200 to hire and that by the time she ceases to be a child, she would have provided economic help to the family worth Rs. 39,000. There is no reason to believe that girls are working any less now than they did in 1988 and the value of their work at current prices would definitely be more than Rs. one lakh now.

Young girls are performing these chores at the cost of their education and development. With depletion of natural resources, their 'searches' for fuel wood, water, etc., would only have increased over the years, alternatives not having been provided to relieve them of these chores.

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The most common sights at construction sites are of unkempt young girls carrying even younger children.

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## Wrong Priorities

Thus one finds that giving individual water connections or some form of running water to poorer households and slums is always considered 'too expensive' a proposition, even as cities consider building fountains to beautify traffic islands to be of greater priority. Providing cheap and alternative cooking fuels to slum women is never on the agenda of governments, even as they promote petrol-guzzling, car-based economies by concentrating all their resources on building fast-track fly-overs and expressways. Building crèches for every thousand population or so, so that girls can be relieved of sibling care is also an unviable proposition, since it is far easier for local authorities to find resources for building revenue-earning markets and shopping plazas.

The plight of migrant workers in our cities especially brings to light the skewed priorities of municipalities and the poor living conditions provided to migrants' children by the contractors of big urban projects. The most common sights at construction sites are of unkempt young girls carrying even younger children. A document on child labour published in 1995 by the World Bank reveals that "when mothers go to work, girls stay at home". In other words, the mother's salary is earned at the cost of her daughter's education. The children defecate on the roads and play on sand heaps for lack of toilets and crèches.



### Bent with Burdens

A significant point noted by Mr. Sainath was that women are always carrying 'burdens' of some kind, whether of water pots, fuel wood, fodder or babies. But these physical burdens appear to me to symbolize simultaneously the various additional burdens – mental, emotional, social and cultural – that women and girls carry. The loads of being responsible for caring, nurturing, passing on time-honoured human and family values and preserving social, religious and cultural traditions - all of which only further add to her physical burden of work, and more and more work.

And another striking feature noted by Sainath was that women spent a lifetime 'bending'.... while they transplanted rice, swept and swabbed floors, cooked, etc. I feel that this too is again symbolic – not just physical bending, but also mental, emotional, social and cultural 'yielding'. When I think of the various working girls I have met, I recall that they were being asked to 'adjust', 'compromise' and 'sacrifice' in every situation, so that values such as obedience, loyalty, self-effacement and self-denial, or the imagined greater good of the family,

community, society, or nation could be preserved.

The point is, a woman, or a girl, trying to lay down her 'burdens' by refusing to perform her unjustly higher share of work is immediately subjected to all kinds of ostracism. She is expected to 'bend' even at the cost of her self-respect and self-esteem. Yellamma, Selvi, Gracie and Mallamma are being conditioned from their very childhood to bear heavier burdens than they ought to and also bend uncomplainingly. Yellamma working as a bonded labourer so that her brothers at least could study; Selvi, giving up her education to support a drunken father; Mallamma continuing to work as a bonded labourer to pay back a loan so that her mother would not be accused of being ungrateful to someone who had helped her in her hour of need; and Gracie going to a house as a domestic maid to earn money for her family though she knew she would be physically and sexually abused there.

All women and girls, it seems to me, would very much like to lay down their unjust burdens and stop bending too. Yellamma's wooden face which resents the suffering that she has to undergo; Selvi clutching at my hand begging to be enrolled in a bridge course; the wistfulness in Mallamma's eyes as she dreams of not having to repay her loan; are all proof of that. But the societal climate does not allow them to fight for their self-respect and rights without extracting tremendous costs from them in the form of personal sacrifices and deprivations. I do not know what would happen if Selvi, Yellamma, Gracie and Mallamma suddenly refuse to go to work and insist on studying. Would they continue to receive the same affection from their families or would they be branded as renegades?

When will society provide a climate in which they can at last stand up straight without bending, and not feel guilty about it? □

## A Case Study

# Unfriendly Law, Hostile Procedure, Insensitive Judiciary

Mathews Philip\*

Sasikala, 11, was rescued from the home of Mr. Venkatesh and Mrs. Illadevi, both employees of the Karnataka State Financial Corporation (KSFC), at Bangalore. It all began with a call from one of the neighbours, to the Makkala Sahaya Vani (MSV – the ChildLine in Bangalore) that a domestic girl child labourer was being beaten up and harassed. The MSV team rescued the child and to their shock found Sasikala in a very bad condition as the result of severe torture. MSV contacted CACL for intervention in the case.

A criminal case was filed against the employers at the J. C. Nagar police station under section 341, 342, 323, 324 R/W section 34 IPC and under section 6 of the Children (Pledging of Labour) Act, 1933.

