

Campaign Against Child Labour (CACL)

National Consultation on Child Labour

September 6th, 2019,
Indian Social Institute, Lodhi Road-New Delhi

Brief Report



BACKGROUND

Around 444 million children, or 37 per cent of India's population, are below the age of 18 years (Census 2011). However one in four children of school-going age are out of school and about 99 million children in total have dropped out of school. The Census 2011 also indicates that there are over 8.2 million child labourers in the country.

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Poverty, unemployment / under employment, caste and gender discrimination, low level of education, inaccessibility to social security measures are the main causes of child labour. The increasing gap between the rich and the poor, privatization and the economic reforms has adversely impacted the children.

The recent Child Labour (Prohibition and Regulation) Amendment Act, 2016 (CLPRA), by the Government has made the situation worse for these children who work as domestic workers, in hotels and eateries, as rag pickers, helpers in shops, labour at construction sites in urban areas and engaged in agriculture and allied occupations like cattle rearing, mining related activities, family based enterprises, in the rural areas. A new definition of adolescent has been introduced in the CLPRA Act and employment of adolescents (14 to 18 years of age) has been prohibited in hazardous occupations and processes. Campaign Against Child Labour (CACL) considers that these steps are retrograde and will encourage and legalise child labour instead of its purported objective of prohibition of child labour from all occupations and processes.

Objective behind organising this 'National Consultation on Child Labour' was to discuss, debate and critically analyse the CLPRA 2016 with special focus on hazardous/ non- hazardous list and suggest the ways forward for complete eradication of child labour from the country.

WELCOME AND CONTEXT SETTING

Mr Ashok Kumar (Convener, National Advocacy Unit of CACL) gave a warm welcome to everyone on behalf of CACL and said that today there are participants from various regions, various national - international organisations, various networks and campaigns who are directly /indirectly working on child labour related issues. We hope that today we would be able to deliberate upon all the crucial issues linked to child labour and can develop a consensus to address those issue appropriately for eradicating children labour from India.

To set the context of this national consultation Mr Ashok Kumar gave a brief presentation on the status of working children in India.



Highlights of his presentation are as follows:

Child labour that is prohibited under international law falls into these categories: slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment of children for use in armed conflict, prostitution and pornography, and illicit activities.

Status of Child Labour- Globally-Worldwide 218 million children between 5 and 17 years are in employment. Among them, 152 million are victims of child labour; almost half of them i.e. 73 million work in hazardous labour. Almost half of all 152 million children victims of child labour are aged 5-11 years.

Status of Child Labour – Nationally-Around 444 million children, or 37 per cent of India’s population, are below the age of 18 years (Census 2011). However one in four children of school-going age are out of school and about 99 million children in total have dropped out of school. The Census 2011 also indicates that there are 10.13 million between the ages of 5-14 years are child labourers. A recent analysis of census data done by CRY in the country shows that the overall decrease in child labour is only 2.2 per cent annually, over the last 10 years. Also, it has revealed that child labour has grown by more than 50 per cent in urban areas.

End of Childhood Index 2018-India ranks 113.11.8 % CHILDREN AGED 5-17 engaged in child labour.20.2% children are out of school of primary and secondary school age.

Mr Ashok Kumar concluded his presentation by sharing the CACL Demands which are:
 -CACL proposes Child Labour System (Abolition, Prevention and Rehabilitation) Bill, 2017 for complete eradication of child labour up to 18 years of age in line with UNCRC and National Policy for Children, 2013. This will enable us to attain the Sustainable Development Targets 4.1 and 8.7.

Mr Ashok Kumar requested Mr Victor Raj (former National Convenor of CACL) to share the 27 years journey of CACL.

TOWARDS ERADICATION OF CHILD LABOUR – A JOURNEY OF 27 YEARS

Mr Victor Raj presented 27 years journey of CACL for the eradication of child labour. Highlights of his presentation are as follows:

The process of formation of a campaign to address child labour began in 1992, when like-minded groups including Mumbai-based YUVA, Pune-based Terre Des Hommes Germany – India Programme (TDH) and Action for the Rights of the Child (ARC such as TDH (Germany), came together to launch a campaign for the ratification of the Convention on the Rights of the Child by the Government of India. They agreed to work together as a “campaign”, developing common understanding and perspective and implementing the campaigns in their respective areas of operation. CACL believed that with the meaningful implementation of Right to Education, all children will be in schools compulsorily and therefore no child will be allowed to work. In terms of legal jurisprudence,



CACL's position was that child labour had to be prohibited for all children under the age of 18, in all sectors of employment—hazardous or non-hazardous.

With an initial membership of 40 NGOs from 12 states, the Campaign expanded to include individuals, academicians, other institutions, trade unions, women's organisations and even students' and teachers' organisations to be part of it and also to cooperate and collaborate at different levels. In the 30th year of the UNCRC, and 27th year of its ratification by India and 27th year of CACL, it has a network in 19 states with 6123 members.

The period of 2009 to 2010, just after the Right to Education Act was promulgated, was spent in intense brainstorming and debates within CACL in different states and also nationally. The campaign had advocated hard for almost two decades for the right to education as a pivotal tool for eradication of child labour in the country. Now that this had been achieved—albeit not entirely, since children in the age group 0-6 and 15-18 were still left without a guarantee to education and even after 10 years of RTE Act only 10 % schools are RTE compliant—in this context the CACL is reflecting on its next steps /intervention strategies to move forward to achieve its goal .

The National Secretariat of CACL has been active at the national level, engaging with parliamentarians, political party leaders and other national fora on child labour. These collaborative actions increased the visibility of the campaign.

When in the year 2016, GOI amended the CLPRA with the intention of prohibiting employment of children in all sectors until the age of 14 years, so as to align it with the RTE Act of 2009. However, the amendment was found to be a secret attempt at continuing the bifurcated approach to child labour—while prohibiting child labour in all sectors until the age of 14, the amendment exempted sectors like family based / owned sectors such as traditional art and craft as well as advertising, music and art industries and so on. Through this exemption a significant section of child labour was in effect “legalized”. CACL members were mobilised at the state & national level to discuss/ debate the amendment and suggest the ways to make this law more appropriate for making a child labour free society.

At the end of 27 years of the CACL, the campaign seems to be looking ahead and preparing to launch itself for a more active participation and engagement against child labour. A joint campaign has been launched by CACL together with the RTE Forum and ECCD, around common demands for all children in the age group 0-18 years, for their rights to health, education and protection.

