

# Campaign Against Child Labour

Report of the National Campaign

## 'SHRAM NAHI SHIKSHA'

(30<sup>th</sup> April 2021 - 12<sup>th</sup> June 2021)

**Let Children Earn Knowledge, Not Money !**  
**बच्चों को ज्ञान अर्जित करने दें, पैसा नहीं !**



National Campaign “#ShramNahiShiksha’ #श्रमनहींशिक्षा ”

30th April - 12th June 2021

Campaign Against Child Labour – CACL

International Year for the Elimination of Child Labour – 2021



## EXECUTIVE SUMMARY

Campaign Against Child Labour (CACL) launched the 44 days long National Campaign 'Shram Nahi Shiksha' on 30<sup>th</sup> April, 2021 to reinvigorate the fight against child labour in India and to highlight the impact of Covid-19 on children. The campaign culminated on June 12, 2021, on the World Day against Child Labour with a national consultation that brought together social activists, academics, members of civil society organizations, trade union activists and other stakeholders who have been fighting against this social menace from multiple fronts.

- The campaign highlighted that the hard-earned gains that the battle against child labour had achieved across decades was steadily being washed away due to the shock that the COVID-19 pandemic and the associated lockdowns had dealt to the country's economy.
- This economic shock has particularly hit the children of vulnerable families with already frayed social security nets. The massive loss of jobs and livelihoods has put the pressure on children to supplement the family income. The inefficient distribution of relief measures by the government has failed to reach the marginalized, further relegating them to the periphery.
- The closure of schools due to the countrywide or statewide lockdowns has forced the children to start working to support their families either by earning or by taking care of household chores.
- The lack of child care centers has also caused parents to take their children to work to ensure supervision in the absence of schools.
- The shift to online education inevitably excludes those families on the wrong side of the digital divide. Despite the push for digital India, the ground reality remains that many marginalized sections of the society do not have smart phones or sufficient money to

recharge their phones or even live in areas that do not have adequate mobile network coverage to access online classes.

In light of these conditions, the fight against child labour has to reinvigorate its efforts and demand the government and other stakeholders to take urgent action. This requires long term and short measures.

- The government must ensure adequate and appropriate disbursement of relief measures to vulnerable families. These measures have to range from food to cash support to ensure that these families do not enter food scarcity and malnutrition cycles.
- There must a revision of THE CHILD LABOUR (PROHIBITION AND REGULATION) AMENDMENT ACT, 2016 to ensure that, there is a complete abolition of all child labour until the age of 18. The 2016 Amendment to the Act that legalized child labour in home-based and traditional occupation has to be revoked to ensure that child labour is removed from all sections of the society.
- The age limit for the Right to Education Act that made education free and compulsory for all individuals till the age of 14 must be increased to 18 years. There must be sufficient effort to ensure that children remain in school or within the education system till 18 years.
- The pandemic has quickened the march to digital India particularly through wide adoption of online learning in light of school measures. However, this must factor in the exigencies of children from marginalized sections who are on the wrong side of the digital divide due to the lack of adequate resources or infrastructure.

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## TABLE OF CONTENTS

Executive Summary .....	ii
<b>A. Background.....</b>	<b>1</b>
<b>1. Child Labour in India .....</b>	<b>1</b>
<b>2. Campaign against Child Labour’s fight against Child Labour in India.....</b>	<b>4</b>
<b>3. Impact of COVID-19 on Child Labour.....</b>	<b>4</b>
<b>B. Shram Nahi Shiksha Campaign.....</b>	<b>6</b>
<b>1. Setting the Context .....</b>	<b>6</b>
<b>Online Events .....</b>	<b>8</b>
<b>Posters .....</b>	<b>10</b>
<b>Video Content.....</b>	<b>10</b>
<b>2. State and regional level consultations.....</b>	<b>14</b>
<b>3. NATIONAL Consultation on Issues and Challenges of Child Labour Eradication in India .....</b>	<b>26</b>
<b>Keynote address by Justice Madan B Lokur .....</b>	<b>27</b>
<b>Voices of the Children.....</b>	<b>31</b>
<b>Charter of Demands by children .....</b>	<b>46</b>
<b>STATEMENT ISSUED BY CAMPAIGN AGAINST CHILD LABOUR DURING NATIONAL CONULTATION ,12TH JUNE 2021 :- .....</b>	<b>48</b>
<b>Panel Discussion on the questions and demands raised by children .....</b>	<b>52</b>
<b>C. Way forward.....</b>	<b>58</b>
<b>D. Annexures.....</b>	<b>60</b>

## **A. BACKGROUND**

### **1. CHILD LABOUR IN INDIA**

Although the fight against the social evil of child labour in India has been going on since pre-Independence era, the number of children participating in the workforce continues to be alarmingly high. Initial reports and analyses have highlighted that the economic shock due to the ongoing COVID-19 pandemic and the related lockdowns have further worsened this issue. Thus, children, civil society members and other stakeholders have issued a clarion call to address this issue to minimise the effect on children and ensure that millions of children across the country have a shot at a successful future.

Legally, the Constitution had already provided a framework for complete eradication of child labour in post-Independence India but its operationalization in form of a law named Child Labour (Prohibition and Regulation) Act was passed only in December 1986. Since then the law has been heavily criticized as it oscillates between prohibition and regulation with exemptions and provisos instead of a complete ban on child labour till 18 years without any exemptions or regulations. Moreover, an amendment that passed in 2016 despite much warnings from the civil society, has further diluted this law as it legitimised child labour in home-based and family-run enterprises, albeit with a caveat. The direct impact of this amendment is clearly seen in a report released by UNICEF & International Labour Organization (ILO) on June 10<sup>th</sup> 2021. This report specifically pointed out that child labour in India has become invisible especially in home-based factories which makes it difficult to measure the actual numbers.

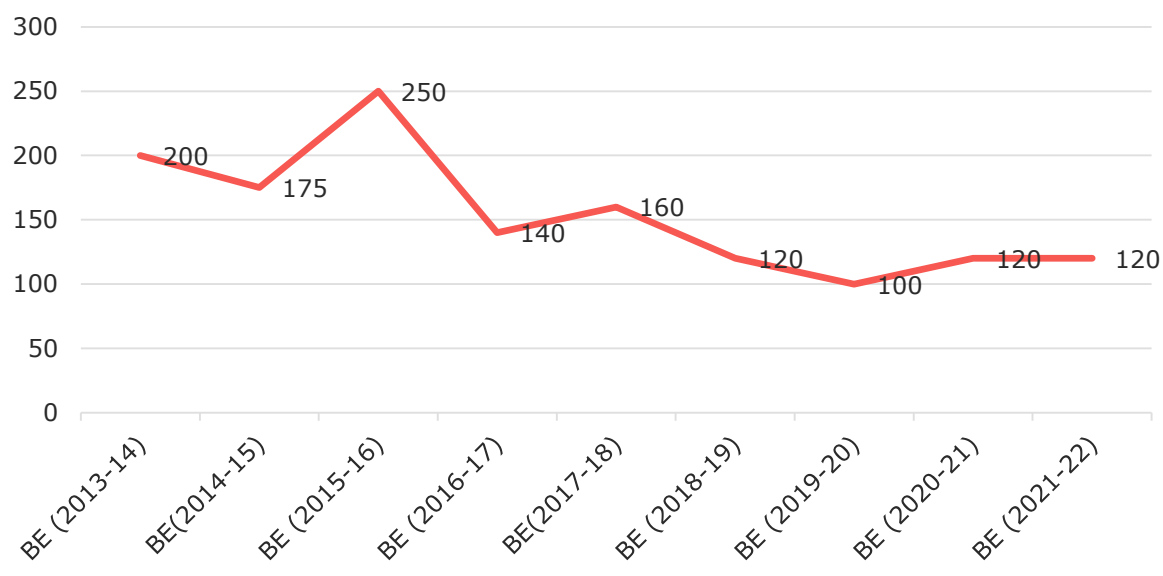
Additionally, the national policy on child labour drafted in the eighties is yet to be updated in four decades. Though law alone cannot be a solution, no problem can be solved without legislation. Unfortunately, in the context of child labour, the legislation itself was problematic both, in the initial version that was passed in the original Act passed over 30 years ago and also the amendment passed in 2016. In order to strengthen the enforcement of the law,

Prof. Shantha Sinha, who was the chairperson of National Commission for Protection of Child Rights (NCPCR) had recommended for formation of district level task force for elimination of child labour. However, information sought through various RTIs showed that not all districts have formed such task forces.

Any effort to address the issue of child labour is further hindered due to the lack of accurate data. Statistics related to this practice have been static since the 2011 census. Estimates from the last census showed that 10.1 million children in the age group of 5-14 years and 23.8 million children till 18 years were engaged in child labour. The number has reduced since the 2001 census which showed that the 12.7 million children were engaged in child labour. However, the magnitude is much higher in the age group, 5-14 years. Moreover, the workforce participation of children in the labour force has also increased, especially in a few states in the industrial belt like Bihar, Uttar Pradesh, Maharashtra, Madhya Pradesh and Rajasthan where they constitute almost 13% of the total work force participation and in a few sectors as well. The division in participation between girls and boys shows that 4.5 million girls in 5-14 years age group are engaged in child labour whereas 5.6 million boys are working in the same age group. These are very high numbers for a social evil that must not exist at all.

It will be crucial to watch how the division of workforce participation across age groups changes by the next census. In the 5-9 years age group, workforce participation has increased from 14.6% in 2001 to 24.8% in 2011. The focus on this age group is important because the Right to Education (RTE) Act has made compulsory and free education for all children between 6-14 years a fundamental right. Thus, increasing numbers of children engaging in child labour could indicate an unsuccessful implementation of the RTE as well.

## Improvement in working conditions of child/women labour [National Child Labour Project] [In Rs. Crore]



**This graph shows India's efforts with respect to investment in child labour in the Indian budget.**

A definite way to measure any country's commitment to tackling any issue is to go beyond the programs and policies to analyse the amount of actual investment into the same in the annual budget. Thus, an analysis of the amount that is invested into the National Child Labour Project (NCLP) by HAQ- Centre for Child Rights reveals a worrying trend. The investment in the scheme has remained largely stagnant in the range of 120 crores with an exception in 2015-2016 when it increased to 250 crores.

Thus, any comprehensive plan to fight child labour in India needs to first deal with a few roadblocks. Firstly, the data gap needs to be filled which has been voiced by multiple stakeholders. Creative and innovative research are required into the multi-faceted and multi-dimensional angles of child labour. There is a need to strategise to create meaningful convergence mechanisms to make rehabilitation a successful process even after surviving child labour. Moreover, the country has historically lagged in adequate investment and utilisation of funds. If investment is not increased at least at this stage bringing down child labour won't be possible.

## **2. CAMPAIGN AGAINST CHILD LABOUR'S FIGHT AGAINST CHILD LABOUR IN INDIA**

Campaign against Child Labour (CACL) was established in 1992 as a network of NGOs, trade unions, student unions, teachers' unions, intellectuals and civil society organisations to combat child labour at local, state, national and international levels. Since then it has advocated for complete eradication of child labour in all forms till 18 years of age in line with the UN Child Rights Convention and also the National Policy for Children, 2013. CACL has always held two non-negotiable positions- that any person below the age of 18 is a child and that all forms of child labour should be banned until the age of 18. Concurrently, it also advocates for the exercise of free and compulsory education for all children. CACL believes that the eradication of child labour and the availability of free quality education are two sides of the same coin. Its efforts with other civil society organizations and trade unions has resulted in a remarkable improvement in eradication of child labour in the last 27 years. There was a significant reduction of this social evil with increased enrolment in schools. However, this progress was disrupted due to the current crisis of COVID-19 which is reversing the gains which will be discussed in the next section.

