

National Consultation on Child Labour

29-30 April, 2017

National Bal Bhavan, Delhi

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.

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, privatisation 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.

While advocacy is the need of the hour, it is important to understand this issue from the child's perspective and ensure their voices are heard at the national and international level. The next Global Conference on Child Labour is scheduled to be held in Argentina in November 2017. In this context, a two day National Consultation on Child Labour was organised with 65 children from 14 states and union territories in the Capital on 29-30 April, 2017 – an initiative of the Time to Talk Campaign (a joint initiative of CACL and various networks and organisations supported by terre des hommes Germany) and Campaign against Child Labour (CACL) and Centre for Education and Communication (CEC). It would be followed with an interface of working children with the government and other authorities.

The Consultation:

The consultation began with the registration of all the children from the different states participating in the two day event. The adult facilitators and children in the age group 12 to 20 years had travelled from Madhya Pradesh, Chhattisgarh, Tamil Nadu, Maharashtra, Telangana, Andhra Pradesh, Pondicherry, Karnataka, Odisha, Jharkhand, Gujarat, Uttar Pradesh, Delhi, Haryana and Rajasthan.

All the children were child labourers, while some had left their work; others were still working to earn a living to support their families. They were engaged in selling flowers, vegetables, fast food, newspaper and ornaments; making incense sticks and jewellery; employed as domestic worker, mason, electrician, carpenter; or in mines, stone quarry, brick kilns, garment factory, spinning mill, in the agriculture and allied sector, and in ragpicking.

They were all welcomed by Mr. Kishore Jha, who facilitated the first session. The young girls and boys were asked why they had come for the consultation.

The children responded as follows:

- Abolish child labour
- To know about our rights.

- Know about the age at which children could work.
- What problems are faced by children while working and we would like to know whether children can work and go to school.
- Advocacy to ensure that all individuals below the age of 18 years to be considered as children.
- I have worked in the textile mill and gone through trouble. I do not want other children to work like me. That's why we have come to get information and do advocacy.
- Every child has the right to quality education.
- Children below the age of 18 years should be school.
- Everything is there in the law, but it should be implemented.
- We have come from Mysore to share the problems we have faced as ragpickers.

Kishore then went on to explain the three reasons for the consultation:

- Understanding the amendments in the child labour law.
- Briefing about the Time to Talk campaign and the global conference on child labour.
- Sharing the position paper of the CACL (Campaign Against Child Labour), the organiser of the conference, on child labour and the amendments.

Before proceeding, the children were asked to mark on the map where they had come from. They put *bindis* marking their respective states. Next the children formed a huge circle and passed the ball to introduce themselves.

Mr. Ashok Jha briefed about CACL initiated in 1993. NGOs felt that children engaged in child labour had equal right to be in school and have fun. Around 5,000 NGOs from 22 states came together on a common platform to eradicate child labour in India. In 1986, India enacted the Child Labour (Prohibition and Regulation) Act (CLPRA). Changes were brought about due to the efforts of NGOs and children, but still eight crore children were working in different sectors.

In 2016, the government amended the CLPRA. He shared that during the two day consultation organised by the CACL, there would be discussion on the CLPRA, its amendments and its impact on child labourers as well as the position paper of CACL on the issue. However he hoped there should be no CLPRA, as child labour should be completely eradicated from the country.

Ms. Sharmili Basu from TDH shared about the Time to Talk campaign, an international campaign presently running in 25 countries. Formed to eradicate child labour globally, it talks to children in or out of school, working full time or after school hours to discuss their problems, struggles and what they think about their future. The campaign gathers children's opinions on work, challenges they face and what can be done to improve their condition.

Ms. Sharmili shared that in India about 10-12 consultations had been organised with working and non-working children. There was discussion about their daily activities, hobbies, interests, what made them happy or sad while working, and the kind of work they should engage in. The report emerging from these consultations would be sent to the organisers of the campaign to be presented in November 2017 at the Global Conference on Child Labour in Argentina.