As the CACL prepares to take on the challenge of addressing child labour in the current context, it is concentrating more on identifying its core focus, deepening its democratic processes—going deeper into the grassroots while staying engaged at the national level, sustaining coherence and continued agreements on positions, specifically related to the amended CLPRA, address the changing context of child labour.

PRESENTATION ON ANALYSIS OF HAZARDOUS AND NON-HAZARDOUS OCCUPATIONS IN CHILD AND ADOLESCENT LABOUR (PROHIBITION AND REGULATION ACT) 1986

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Ms Priti Mahara (Director Policy and Advocacy-CRY) and Mr Rahul Sapkal (National Law University, Mumbai) presented the analysis of hazardous and non-hazardous occupations in Child and Adolescent Labour (prohibition and Regulation Act). Highlights of their presentation given below:

Ms Priti started his presentation by saying that 'CRY believes that each child must have the opportunity to complete 12 years of quality education, and has the right to play and leisure in a protective environment'. In her presentation she shared the Key aspects of the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 1986 and said that the major areas of concern for this study was:



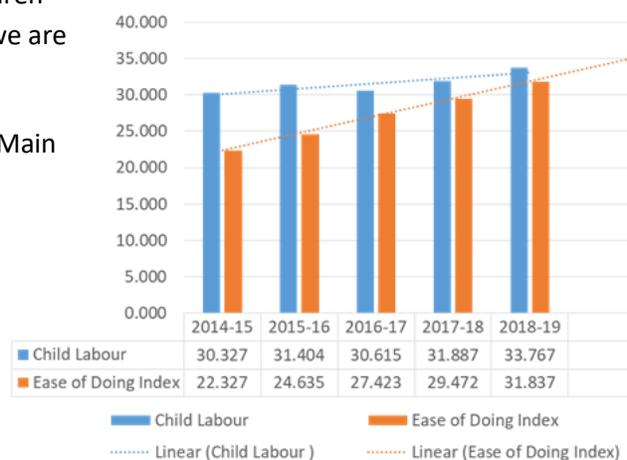
- Allowing children below 14 years to 'HELP'
- "Childscents" (adolescents) who are children too
- Lack of prevention safeguards for preventing children from entering into labour
- Shifting burden to Children
- Lack of child centric approach

She further added that through 2016 CLPRA we have legalised many works for children and allowed children below 14 years to work in the name of HELP, thus we are shifting burden on children.

Dr. Rahul then shared his part of the presentation. Main points he shared was about the:--

- Determinants of the Amendments
- Role of the Indian Judiciary
- The Global Performance Index (refer the graph given here)

Reported News on Child Labour and EOD



- The Macroeconomic Factors
- Deriving the List of Hazardous Occupations and Processes
- Changes in listing of Prohibited Occupations and Processes in the CLPRA Act, 1986 (refer the table given here)
- Children Helping in Family and Family Enterprises

Changes in listing of Prohibited Occupations and Processes in the CLPRA Act, 1986

Date of notification	Age of child	No. of prohibited occupations (Part A)	No. of prohibited processes (Part B)
	<14 years	5	48
March 1994	<14 years	13	51
January 1999	<14 years	15	57
September 2008	<14 years	18	65
June 2017	<14 years	15	54
June 2017	<18 years	38	

At the end of his presentation Mr Rahul suggested new ways of capturing data on child labour. He said that the list of hazardous occupations and processes are derived from multiple sources which are already existing in the central laws. It might be useful to change the unit of analysis. If data is to be collected with a child-centric approach and include aspects of occupation and health safety, then the unit of analysis will become the household and work sites wherein child and adolescent labour is employed. An exploration of embedded labour process will be a great starting point, because the existing legal provisions allow employment of adolescent and child labour in the tasks which are perennial and non-recurring in nature. In addition, policy interventions are required to change the definition of work, industry and worksite as defined in the Factories Act, 1948 keeping in mind the unique vulnerabilities of children.



REGIONAL FIELD EXPERIENCES IN ADDRESSING CHILD LABOUR

CACL State Conveners/ representatives from east, west, south and north zone presented their field experiences in addressing child labour issue. Highlights of the regional presentations are given below:-

Southern region: Mr C Nambi (Tamil Nadu)

Mr Nambi shared the situation of Migrant Workers working in the Textile Industry in and around Tirupur area of Tamil Nadu. He said that textile Industry contributes about 14% to industrial production, 4% to GDP, 17 % to



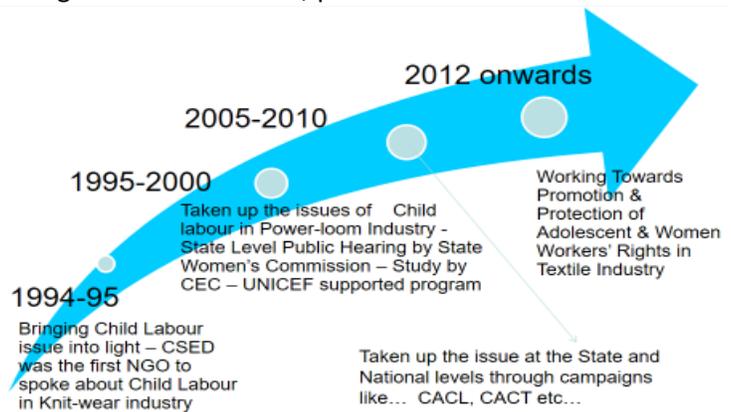
country's export earnings .It is largest provider of employment after agriculture. It gives direct employment to over 35 million people and 50 million people are engaged in allied activities of this industry. Textile industry supports agriculture in over 9.5 million hectares of land where cotton is cultivated.

Page | 6 Spinning, Processing, Garment, Hosiery and Handloom, Power-loom, are the various sectors of the textile industry in Tirupur area. It provides work for about 700,000 laborers. It is estimated that more than 300,000 adolescent girls and young women are being employed as temporary work force in Spinning Mills alone.

Migrant workers from North & North Eastern States forms 30% of the workforce (70% Male & 30% Females). 80% of the North & North East Migrant Girls are living inside the company premises. Intrastate Migrant Female Workers staying within the company provided Hostels/Dormitories (Sumangali...).North & North East Indian Migrant Male workers staying within the boundaries of company premises or outside places controlled by the units .Migrants workers migrated as individuals, part families total families and living in rented places on their own.