## **3. IMPACT OF COVID-19 ON CHILD LABOUR**

Despite the lack of data and other attendant problems, there was a growing opinion that the situation of child labour had slightly improved and that the numbers might go down. However, multiple reports have shown that the last two years of grappling with COVID-19 has brought back children into the fields and into the workforce. Some children in schools were forced to drop out and return to help their parents and families to cope with the loss of livelihoods. The ongoing pandemic and the unplanned lockdown has created an economic distress to millions of families in the country.

The easy solution to this distress that has been arrived at by the government and also by industries seems to be ignoring child



labour phenomenon. This is reflected in the decisions of many state governments that have relaxed labour laws and have removed the requirement of maintaining separate registers for adult and child labourers. Similarly, the industry is also relying on child labour as it serves their cost-cutting purposes. Additionally, the families tend to send their children to work to supplement the falling family income and lack of child care systems due to closure of schools.

CACL, which is present in many states conducted ‘Survey on Child Labour Situation - Pre & Post Lock down (Covid 19 related lockdown)’ to study the situation of child labour between May-August 2020. The survey in 24 districts of Tamil Nadu showed that there is an exponential increase in child labour from 28.2% to 79.6%. It represents broad patterns within the state that are becoming visible. In five districts of Maharashtra 65% of children, which include mostly girls, work from home or help their parents in household chores. Survey in four districts of Uttar Pradesh with the children of Scheduled Caste groups, mainly *Musahar* and Harijans and Other Backward Castes revealed that 22% were working from home whereas 68% were working outside. Similarly, a survey in 23 districts of Madhya Pradesh & Chhattisgarh showed that 86% of the respondents said that they were engaged in some kind of economic activity ranging from agriculture to working in hotels and shops, construction sites, etc. These numbers must also be understood in the context of closure of schools and absence of any policy decisions that addressed the question of child labour or focused to prevent workforce participation of children. These surveys show that child labour as an issue is resurfacing and the failure to take stock and control the situation soon would mean that the country will fail in meeting SDG targets to bring down the magnitude of child labour. Thus, there are multiple issues and challenges that need to be addressed.

It was to bring focus on these issues that CACL launched its 44 days Shram Nahi Shiksha campaign which has been explained in the next section.

## B. SHRAM NAHI SHIKSHA CAMPAIGN

### 1. SETTING THE CONTEXT

Despite multiple national and international efforts to tackle child labour, a complete eradication of this social evil continues to be a challenge. It was in this light that the ILO declared June 12 as the World Day against Child Labour in 2002. Since then the day has become a way to highlight the plights of children and remind all stakeholders of the responsibilities towards protecting children's rights and childhood. It has become a day for the governments as well as civil society groups across the world to analyse and review the actions taken to eradicate child labour, raise awareness about economic exploitation of children and about child rights.

The United Nations General Assembly has declared the year 2021 as the year for elimination of child labour. CACL used this as an opportunity to strengthen the campaign against this issues and combat the challenges of COVID-19 that has aggravated the situation and posed a greater challenge to achieve Goal 8.7 of the UN Sustainable Development Goals to end child labour practices by 2025. It was with this objective that CACL launched a 44 days campaign titled Shram Nahi Shiksha on 30 April, 2021 where people from across 15 states participated actively and culminated on 12 June, 2021 with a national level consultation.

The objective of this national campaign was to raise awareness and generate activism on issues of child labour and to take stock of the situation after five years of the Child Labour (Prohibition and Regulation) Act, (CLPRA) amendment launched in 2016. It



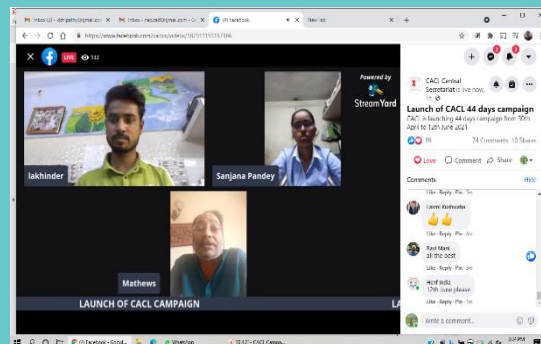
also sought to review the impact of COVID-19 on children. A series of webinars with adult stakeholders and consultations with children were organised over the duration of 44 days. The campaign aimed to engage with youth through the National Youth Network, School Management Committees, teacher unions, schools and colleges, corporate companies and other community based stakeholders to ensure that children's rights to education and a happy childhood is protected. There were plans for awareness activities like rallies, street plays, photography competition, and poster making competition. However, owing to the lockdowns imposed due to the COVID-19 pandemic, the campaign had to be moved largely online and many activities had to be scrapped. However, this also acted as opportunity for CACL to use various social media platforms like Facebook and Twitter and other digital tools like Google Meet and Zoom to raise the issues of child labour. While the online activities lacked the kind of engagement that physical activities allow, it allowed CACL to expand its reach considerably and also ensure that people, irrespective of their geographical locations, could participate in various activities. Thus, the activities were conducted in multiple languages and through various forms of media like posters, films and songs with videos that were released on social media. The video content released during the event included five videos for awareness about child labour. These included four video spots and one short film focusing on the various aspects of violation of child rights.

The following sections will give a glimpse into the kind of activities conducted and the content that were generated during the campaign followed by a brief description of the state level consultations that were conducted.

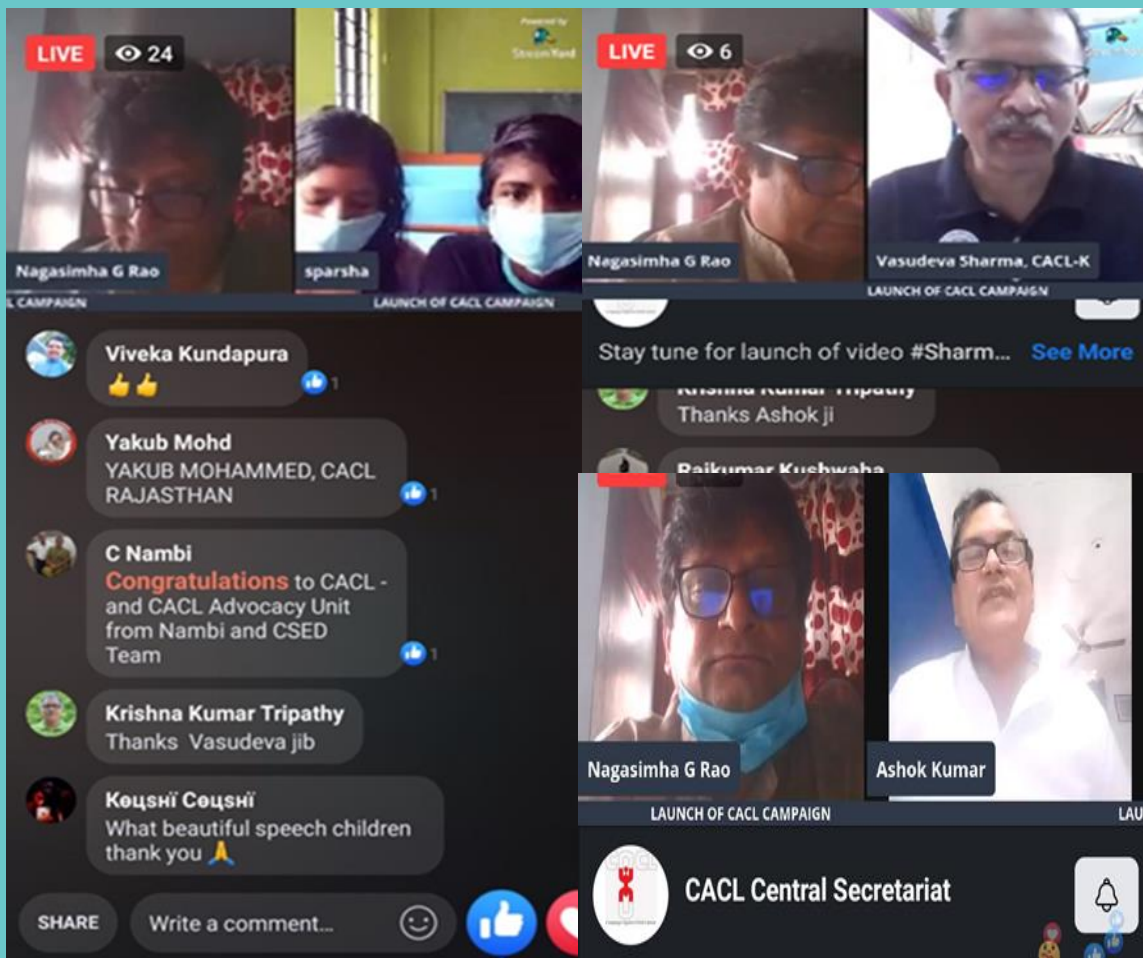
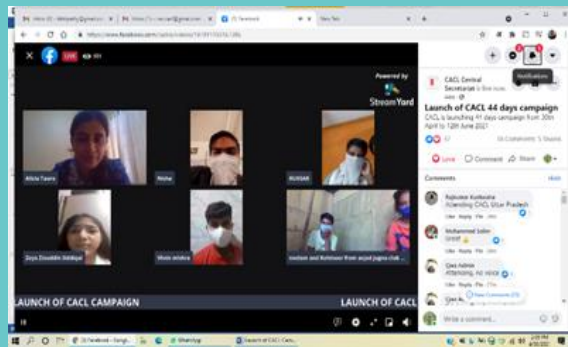


## ONLINE EVENTS

The campaign was launched online in the middle of a raging pandemic and the related lockdown on 30<sup>th</sup> April 2021. The program that was live streamed over the internet witnessed a significant participation wherein over 170 people connected directly through Facebook Live whereas 400 people were indirectly reached through Facebook streaming. The program was anchored by young change makers, Lakhinder and Sanjana. It included a discussion to tackle the increased vulnerability of children due to COVID-19, especially of those children who belong to the marginalized families. Over 12 children shared their lived experiences of the impact of child labour. The children emphasized that even after five years of the last amendment to the CLPRA, there has been no significant improvement to lives of children engaged in child labor. Instead, the amendment has encouraged and legalized child labour in different occupations and processes. An awareness video on child labour was also launched during the program. Mr Mathews Philip, the National Convener of CACL emphasized on the need to involve young people in the 'Shram Nahi Shiksha' campaign so that it can gather momentum and can bring some change in people's outlook towards child labour.



A second virtual meeting over Facebook live was conducted on May 15, 2021 when the two awareness videos were released along with a face to face session with children. The event was facilitated by the Karnataka

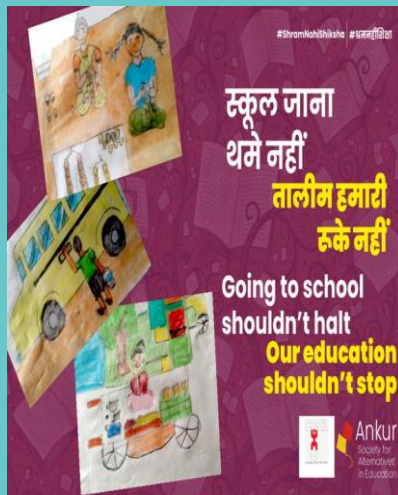


CACL Unit and was organized by the National Advocacy Unit of CACL. Over 40 people had connected directly though the FB live program and around 400 people were reached indirectly through FB live streaming.



## POSTERS

More than 25 posters in multiple languages were created for the campaign and was shared regularly over CACL's social media handles. Posters were also created for specific events like campaign launch, video launches, national consultations etc. A few examples are given below:



## VIDEO CONTENT

During the 44 days National Campaign ' #ShramNahiShiksha' Four video spots were produced on child labour issues and shared through different social media platforms to make the civil society aware on the issues and concerns of working children.

Along with these four videos some other videos were also shared during the campaign which were produced by different partner organisations on child labour and child rights issues.