During the two day event, the amendments in the law would be discussed so that the voices of the children could reach the Global Conference. On the second day, she explained, that an interface had been planned with the government representatives, media and organisations working with children and on labour issues.

The children were explained about the do's and don'ts for the two days. One child from Tamil Nadu responded that they had faced a lot of hurdles to reach Delhi, and even their parents had opposed it. However the adult facilitators made a lot of effort to bring them for the consultation and they should act responsibly.

Child Labour in India

Mr. Ashok Jha introduced Dr. Helen Shekhar, Senior Researcher, V.V. Giri National Labour Institute, who had researched on child labour in the country. Through an interactive session, she focused on the plight of child labour in the country. She began by asking what the children understood by child labour. They responded:

- Children who work
- Children under the age of 18 years, who work in shops.

Dr. Shekhar shared that it was the fundamental right of every child till the age of 14 years to go to school and for those in the 14-18 age group to not work in hazardous industry. She wanted all children to complete their secondary education. She quoted the Census 2001 and 2011 figures, which indicated that the number of child labourers had come down by 37 lakhs over the decade. However the statistics fail to reflect the reality on the ground. She explained that child labour was prevalent in every state, with most children employed in the agriculture and allied sectors – forestry, animal husbandry, pesticide. Also there were more child labourers in the urban areas, compared to rural areas.

Initiatives like Sarva Shiksha Abhiyan in rural areas have helped in curbing child labour to an extent. However as families leave agriculture and migrate to urban areas in search of employment and better quality of life, child labourers have increased in these regions. Agricultural land was being converted into plots, leading to lack of land and loss of work, pushing families to migrate. In case the parents are involved in fishing, they leave behind the children for six months and they get involved in work.

Earlier the children used to stay back with the extended family but now they are forced to migrate. In the new place, parents lack the resources to take care of the family. Parents leave their children on the streets so that they are in the visibility of general public and are secure. The children start working as parking guard, ragpickers, street vendor to earn for the family. The statistics also indicated that the number of girl children employed had come down. However this was because of their 'invisibility' as they were mostly engaged in doing embroidery, *zardozi*, bangle making and were not captured in the data.

There were topographical variations in employment of child labourers – like children were employed in the carpet industry in Uttar Pradesh (Mirzapur, Bhadohi, Allahabad) and Jammu and Kashmir; in brass industry in Moradabad; key making in Aligarh; ceramics in Khurja, Bulandshahr; slate pencil in Mandsaur and Andhra Pradesh; tannery in Chrompet; hosiery in Tirupur; fire cracker in Sivakasi. Even ragpicking and waste segregation could be hazardous to children.

She elaborated on the health impact like inhaling dust in the slate and cement industry leads to asbestosis; glass dust in the glass industry leads to silicosis; and children working in the bidi making end up with tuberculosis and other diseases. Child labourers stay away from their families, do not get enough food to eat and are denied right to education. Lack of educational infrastructure and quality education, parents' inability to educate or preferring to send the child for earning, lead to high dropout. She pointed out that sometimes laws were good but their enforcement was an issue.

The Census 2011 also indicated that more literate children were entering the workforce – indicating the high dropout from schools. There was also increase in child labour in Kerala (a state with high literacy rates), Himachal Pradesh, Uttar Pradesh and Uttarakhand. Children from the SC/ST communities were more often engaged as child labourers.

On being asked how child labourers could be brought into the Census data, Dr. Shekhar shared that if the government could maintain a list of birth registration, then children could be traced - the school they were enrolled in, if they had dropped out, migrated or joined the workforce.

She mentioned that under CLPRA the reporting system had been strengthened and one could call the Childline to report about child labour. Anyone reporting about child labour, should take the child's details so that they could be traced.

She elaborated about the CLPRA, 2016, which stated that children working in their family business were allowed to work after school or on holidays but it should be voluntary and not forced. If parents were found to be forcing the child to work then they would be warned initially and fined Rs. 10,000 on the next occasion. The child could work in the family business, if they were biological or legally adopted.