Some of the issues faced by Migrant Workers are: no formal employment, no regular employment, low & discriminatory wages, no social security benefits, pathetic living conditions, no treatment meted out to them.

Intervention for the rights of migrant workers are shown in the chart given here: ➡➡



East region: Ms Vasavi Kiro (Jharkhand)

Dr. Vasavi Kiro’s presentation was on the situation of child labour in Jharkhand. She said that there are 5 lakhs child labourers in Jharkhand. In Jharkhand children are engaged as coal pickers, rag pickers, daily wages, domestic help, mica miners etc... As per the labour department 2.37 lakhs children are working children in the state of Jharkhand. From Jharkhand adolescent girls and boys are migrating/being trafficked on large scale to different states(like Delhi, Punjab, Haryana, U.P...) to work as domestic help and are being ill-treated and/or exploited at their workplaces. Many placement agencies in Jharkhand are indulged in this act and making money out of it. To check this process although Jharkhand Government has made a law (Jharkhand Private Placement Agencies and Domestic Workers



(Regulation) Act-2016) but this Act is not being implemented properly in the state. As a result these illegal placement agencies are flourishing day by day and adolescent girls and boys are trafficked without any fear of law. Such placement agencies are there in the other states too. In Delhi alone more than 3000 placement agencies are there who are instrumental in trafficking of young people for working as domestic help. All the political leaders have domestic help in their homes but no one is interested/ready to work towards regulation of this workforce. Jharkhand state assembly elections will be held in few months. On this occasion we are planning to prepare a child rights manifesto for submitting it to the leaders of all the major political parties with a request to incorporate our demands in their election manifesto and work on these demands after winning the election.

Western region: Mr Manish Shroff (Mumbai)

Mr. Manish Shroff said that, due to agrarian crisis in the state, large number of people (including child and adolescent population) are migrating towards big cities in search of livelihood and are getting engaged in informal sector. We are facing many problems in rescue and rehabilitation of working children. There are big number of north Indian adolescents are working in there in the brick kiln and construction industry in Maharashtra. Children below 14 years of age are not working in these industries. Children above 16 years of age are working there, but not directly, they are working through contractors. 16 thousand street working children are there in Pune, 82 thousands are in Mumbai, 8 thousands are in Nasik. According to a report in the Sholapur district 60 thousands children are working in carpet industry. We have filed a RTI to get the actual number of children working in the carpet industry, but in response of our RTI application, labour department has said that there are only 130 children working. Number of children has increased in domestic help sector also in Maharashtra.

During last parliamentary election we did manifesto campaign in the 6 districts and met sitting MPs and candidates of all major political parties to share our manifesto. We have filed an RTI on the status of implementation of CLPRA (especially to get child labour rescue and rehabilitation data). We got the response from labour department. Now we are analyzing that data and will let you know once the analysis is over. We have conducted a video campaign through social media titled - 'why we don't want the children to labour'. It was a 45 days campaign and it has successfully influenced the minds of many people and encouraged them to work for the eradication of child labour in their individual capacity.



North region: Mr Navlesh Kumar Singh (Bihar)

Mr. Navlesh Kumar Singh in his presentation said that, 13 districts of Bihar have high concentration of child labour. Capital Patna is on the 8th rank in the state with regard to number of child labour.

Bihar was the first state to prepare state plan of action for eradication of child labour. State had prepared a task force also for this purpose. Chief secretary headed this task force, but so far nothing has been done to make the Bihar state child labour free. Government's target was to set up Child protection committee (CPC) in each district of the state by 30h April 2018, but that target has also not been achieved till now.

Page | 8 On 12th June 2018 (world day against child labour) Bihar government announced that by 12th June 2019 they will make 51 blocks of 13 districts child labour free. Bihar government has organized many meetings for this purpose but that target has also not been achieved. Due to general election (April-May 2019) whole focus of the government and ruling party was on the election process and no one cared actually for these targets/announcements made. In fact Child labour is not in the priority list of the government of Bihar. SCPCR is also defunct in the state. Lack of conviction and lack of coordination between the departments are the main reasons behind government's non-performance on the child labour front. Due to these reasons, even rescued children are forced to come back after some time to start working again in same or other areas/sector as child labourers.



PANEL DISCUSSION-

Panel Chair- Ms Rosy Taba, Member , Elimination of Child Labour & Children in Distress ,National Commission for Protection of Child Rights, (NCPCR), GOI

Panellists:

- Dr. Ranjit Prakash, International Labour Organisation (ILO)
- Mr Ambarish Rai, National Right to Education (RTE) Forum,
- Ms Bharti Ali, Campaign against Child Trafficking (CACT)

Moderator- Mr George Chira, Child Rights Advocate

Mr George welcomed the panel chair and all the panellists in the panel discussion and invited everyone, one by one to share their views:-

Dr. Ranjit Prakash: ILO came in to the existence before United Nations and ILO is now completing 100 years. He shared the ILO's position and ILO's conventions on Child labour in brief and said that poverty is the cause of child labour. Who is poor? If will understand this then, we will be able to understand the causes of child labour. It is a fact that children of poor families, and culturally & socially alienated families are engaged in child labour. Child labour issues cannot be addressed with child centric approach, our approach should be family centric. We also need to do structural reforms and discuss that who will do what and role of Govt and NGOs should also be decided clearly to address this issue. If we really want to

eradicate child labour from India then we have to think beyond legal measures. He said that ILO is tripartite agency which works with Govt , workers and employers . We develop labour standards and discuss with all three parties for making labour laws. We prepare fundamental policies and rights at work (including child labour) .We speak to employers and tell them that there should not be any child labour at the workplace. We also work for the socio legal, economic and health protection of labourers. At the end of his presentation he gave information about ILO convention 138(related to minimum age under which no one shall be admitted to employment or work in any occupation, except for light work and artistic performances) and convention 182(related to worst form of child labour) which has been ratified by India in the June 2017 and said that clause D of the convention 182 is very important, you should read and discuss it.