Theme of the four videos which were produced are as follows:

***Theme of the 1st video:***

Do you know that?

Luxury Buildings That Have Your Home

Our childhood is buried under the foundations / bricks of those buildings. ....

We don't want bricks on our heads, we want books in our hands!

***Theme of 2nd video:***

Do you know that?

Dhabas/eateries in which you eat delicious foods

Placing our future at stake/at the cost of our future

We clean their dishes and tables

We don't want cups for cleaning in our hands, we want books for reading in our hands!

***Theme of the 3rd video:***

Do you know that?

Behind the shining colors of your car and

Behind your shiny cosmetics,

Our hard work is hidden

Which we do inside the deadly mica mines

We do not want work, in the mica mines, we want knowledge hidden in the books!



***Theme of the 4th video:***

We are not the future of the country, we are Present,

We are not tomorrow, we are today,

We need our rights today – today and today itself....

Tomorrow it will be too late!

***Videos shared in the National Consultation:***

During the National consultation video of CACL Song was played just after the welcome address. This video has used a simple rhyme to communicate the core message which is an appeal to society in children's voices to give them an opportunity to live according to their dreams. They stress that that they have a right to freedom and shouldn't be deprived of their childhood. Visuals of video has presented a contrast between two narratives, one where the children are forced to work due to their economic or social conditions and another, where a group of children who are able to learn, play and grow during their childhood period. The overall positive vibe of the music and lyrics generate hope for the change in situation.

The second video shared during the national consultation sheds light on how the daily comforts of most people's lives like homes, food at *dhabas* and restaurants, makeup, car paints, etc has the toil and sweat of children which requires them to sacrifice their childhood. In this video, the children put forth their demands rather forcefully. These demands include books in their hands instead of bricks on their heads, education instead of cooking and knowledge hidden within books instead of hunting for mica in dangerous mines. The video ends with strong message stating that children are not the future of the country, but the present. Hence, they need their rights today as tomorrow would be too late.

Third video was a documentary titled '*Umeed- A Hope*' sheds light on the issue of child labour in mica mining in a village called Khushana in Koderma district of. This video was produced by Terre de Hommes and GIZ. The film is about a girl named Khushi



who lost her mother when they got trapped during a collapse of a roof of a mica mine. Her grandmother takes care of her and her siblings and she accompanies the adults in the village to mine mica. A ray of hope is seen when the film highlights the special school run by LEADS as a bridge class where children like Khushi are enrolled and are taught to read and write. Thus, children from the village are provided an opportunity for education and accomplish their dreams.

**End Child Labour ! Start Child Education !**  
**बाल श्रम खत्म करो ! बाल शिक्षा शुरू करो !**



National Campaign "#ShramNahiShiksha" #श्रमनहींशिक्षा ”

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## 2. STATE AND REGIONAL LEVEL CONSULTATIONS

In order to embody the participatory spirit in the Shram Nahi Shiksha campaign, CACL conducted consultations with children and other stakeholders to make them an active part of the process. Moreover, it also gave perspective to the larger fight against child labour by foregrounding the ultimate beneficiaries of these efforts. These consultations also elected two child representatives who voiced the concerns of the children to the participants of the national consultation. This was effective in grounding the discussions of the day in lived realities of children who suffer through the very conditions that were discussed and theorized about during the national consultation.

State level consultations(online) were held in the following 11 states- Andhra Pradesh, Delhi, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh, Uttarakhand, West Bengal and Kerala. All these 11 states and four other states- Gujarat, Tamil Nadu, Bihar and Odisha had sent two child representatives for the national consultation. Child representatives were elected from 11 States (where consultations were held) and child representatives were selected from 4 states (where consultations couldn't be held).

Altogether around 722 people participated in these 11 online state consultation, in which number of child participants was 319 and number of CSO representatives and other stakeholders was around 403.

Major discussion points in these consultations included discussions with children about their awareness regarding the issue of child labour and the related law- CLPRA, the effect of COVID-19 in their lives. They were also asked to list the demands they would like to make to the government and other stakeholders to make their childhood a more enjoyable experience. The children who participated in these consultations were working in difficult situations in different sectors. A brief summary of the children's responses in each state is included in this section. As mentioned above, two children from each state

were elected to share their journey during the national consultation on June 12, 2021. These elected children represented thousands of children from their respective states and shared their personal stories in the consultation. They also shared their demands from their governments and other responsible stakeholders.

In **Maharashtra**, an online consultation was conducted on 28 May, 2021 with more than 120 people, in which around 30 participants were children. The children who participated go to school but were also engaged in various kinds of work like agriculture, domestic work, vegetable vending, house hold work and also hazardous sectors like brick kilns and waste picking or scavenging. During the consultation, the participants were introduced to the situation of child labour in India with an emphasis on the increased incidence of child labour and child marriage in the COVID-19 and lockdown era.

Most children in the consultation had not heard about the CLPRA law or the amendment despite the high prevalence of child labour in their communities and districts. The children shared that they had seen child labour to have increased during the pandemic. This was particularly because parents had to take children along to their worksites to ensure supervision that was earlier provided by schools. If children are not taken for work, they have to manage the entire household chores- cooking, cleaning, and caring for siblings which leaves little or no time for studies or play, especially for the girls. Thus, the lack of access to online education is one of the primary reasons why children feel compelled to go to work. This was either due to the unavailability of digital devices or internet or the inability to recharge their devices for the purpose. The pandemic has significantly deteriorated the financial conditions of marginalized families due to which children are helping out their parents to put a meal on the table. Furthermore, once the children start working, they lose



their interest and the energy to study.

Children demanded access to online education, continued schooling and quality education. They insisted that parents should be made aware of the importance of education. They also expressed the need for



community centres and Childline services, crèches and childcare centres that can provide a safe environment for children when parents are working. These spaces can also potentially help to provide access to online education. They requested that the different government schemes should be effectively implemented so that families can be given financial support and livelihood opportunities. This would further spare children from the burden to support the family income. The participants also demanded that alcohol shops be shut so that addiction and violent behaviour of their parents (particularly fathers) can be stopped. This would ensure that adults would hold their jobs and be able to provide a safe environment at home. They wanted that the child rights mechanisms like Bal Panchayats should be activated at local levels including at villages, communities and in schools so that children's issues can be addressed.

In **Uttar Pradesh**, an online consultation was conducted on 29th May 2021 with around 42 participants in which 18 participants were children. Child participants were either children who work and go to school or are full time child labourers or former child labourers. They were engaged in different kinds of work like stone mining, welding, furniture shops, manual labour, agriculture, domestic work or work in *dhabas*.

Though all participants agreed that children should not be engaged in any kind of work, most of them were unaware of the CLPRA law. They agreed that in many cases, parents forced children to work despite knowing the harms of child labour. Hence, parents should be given adequate work so that children don't have to go to work. Additionally, they expressed the need for enough awareness amongst people about the ills and consequences of child labour. The children were particularly vocal about the necessity of strict enforcement of the laws prohibiting child labour especially in hazardous occupations.

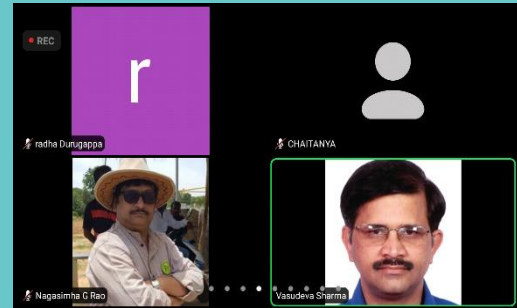


During COVID, children faced a lot of issues like unavailability of ration due to the lack of ration card, disruption of their education and recreation. They were aware about the massive death toll caused due to COVID-19 and the related shortage of medicines and oxygen. They also briefly mentioned about the job shortage in the market due to the COVID-19 lockdown.

The children demanded there should be provision for accessible education for everyone and even for those children whose situations force them to work. Parents should be given work and government schemes should be made available to children. They wanted these demands to be conveyed to the Departments of Education, Labour, Social Welfare and Child and Women welfare.

In **Karnataka**, an online consultation was conducted on 29th May, 2021 with around 40 participants, in which more than 20 participants were children. Most of the participants work and go to school. Out of the lot, one girl worked as domestic help and two boys worked in the agriculture sector.

The participants felt that there is no benefit of having a law that prohibited child labour if it is not implemented properly and that there is not enough public knowledge about CLPRA. There is also a lack of awareness of the dangers of child labour. Apart from this, children shared that free and compulsory education should be expanded to 18 years. They expressed the need for every government department to work collectively towards the goal.



They shared that due to the COVID-19 pandemic, they are losing connect with their schools which could further push them to go to work. Moreover, repeated postponing of exams is causing them stress which can again be a cause for children to dropout from schools. As the schools are not operating and there is no provision of ration from the government in lieu of mid-day meals, this is further forcing children to work. Thus, a lot of children are now working in agriculture, fishing and hotels to shoulder the responsibility of their households as their parents have fallen ill.

The children demanded that awareness about the harms of child labour must be raised at the village level through films and other media to end this social menace. Government schools should provide better education and facilities in addition to free and compulsory to all children till 18 years. Schools should be reopened and rations should be provided in adequate quantity and in time. They also emphasised on the need for a greater stress for the education of girls.

They particularly mentioned that there should be specific laws to prohibit children from working in agriculture sector and there must be more severe punishment for employing children. Additionally, steps should be taken to prevent migration which increases the likelihood of children to enter child labour. They expressed the need for economic relief for families from the government. They expected these demands to reach government, Child Rights Commission, Education Department, Department of

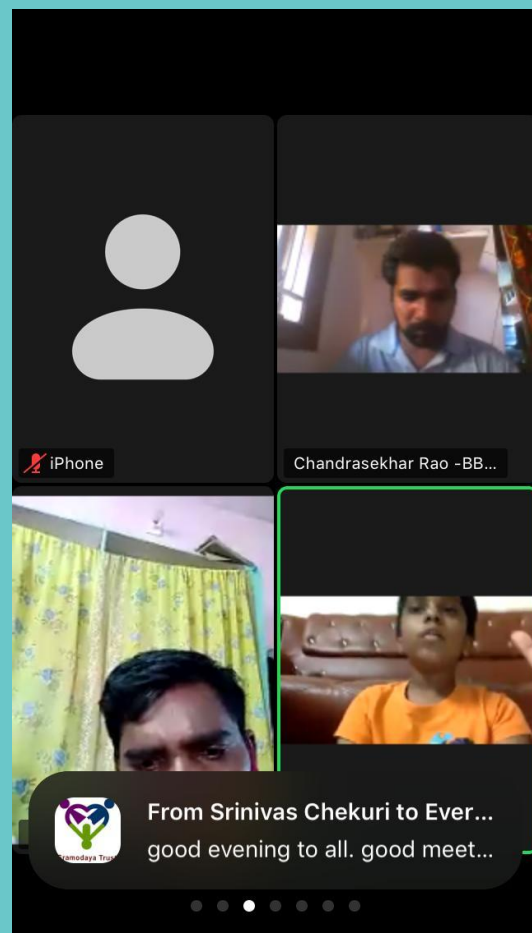
Women and Child Development, Panchayat Raj and Department of Rural Development apart from Child Protection systems, CWC and DCPO.

The consultation in **Andhra Pradesh** was conducted on 30 May, 2021 in which 40 participants (27 adults and 13 children) were present. Most of the child participants belonged to the marine fishing community. Children are engaged primarily in fish grading to help their parents.

Children shared that they faced issues on multiple fronts due to the COVID-19 crisis. Their families faced economic setback due to the market crisis. This forced many adolescent children to start working for daily wages in other sectors like agriculture and occasionally in hazardous sectors like aqua food processing units and prawn aqua culture ponds.