Mr. Kishore summed up the session.

Child Labour: That's how we understand child labour and express it ...

Post-lunch the children were engaged in drawing their perception of child labour – a session facilitated by HAQ: Centre for Child Rights. To make groups and to make the children interact with others from different state, energisers were organised. Some of the insights and stories shared by the children are as follows:

- While some children were going to school, others were working. Even if working children wanted to go to school to be educated, their circumstances hindered it.
- In Haryana, children as young as 10 years worked in factories - making thread to be used to make cloth. They spend everyday in big factories to earn for their families.
- Parents made their children work in agriculture in India because they required a helping hand and the children can't refuse to help their parents because they see them struggling alone.
- In Karnataka, children start working in mining at the early age of 10 years and keep working till they turn 40. This child was working for five years in mines, while his uncle who was 35 years old had been working for more than 20 years. The child was happy that he could go to school but there were many who did not get the same opportunity.
- A child from Bhopal shared that he used to sell sugarcane juice with his brother. There was a garbage dump around them, which used to smell bad but they had to sell sugarcane juice as their mother was too old and father had died a few years ago.
- Another child shared that he was working in mining as his parents had passed away few years back and he was the only earning member. He didn't want his younger siblings to work. He worked so that he and his siblings could get food.
- Another child who used to sell newspaper had to leave school to work.
- A rag picker helped his older brother with the work.

Amendments in CLPRA 2016

Mr. Kishore Jha facilitated the session on sharing/ expressing learning about status of child labour in India. He asked the children which amendment in the law was being talked about. The children responded:

- Child labour
- CLPRA
- Children under 18 years cannot work as per the earlier law.
- Compulsory education upto 18 years.
- There were two kinds of work – hazardous and non-hazardous, and children could work in non-hazardous sectors.
- Under the new law, 0-18 year olds cannot work, whether it was hazardous or non-hazardous.
- Fine would be imposed on those employing children.
- At present compulsory education was for children till the age of 14 years but the participants wanted it to be extended to 18 years.

The facilitator focussed on the amendments in the child labour law and asked the children about their views on child labour and the amendments in the law:

- In 2016, the amendment said that children below 14 years can work in their home enterprise.
- Only those in the 0-14 years would be called ‘children’ and 14 to 18 years would be a separate category.
- Children can work and study side by side and can be involved in family enterprise or traditional activities.
- They expressed their fear that children could be easily influenced by the family members to work.

Mr. Kishore Jha then explained the amendments in depth to the young participants.

- Child labour had been made a cognizable offence.
- The fine has been increased from Rs. 20,000 to Rs. 50,000.
- The previous jail sentence of 3 to 12 months has been increased to 6 months to two years.
- While there was a complete ban on children upto 14 years working, those helping in their family enterprises or engaged in traditional work and going to school were exempted from it. Children could work voluntarily within the family, without any coercion, and after school hours or during vacations.
- The 14-18 year olds were now categorised as ‘adolescents’ and could be employed in non-hazardous work.

In response to the query if it was possible for the children to go to school as well as engage in work, they mentioned the following:

- We cannot work.
- I cannot work and go to school.
- I cannot concentrate on two things – study as well as work.
- I will not be able to study and perform well in exams.
- Children should go to school, not work. They get scolded by teachers if they do not do homework and by parents if they do not work. So they prefer to leave school and work.
- The ones who work after school have no time to rest and play.
- Education and work at the same time – *dimaag mein asar karega*. We cannot concentrate on two things and won't be able to do anything.

- Children dropout of school because of their greed for money.
- If the family lacks resources, then the child is forced to work.
- Besides studying, one should help their parents.
- In the new law, we can work after school hours.
- The right to play will go.
- Children belonging to big business families do not work. What is the necessity for us to work?

Mr. Jha then asked the young participants if there was a difference between hazardous and non-hazardous work.