Mr Ambarish Rai- during last parliamentary elections (Apr-May 2019) RTE forum and CACL has jointly ran a campaign because education and child labour has a crucial relation. Our demand is to provide right to education for the children aged 0 to 18 years, but when RTE Act came this demand of ours was not met. Presently RTE Act is being implanted half-heartedly and due to this reason compliance rate of RTE Act is only 12.7% out of 1.8 million schools in the country. Government don't want to invest more money in the education. In the year 2017-18 lowest investment was done on education by the GOI i.e. only 2.7 % of GDP. Now in the Draft New Education Policy they are saying that we need to invest more money on education. Government have received 1.5 lakhs suggestions on the draft new education policy, let us see what they do with these suggestions. We have requested the government many times to conduct a debate on education in the parliament but they have not taken it seriously. Instead of



debating and strengthening RTE Act, Govt is diluting the norms of this Act day by day. Their more focus is on infrastructure and less focus is on learning outcomes. Private players (like Piramal Foundation, Boston Foundation and Bridge International Academy) are being involved in making the list of Govt schools to be shut down. This is our apprehension that Govt might give some of the schools to these players to run. We should start a public debate and create a people's movement to save and expand (0-18 years) the RTE Act . We should also speak about the Kashmiri Children's Right to education, because they are not able to go to school due to present political situation in the valley.

Ms Bharti Ali: We have truly failed in addressing the child labour issue appropriately. All the children who are out of school are potential child labours. We fought for RTE Act and got something, but the way RTE is being implemented, we have lost the hope in that approach, i.e. taking that route to eradicate child labour. We don't have correct data on child labour, even through the parliament questions whatever we information/data we get are problematic. Number of violations of child labour laws are very high but, number of prosecutions are very low and number of convictions are very low, which is our real concern.

Budget of the National Child Labour Project (NCLP) has also gone down. If the RTE will be implemented properly and children will study then this project will not be required. After so much discussion and debate finally labour ministry has admitted that number of working children are 10 million, not 4 million. Now people are discussing that child labour should be with MHRD or WCD ministry, but to address the child labour issue actually we require multidisciplinary approach. Why are we not looking in more investment in micro study to talk to government for proper policy intervention??.



Ms Rosy Taba (Panel Chair): I am fully agree with the views shared by my previous speakers regarding children's right to education. India is different, its needs are different so we should not follow copy - paste approach during preparation of policy/program and intervention strategy. We should think differently to address child labour. We should also talk about the issues related to trafficking of human beings, missing children, drug abuse, bonded labour etc, these are interlinked issues at some point. As civil society we should not accept child labour at any extent, then only we would be able to eradicate child labour. Nothing will happen with rescue-rescue and rescue but zero rehabilitation approach. With holistic approach only we can address this issue. CLPR Act is confusing, we should have a SOP for its proper implementation. In each state and even in each district child labour has its own forms, dimensions and issues, therefore to address it adequately we should have a disintegrated policy. We should tell the government that child labour issue (or any other issue) should be addressed in a 'DOWN -TOP manner', then only we can achieve the desired and sustainable results.



Mr George Chira: At the end of the panel discussion Mr George thanked all the Panellists and panel chair for their valuable comments and suggestions to make the child labour history. He said that only alternate of child labour is to send all the children to the school, then only there will be no child labour.

CLPRA IMPLEMENTATION AT THE GROUND

Panellists:

- Mr Rameshwar Prasad Vishwakarma, Childline India Foundation

- Mr Jitendra Singh, Workers Union
- Ms Lokesh Sharma, Centre for education and Communication (CEC)
- Mr. Roop Sudesh Bimal ,In charge Child Labour, Delhi Commission for Protection of Children's Rights (DCPCR)
- Ms. Rita Singh-Delhi Commission for Protection of Children's Rights (DCPCR)

Moderator- Mr Ranjan Mohanty, Chairperson, National Action & Coordination Group For Ending Violence Against Children (NACG-EVAC), India

Mr. Ranjan Mohanty welcomed all the panellists and invited everybody one by one to share their views on the implementation of CLPRA on the ground and their role in its implementation.



Mr Rameshwar Prasad Vishwakarma: he informed the participants about child line and its activities on ground to address child rights and child labour issues. He said that childline is a free telephone helpline for the children in distress .This helpline is active in the 550 districts with 900 units. In the last one year from all over the country Childline has received 39343 cases of child labour. We are conducting rescue at large very scale but rehabilitation process is very week because CWC and district administration is not proactive and cooperative , and in many districts only 1 or 2 labour inspector are available. Process of providing compensation is also very complicated, therefore very few children get the compensation after rescue. We should work with holistic approach to address child labour issue otherwise nothing will happen. The definition of child should also be same everywhere, some where it is 14 years , some where it is 16 years and some where it is 18 years , this is also creating hurdle in getting the various child related laws implemented.

Mr Jitendra Singh: I am associated with AITUC and CACL since 1996 . In the beginning trade unions has no /very little understanding about Child labour and its implication in the development of our society/ country .But slowly trade unions have recognised child labour issue and started providing active cooperation for the eradication of child labour . Presently adult labourers' rights are in danger. Big number of adult labourers are being removed from their work and a big number of them are not getting minimum wages, even in Delhi. In this scenario, when trade unions are struggling for its own existence, then how can they cooperate/contribute in the child labour eradication initiatives? Recently some trade unions including AITUC have again started bringing the agenda of child labour in their task list, and thus there is a hope that they would be able to contribute in addressing this issue. We all



should come forward and collectively raise our voice against the efforts of government to dilute the definition of child labour in CLPRA 2016 , otherwise it would be not possible to eradicate child labour form India.

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Ms Lokesh Sharma: In the labour force most oppressed and exploited bunch is the child labourers. We do action oriented research followed by advocacy on child labour issue especially for the children who are engaged in sand mining and brick kiln industry. In the brick kiln units dalits and adivasi community is mainly involved. Most of the workers are landless and seasonal labour. They work for 6-8 months as piece rates worker and for the rest of 4-6 months they are unemployed. Family based contract

is mostly done between the brick kiln owner and head of the family, and thus whole family (including children and women) is engaged in making bricks. Children and women are invisible labourers in the brick kiln and sand mining industry. Brick kiln is although a hazardous industry but actually at the ground level 1/3 of the labour force in brick kiln industry is child labourers. In our project areas we have linked at least 3000 children to the education through bridge course. Due to lack of social security these families are forced to live miserable life, children's situation is also worst there. We should link these families with social security programmes of the state and GOI. Minimum wages should also be guaranteed there for all the adult workers. Strict vigilance should be there to ensure that no child is working there in the brick kiln units. Arrangements have to be made to send children to schools.