They were unable to access online education though few of them were able to continue their education using digital tools despite multiple hurdles. The children expressed that they felt sad as they were disconnected with their friends in school and were unable to participate in any form of games and recreation. They were largely ignorant of the CLPRA except that it prohibits child labour.

The children demanded that the government should ensure a strict implementation of CLPRA Act. They also suggested that government should provide life skills education and health education to build their self-confidence. They suggested that government should ensure the resources to continue their education and also ensure regular follow up from their teachers. Moreover, they demanded

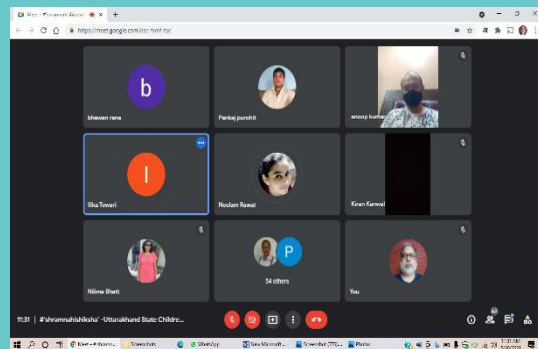


that there should be efforts to provide food support and to create child-friendly society by the government. They expected that their demands be conveyed to their parents and family members, friends and teachers and village heads.

**In Uttarakhand**, a State level Consultation was organised on 30<sup>th</sup> May, 2021. 78 people (51 adults and 27 children) participated in the consultation. Child rights NGO representatives, government representatives, school management committee members /child lines representative from Almora, Nainital, Chamoli, Dehradun, Rudrapur and Uttarkashi districts of Uttarakhand) participated in this consultation.

The following objectives were kept for organizing the program: 1. Understanding the Child Labour Scenario in Uttarakhand, 2. To know the views of children on child labor, 3. Selection of a child to ensure the participation of Uttarakhand in the National consultation organized by CACL on 12th June 2021.

The scenario of child labour in Uttarakhand was discussed .It was shared that in Uttarakhand, child labour is seen in the villages as agricultural labourers, and in urban areas like Dehradun, Haldwani, and Rudrapur in Uttarakhand- children are seen working as child labourers in hotels, dhabas, shops, as construction workers, family based businesses/enterprises ,in small factories, and automobiles garages .



At the ground level, many more children are engaged in child labour than the figures of child labour released by the Uttarakhand government. Many children in the plains are also being engaged in the begging.

Major demands by children to stop child labour in the state:

- All children should be in school and the government should

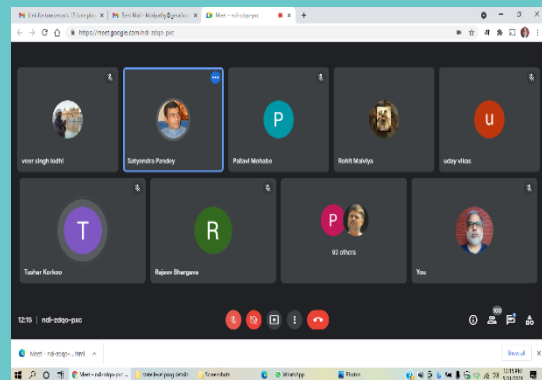


make arrangements for their education.

- There should be employment for the parents of the children
- There should be a system of proper protection and care for such children who do not have any caregiver in their home.
- Children can come out of child labour only when their family gets help from the government and society.
- Due some provisions of to 2016 CLPRA amendment Act , child labour is increasing, therefore, the government should make such a law against child labour so that hat no child has to do any kind of labour.

In **Madhya Pradesh**, an online consultation was conducted on 31 May, 2021 with more than 125 people (37 adults and 89 children) . Children who participated in the meeting, most of them were engaged in different kinds of hazardous labour such as stone quarries and mines, brick kilns, agriculture including spraying fertilisers in fields, rag-picking, carpet weaving, take care of animals and also working in hotels.

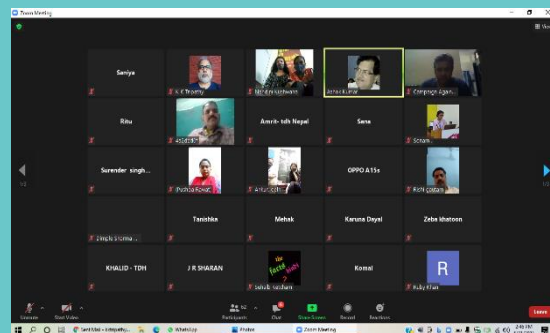
Participants said that Labour department does not have enough personnel to enforce CLPRA in districts. Moreover, the loophole that allows children to work in family-based enterprises or the existing distinctions between hazardous and non-hazardous work makes it more difficult to eliminate child labour. Instead all forms of child labour must be categorically banned.



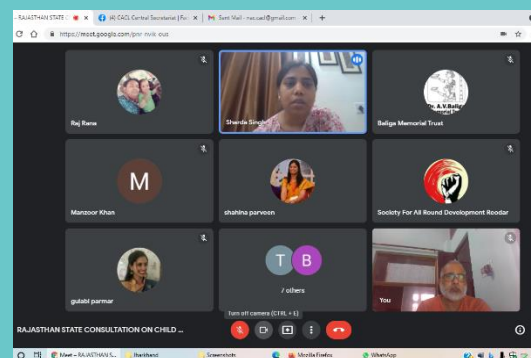
They shared that in order to prevent employment in hazardous sectors, Panchayati level monitoring committees must be established, apart from a monitoring mechanism for employers who employ children. They also emphasized on the need to generate awareness amongst parents to avoid this practice.

During the lockdown, children had to engage in some kind of work especially due to the closure of schools. The children demanded that schools should also cater to children who were child labourers and also those who are engaged in child labour. They suggested that schools should provide rehabilitative support with need-based syllabus. Panchayat level statutory body should be established to monitor child labour in villages which will also link children to education. They demanded a complete ban on children being made to work in family enterprises. They wished to share these demands with local government authorities, MPs and MLAs and the media.

**In Delhi**, a State level Consultation was organised on 31<sup>st</sup> May, 2021 in which more than 75 people (45 adults and 30 children) participated. Participating adults were representatives of child rights organisations, School Management Committee and some Parents too were there. Representatives from Pakistan, Nepal, and Afghanistan also participated in this consultation and shared their issues with regard to working children in their country.



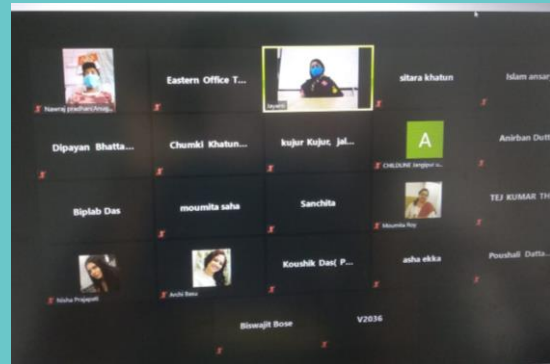
**In Rajasthan**, a State level Consultation was organised on 1<sup>st</sup> June, 2021 in which more than 25 people (18 adults and 7 children) participated. Representatives of child rights organisations, School Management Committee and concerned government departments participated in the consultation. Children who participated, were from various districts of Rajasthan (representing diverse socioeconomic backgrounds), and they shared their experiences of being at the receiving end and their expectations from the civil society and government authorities to improve the implementation and amend the



policies towards total eradication of child labour.

**In West Bengal** a State level Consultation was organised on 1<sup>st</sup> June, 2021 in which around 48 people participated (31 adults and 17 children) .

The participants first watched a short video on child labour as an introduction to the topic. The children discussed about what they understand of child labour, the different sectors in which children are employed, they shared their views on which kind of work they consider as hazardous; some of them shared their personal experience of being in child labour and circumstances which compelled them to work (financial difficulties at home



was the single strong factor); the children shared their views on if children should at all be in child labour and offered suggestions on how they would work towards getting children out of child labour. These were the key discussion points which happened with active participation of the 17 participants. Most of the participants felt that no child should be employed up to 18 years of age. A few opinions came which supported children being allowed to work and study together – this was based on the fact that these children had experience of poverty forcing them to work.

Key demands of the children emerged after the discussion are:

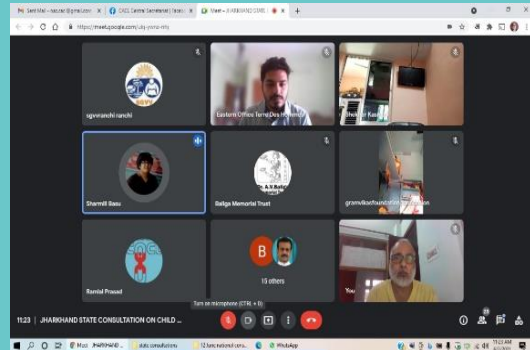
- Children should have option to study full time till 18 years of age and not be in child labour.
- Parents should have income provisions so that children are not forced to work
- Free education till class 8, should be extended till class 10
- Government and civil society should work towards removing poverty.

- Children from economically deprived families should receive special attention and included in schemes and benefits by government so that they get the opportunity to get educated

In **Jharkhand**, a consultation was organised on 2nd June, 2021 in which 32 people participated (22 adults and 10 children) . Participating children were working in various hazardous sectors like brick kilns, bidi making, stone crushers, carpet weaving and domestic work.

During the consultation, the children were informed about CLPRA and the 2016 amendment. They strongly stated that the amendment must be revised specially to identify many hazardous sectors that have been recognized as non-hazardous. In the context of the pandemic, the children shared their experiences and highlighted their plights like increased hunger due to inability to work due to the lockdown. They also shared that they were unable to go to school or access online education due to the lack of a smart phone or internet and even due to shortage of teachers.

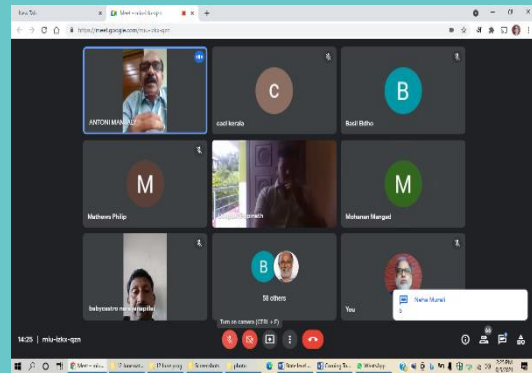
The children’s key demands from the CAAC network, CSOs working on child labour at the grass roots apart from the government, donor agencies and secondary CSOs were that parents and guardians should be assured employment so that children can continue their studies and sports. Residential schools should be established and books and notebooks should be provided to ensure an education that is free of any cost. They demanded that they should be provided all facilities to be able to attend online classes. Lastly, they also expressed the need for a hospital near to their homes for treatment.



In **Kerala**, an online consultation was conducted on 5th June, 2021 in which 75 participants were present (24 adults and 53 children) .All the child participants were studying in schools and a few children from the group had faced bonded labour themselves. Most of the other children were not significantly

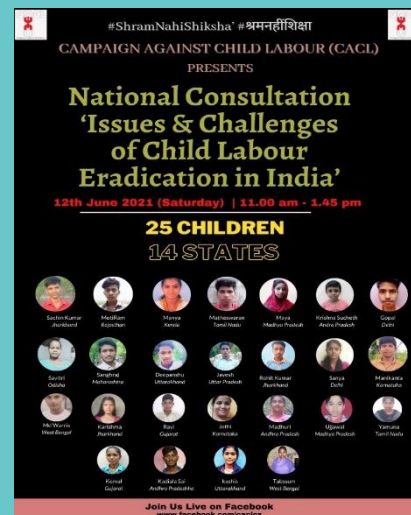
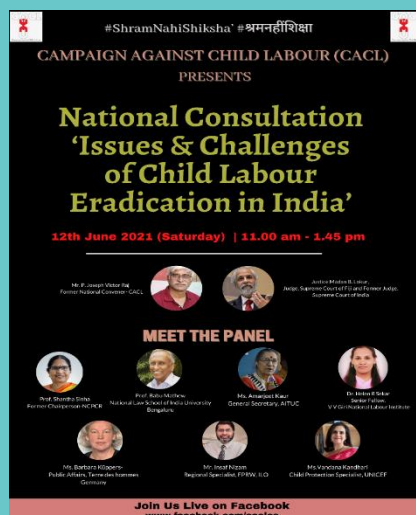
exposed to child labour except for a few who had seen children from tribal settlements working near their homes.