- Whether the work is dangerous or not, it is hazardous for any child as it does not allow the child to engage in other activities.
- Children work in factory, lift heavy boxes, it is hazardous. But even small things can be harmful to children.
- Those children working at home is non-hazardous, those in factories is hazardous.
- It is perceived that work at home is non-hazardous but now factories are giving piece-rate work, so it is hazardous.
- Working at home or factory, any work is hazardous for children, as they won't develop properly.

Booklet on the amendments in CLPRA, 2016

A bilingual booklet on the amendments in the child labour laws was distributed to the participants. They read through it to understand the amendments and ask related queries:

The participants were asked about the impact on the child if they had to work at home and study in school. Their response was as follows:

- If the child is working and studying, then they would be mentally tired out and won't be able to concentrate on studies.
- They cannot concentrate on studies, would be tired, stressed and won't get any time for other activities.
- It will be a physical strain for them and they won't be able to study.
- Physical and mental strain for them.
- They would lose their childhood.
- They would lose interest in studies and focus on earning and won't be able to pursue their education.
- They would fall ill because of the physical strain.
- Their studies would suffer.
- If the child does both, then it would affect their brain. They will fall ill also.



The children also got the opportunity to ask questions regarding child labour.

- **?** Is it the responsibility of the parents or the government to ensure children don't have to work?
 - The laws are brought about by the government and it should be their responsibility.

- It is not the parents' responsibility. They don't want their children to work. Children get greedy about earning money. It is the employer's responsibility.
- If the parents are given proper job, then the child would not be forced to work. It is not the parents' responsibility.
- Due to the marginalised situation of family, we had to work. If the govt had implemented schemes of work for 100 days (under MNREGA), then children would not have to work. Parents should be strengthened.
- The CRC says that family should be strengthened so that children get to fulfill all their rights. How is it possible?
- The family situation was bad. My father passed away, my brother was alcoholic and I was forced to work. Govt runs alcohol shops and men turn alcoholic. They should do something.
- Some children are orphans, how will he/she study? They would be compelled to work.
- It is the govt's responsibility to ensure that the parents earn enough so that they are able to take care of the children.
- Working and studying would have a negative impact.
- It violates the right to life, security, development and participation.
- Govt cannot give up its responsibility. Education is being privatised while alcohol shops are being run by the govt in Tamil Nadu. Govt should focus on education.

? Is it alright to impose fine on parents?

- If we are working on our own free will, the fine should not be imposed.
- Parents should not be fined. My father passed away, we were five daughters and my mother was forced to send the children to work so that we could be fed.

CACL position paper - Mr. Joseph Victor, National Convener, CACL

Mr. Joseph Victor mentioned that CACL's position on child labour was the same as the children's position on the issue.

He asked the young people what they thought children of politicians, government officials, those belonging to rich families engaged in during their free time. What did they do in the evening? Where do they go to enjoy themselves?

Children responded that the children belonging to rich families enjoyed by playing games, participating in different sports; going to the beach and parks, they hang out with their friends, go to movie theatres. They joined dance classes, attended parties, coaching classes for their education, and even enjoyed themselves in clubs. In summers, they joined summer camps, karate, swimming, drawing classes. They have money, their own house, car and clothes. The participants felt they did not get similar opportunities as they were poor, lacked resources and even then they to progress in life.

Mr. Victor mentioned that politicians made the laws and bureaucrats implemented it. If they felt that children should work, then why don't they send their own children for work? The children shared their experiences that they were not admitted in big schools as they were poor. People made fun of them, didn't become friends with them and humiliated them. Those within the system were not working properly.

At CACL, it was believed that all child labour was bad, there was no good or bad child labour. All children should get education till 18 years and no one should work. CACL opposed the amendment since it differentiated between children and adolescents.

DAY-II (30th April 2017)

The second day of the consultation started with the energizer *Jump In, Jump Out*, organised by HAQ: Centre for Child Rights. The participants were divided into five groups of at least 12 members from across the states.