Mr Roop Sudesh Bimal: we have facilitated the process of Aadhaar card preparation for the children working in Delhi. It is helpful in doing follow up with these children after rescue and rehabilitation is over. It helps to keep an eye whether they come again to Delhi for work or not after rehabilitation. We have caught few placement agency who were indulged in placing children for work in Delhi and filed police complain against them. Recently we rescued 12 children from the clutch of child traffickers. CWC has restored these children in their families but have not done any follow-up, therefore we don't know whether these children are still at their homes or again came back in the labour market. According to our estimate at least 1.5 lakhs children are working here in Delhi and they need to be rescued with proper rehabilitation plan but it is our experience that normally district administration and police doesn't cooperate in rescue & rehabilitation processes.

Ms Rita Singh: Ground situation is not encouraging at all with regard to working children's status. We should try to understand



that why these children are working and then address those root causes for seeking permanent solution. Many children work for the sustenance of their family and many work to contribute to their family income. There are more than 900 social security schemes in our country, but they are not reaching out to the needy families/individuals. Therefore we need to work towards convergence and accessibility of these schemes for common people so that in case of crisis no one/no family have to send their children for labouring in the market. We all need to work unitedly in this direction for the eradication of child labour.

Questions from floor:

Q: For regulating the placement agencies in Delhi, what are the recommendations sent by DCPCR to the government? (Mr. Surendra)

Ans: We are in the process of finalising the recommendations for regulating the placement agencies in Delhi and will be sending it to the government within 10-15 days. We are planning to involve RWA for sensitising the common people on the issues of domestic help and child labour. (Response from Mr. Roop Sudesh Bimal)

Q: After rescuing children, why we just send them back to their families without any support or rehabilitation plan, and as a result children again come back to the cities for the work?

A: It is due to lack of coordination between different authorities, departments and CWCs and it is also due to lack of will power from the part of government to eradication of child labour. (Ms Rita Singh)

Q: What are the options (institutional & non institutional) available before us to rehabilitate the rescued working children?



Ans: Child labour issue should not be seen in isolation. We should see this phenomena holistically and address it appropriately with the help of all the available social security schemes. (Lokesh Sharma)

We should start working on the child labour issue from our own house, colony, locality and city. We should not employ children and adolescent on work in our houses and register complain against them if someone does so. We should also help out of school children to get enrolled in schools. (Ms. Rita Singh)

EXPLORING ALTERNATIVES

Advocate P Selvi : when in the year 2016 government has diluted The Child Labour regulation and Prohibition Act 2016(CLPRA 2016) , then at that time we had two options. First one was – To start a campaign for changing/amending The CLPRA 2016 AND another option was –To prepare an alternate bill and get it presented in the parliament. After seriously thinking about these two available options, we

decided to go with the 2nd option. Thus we prepared an alternate bill and started canvassing with MPs so that they could present this bill in the parliament, debate it, and get it passed .

Ms Selvi said that this alternate bill is the product of a collaborative efforts of following likeminded advocates and social workers.

Page | 14 *Two Advocates of Madras and Madurai Bench of Madras High Court (D. Geetha and P. Selvi).
CCRD, Tamil Nadu (S. Thomas Jeyaraj, Stegana Jency, R. Krishnaveni, S. Thenpandian).
Victor Raj, Convenor, CACL*

Highlights of the alternate bill are as follows:

Title of the bill: **The Child Labour System (Abolition, Prevention and Rehabilitation) Bill, 2017**

Salient Features of the Child Labour System Bill, 2017 :

- The Bill seeks to abolish child labour system up to 18 years in all forms of employment, including family and home-based employment
- Child labour system is a system that deprives children of their childhood, potential to growth, development and dignity.
- Provides for appointment of Child Labour Abolition Officer at every Taluk with powers of police officer
- Provides for designation of Special Courts (Sessions Court) to try offences of child labour
- Establishes Monitoring Committees at the National, State and District levels, that would monitor implementation of the Act, act as Advisors to the respective governments on policy and oversee performance of various authorities under the Act
- Provides for rehabilitation, reparation and restitution
- Provides for establishment of Child Labour Rehabilitation-cum-Welfare Fund
- Punishment for employers engaging child labour



Ms Selvi requested everyone to read the draft bill and give their comments/feedback if any to make this bill more comprehensive.

OPEN DISCUSSION AND WAY FORWARD

- MODERATOR- Mr Mathews Philip

Mr Mathews Philip requested everyone to suggest the ways to move forward on the issue of child labour so that CACL can achieve its objective. He requested everyone to suggest the specific policy level changes or suggest specific changes in the legislation. Suggestions from the participants are as follows:-

- Provide training to the government officials who are working on child labour issues regarding Laws, SOPs, processes and rescue and rehabilitation protocol etc..
- There should be single window system where cases of child labour should be resolved (i.e. children rehabilitated employers punished/fined).
- All the children should be in the school and their progress should be monitored/tracked and if there are any issues, it should be addresses immediately to check the dropout.
- Many children work to feed themselves and their families therefore we should address these root causes also.
- Efforts should be made to increase family income by strengthening MGNREGA like schemes and/ or supporting/creating self-help groups.
- Conviction rate should be increased on the cases of violations of CLPRA 2016 .
- Revisit and amend CLPRA 2016.
- We should not mix welfare and criminal Acts, as we have done in the POCSO Act, otherwise results could be disastrous.
- Regulate the domestic workers placement agencies and put them under labour department's control/supervision to check any kind of the trafficking /exploitation.
- Develop IEC materials at regional level on child labour issues and disseminate it among civil society to make people aware of such social evils.
- Regional level capacity building programmes should be organised on child labour issues.
- Panchayati raj institutions should also be involved (with their clear & specific role) to eliminate child labour, to stop child trafficking and to implement the RTE Act.

VOTE OF THANKS

Consultation ended with the vote of thanks by Mr Ashok Kumar. He thanked all the participants, panellists, CACL members, CACL state convenors, CACL regional representatives and former and present convenor of CACL for taking out their time and actively participating in this consultation. He thanked the volunteers from Child Rights and You (CRY), Dr. AV Baliga Memorial Trust and TDH- Germany for their support in successfully organising this consultation. He especially thanked CRY, TDH and Caritas India for supporting CACL's initiatives at different levels. He thanked the all the Media representatives for covering this consultation. He also thanked ISI for providing the space for this national consultation.