The children expressed that CLPRA is a very important law and helps to curb child labour to some extent. However, they shared that families' living conditions and adult unemployment must first be addressed to tackle child labor.



COVID-19 pandemic meant that though the government had ensured online education, many children had limited access due to network related issues. They also shared that a majority of children in tribal settlements don't have access to the online education.

The key demands of participants from government and NGOs working for children include that they should ensure free lunch, free books and uniforms for all children as a part of the compulsory education for children. They also expressed the need to increase free and compulsory education till 18 years. Children should be made aware of schemes and systems set up for their protection. Moreover, they shared that children working as drug carriers should be addressed within the child labour law. Government must also ensure education of children of migrant workers who have a high likelihood of getting into child labour.

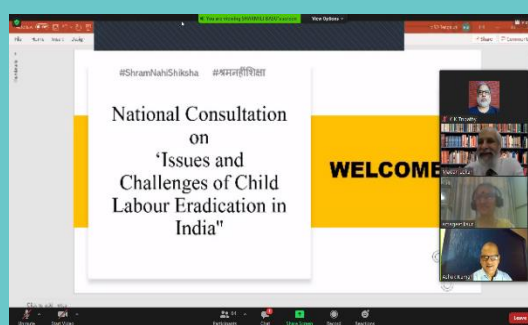


### 3. NATIONAL CONSULTATION ON ISSUES AND CHALLENGES OF CHILD LABOUR ERADICATION IN INDIA

The national level consultation was held on June 12, on World Day against Child Labour with participation of noted activists, stakeholders and child representatives from various states. This important milestone marked the culmination of the 44 days long campaign ‘Shram Nahi Shiksha’. More than 100 people participated in the national consultation through Zoom and more than 75 people attended the consultation through face book live program.

The specific objective of this national level event was to take stock of the situation and to re-strategize efforts to combat child labour after five years of the 2016 amendment. CACL has always criticized this amendment as being regressive and warned that it sought to encourage and legalize child labour rather than its eradication. This consultation aimed to present and discuss the effect of this amendment on the ground. Furthermore, the event also sought to present the effect of COVID-19 on education and also how the increase in job loss of adults during the pandemic has led to a rise in child labor. Ms. Alicia Tauro from YUVA, who was the moderator for the day, identified this day not as an event or a festival but as a reminder of the amount of work to be done further.

Mr. Ashok Kumar, Convener, National Advocacy Unit, CACL kicked off the national consultation with a welcome note and a brief overview of the history of CACL. He along with Mr. Victor P. Raj, Former Convener, CACL, explained the context and the objective of the Shram Nahi Shiksha campaign. Digital content created during the campaign was released at different junctures of the event. Mr. Shailabh Kumar from HAQ-



Centre for Child Rights, explained the current status of child labour in India with data to bolster his argument about the increasing rates of child labour in the country.

Justice Madan B Lokur, Judge, Supreme Court of Fiji and former Judge of the Supreme Court of India, gave the key note address of the day. Most importantly the day also saw participation from 15 child representatives who presented their life stories and their demands to the esteemed audience. This helped bring into perspective the individuals for whom the fight against child labour is going on.



Mr. Mathews Philip, the National Convener of CACL presented the statement from CACL. The last session was a panel discussion that attempted to answer the questions and demands that they were raised by children and other speakers during the national consultation.

The next section will give the highlights of Justice Lokur's address followed by children's testimonies and highlights of the panel discussion.

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### **KEYNOTE ADDRESS BY JUSTICE MADAN B LOKUR**

Justice Madan B. Lokur is a Judge at the Supreme Court of Fiji and former Judge of the Supreme Court of India

Justice Madan Lokur reiterated what Ms. Alicia Tauro had said earlier that the day's program was not a festival or an event but a reminder of the duties and responsibilities to try and eradicate child labour. He said that he will try to share some new ideas and his thoughts on eradication of this social evil.

The seriousness of the problem of child labour is evident in the data wherein the 2011 census showed that almost 33 million children were engaged in some form of labour. Though the number had started reducing around 2011, it has again started to

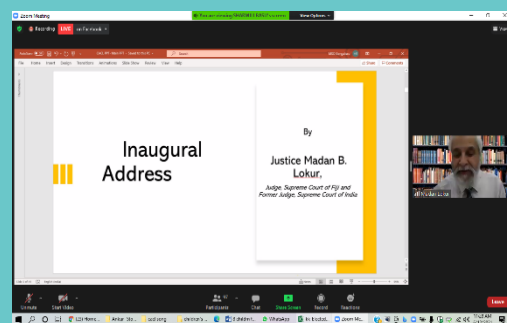
rise due to the pandemic. Hence, it is a problem that needs to be dealt with urgently. Moreover, while one can hope that this current pandemic goes away, there could be yet another problem in another five or ten years which would again cause the issues of child labour to resurface. So, it is important to be prepared for such an eventuality.

Justice Lokur stated that there are specific provisions within the constitution which provides a framework for the protection of children but the success of the same needs to be evaluated. Laws are needed to implement these in addition to extant laws like the CLPRA that was originally passed in 1986 and then amended in 2016. Besides the complications within CLPRA that was pointed out earlier in the report, he highlighted three other areas of concern in the context of this law.

One, CLPRA provides has a provision for setting up a Rehabilitation Fund. However, no audit has been conducted of this fund thus raising questions like the amount of money available or its uses and operationalization. Due to this, any information about the same can be availed only through RTI applications. However, Justice Lokur insisted that secrecy related to this fund is unnecessary and all related information should be disclosed on a website for everyone to access.

The second area of concern that Justice Lokur identified was the provision within this CLPRA for appointment of inspectors across the country. However, it is not known whether these inspectors receive any training to apprise them of their duties and responsibilities or whether they have the required commitment and dedication to such an important public task. Merely appointing inspectors or designating some people does not serve the purpose. While it definitely is an important idea, it needs to be carried forward in a systematic manner.

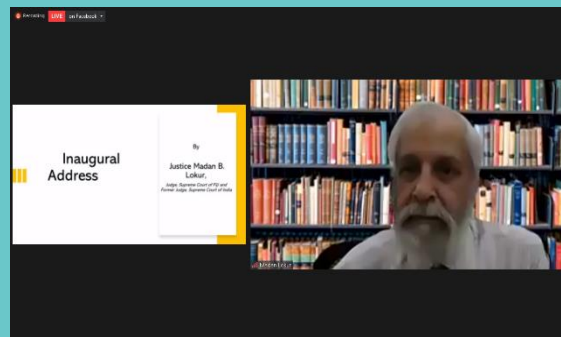
The third area of concern were the penal provisions that the law





provides for. The punishment for child labour is six months to two years which is inadequate according to Justice Lokur. Moreover, it is also bailable due to which no-one really ends up going to jail. In terms of actual figures, the National Crime Bureau shows that in 2019 there were only 88 convictions, 96 acquittals, 770 cases filed under the CLPRA but government data says that 40000 children were rescued in the same year. This discrepancy between 40000 children who were rescued and only 770 cases filed is quite large. Moreover, investigations in these cases can go on for over two years. He mused over what could be so complicated about investigating a case of child labour.

The national child labour policy was drafted in 1987 and was brought into force in 1988. Despite 33 years having passed since then there has been no social audit of this policy to understand whether it has succeeded and also the extent to



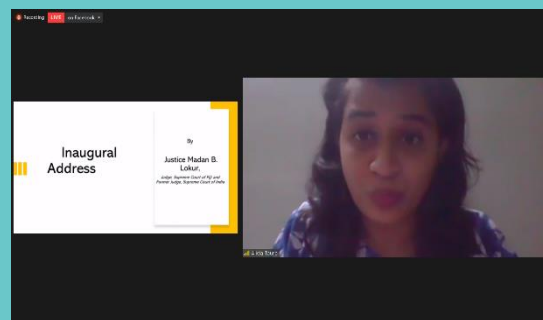
which it has succeeded. There does not appear to be any great reduction in the instances of child labour nor is there any information on the number of children who have been rehabilitated. Justice Lokur emphasized that he does not think that the policy is a complete flop but called for a social audit of the policy akin to the financial audit of the Rehabilitation Fund that he had proposed earlier. The stage is and has been set for many years from 1986 to 1988 to 2016 to bring about these significant changes in the sector but there seems to be a lack of much progress. There is a need for out of the box thinking to tackle the problem of child labour systematically. The causes of children going into child labour besides the obvious causes like poverty or the lack of education also have to be identified.

He also suggested other solutions that need attention like sectoral targeting which had helped to remove child labour from the carpet industry almost completely. Such targeted efforts are required in other industries as well such as bangle making. Moreover, he also

called for efforts to target areas in terms of territories in the case of certain industries like mines. The constitution prohibits child labour in mines but it is widely practiced in this sector. He specifically identified the horrible conditions of a practice called rat hole mining in the north east, particularly in Meghalaya. Drawing on personal experience, he mentioned about how he attempted to go into a discarded rat hole mine. He was unable to get in due to the extremely small sized hole into which children are pushed in to work. Besides mining, brick kilns all over the country also need to be targeted with a specific focus on territorial areas where brick kilns are in large number. Thus, sectoral and territorial targeting are two other strategies that needs to be explored fully.

Thirdly, he called for a broadening of the understanding of child labour in a larger context beyond physical work in a restaurant or a factory or domestic help. Apart from the obvious causes of child labour like poverty and lack of education, there are many other issues like child marriages. By its very definition, child marriage is always forced and hence can be viewed from the rubric of child labour as well. Moreover, trafficking can also be understood as child labour as it is forced on children. Disasters can lead to a further increase in child marriages and trafficking as was witnessed in the recent past. Thus, understanding of child labour has to be widened to include any activity that requires the informed and voluntary consent of the child. The International Labour Organization has already included such a definition which is why they have included trafficking within child labour.

Beyond these suggestions, he most importantly called for the active involvement of people at the local and district level. A lot of responsibilities are given to District Magistrates and Collectors who owe the society much more than just administration. There needs to be a collective effort to spread awareness about child labour, to



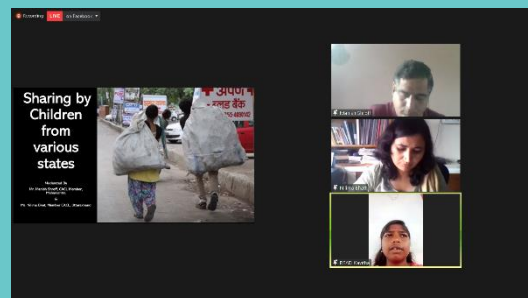
disseminate the evils of child labour including its consequences and the ways can it be tackled so that everyone is aware about it. He recommended that activities should be conducted at the district level to convert this into a people's mission. There needs to be a collective effort involving organisations, whether large or small, to get the administration involved. The Ministry and the Central government cannot do much beyond giving the required push but at the ground level people need to be involved to tackle the causes like poverty, illiteracy, hunger, lack of nutrition as it causes attendant problems that can ultimately lead to child labour. The issue needs to be looked at in a holistic manner and in a broad context such that everyone gets involved from the district, village and panchayat level to disseminate information and knowledge and tell them about the evils of child labour. He expressed hope that despite the failure to see complete success in the past 30-35 years does not deter him nor does he think that it is impossible. He acknowledged that it is a big task as it is the case of 25-30 million children but emphasized that it can be achieved in a time bound manner.