Sasikala was examined by doctors at the Bowring Hospital first and was taken to the Municipal Hospital, since three wounds on her appeared very fresh. These included a bite mark inflicted by the lady employer and a blunt finger injury. The doctor, on examining, found 40 injuries, mainly bite marks!

She was also referred to a psychiatrist whose opinion was that the child did not demonstrate or display characteristics normal for children of her age. Later, the child was placed in the shelter at APSA (a member organization of CACL).

Though the criminal law was set in motion, there was no guarantee that Sasikala would ultimately be rendered justice. Because of the fact that 'domestic child labour' is not notified as 'hazardous labour' in the Child Labour (Prohibition and Regulation) Act, 1986, the Department of Labour will not be of any help in this case.

Since KSFC is a State Government organization, CACL decided to rely on the GO prohibiting domestic child Labour in the residences of State Government employees. A representation was sent in writing to the Managing Director and General Manager of KSFC, demanding action against the accused.

On not receiving any response from KSFC, CACL organized simultaneous demonstrations in front of the offenders' residence and the KSFC, to

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\*Mr. Mathews Philip is Executive Director, South India Cell for Human Rights Education and Monitoring (SICHREM), Bangalore.



demand action. A CACL delegation met Mr. S.S. Chandrashekhar, DGM (Administration) with whom the demand for action on the accused was strongly submitted.

Soon after, Venkatesh and Illadevi were placed under suspension and KSFC initiated a domestic enquiry against them. It is to be noted that perhaps it is the first time that a domestic enquiry is conducted in the case of child labour.

During this time the accused Venkatesh and his people have been approaching SICHREM, MSV and APSA offering compensation for the child. The organisations took the firm stand that they welcome compensation for the child, to be put in a joint account but refused to withdraw the police complaint and the representations to KSFC. Several meetings took place on this offer of compensation, which the accused manipulated to their advantage in the domestic enquiry and in the court later.

The following were some of the charges framed for the domestic enquiry:

1. Whether the accused illegally employed a minor female child named Sasikala, aged 11 years, as a full time house maid in his residence, which act of the accused is violative of the law of the land, which prohibits employment of children below the age of 14 years for domestic help and making the same punishment under the said law.
2. Whether the accused has caused irreparable damage to the image of the Corporation by illegally employing a minor child and by keeping her in illegal confinement, which incident has been prominently covered in all newspapers, thereby causing adverse publicity and jeopardizing the interests of the corporation.
3. Whether, by the said acts, the accused has violated Regulation 28 of the KSFC Staff

Regulations, 1965, by not endeavouring to promote the interests of the Corporation.

4. Whether by the said acts, the accused has violated Regulation 26 of the KSFC Staff Regulations, 1965, which prescribes that every employee shall conform to and abide by the said Staff Regulations of the Corporation.



Sheela Devaraj and Vimala Anup of APSA, Anceila and Meenakumari of MSV and Mathews Philip of SICHREM were examined as witnesses in the domestic enquiry. The enquiry officer wanted to examine Sasikala and the accused wanted to cross-examine her. Sasikala refused to be examined in the presence of the accused. The enquiry officer refused the request of the NGOs to examine the child separately without the accused being present. Finally the child who is the victim and the prime witness was not heard at all and the accused were completely absolved of the charges.

It would be useful to go through some of the observations and findings of the enquiry officer.

The Child Labour (Prohibition and Regulation) Act, 1986 doesn't prohibit engagement of children

under age of 14 years for domestic work. The enquiry officer states that the GO prohibiting the employment of children in the residence of Government servants is discriminatory! Since there is no evidence found that the girl was paid wages, the question of employment does not arise. The written statement of the child was not considered as evidence saying that it could be hearsay. The evidence of the servant made of the employer who was a witness for the accused, that the child Sasikala was not doing any household chores was accepted, without considering the fact that the accused could manipulate the statements. He is either ignorant or conveniently pretending to be unaware of the bondedness involved and the mother of the child also could be colluding with the accused. The servant maid of the accused, who was a witness for the accused, is under the influence of the accused. He is also unaware of the law that no one can keep custody of a child in their house if the child is not their own. It looks strange for an enquiry officer to accept the statements of the accused and his witnesses that Sasikala was treated equal to their own children. But the fact remains that when their own children attended school, Sasikala was not sent to school.

The second charge was whether the accused had caused damage to the corporation. Instead of proving or disproving the charge, he has taken great pains to establish that the NGOs, who were the complainants and witnesses to the enquiry, have caused damage. The enquiry officer goes on to make some judgmental comments in his report as follows:

'Makkala Sahaya Vani has self-proclaimed brokering skills'.