Each group was given a question to discuss and write their suggestions/ recommendations based on what they felt about it, the changes they wanted. These questions were based on the amended CLPRA 2016.

Group 1: According to you, what should be the age for child labour? Should it be 14 years or 18 years? Why?

Group 2: Is child labour the responsibility of parents only? Should fine be imposed on parents?

Group 3: Can children not learn skills in school? Should children only learn the work their forefathers or family have been doing traditionally?

Group 4: Should children be allowed to work after school hours? Is it practical?

Group 5: Do you think employment of children should be divided into hazardous and non-hazardous categories?

The adults accompanying the children facilitated the discussion, as participants from Tamil Nadu, Odisha, Karnataka and Gujarat found it difficult to express their views. Based on the discussion, the participants made the presentation.

Group 1: According to you, what should be the age for child labour? Should it be 14 years or 18 years? Why?

Suggestions/Recommendations:

1. The age of children should be 18 years, instead of 14 years.
2. All children between 0-18 years should get education. Presently, only children upto 14 years received free education (under RTE) but thereafter they had to pay due to which many children whose parents were unable to pay, dropped out of schools.
3. All children should be allowed to study till class 12th, as it would help in mental and psychological development.
4. Children got tired when they went to school as well as worked. Moreover they were unable to concentrate on their studies.
5. Their attention got diverted once they started earning money.
6. Children can support in domestic household chores – mopping, washing dishes - but they should not be employed in work, not only in factory but also at home. It hampers their physical and mental growth.

Group 2: Is child labour the responsibility of parents only? Should fine be imposed on parents?

Suggestions/Recommendations:

1. It should not be solely the responsibility of parents, but government too.
2. Parents send their children to work because they do not have enough earnings.
3. Government should provide decent work and wages to parents.

4. Government must ensure employment of parents throughout the year.
5. Instead of punishing parents, the employers need to be punished.
6. There should be one Act in all the states. In some states, the child labour age is 14 years and in some it is 18 years. Citing an example of Delhi and Haryana, one participant said that in Haryana, child labour is prohibited till 18 years whereas in Delhi it is 14 years. So most of the parents send their children to Delhi for work.
7. Speaking about imposing fine on parents, they suggested it was not a solution. But at the same time they emphasised that parents should also not send their children for work.

In response to imposing fine on parents, one of participants had a different opinion. He suggested that parents too should be fined. In support of his argument, he cited an experience of his locality. He said, *“In my neighbourhood, there is a family where there are four children. Parents send all these four children for begging around mandirs, mosques. And if any of them do not bring money, he/she is beaten badly. One day I forbade their parents to do so. In reply, parents asked me – you bring money for us, so that we can feed our children.”* He said such parents should be fined who forcibly send their children to work or beg.

Group 3: Can children not learn skills in school? Should children only learn the work their forefathers or family have been doing traditionally?

Suggestions/Recommendations:

1. Through traditional work at home, government itself is sanctioning child labour.
2. No, it is not necessary that children learn the family’s traditional business. Citing an example they mentioned, if the child belonged to the potter’s family, he/she should not necessarily learn how to make pots. He/she can do much better if they get opportunity for education.
3. Skill based training must be offered in school. By doing this children would not drop out of school; they would get time to play.
4. At the same time they questioned why children from backward communities or particular caste do only traditional work. Why the same is not applicable to children of affluent families where they too are into traditional work?
5. It is just taking away the child’s rights – right to play, right to education and right to rest.
6. One of the participants from the group said that children should support parents in their traditional work. Citing her example she said. **Roshni, AV Balika Trust, Mangolpuri** *“My father sells items on ‘rehdi’ in the market place. Many a times he has to go for some work. At that time I stand on the ‘rehdi’. We should not feel ashamed of it. We need to support our parents.”*

Group 4: Should children be allowed to work after school hours? Is it practical?