## VOICES OF THE CHILDREN

Child representatives from different states shared their experiences, challenges and their demands. The national consultation aimed to provide a platform for children to voice their concerns and worries based

on their lived realities. This helped the civil society and other stakeholders witness and understand the issue from a ground based perspective to get an idea of who the fight is ultimately for.

During the national campaign #Shram Nahi Shiksha state consultations were conducted in 11 states and over 319 children had participated. Representatives from each state were elected by children of their states who were present at the national consultation to share their stories, present their issues and state



their demands from the government. The session was moderated by Mr Manish Shroff (Former convenor - CACL Maharashtra) and Ms. Neelima Bhat (Convenor -CACL Uttarakhand).

**GOPAL, 17 YEARS, NEW DELHI**

Gopal belongs to a family of five members and his father is a labourer and works in the construction sector. He has an elder brother of 19 years who had just started working while his younger brother who is of 15 years continues to study. Due to the poor economic condition of his family, they don't get adequate food and have had to always struggle to meet their educational requirements. Even before the pandemic, all the siblings seriously considered going to work to manage their basic needs. However, during the COVID-19 lockdown, his father lost his job due to which Gopal started working in a sweetmeat shop to make *samosas* for which he was paid 50 rupees. While this did help the family marginally, his strenuous working hours started from 8am in the morning and went on till 10 or 11pm in the night. It was dangerous work and he often burnt his hand with the extremely hot oil. When the lockdown reopened he found it difficult to find any work which restarted their problems. He demands that the government should provide some support to the vulnerable children for their education and also provide jobs to adult members of the family.



**SACHIN KUMAR, 15 YEARS, JHARKHAND**

Sachin Kumar is a part of a family of seven members (three sisters and two brothers) who are primarily engaged in agriculture and in collecting mica from mines. Due to the extremely weak



economic condition of the family, he started collecting mica with his family since last 6 years. He managed to continue his education while working despite many difficulties. Collecting mica however started to affect his health as he has to go 50-60 feet underground. This is in addition to an ever-present fear of casualty due to collapsing of mines or falling of loose rocks.

While he has continued to work through the COVID-19 lockdown, he has been unable to continue his education since the schools have shut down. Additionally, the shutting down of schools has also meant that he ends up working for 7-8 hours daily to collect mica that has further affects his health and studies. He finds it difficult to concentrate on studies after eight hours of working. Moreover, the lack of mobile phones mean that he cannot access online classes.

Sachin demands that the government should introduce welfare schemes to provide economic support to families like his. He suggests that this should be done either through schemes or by ensuring jobs for family members. He also demands that the government must ensure that there is no interruption in both, children's education and adults' employment during this crisis situation. He ended his testimony by saying that

*roti, khel padhai aur pyar, hum bachhon ka adhikar,*

*hume haath me kodhi kulhari nai chahiye, hume kitabein chahiye.*

Food, play, education and love are children's rights,

We don't want tools in our hands,  
instead we want books

**ROHIT KUMAR, 15 YEARS,  
JHARKHAND**

Rohit belongs to a very poor family where everyone, including him, works as daily wage laborers. He is currently in 6th standard. Due to the weak economic condition of his family, he



has to work to support his family. He used to work at a brick kiln where he placed the bricks in the hot brick oven and loaded and unloaded bricks. Despite the dangerous nature of work, as evident in the numerous accidents he himself witnessed, many children work there. He has also worked at their own agriculture farm for 4-5 hours every day. A teacher who saw him working at the kiln got him admitted to school such that he could continue working while attending school.

COVID-19 has caused a lot of hardship for his family and they have to do multiple small-scale jobs to sustain themselves. During the lockdown, everyone in his family stayed at home and he is unable to attend online classes due to poor network coverage.

Rohit demands that the government should create opportunities for education and play so that that no child should have to enter into child labour. He suggests that residential schools should be started for poor children and for previous child labourers. He also demands for good education for all children till 18 years.

#### **JOTHI, 17 YEARS, KARNATAKA**

Jothi lost her parents at the age of five and her maternal grandmother, who was a domestic help started to take care of her. She often took little Jothi to her workplace as well. Jothi would help her grandmother in different kinds of work in different houses. Despite joining school, she had to drop out as her grandmother would change towns frequently. She was rescued by Childline 1098 while working as a domestic help in a house. The Child Welfare Committee sent her to an NGO named APSA which was working for children following which she rejoined school. When she went back to her grandmother's house, she was once again asked to work. She started hawking fruits on the road during the time of COVID. APSA again helped her to come back to the NGO where she is currently safe.



Her demands to the government include strict punishment for those who employ children and complete implementation of RTE act till 18 years of age. She also emphasised that equal importance should be given to education of the girl child.

**MAYA GAUR, 15 YEARS, MADHYA PRADESH**

Maya lives in PC Nagar Basti of Bhopal in Madhya Pradesh and is part of a family of eight members and has five siblings. She attended school until class 3<sup>rd</sup> but had to drop out due to the poor economic condition of her family. Besides, she also mentioned that she was not treated well in her school. She



and her younger siblings had to start working due to their terrible economic conditions. She points out that they wouldn't have had to work if her parents were able to find employment.

Maya's parents work as rag pickers and they collect polythene from dump yards. When her mother was pregnant, Maya started helping her mother in rag-picking as it is the only source of income for her family. During the COVID-19 pandemic, she has to wade through a large number of masks and gloves while working. Her family's work harms their health significantly as they have to touch such kind of medical waste. Moreover, they also have to work in the severe heat of the afternoon which tires her and causes her hands and feet to hurt. They are also severely underpaid but she says they are left with no option as they have to do something for a living. This often means that there is not enough food for everyone in her home.

She demands that the government should help families like theirs. Due to the lack of documents and other identity proofs, they were unable to apply for government schemes. She demands that the government should create appropriate conditions so that she and others like her can study. The government should provide financial help to her family and to other families where children

are working. She also added that government should give employment to parents in villages so that children like her do not have to work and can instead go to school.

**SANGRAJ KAMBLE, 17 YEARS, MAHARASHTRA**

Sangharaj started his testimony with a telling observation.

Childhood is a precious and unforgettable period of every person's life. However, children in large numbers across the world have to work in dangerous situations in addition to unpaid house work. In reality, 21.8 crore children are stuck in child labour due to which International Labour



Organisation started the World Day against Child Labour on June 12. The objective of this day is to bring global focus on the issue of child labour and to start necessary laws and policies to end this evil practice. This is celebrated across the world. He called on everyone to come together and work to bring a smile on innocent faces.

Sangaraj is part of a family of three members that includes his mother and brother apart from him. His mother is the sole breadwinner in the family and she works very hard in farms, brick kilns and also as a daily wage worker. She invests everything she earned into her children's education. However, since 2014, Sangraj also started working due to poverty and the poor conditions of his family when only his mother worked. He states that it was very difficult for them survive and they were able to eat food only when his mother worked for an entire day, else they had to sleep empty stomach.

Sangaraj continued his vocational course despite such horrible conditions and is now working as a ward boy in the hospital during the pandemic. He shared that due to the ongoing COVID-19 situation they are suffering significantly as they are unable to earn any money due to which they are unable to afford a



smartphone to continue their education. While he appreciates the push for online education from the government, he also requested that the government should provide mobile phones and internet so that everyone can attend online classes. Else children will get trapped in labour, marriage, trafficking and sexual abuse. He requested the government to look into students' and children's issues at every level including the school, community, *taluk*, district, state and country. The government should make plans for children's schemes while also factoring in potential risks. Importantly, he suggested that children should be included in high level decisions and also requested the government to refrain from unethical practices.

**MANIKANTA, 14 YEARS, KARNATAKA**

Manikanta who worked as a child labourer in agricultural fields lost his parents at an early age after which his grandparents started taking care of him. He started working to support his grandparents and himself due to their poor economic situation. In his early childhood, he worked in chilli farms, cotton fields and grape yards.



He states that he lost his consciousness due to the foul smell of pesticides. Additionally, he never knows how much money he earns as he gives everything to his grandparents who reluctantly give him money when he asks them for the same. He has been beaten up both at work and at home as well when he refuses to go for work. It was his dream to go to school but there was no one to help him with it. Finally, an NGO named Ujvala helped him get admitted in a school where he continues to study in 7th standard.

Manikanta demands that the government should provide free education to all children and called for a strict implementation of child labour laws. He also demands that efforts should be made to create awareness in the society about the evils of child labour.

**MOTIRAM GARASIYA, 17 YEARS, RAJASTHAN**

Motiram belongs to Methipura village in the Rajasthan (near Gujarat-Rajasthan border). He is studying in class 12<sup>th</sup> but due to the poor situation of the family he also goes to work in the agricultural field in Gujarat. He primarily does work like harvesting millets, sowing potatoes, etc which gives his family some financial relief. It takes him one and a half hours to reach his worksite and he leaves with his friends from his village leave at 6 am and return by 6 pm. They work in the severe heat in the afternoon which gets very tiring and causes their hands and feet to hurt. He is usually unable to study after working for a whole day.



Prior to COVID-19 he used to work near his village but the pandemic had caused his family members to fall ill due to which he started working at Gujarat plastic factory for a few months for better wages . He came back to his village once his school restarted after the last lockdown and has started working in nearby areas. However, with the current lockdown he says that he is unable to study at all or even able to attend online classes. He goes to work in tobacco and tobacco factory.

Motiram demands that the government should provide financial help to his family and other such families where children are forced to work due to their dire conditions. Besides his village has school only till 8<sup>th</sup> standard due to which children start engaging in different kinds of work. He suggested that the school should be expanded till 10<sup>th</sup> standard. Moreover, the government should also ensure free distribution of pens, pencils, rubbers and notebooks apart from text books which are currently being distributed for free. He also requested that government should give employment to parents in villages so that children like him are not forced to work.

**JAYESH PRAJAPATI, 14 YEARS, UTTAR PRADESH**

Jayesh lives with his old mother who is ill and two sisters, who are of 19 and 21 years and live at home. His father passed away five years ago due to which the responsibility of the household fell on his shoulders. He had to discontinue his education after 8<sup>th</sup> standard to take care of his family and had to discontinue school after 8th standard. He has to work everyday to feed his family. He works in brick slurry, soil digging, lifting dung and in agricultural fields as well. He often gets wounds on his legs and blisters in his hands. Despite the occasional fever and pain in the body due to the backbreaking work, he has to continue working. He is often scared of falling in the brick kilns while working. He says that he is a little weak as his family often don't have enough food. Additionally, they live in a shanty and water starts leaking into the house whenever it rains.



They faced a lot of problems during COVID-19 lockdown as there was no work. The ration from the government barely lasted a month due to which they were forced to ask their neighbours for food.

Jayesh demands that the government should make special plans for children like him so that they can get some financial help for studies and family needs. Children who are working should get special facilities in schools. He also demands that parents should get adequate wages for the work they do so that they can meet the needs of the family and of their children. Government should identify such children who are forced to start working and connect them to various schemes.

### **DEEPANSHU, 16 YEARS, UTTARAKHAND**

Deepanshu is from a remote village in Chamoli district in Uttarakhand. He is currently in 12th standard and belongs to a very poor family where his father is the sole earner in a family of six members comprising of his parents and three siblings. Agriculture is their primary occupation but lack of good returns from the farm affects their livelihood. There is no other source of income in their village due to which he also has to work. He has to do load bricks, cement, sand, etc which is a difficult and physically strenuous job.



Whenever he has some free time he also engages in their traditional occupation that involves making small items like baskets etc out of bamboo. His hands and feet and his whole body hurts and he also get fever sometimes as he to work in the hot sun.