CONCLUDING REMARKS:

Over 100 child rights organizations' representatives from 17 states of India came together to deliberate upon the issues / concerns related to child labour and discuss the ways forward to address CLPRA 2016 (with special focus on reduced list of hazardous/non-hazardous occupations) for making child labour a history in India .

Participants felt that there is Child Labour Prohibition and Regulation Act -2106 and Pencil portal etc to protect children from working but still we find children working in agriculture fields, glass making units, carpet making units, brick kilns, roadside eateries/restaurants family based enterprises ,households and at many more places.... .This means somewhere we are not acting at field-level and somewhere we are failing to generate awareness and enforce the laws especially CLPRA and RTE Act ,"

Everyone agreed that a lot more needs to be done to eradicate this social evil (i.e. child labour) and as civil society we should not accept child labour at any extent. While preparing the policy/program and intervention strategy we should think differently (with holistic approach) to address root causes of child labour. We should also talk about the issues related to education, trafficking of human beings, missing children, drug abuse, bonded labour ..., because all these issues are interlinked. Participants in common voice said that nothing will happen with only rescue –but no rehabilitation approach. We need to work towards convergence and accessibility of all the social security schemes in our country so that no one is compelled to send their children in labour market.

CACL (as organizer of the national consultation) requested the members of the civil society, NGOs and child rights campaigns, media to come forward and collectively pressurize the government to not to dilute the CLPRA and take action against those who are making children work. Pressure also has to be build up to get the Right to Education Act implemented without weakening it, so that all children (in the school going age) attend the school and not become part of the labour force, not even in the name of the family enterprises . General people were also requested to motivate, help and facilitate children to join schools if they find them working at traffic signals, shops/restaurants or as domestic help. People were suggested to register complain with police or inform child line if they find anybody employing children in their homes or business establishments.



Anchoring: 1st half of the consultation was anchored by Ms Shreya Ghosh, CRY
2nd half of the consultation was anchored by Ms Ritu Mishra, TDH, Germany, India program.

Report prepared by: Mr Krishna Kumar Tripathy, Consultant-Child Rights & Child Safeguarding, New Delhi,
E mail: kktripathy@gmail.com

Annexure One:

MEDIA COVERAGE

1. **Business Standard**- https://www.business-standard.com/article/pti-stories/civil-society-members-express-concern-over-child-labour-amendment-act-119090901106_1.html
2. **Shafaqna**- <https://in.shafaqna.com/EN/AL/1053431>
3. **News Lab 4**- <https://newslabs4.wordpress.com/2019/09/09/civil-society-members-express-concern-over-child-labour-amendment-act/>
4. **The Times of India**- <https://timesofindia.indiatimes.com/india/civil-society-members-express-concern-over-child-labour-amendment-act/articleshow/71053045.cms>
5. **The Hindu**- <https://www.thehindu.com/news/cities/mumbai/banning-child-labour-still-seems-a-long-haul-battle-say-activists/article29378103.ece>
6. **Devdiscourse**- <https://www.devdiscourse.com/article/national/663997-civil-society-members-express-concern-over-child-labour-amendment-act>
7. **Just Dial**- <https://www.justdial.com/JdSocial/news/1568042793767000>
8. **Navbharat Times**- https://navbharattimes.indiatimes.com/india/civil-society-organizations-need-to-reconsider-amendments-to-the-anti-child-labor-law/articleshow/71051388.cms?utm_source=Whatsapp_Wap_stickyAS&utm_medium=referral&utm_campaign=nbtmobile
9. **India Blooms News Service – IBNS** - <https://www.indiablooms.com/finance-details/10596/stakeholders-engage-in-national-child-labour-consultation-to-discuss-gaps-in-clpra.html>
10. **News Sense** - <https://newsense.in/2019/09/13/stakeholders-convergence-to-strengthen-indias-fight-against-child-labour/>

Business Standard

Civil society members express concern over child labour amendment act

Press Trust of India | New Delhi September 09, 2019 Last Updated at 20:20 IST

Members of the civil society have expressed concern over the Child Labour (Prohibition and Regulation) Amendment Act, 2016, claiming that it fails to address its objective of prohibiting child labour from all occupations and processes.

The CLPRA law prohibits employment of children and adolescents in all hazardous occupations and processes in alignment with the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

However, it makes exception for children aged below 14 years, where a child is permitted to work only to help family, in family enterprise or as a child artist after school hours or during vacations.

Several civil society organisations came together on Friday under the banner of CACL Campaign against Child Labour, and expressed concern over it.

The CACL on Friday deliberated on the need to revisit the existing list of hazardous and non-hazardous occupations and processes, while shedding light on the various factors hindering prohibition on child labour in India, according to a statement issued by child rights body Child Rights and You (CRY).

The day-long consultation was attended by civil society organisations such as CRY, Terre des hommes, Caritas, Save the Children and other coalitions and groups including Right to Education (RTE) Forum, Campaign against Child Trafficking (CACT) and National Action and Coordination Group for Ending Violence Against Children (NACG-EVAC) in India, the statement said.

"The only way we can change the child labour scenario in India is by working together to ensure children complete their formal education, so that they are not pushed to labour and this cannot happen without total eradication of child labour from the country," it said.

The recent amendments in CLPRA needs a relook and we are ready to work with government and other stakeholders to find solutions and alternatives for the same, Ashok Kumar, National Advocacy Convener at CACL, said.

According to the Census data (2011), there are more than 10 million child labourers (between 5-14 years of age) and over 22 million working children (between 15-18 years) in India.

Printed from
THE TIMES OF INDIA

Civil society members express concern over child labour amendment act

PTI | Sep 9, 2019, 08.46 PM IST



NEW DELHI: Members of the civil society have expressed concern over the Child Labour (Prohibition and Regulation) Amendment Act, 2016, claiming that it fails to address its objective of prohibiting child labour from all occupations and processes.

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child artist after school hours or during vacations.

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MUMBAI

Banning child labour still seems a long-haul battle, say activists

STAFF REPORTER

MUMBAI, SEPTEMBER 10, 2019 01:20 IST

UPDATED: SEPTEMBER 10, 2019 01:20 IST

Recent amendments to national law need to be revisited: Campaign Against Child Labour

Several civil society groups in the city gathered recently under the banner of Campaign Against Child Labour (CACL) for a day-long national consultation. They deliberated on the need to revisit the existing list of hazardous, non-hazardous occupations and processes, and discussed the various factors preventing the prohibition of child labour in India.