Suggestions/Recommendation:

1. Children should not be allowed to work after school hours as it would hamper their physical and psychological growth.
2. Children get homework from schools and they have to complete the same. If it is not completed, they are scolded by teachers. It could lead to dropout or create disinterest in studies.
3. Working diverts children’s attention from studies. Children are in dilemma whether to continue study or concentrate on work.
4. There should be differentiation between helping parents in traditional work and support parents.
5. Both things cannot go together. *“When we come home after school, we must support our parents but not at the cost of our studies.”* In support of this argument **Seema Banu from**

Karnataka said: *“We used to get lot of homework from school. Teacher enquires about it next day and if it is not complete, we are scolded by teacher. If we have to be successful in life, children should not be employed, they should be sent to schools.”*

6. Another boy, **Baidhar Majhi (14 years) from Odisha** shared his experience about getting involved in work. “My father passed away and my mother has some problem in her leg due to which she cannot move. My elder brother cannot support the entire family. Looking at all this I started working. In such situation, what should I do? Should I study or support family?”
7. Children upto 18 years should only study because they are physically and psychologically not grown up.

Group 5: Do you think employment of children should be divided into hazardous and non-hazardous categories?

Suggestions/Recommendation:

1. Child labour itself is hazardous. It cannot be put into category of hazardous or non-hazardous.
2. Children lose their childhood and do not get love and care of their parents. It retards their skill, mental and physical development. In support of this argument, Kaushalya from Tamil Nadu shared that “I have been working since the age of 13 years.” She lost her childhood as well as love and care of her parents.
3. Under CLPRA 1986, there were 83 industry listed as hazardous but under CLPRA 2016, it is limited to mines, inflammable substances or explosives and hazardous process. Citing her experience, one of participant from Tamil Nadu shared that *“She was working in a garment industry, where there is dust and fine particles which is inhaled by the workers. One of her friend passed away after getting ill due inhaling of dust and fine particles. Government says it is non-hazardous but it is hazardous for children.”*

Key Messages:

- Every work is hazardous for children, as it retards physical, psychological growth of children.
- We have Right to Live and we should not be deprived of it.
- We are abused by elders during work.

Children also shared their positive experiences about how they went back to pursuing their education after working to support the family. A child shared that he had studied till class 8th, when his father asked him to work because they didn't have money to support his education. After working for a few months, he went back to his father and told him that he won't be able to work and started studying full time. Another child, involved in the mining sector, narrated how due to a blast in the mine 28-30 individuals lost their lives. He was one of the lucky ones to survive. After the incident his parents asked him to leave work and study. Another child used to go to school for four days in the week and the other three days work. His teacher helped him cope with his studies but he found it difficult and decided to leave work to focus on his studies.

Recommendations from Children regarding CLPRA Amendments

1. Children should not be allowed to work before the age of 18 because it effects their physical and mental development.

2. Children should not be allowed to work because once a child starts working, he becomes habitual to earn money because of which he loses interest in education and soon dropout of school.
3. Age for free and compulsory education for children should be increased to 18 years since after they turn 14 years, they tend to dropout.
4. Children should not be allowed to work till they turn 18 years because all workplaces are hazardous for them as it affects their health, growth and development.
5. Children should be allowed to help their family in household work but shouldn't be allowed to do labour work.
6. Children working below the age of 18 are abused by their employers; they don't get minimum wages and are prone to drug addiction.
7. When children work while they are in school, their quality of education is affected.
8. Children working below the age of 18 don't get to exercise their Right to Play.
9. Children shouldn't be forced to follow their family or traditional business because it limits their scope for other occupations.
10. It should be government's responsibility to make sure that the families are economically strong which will not force parents to send their children for work.
11. By allowing the children to work in non-hazardous place at the age of 14 years, the government is promoting child labour. Hence, children below the age of 18 shouldn't be allowed to work.
12. It is government's responsibility to fine and punish the employers of child labourers instead of punishing the parents.
13. The age of child labour in India should be nationalised.