All the work is however affecting his studies as he is usually very tired when he sits down to study after a whole day of work. Besides he doesn't have the money to top up his mobile balance so that he can attend online classes which causes him mental distress. His condition was bad before COVID-19 as well due to which he had to work and continues to do so. However due to lockdown his father lost his job and they were left with no source of income. Due to their miserable condition of his family he further got involved in bamboo making and is still forced to continue doing so for their livelihood. In order to improve his education, he expects that the government should help all child labourers so that everyone who is pushed into these situations can study and focus on all round development for a better future.

**TABASSUM ARA, 14 YEARS, WEST BENGAL**

Tabassum is part of a six-member family and she works as a domestic help and cleans people's homes. Her mother was doing it earlier but since she is not well, Tabassum has been supporting her family by taking over her mother's work. She has to work for all seven days and is not allowed any leave. She started working when she was nine years old like her brothers and her sister who were also working. Her brothers' work was disrupted due to the



lockdown due to which she and her sister have taken over the responsibility of the entire household. She continued her education while working. She states that since schools were closed last year due to lockdown, she could not get admission in school in 7th standard which has caused her to discontinue her studies and she has also started forgetting whatever she had learnt so far. She thinks that she will revise what she has studied so far on Saturday and Sunday but she is usually swamped with work.

Tabassum demands that the government should provide some support to vulnerable children for their education and provide jobs to adult members in families so that children do not have to work and continue their studies and play. She also demands for free education until class 12<sup>th</sup> instead of until class 8<sup>th</sup>, which is the current policy. This will allow poor children to continue studying. She says that she spends her whole time working and does not get time to study. While she was narrating the story her sister had gone then to the house of the daughter of her employer for work. The lady threatens to throw them out of their jobs if they do not turn up for work when called. Her mother had also gone to hunt for work despite her illness so that she can educate her. She wishes to become a teacher after her education.

**MANYA, 17 YEARS, KERALA**

Manya is currently in 11th standard and lives in a family of eight members with her parents and six brothers. She was working as a domestic help in a household where she did all the work related to the house and also took care of one baby child. She started doing this since she was in 7th standard from 2016 September and continued doing so until 2017 December. Her working hours were from 8 am to 10 pm. She was however rescued from her plight with the involvement of the Childline.



Her expectation from the government include that the government should ensure employment to everyone who is unemployed. The government must ensure care of children and schemes like scholarships should be extended to those who are eligible. Moreover, she says that free and compulsory education should be available to all children until 18 years with necessary conditions for further education. Mobile television network should be ubiquitous so that online classes are accessible to everyone, including tribal children. She demands that the government must ensure the implementation of child protection schemes at ward and panchayat level, advertise the Childline helpline number 1098 on all channels to help decrease the child labour cases and to reduce child labour.

**NITISH KUMAR , 16 YEARS, BIHAR**

Nitish lives in Gaya district of Bihar. He lost his mother 10 years ago after which his father remarried. His step mother made him work and did not allow him and his brother to study. She hardly took care of him and his siblings and his father also hit him regularly. In 2016, he was taken to Jaipur by a person who



made false promises to him and his family. He was made to work in a bangle making factory in Jaipur where he was put up in very difficult circumstances. He was forced to work for 12-14 hours a day and was not even provided enough food to eat. Such working conditions and regular beating caused him bad backaches. The police rescued him from the factory and thereafter he was kept in a children's home in Jaipur. Later he was brought to Gaya where he was kept in a children's home until he was finally handed over to his parents. He feared that he would face the same conditions as before at the home but the NGO helped him join a coaching institute and also provided him 3-4000 Rs for ration. When he expressed his concern to the social worker there in the NGO about having to face the same situation, he was advised to stay home as no schools or coaching institutes were functional due to the lockdown.

Nitish Kumar demands that the government should provide facilities so that children like him can go to school. Their families should get the benefit of employment so that children don't need to work and they can take care of children and provide a safe and enabling environment for them. Moreover, he says that if a student does not turn up in school for 5-6 days the teacher should turn up at home to inquire so that action can be appropriately taken in case of disappearances. This will help children to study and become good citizens.

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**RAVI RATHOD, 16 YEARS, GUJARAT**

Ravi is currently studying in 11th class and works with his father in fitting mandaps (tents) and decoration service. He started working with him before COVID-19 but since the schools are closed due to corona, his frequency of taking up work has increased. Ravi particularly mentions that father doesn't force him to work and he works on his own discretion to help his family. However, his studies suffer due



to his work but he works to cover up for it and thereby is able to deal with it. When his father is required to go to work to places like factories that are highly polluted, his father asks him not to come.

During the pandemic, all his family members fell ill due to which there was no earning member in the family. Hence, he decided to earn some money for which he would go with his friend to sell fruits on the road during the lockdown period. When he was selling fruits, apart from the severe heat, he was also significantly troubled by many people, especially drunkards to give them fruits for free. He could not retaliate since he is younger and weaker than those people. When the lockdown was lifted his father did not have as much business. Currently he continues to go with his father for odd jobs or helps his father in fitting *mandaps*(*marriage tent*).

He demands the government that private schools should not increase their fees and instead should waive off fees of economically weaker children like him. He also requested that instead of 9<sup>th</sup> standard result, 10<sup>th</sup> results should be based on 10<sup>th</sup> standard first exam.

Ravi also requested that all schemes should be available to all individuals because a lot of poor people are unable to access these welfare schemes.

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**SABITRI NAIK, 14 YEARS, ODISHA**

Sabitri is from Bangujar district of Orissa and lives in a family of six members with her parents, two elder sisters and a younger brother. She is studying in 8<sup>th</sup> standard. Her parents work in the farms to afford daily expenses and to get their children through school. Her mother used to work to earn some extra money which is why Savita opted to do various



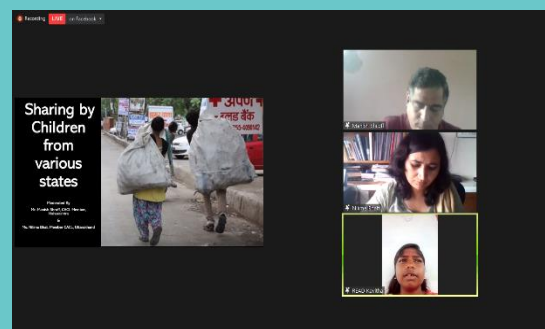


household chores over education so that she can help her parents in whatever way possible. Occasionally, she helps her father in the farms to take care of their cattle. Such work has however hampered her studies but was not let with much option as she had to support her family. She feels bad that her friends are studying and playing while she worked in the farm or at home. It also affects her health as she has to often stand in the scorching heat for hours and doesn't get nutritious food. Even though classes have become online due to the COVID-19 lockdown, she cannot attend these as she doesn't have a smart phone. Their financial condition has become worse due to the lockdown. Her father struggles very hard to manage the daily expenses.

She demands that the government should provide work to each family so that they can be financially sound and children can be free from mental or physical problems. The government should also provide a proper platform for online education to every student including all necessary resources like a mobile phone. In the absence of such resources, she requests that the government should provide other alternatives.

### **M.YAMUNA, 16 YEARS, TAMIL NADU**

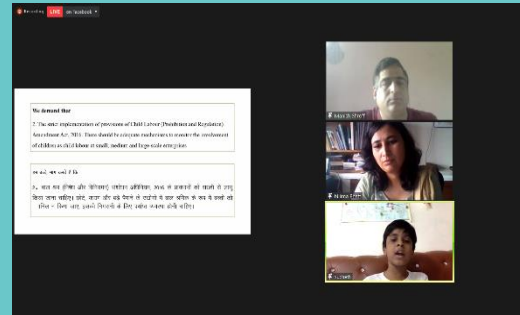
Yamuna, who represented Erode district of Tamil Nadu lives in a family of six members with her parents, sister and her grandmother. Her parents work as *coolie* and she also started working to financial crisis in the family. She started working during the previous lockdown in 2020. She used to go for various companies' work in the district. She continues to work since the crisis continues in the family. In her area, many children below 18 years go for work in textile factories. Due to this education is really poor in her district.



## CHARTER OF DEMANDS BY CHILDREN

Child Representatives shared the Charter of Demands from the governments and other stakeholders. The fact that they continue to make demands despite their dire situations underscore the fact that they have reposed a great faith on all stakeholders. It gives a glimpse to their undying spirit in the face of adversity which continues to believe that the State has to behave responsibly.

The demands were read out by following child representatives from different states: Kadiyala Sai from Andhra Pradesh, Krishna Sucheth from Andhara Pradesh, Saniya from Delhi, Karishma Kumari from Jharkhand, Ujjwal Chaurasiya from Madhya Pradesh, Kashish from Uttarakhand, Komal from Gujarat and Mohammad Waris from West Bengal.



### Charter of Demands by Children:

- 1. A complete ban on all forms of child labour. No child upto 18 years should be allowed or forced to work in family enterprises even after school hours or during vacations.*
- 2. The strict implementation of provisions of Child Labour (Prohibition and Regulation) Amendment Act, 2016. There should be adequate mechanisms to monitor the involvement of children as child labour at small, medium and large-scale enterprises.*
- 3. A constant review and amendment to the list of hazardous and non-hazardous occupations and process as mentioned in the Child Labour (Prohibition and Regulation) Amendment Act, 2016.*

4. *The scope of the right to free and compulsory education be expanded to all children up to the age of 18 years. Quality education and entitlements like free books, uniforms, mid-day meals etc. must be made accessible to the last mile for all children.*
5. *During COVID-19 many of our parents have lost their livelihoods which is making us vulnerable to drop out from our education and work as child labours and provide support to our families; the livelihood of our parents must be secured through effective implementation of schemes and prevent us from falling prey to child labour*
6. *Children of migrant workers must be protected from becoming potential child labour. The benefit of schemes for migrant workers must be made accessible to all such families and free education of their children must be ensured.*
7. *Our health and nutritional needs are addressed through implementation of mid-day meal scheme. During COVID-19 take home ration was not being implemented properly which forced children to work as child labour to fulfil the basic needs of food security.*
8. *Child protection mechanisms are set up and activated at all levels starting from village level child protection committees to ensure that every child is monitored protected against any kind of abuse or exploitation. These committees can*

*also assist in linking children to education, where required.*

- 9. Child participation should be ensured through setting up and activating children's committee / Bal Panchayats at every village/community level and schools so that they can express their views including the issue of child labour.*
- 10. Different departments and stakeholders i.e. Department of Women and Child Development, Labour Department, Department of Rural Development, Panchayat Raj and Department of Education should work together to rehabilitate the rescued child labour.*
- 11. Awareness with respect to Child Labour (Prohibition and Regulation) Amendment Act, 2016 and other related laws is created at all levels for children, parents and community. The awareness could be created through campaigns, posters, films and other interactive modes of communication. Such awareness campaigns should also reach out to schools, teachers, aganwadi workers and other stakeholders.*

**STATEMENT ISSUED BY CAMPAIGN AGAINST CHILD LABOUR DURING NATIONAL CONSULTATION, 12TH JUNE 2021:-**

**On 12<sup>th</sup> June, 2021, the International Day against Child Labour, CACL reiterates its long-standing demand that there should be total prohibition of Child labour up to the age of 18 years. The fact that even after all the measures taken by the Governments and civil society, the 2011 census estimates 10.1 million child labourers in India is a great cause for concern**

and disappointment. One in 10 of all children worldwide in child labour are found in India. This points to the gaps that continue to exist in the policy and legal framework as well as the social and economic measures taken to deal with the issue. Children and their communities are faced with more challenging situations each day and disasters such as the COVID-19 pandemic further aggravate the situation. In this context, CACL demands immediate attention of all stake holders on the following:



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

2. India has signed and ratified the United Nations Convention on the Rights of the Child (UNCRC) and thereby accepted 18 as the upper age of a child. Still different child related laws in India prescribe different age limits for the child making it a complex scenario. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 as amended in 2016, which is the flagship legislation in the country on child labour, allows discrimination between children and their access to fundamental rights. The policy of regulation in the so-called non-hazardous sectors as followed in the law has ensured that some children will remain unequal and devoid of the rights and protections that India is committed to ensure to all children up to the age of 18. Therefore, CACL demands total prohibition of child labour up to the age of 18 years.