'MSV is an abductor of children'

'SICHREM lends itself to being mistaken for an

affiliate of the NHRC or even possibly Amnesty International'.

It is also interesting to note that, according to the enquiry officer, social workers should not be earning remuneration. According to him, NGOs trying to assist depositions by victims before Human Rights Commissions, organising demonstrations by victims of human rights violations, etc., is blatantly illegal, unconstitutional and extra-judicial. The enquiry officer observed that NGOs negotiating for compensation on behalf of the child is in defiance of the due legal process sanctified by the Court, hiding the fact that it is the accused that was going around, asking for appointments, offering compensation.

He goes on to observe that the said NGOs seem to function as though they are a law unto themselves. In the end, the enquiry officer seems to have conducted an enquiry on the NGOs who were the complainants and witnesses in the case, based on wild assumptions of his own; and the accused were completely absolved of the charges. In essence, he has violated the terms of reference for the enquiry.

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The Judge relied heavily on the domestic enquiry report, which is in favour of the accused, especially quoting the negative statements on the NGOs.

Normally lower courts depend on judgments of the higher courts.

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The case came to trial before the trial court. Meanwhile, the accused made the mother of the child approach the High Court of Karnataka with a *habeas corpus* petition, asking for the child. The

High Court dismissed the petition on grounds that the matter is pending before the trial court. In the trial court too, the mother filed an application for search warrant to raid APSA, where the child was temporarily rehabilitated, claiming that MSV had kidnapped the child. The child was produced in the court but she was returned to APSA until the case was to be disposed of.

On completion of the trial, both the accused were acquitted of all criminal charges. Given below are some of the reasons stated in that order:

- ◆ To rely on the sole testimony of the child witness is notoriously dangerous, unless immediately available and unless received, before any possibility of coaching – (refer to section 118 of the Indian Evidence Act).
- ◆ The staff of the MSV is not a social worker since she is drawing remuneration from MSV, and that creates serious doubt in the story of the prosecution.
- ◆ MSV is not a registered body, and the staff of MSV could not explain the authority under which they can take custody of the child. (The authority of the accused to keep custody of the child who is not their own is not questioned!)
- ◆ Since the accused already has one maidservant in their house, there is no need for another, as such the allegation that the child had to do domestic work cannot be believed.

The Judge relied heavily on the domestic enquiry report, which is in favour of the accused, especially quoting the negative statements on the NGOs. (Normally lower courts depend on judgments of the higher courts.) The entire judicial proceedings were not friendly to the child including the examination and cross-examination of the child in

the open court in the presence of the accused. The court also ordered returning the child to her mother against the wishes of the child. Accordingly, a week later the child was returned to her mother. APSA staff had to helplessly witness the emotionally charged drama on the street because the child refused to get in to the car of her abuser. □

***The Law is not friendly to girl child labourers . . .***

***The procedure is hostile . . .***

***The judiciary is insensitive . . .***



Makkala Sahaya Vani is the first community collective initiated by the Bangalore City Police in 1997, in collaboration with various NGOs, institutions and individuals. Any child caught in any crisis or distress situation can access MSV either in person or through a toll free (1098) phone helpline.

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*What does the future hold for these little ones?*



*Pic: Courtesy Pramod John*

*“Mujhe Mera Bachpan Bauta Do”  
(Give me back my childhood)*



*Pic: Courtesy SICHREM*

Glimpses from the Facilitators' Training Programme,  
Bangalore, January 16-18, 2003



**CACL at the Asian Social Forum  
Hyderabad, January 3-7, 2003**

Workshop on Globalization and Child Labour



## **CACL's Viewpoint on Globalization and Child Labour**

The advent of globalization has bypassed all the basic tenets of a welfare state. By accelerating the process in 1992, the Government of India relaxed the policies and laws in order to permit the transnational/multinational companies to move around freely and have their own businesses. As a result the MNCs/TNCs have appropriated key business sectors across the country. The Government's new economic policy prompted a drastic reduction in expenditure on the welfare front such as Education, Health, Sanitation, Housing and Food Security. The above sectors have now been privatized and a better parallel service has been established which comes at a heavier price, which can never be afforded by the common public.

Intensified with the Structural Adjustment Programme (SAP), globalization has done enough harm to public sectors. The sale of public undertakings and reduction in public investment have left the workers in the lurch. This has resulted in the closing down of small and medium industrial units throwing the labourers into the streets. The open market policy has no reins on the MNCs which carry out their profit making market mechanisms.

This phenomenon has brought in further unemployment in the country followed by extreme poverty and children are the direct victims of this process. They are forced to leave their schools and remain at workplaces outside home or attached to home, with or without their parents.

MNCs always claim that they do not employ children for their work. It is good that they realize that children should not be employed. But the stains of children's sweat and blood get incorporated in the process of manufacture of products for these corporates.