In a statement, CACL said India recently ratified the International Labour Organisation's child labour conventions and has a Child Labour (Prohibition and Regulation) Act (CLPRA) in place, but the elimination of child labour still seems a long-haul battle.

The CLPRA law prohibits employment of **children** and adolescents in all hazardous occupations and processes in alignment with the Right of Children to Free and Compulsory Education Act, 2009. However, it makes exception for children below 14 years, where they are permitted to work only to help in a family enterprise or as a child artiste after school hours or during vacations.

allied sectors, sports and entertainment industry under the purview of the hazardous/non-hazardous list, legalising such work," the statement said.

Ashok Kumar, national advocacy convener, CACL, said, "The only way we can change the child labour scenario in India is by working together to ensure that children complete their formal education, so that they are not pushed to enter labour. This cannot happen without total eradication of child labour from the country. The recent amendments to CLPRA need a relook and we are ready to work with government and other stakeholders to find solutions and alternatives."

Priti Mahara, director of policy research and advocacy at Child Rights and You, said the amendment to the CLPRA is not essentially child-centric and needs further reconsideration. She said, "We need to decipher how our concerns around child labour can be merged with the concerns and efforts by the government, so that the battle against child labour becomes more robust and comprehensive."

Ranjit Prakash, national project coordinator, Fundamental Principles and Rights at Work (FPRW), the International Labour Organisation (ILO), said in June 2017, India had ratified two conventions: 138 (dealing with the minimum age of engaging in labour) and 182 (dealing with the worst forms of labour). "Therefore, the Indian government is mandated to report to ILO on the progress and action taken by the government to ensure the reduction or complete eradication of child labour," he said.

Civil society members express concern over child labour amendment act

PTI (/pti-stories) | New Delhi | Updated: 09-09-2019 20:16 IST | Created: 09-09-2019 20:16 IST



Members of the civil society have expressed concern over the Child Labour (Prohibition and Regulation) Amendment Act, 2016, claiming that it fails to address its objective of prohibiting child labour from all occupations and processes. The CLPRA law

9/21/2019

Civil society members express concern over child labour amendment act

prohibits employment of children and adolescents (/news?tag=adolescents) in all hazardous occupations and processes in alignment with the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

However, it makes exception for children aged below 14 years, where a child is permitted to work only to help family, in family enterprise or as a child artist after school hours or during vacations. Several civil society organisations (/news?tag=civil society organisations) came together on Friday under the banner of CACL – Campaign against Child Labour, and expressed concern over it.

The CACL on Friday deliberated on the need to revisit the existing list of hazardous and non-hazardous occupations and processes, while shedding light on the various factors hindering prohibition on child labour in India (/news?tag=India), according to a statement issued by child rights body Child Rights and You (CRY). The day-long consultation was attended by civil society organisations (/news?tag=civil society organisations) such as CRY, Terre des hommes, Caritas, Save the Children (/news?tag=Save the Children) and other coalitions (/news?tag=coalitions) and groups including Right to Education (RTE) Forum, Campaign against Child Trafficking (CACT) and National Action and Coordination Group for Ending Violence Against Children (NACG-EVAC) in India (/news?tag=India), the statement said.

"The only way we can change the child labour scenario in India (/news?tag=India) is by working together to ensure children complete their formal education, so that they are not pushed to labour and this cannot happen without total eradication of child labour from the country," it said. The recent amendments in CLPRA needs a relook and we are ready to work with government (/news?tag=government) and other stakeholders to find solutions and alternatives for the same, Ashok Kumar (/news?tag=Ashok Kumar), National Advocacy Convener at CACL, said.

According to the Census data (2011), there are more than 10 million child labourers (/news?tag=child labourers) (between 5-14 years of age) and over 22 million working children (between 15-18 years) in India.

(This story has not been edited by Devdiscourse staff and is auto-generated from a syndicated feed.)

बाल मजदूरी विरोधी कानून में संशोधनों पर फिर से विचार की जरूरत: सिविल सोसाइटी संगठन

नयी दिल्ली, नौ सितंबर (भाषा) बाल अधिकार संरक्षण के क्षेत्र में सक्रिय कई सिविल सोसाइटी संगठनों ने सोमवार को कहा कि अंतरराष्ट्रीय बाल श्रम संधियों का देश में अनुमोदन के बावजूद बाल श्रम एक बड़ी समस्या है और इस पर प्रभावी ढंग से अंकुश लगाने के लिए जरूरी है कि सभी बच्चों को गुणवत्तापूर्ण शिक्षा मिले तथा संबंधित कानून में हालिया संशोधनों पर पुनर्विचार करने की जरूरत है। 'कैम्पेन अगेस्ट चाइल्ड लेबर' (सीएसीएल) अभियान के तहत करीब 100 संगठनों के वरिष्ठ पदाधिकारी और प्रतिनिधि यहां एक मंच पर एकत्र हुए और देश में बाल मजदूरी की स्थिति पर चिंता

डिसक्लेमर: यह आर्टिकल एजेंसी फीड से ऑटो-अपलोड हुआ है। इसे नवभारतटाइम्स.कॉम की टीम ने एडिट नहीं किया है।