Children's Key Messages for Global Conference

1. Children's participation should be made a priority while making policies, laws, budget and amendments.
2. Free and compulsory education for children up to the age of 18 years.
3. Government must build playgrounds for children.
4. Child labour must be eradicated from India.
5. Children's welfare laws must be implemented to ensure minimum exploitation.
6. All schools must have uniform facilities without hierarchy.
7. Government must adhere to the guidelines issued by UNCRC.
8. Children must have easy access to schools pan India.
9. Government must help orphans so that they don't have to work at a young age.
10. Government must work towards providing sufficient means for livelihood to minimise displacement.
11. Education should be made interesting and creative in public schools.

Interface with Stakeholders=

An interface was organised in the afternoon to provide a platform for the children to share their concerns and suggestions on child labour to different stakeholders. The session was facilitated by Ms. Ruchi Gupta from CEC, Delhi. Based on the deliberations in the last one and a half day, they provided their feedback on the amendments in the CLPRA 2016.

Mr. Victor welcomed the dignitaries with a brief background of CACL and TTT. Ms. Sharmili shared the importance of the consultation. The children from Dr. A.V. Baliga Memorial Trust presented a role play on the issue of child labour. This was followed by sharing by the stakeholders.

Mr. Ambresh Rai, Activist: Mr. Rai focussed on the Right to Education (RTE) for all children in the country and shared how the debate was initiated even before India's independence. However while some supported it, others opposed it by saying they wanted to work. A series of consultations throughout the country resulted in the formation of the Child Advisor Committee. Also the mindset of many dalits and people belonging to poor backward communities was that they didn't want to study. The fight to implement RTE was still going on where the government was trying to reach out to all.

Working on the implementation of RTE was an investment that the government needed to do, and it shouldn't be considered as an expense. The government forgets that when they invest in children's education, it leads to increase in their family status and adds value to nation's GDP. He shared how all developed countries invested a lot in education, unlike ours. Depending on the economic status, there were many types of private schools, but for the underprivileged, there were public schools. The school system was multi-layered. Private schools invested a lot on infrastructure and earned much more through middle and upper class students. In a developed country, all the children belonging to a neighbourhood went to the same school, irrespective of their economic status. In India, there was caste hierarchy, which was making it difficult to have the same education for all, irrespective of caste, race, colour or economic status.

He shared that RTE was equivalent to Article 21, Right to Life. The Indian Constitution was pressured to ensure RTE. However the lack of adequate funds for education was a concern. He pointed out that the country spent more on defence than on education.

He believed that if children had the right to vote, then politicians would have promised to enact RTE at the earliest. At present, groups working on RTE were asking for six per cent for education in the budget but it was still at 3.4 per cent. Providing education for all was a long fight, and quality education should be the primary focus, which was presently lacking in public schools. He mentioned that while the government was alright with children working due to poor economic condition, they were not working for their benefit or to improve their livelihood. He wanted RTE to be extended to class 12th. He concluded by saying that Census 2011 had indicated that eight crore people had never been to school and that we should aim to make a new India, a better India, especially for children.

Ms. Rahila Parveen: She started by mentioning that it was shameful that in 2017 we were still talking about education for all and child labour. She stressed the need to understand that children below the age of 14 should not be allowed to work in any condition and it should be the state's as well as national's responsibility to implement this.

When CLPRA was enacted in 1986, there were 86 workplaces which were found to be hazardous for children, but still children continued working there. Even the non-hazardous workplaces were hazardous for children. She shared that working children worked before and after school at home or outside to help their families. It was found that parents didn't consider this as child labour but due to this children missed out on their education, play and rest time. She mentioned about child trafficking for work or to become sex workers, specially of tribal girls.

She reinforced that children were our responsibility and it was our duty to protect them, rather than depending solely on the government to improve the situation. She expressed concern over the decreasing budget allocation for children every year. She concluded by saying that we should fight for

the rights of children and build pressure on the policy makers to improve the quality of livelihood and education.

