



CAMPAIGN AGAINST CHILD LABOUR – CACL

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THE WORLD DAY AGAINST CHILD LABOUR

On 12th June, 2021, the International Day against Child Labour, CACL reiterates its long standing demand that there should be total prohibition of Child labour up to the age of 18 years. The fact that even after all the measures taken by the Governments and civil society, the 2011 census estimates 10.1 million child labourers in India is a great cause for concern and disappointment. One in 10 of all children worldwide in child labour are found in India. This points to the gaps that continue to exist in the policy and legal framework as well as the social and economic measures taken to deal with the issue. Children and their communities are faced with more challenging situations each day and disasters such as the COVID-19 pandemic further aggravate the situation. In this context, CACL demands immediate attention of all stake holders on the following:

1. While accepting that multi-pronged approach has to be employed to eradicate child labour, having a strong legislation in place and enforcing the same effectively is very crucial. Unfortunately, Article 24 of our Constitution brings in a concept of hazardous and non-hazardous labour and prohibits child labour only in the hazardous sector. Naturally, the legislations followed the same policy and permitted child labour in the non-hazardous sectors, providing for only regulation in those sectors. CACL strongly feels that this distinction and the provision for regulation, act as a major hurdle in eradicating child labour. The makers of the Constitution considered only the aspect of physical harm in defining 'hazardous'. Unfortunately, the facts that the social and moral facets like denial of education, denial of leisure and entertainment, denial of options and opportunities, mental and physical harassment by employers, assault, violence and sexual abuse were not taken into account, which are equally or more hazardous for children. The regulation of child labour in fact has never happened effectively. This has not only led to permitting child labour in the so-called non-hazardous sectors but also continuous deprivation of childhood, turning children into adults much before their age. Therefore, an amendment

in the Constitution followed by a law that prohibits all kinds of child labour in all sectors is the need of the hour.

2. India has signed and ratified the United Nations Convention on the Rights of the Child (UNCRC) and thereby accepted 18 as the upper age of a child. Still different child related laws in India prescribe different age limits for the child making it a complex scenario. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 as amended in 2016, which is the flagship legislation in the country on child labour, allows discrimination between children and their access to fundamental rights. The policy of regulation in the so-called non-hazardous sectors as followed in the law has ensured that some children will remain unequal and devoid of the rights and protections that India is committed to ensure to all children up to the age of 18. Therefore, CACL demands total prohibition of child labour up to the age of 18.
3. A country like India with its peculiar social, cultural and economic conditions has to facilitate free and compulsory education up to the age of 18 so that children are at least able to complete 10 plus 2 to become eligible for different opportunities and options in life. Skill development must become part of the education curriculum and not an option that allows children to discontinue schooling.
4. The child labour law happens to be one of the poorly enforced laws with no significant number of prosecutions and convictions. The penalties and punishments prescribed in law have no deterrent effect. The 2016 Amendment permits child labour in the so-called 'Home based' occupations and that happens to be a very negative development. The concept of 'Home based' can be conveniently interpreted by vested interests to escape from the law. It has been already noticed that a number of factory based occupations and processes are shifted to homes and children are also employed with their relatives. CACL has raised its apprehensions during the Amendment itself. We call upon the Government to remove this provision urgently.
5. It has been noted that the Covid 19 pandemic has brought in a huge set back on the child labour situation. There have been reports of an increase in the demand for child labour, including trafficking of children for labour. This demand is further facilitated by the closure of schools and inability of children from economically distressed households to continue with online education. Loss of livelihood and opportunities has contributed to further impoverishment and economic breakdown of the families, thus inducing children to take up labour. Certain State Governments diluting the labour laws has also contributed towards this and added to the insecurities of families. The second wave of the pandemic has left many children without parental care, making them more vulnerable to all forms of exploitation, including child labour. CACL

regrets that no Labour Department in the country has done a concrete study or survey of the situation and published any reports so that measures can be explored to prevent more children being forced into child labour.

On this World Day against Child Labour, CACL demands no compromise in the right of children against exploitation even in the worst of emergencies like the COVID-19 pandemic.

CACL calls upon the central and state governments to take urgent measures to prevent child labour and curb trafficking of children for labour in particular.

A strategic plan based on a thorough assessment of the situation on ground must evolve in consultation with affected children and their communities and implemented in partnership with civil society organisations.

The goal of access to education for all children up to the age of 18 should guide all future policy and planning.

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