भाषा | Updated: 09 Sep 2019, 06:40:18 PM IST

नयी दिल्ली, नौ सितंबर (भाषा) बाल अधिकार संरक्षण के क्षेत्र में सक्रिय कई सिविल सोसाइटी संगठनों ने सोमवार को कहा कि अंतरराष्ट्रीय बाल श्रम संधियों का देश में अनुमोदन के बावजूद बाल श्रम एक बड़ी समस्या है और इस पर प्रभावी ढंग से अंकुश लगाने के लिए जरूरी है कि सभी बच्चों को गुणवत्तापूर्ण शिक्षा मिले तथा संबंधित कानून में हालिया संशोधनों पर पुनर्विचार करने की जरूरत है। 'कैम्पेन अगेस्ट चाइल्ड लेबर' (सीएसीएल) अभियान के तहत करीब 100 संगठनों के वरिष्ठ पदाधिकारी और प्रतिनिधि यहां एक मंच पर एकत्र हुए और देश में बाल मजदूरी की स्थिति पर चिंता जताई। उन्होंने यह भी कहा कि बाल मजदूरी विरोधी कानून में हुए हालिया संशोधन के बारे में फिर से विचार करने की जरूरत है। इस अवसर पर सीएसीएल के नेशनल एडवोकेसी कन्वेंशन अशोक कुमार ने कहा "हम भारत में बाल मजदूरी के क्षेत्र में एक ही तरह से बदलाव ला सकते हैं और वो यह है कि कि सभी बच्चे अपनी औपचारिक शिक्षा पूरी करें। ऐसा करने से उन्हें बाल मजदूरी के दलदल में धकेला नहीं जा सकेगा। देश में बाल मजदूरी उन्मूलन के बारे में जागरूकता फैलाए बिना ऐसा करना संभव नहीं है।" उन्होंने कहा, "हाल ही में बाल मजदूरी कानून में किए गए संशोधनों पर फिर से विचार करने की आवश्यकता है और हम इन समाधानों और विकल्पों को लेकर सरकार एवं अन्य हितधारकों के साथ मिलकर काम करने को तैयार हैं।" बाल अधिकार संस्था 'चाइल्ड राइट्स एंड यू' (क्राई) की निदेशक (पॉलिसी एंड एडवोकेसी) प्रीति महारा ने कहा, "बाल मजदूरी विरोधी कानून में किए गए संशोधन में निश्चित रूप से बाल अधिकारों के अनुकूल नहीं है और इन पर फिर से विचार किए जाने की जरूरत है।" उन्होंने कहा, "हमें सोचना होगा कि कैसे सरकार एवं अन्य हितधारकों के साथ मिलकर किए गए प्रयासों से बाल मजदूरी की समस्या को हल किया जा सकता है, ताकि बाल मजदूरी के खिलाफ यह लड़ाई सशक्त एवं व्यापक बनाई जा सके।"(यह आर्टिकल एजेंसी फीड से ऑटो-अपलोड हुआ है। इसे नवभारतटाइम्स.कॉम की टीम ने एडिट नहीं किया है।)

National Consultation on Child Labour

Campaign Against Child Labour (CACL)

Indian Social Institute, Lodhi Road-New Delhi

September 6th, 2019 (Friday)

Draft Agenda

S.No	Time	Agenda Item	Speaker
1.	9.30 – 10.00 am	Registration	
2.	10.00 – 10.15 am	Welcome and Context Setting	Ashok Kumar, CACL
3.	10.15 – 10.45 am	Towards Eradication of Child Labour – A Journey of 27 years	Victor Raj, CACL
4.	10.45 – 11.00 am	Presentation on Analysis of Hazardous and Non-hazardous Occupations in Child and Adolescent Labour (prohibition and Regulation Act) 1986	Priti Mahara, Child Rights and You (CRY) Rahul Sapkal, National Law University, Mumbai
5.	11.00- 11.30 am	Tea Break	
6.	11.30 am –12.00 pm	Regional Field Experiences in addressing child labour	CACL State Conveners
8.	12.00 – 1.00 pm	Panel Discussion Moderator- George Chira, Child Rights Advocate	Panel Chair- Ms. Rosy Taba, Member , Elimination of Child Labour & Children in Distress ,National Commission for Protection of Child Rights, (NCPCR), GOI - Dr. Ranjit Prakash, International Labour Organisation (ILO) - Ambarish Rai, National Right to Education (RTE) Forum, - Bharti Ali, Campaign against Child Trafficking (CACT)
9.	1.00 – 1.30 pm	Open House	
10.	1.30 – 2.30 pm	Lunch Break	
11.	2.30 – 3.30 pm	CLPRA Implementation at the Ground Moderator – Ranjan Mohanty, Chairperson, National Action & Coordination Group for Ending Violence Against Children (NACG-EVAC),India	- Rameshwar Prasad Vishwakarma, Childline India Foundation - Jitendra Singh, Workers Union - Lokesh Sharma, Centre for education and Communication (CEC) - Mr. Roop Sudesh Bimal ,In charge Child Labour, Delhi Commission for Protection of Children's Rights (DCPCR) - Rita Singh--DCPCR
12.	3.30 – 3.45 pm	Exploring Alternatives	Advocate P Selvi
13.	3.45 – 4.30 pm	Open discussion and way forward Moderator- Mathews Philip, CACL	Representatives from INGO and CSOs
14.	4.30 pm	Tea	

National Consultation on Child Labour Participants

Campaign Against Child Labour (CACL)

6th September, 2019

ISI Lodhi Road, New Delhi

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14	Syoh	Dr. ARBM7	9899852227	
15	Satyavir Singh	Butterflies	9656778939	
16	Subhude		9899110832	
17	Sangpat Mandave	TDN, PUNE	9869058255	
18	Mouli Pal	Butterflies	9013364709	
19	ASHISH GHOSH	Terre Des Hommes Suisse (TCH Suisse)	9831287608	

Campaign Against Child Labour (CACL)

6th September, 2019

ISI Lodhi Road, New Delhi

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33	C. J. George		9822063576	
34	Jyoti Shukla	Swati	9871876813	
35	Rohit Sarker	MVLU	9765128533	
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37.	Alicia Tanno	YUVA	9892459833	

Campaign Against Child Labour (CACL)

6th September, 2019

ISI Lodhi Road, New Delhi

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40.	P. Sahni	Advocate.		P. Sahni
41.	Dr. Takkul H. Das	Dr. A. V. Baliga M. Trust	9213030020	Dr. Takkul H. Das
42.	Nadeem Akhlaq	Dr. A. V. Baliga Trust	9582243287	Nadeem Akhlaq
43.	Kaviraj Nair	TdM - Delhi	7810976553	Kaviraj Nair
44.	S. Ramesh Babu	Metro Sahy	9910144332	S. Ramesh Babu
45.	Mohua Chatterjee	CRY -	9836306262	Mohua Chatterjee
46.	Arun Joshi, K	Interagency Ministry	8588012054	Arun Joshi, K
47.	Ram dal pd.	JSP, Hq. JH	9421140659	Ram dal pd.
48.	Aditi	CRY	9011916665	Aditi
49.	Poojita	CRY		Poojita
50.	Shreya	"		Shreya
51.	Vaani	"		Vaani
52.	Kiran	"	9818614233	Kiran
53.	Libza	"		Libza
54.	Poornima	"		Poornima
55.	Raina	"	9954542372	Raina
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