Questions asked by the children and facilitators:

1. How to tell families that child marriage was an offence and not allow them to marry off their children at a young age?
2. Children living in streets are child labourers since they don't have any other means to take care of themselves. Who will look after them? How to educate them? How to help them in development?
3. Are children consulted for policy making?
4. What if we find that education of children working with their parents is getting hampered. What should we be telling their parents who are making their children work in family business?
5. We see that in China, government takes holistic responsibility for children's development, then why in India government leaves the responsibility on parents and NGOs?

Dr. Onkar Sharma: Regional Labour Commission, Government of India: Dr. Sharma while responding to the above queries, shared his own experience of working on the issue of child labour for the past three decades. He shared that his first book Child Labour in India came out in 1996, while he was involved in the amendments in child labour as a government official. It was in 1986 for the first time that child labour was clearly defined and it was mentioned that in hazardous workplaces children won't be allowed to work. The hazardous workplaces have reduced to three now. He believed that all work was hazardous for a child.

He was part of the process of drafting the amendment in CLPRA, 2016. In 2009 they proposed that no child should work before the age of 18 years. The draft was presented to the Parliament but could not be passed. Subsequently the present changes were introduced in the law. He had visited international organisations in different countries to understand their labour law and was in touch with International Labour Organisation to work on the amendment. However children were left out of the consultation process.

He promised that in future, he would directly consult the children to know their problems, demands, views and solutions. He shared the role of social factors while making laws and policies. He mentioned that under CLPRA and RTE, a child's age was 14 years but if in RTE it was increased to 18 years, then automatically the age of child will change in CLPRA and children under 18 years would not be allowed to work. There were many rules and guidelines for children working in the film industry below the age of 14 years.

He said that the government had allowed children above the age of 14 years to work so that they could help their family. Rules for children working in their family business - the family members they can work with, working hours, etc. were being formulated. Children would be allowed to work for maximum five hours a day with no overtime. They could work from 8 am to 7 pm. Age proof would have to be submitted to the government before he/she starts working in their family business. A child would be allowed to work after a proper medical check-up. These guidelines were to ensure that children's education did not get affected.

Referring to the children's recommendation that the age of child labour should be nationalised, he said the age of child labour in India was 14 years, limited to non-hazardous workplaces till the children turned 18 years. It was the first labour law to make child labour a cognisable offence. He defined cognisable offence for children wherein the police could arrest the offender directly without

magistrate's involvement. The punishment for offence was increased to six months - two years and the fine to Rs. 50,000.

He informed the children that the government also provided Rs. 15,000 for their economic rehabilitation and the fine money was deposited in the Children and Adolescent Labour Rehabilitation Fund. If the person committed the crime a second time, then there was no fine but punishment for a minimum one year, which could be extended to three years.

He mentioned that apart from government officials, NGOs, consultants, anyone and everyone could intervene in stopping child labour. Instead of going to the police station, one could click a picture as evidence and upload it with details, so that the authorities could take the necessary action.

Mr. P. E. Reddy, TDH: Mr. Reddy shared his disappointment that though children were the right stakeholder, they were not given equal right in policy making. He agreed on the age of child labour, which the children had proposed, i.e. 18 years. He appreciated the courage of children to challenge stereotypes. Employers, according to him, were not doing a favour by employing children and poverty was the sole reason for child labour and it perpetuated poverty. He concluded by saying that he would support the views of children and work on the recommendations and key messages shared by them.

Questions from the facilitator

1. Why are child labour laws only applicable to poor, and not rich?
2. Why children have to go to school as well as work?
3. Instead of making amendment in CLPRA, shouldn't children's families be given some facilities to improve their condition?

Mr. Onkar and Mr. Ashok shared that since there were many loopholes in the law, no law or amendments can be perfect. They requested everyone to give some time to the government to work on the recommendations, key messages and consult children the next time any changes were brought about.

Mr. Ashok Kumar, Executive Director, Dr. A.V. Baliga Memorial Trust proposed the vote of thanks, closing the two day event.