Job security is now a bygone dream. In the new era, jobs are given (or taken) on contract. Informalisation of jobs was a major aspect of the globalization process of which domestication of sectors is a direct result. When the piece rate system was introduced, the work came to homes. It has made all the members of the family as workers. Though women and children work in this process they are not recognized as workers. The dropout rate of children from such families has shown an upward trend.

Globalization process thus devastates the economic fabric of our society and breeds further unemployment resulting in deprivation of basic rights of the millions of children of this country.



### **CACL View: Education as an Alternative**

Imagine if all children of this country were in schools, they would not have been part of the exploitative labour market. That is the rationale behind the position that education could be a major alternative to child labour. And to provide education to each child, there have to be more schools than required. Schools should be child friendly and they must be equipped with components that help retain the children in the school till the end. The standard term 'education' definitely requires clear definition and the existing style of it needs to be improvised drastically to accommodate the traditional occupations, livelihoods and concerns of the communities in the curriculum.

Basically, it is the primary duty of the State to ensure that each citizen of this country should not go uneducated. In this modern civilization, illiteracy is a curse for the people who are the marginalized and downtrodden. We find that a large section of population gets sucked into the web of exploitation just because they are illiterate. Therefore, education with literacy is the focal area as far as this argument is concerned. Sensible education should be available to each citizen equitably and free of charge as guaranteed by the Constitution of India. Such education could play a major role in sensitizing the citizens and empowering them to lead their lives with dignity. The children of this country will not have to get into the labour force if such a system is immediately developed and implemented by the state in the best interests of the children.

*“Because a child in danger is a child who cannot wait.”*

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*Child labour is denial of childhood.*

*Join hands to combat child labour.*

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of the world are transient, but  
they alone live who live for  
others, the rest are more dead  
than alive.*

*With best wishes from*

## *Sharada Niketana*

*(Special School for Child Labour)*

*Roopnagar, Bogadi  
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**In Solidarity and Support  
with CACL for the Eradication  
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and for the  
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**Vigil India Movement**

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Tel: 080-5487114 / 5486237

Email: [vigil@vsnl.com](mailto:vigil@vsnl.com)

*Education, health and  
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Let's help them to attain  
their rights.*

*With Best Wishes*

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*We are Proud to be  
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# SICHREM



Wishes the  
National Convention  
on Girl Child Labour  
the very best

### Activities

- ❖ Networking for child labour eradication
- ❖ Documentation Centre
- ❖ Monitoring of Human Rights Violations
- ❖ Human Rights Helpline
- ❖ Advocacy, Campaign and Lobbying
- ❖ Human Rights Clinics

South India Cell for Human Rights Education & Monitoring – SICHREM – is a unique organisation promoting human rights. As hosts of the Advocacy Unit of CACL-Karnataka, SICHREM has filed and successfully fought public interest litigations on child labour in silk industry in and around Bangalore. The rights of the girl child are one of its primary concerns.

The vision is to create a fearless society where the rights of the last and the least will be respected without any kind of bias. Towards this end, SICHREM hopes to make human rights a household concept by adopting a proactive stance on the restoration of rights and by advocating a rights-based value system.

SICHREM consciously takes a pro-poor, gender-sensitive and pro-child stance.



TO MAKE HUMAN RIGHTS  
A HOUSEHOLD CONCEPT

## SOUTH INDIA CELL FOR HUMAN RIGHTS EDUCATION AND MONITORING

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E-mail: [sichrem@satyam.net.in](mailto:sichrem@satyam.net.in)



# People's Watch

*Wishes  
the National Convention on  
Girl Child Labour  
a Resounding Success*



People's Watch–Tamil Nadu, a pioneer human rights organisation, is engaged in:

- ❖ **Monitoring and Intervention** in Human Rights violations, especially violation of rights of the girl child.
- ❖ **Crisis intervention** through the HELP LINE available 24 hours a day, to bring immediate succor to the unfortunate victims of human rights violations, especially women and children.
- ❖ **Providing temporary shelter** for torture victims at the *Rehabilitation Center for Torture Victims* (RCTV) and ensuring uninterrupted education to children of torture victims.
- ❖ **Documentation, Publication and Research** on matters pertaining to human rights. Also to serve as reservoir for all the activities.
- ❖ **Campaign and Network** activities together with other human rights organisations and issue based campaigns at regional, national and international levels.
- ❖ **Human Rights Education and Training Programs** for Schools, Colleges People's Movements, Trade Unions, Law Students, NGOs and Professionals. through the *Institute of Human Rights Education*, in response to the call of the UN Decade for Human Rights Education (1995 – 2004).

## PEOPLE'S WATCH – TAMIL NADU

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