3. A country like India with its peculiar social, cultural and economic conditions has to facilitate free and compulsory education up to the age of 18 so that children are at least able to complete 10 plus 2 to become eligible for different opportunities and options in life. Skill development must become part of the education curriculum and not an option that allows children to discontinue schooling.

4. The child labour law happens to be one of the poorly enforced laws with no significant number of prosecutions and convictions. The penalties and punishments prescribed in law have no deterrent effect. The 2016 Amendment permits child labour in the so-called 'Home based' occupations and that happens to be a very negative development. The concept of 'Home based' can be conveniently interpreted by vested interests to escape from the law. It has been already noticed that a number of factory based occupations and processes are shifted to homes and children are also employed with their relatives. CACL has raised its apprehensions during the Amendment itself. We call upon the Government to remove this provision urgently.

5. It has been noted that the Covid 19 pandemic has brought in a huge set back on the child labour situation. There have been reports of an increase in the demand for child labour, including

trafficking of children for labour. This demand is further facilitated by the closure of schools and inability of children from economically distressed households to continue with online education. Loss of livelihood and opportunities has contributed to further impoverishment and economic breakdown of the families, thus inducing children to take up labour. Certain State Governments diluting the labour laws has also contributed towards this and added to the insecurities of families. The second wave of the pandemic has left many children without parental care, making them more vulnerable to all forms of exploitation, including child labour. CACL regrets that no Labour Department in the country has done a concrete study or survey of the situation and published any reports so that measures can be explored to prevent more children being forced into child labour.

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

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

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

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

Mathews Philip

Ashok Kumar

National Convener

Convener- National Advocacy Unit

**PS. Mr. Mathews Philip, National Convener of CACL released and shared the CACL's statement on child labour during the national consultation and hoped that one day we would be able to make India child labour free in its real sense by taking appropriate legal and social measures..**

## PANEL DISCUSSION ON THE QUESTIONS AND DEMANDS RAISED BY CHILDREN

A panel discussion with eminent social activists, academics and members of civil society was held to discuss and attempt to respond to the questions and powerful demands raised by children. The discussion that was moderated by Mr. Ranjan Mohanty, Former National Convener of CACL reiterated the need to refocus and urgently act on these demands.



There was a great emphasis on urgent abolition of child labour and the necessity to urge the government to respond and treat this as an emergency situation. The panelists included the following members:

Prof Shantha Sinha, Former Chairperson- NCPCR

Prof. Babu Mathew, NLSIU

Comrade Amarjeet Kaur, General Secretary, AITUC

Ms. Helen R. Sekar, V .V Giri National Labour Institute

Ms. Barbara Küppers, Public Affairs, Terre des Hommes, Germany

Mr. Insaf Nizam, Regional Specialist, FPRW, ILO

Ms. Vandhana Kandhari, Child Protection Specialist, UNICEF

*Closing Remarks* by Ms. Bharti Ali, HAQ- Centre for Child Rights

All the panelists affirmed their commitment to the two fundamental principles of CACL- that all nature of labour below the age of 18 must be absolutely abolished and that the age limit



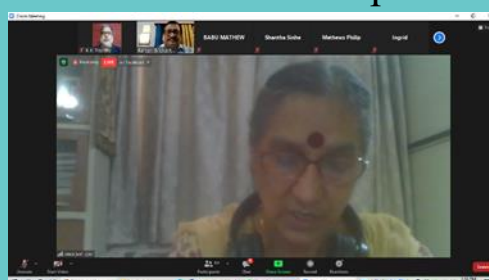
of the RTE Act should be increased to include all children until 18 years. This would allow everyone below 18 years to access free and compulsory education.

In light of the worsening state of child labour in the country, Prof. Shantha Sinha emphasized the need to treat this as an emergency situation and called for urgent action against child poverty, child labour, child hunger, loss of education and also to ensure that the voices of the establishment echo the voices of children.



Comrade Amarjeet Kaur pointed out that the Constitution itself is sufficient to argue for a progressive policy to address children’s concerns as it does not distinguish between hazardous and non-hazardous occupations in the context of children. Instead, the Constitution identifies anything that hinders the physical, mental, psychological and intellectual growth of a child as being hazardous. Thus, the CLPRA passed in 1986 itself was in contravention of the Constitution as it cannot simultaneously talk about prohibition and regulation. Thus, there needs to be a renewed focus on the 1986 Act.

Dr. Helen R Sekar pointed out that when the 1986 Act was passed on 16<sup>th</sup> December, the next day’s headlines quoted Justice Krishna Iyer who said that ‘by this enactment a diction in the constitution has been contradicted’. Comrade Kaur also reasserted that the amendments introduced in 2016 were regressive and have opened a Pandora’s Box when it allowed child labor to be included in family businesses. She recounted from her field experience that very often children are exploited under the guise of family work. COVID-19 has broken the already frayed social security net of marginalized families. Unfortunately, the children are always the first and the worst to

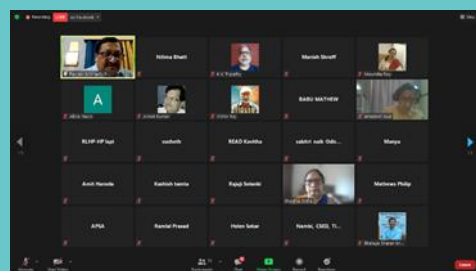


suffer in any crisis. This was proven to be true in the context of the current health crisis which grew into a full-fledged humanitarian and socio-economic crisis. Massive loss of jobs and livelihoods due to unplanned and repeated lockdowns across the country, lack of required documents to access welfare schemes or even the relief provided by the government, parents' illnesses and deaths are rapidly placing the burden of taking care of families on children's shoulders.



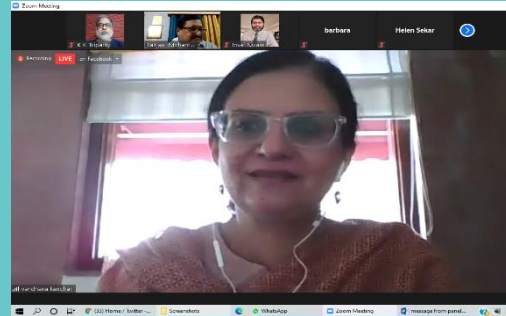
Ms. Vandhana Kandhari pointed out that children have taken over roles of lost parents and caregivers which included doing domestic work and shouldering earning responsibilities. Child caretakers, especially girls, are more exposed to risk of disease contraction as they take care of sick relatives. Furthermore, the closure of schools has pushed these children further into the abyss as many who were going to schools earlier have been forced to quit and enter the workforce. Additionally, increased reliance on online education has meant that children from the poorer families who cannot afford mobile phones or recharges or those who live in areas with poor network connectivity are being left out in a race that they were already struggling in.

Comrade Amarjeet Kaur identified this as a kind of digital exclusion that is being perpetuated in this new reality and one which needs to be addressed urgently. Prof. Babu Mathew and Comrade Kaur reflected on children's miserable situations where they have to face severe hunger and starvation when millions of tons of food grains are getting wasted in FCI storage. They suggested that these dire situations may require the cash support to ensure that such families don't fall into malnutrition or food scarcity cycles. This new reality created by the confluence of an extant threat of child labour and COVID-19 demands newer and

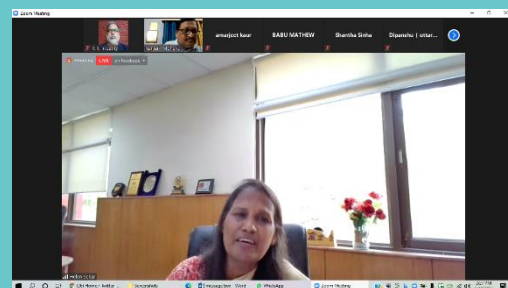


creative solutions. Prof Mathew and Comrade Kaur insisted that this will require CACL to reach out to the households of children who are at risk and mobilise these families in a different way. Thus, there has to be priority to identify ways to conscientize those communities that are at risk for whom child labour situation is a reality.

Ms. Vandhana Kandhari also reiterated Dr. Helen R Sekar's point that there is discrimination and lack of access to social protection services due to the lack of documents. This was clearly visible when the sudden lockdown was announced in 2020. UNICEF supported over 200000 families to access documentation in just one state which leaves one to wonder about the condition in the entire country. It needs to be ensure that all workers have access to documentation so that they can access their rights and the services that they are entitled to. When a rapid assessment was done in UP and Chhattisgarh among returning families it was found that almost 15% of those in UP and 25% people in Bihar were children. Approximately 70% did not receive any support from village community members or NGO or Panchayat members or government functionaries to access this. Thus she also proposed that there should be closer engagement with the Panchayati Raj system to identify vulnerable families, track children so that various services and schemes can be made available to them.



Dr. Sekar identified civil society organizations as the catalysts for government to implement and enforce laws and policies. If the government had the will to do it, they would have already acted on it. She pointed out that the First Factories Act was brought into effect in 1881 which prohibited children below 7 years to work and that children would not be made to work above 9 hours a day.



If it has not happened till date, there is a need to bring together all stakeholders including Panchayat Raj institutions, civil society org, the 44-crore strong youth population of the country, faith organisations and others to make the government work.

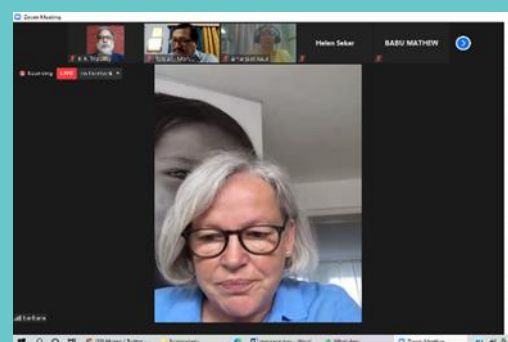
Mr Insaf Nizam also pointed out that it is important to push the government to act as a leader in this fight rather than as yet another stakeholder.



Apart from the government, Ms. Vandhana Kandhari also appealed to the industrial bodies, employers and labour unions to play their part by ensuring that their supply chains are free of child labour. This is particularly pertinent in light of the increase of the number of children who are working in the hazardous industries, like digital waste, medical waste etc. There are very little checks and balances to ensure that children are not involved in these industries. Dr. Sekar also raised the question about the whether the government's aim of promoting an environment for ease of doing business was at the expense of inducting children as a large army of enslaved labour into supply chains. This continues despite India having ratified the ILO convention 182 which demands the country to address this issue with an immediate and urgent need irrespective of its state of development.

Ms. Bharti Ali underscored the need to focus on addressing the demand for child labour. She urged the participants to identify ways to work with employers to remove the dependence on children in the supply chain.

In this vein, Ms Barbara Küppers pointed out that Germany had introduced a due diligence law which places the onus on companies to ensure that their supply chains are free of child

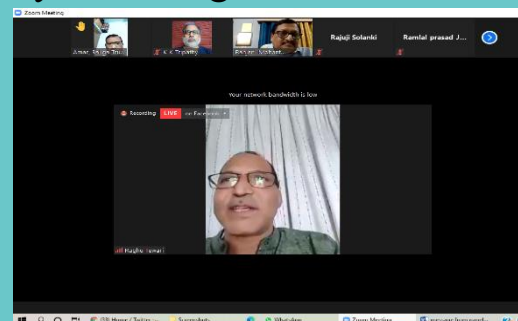
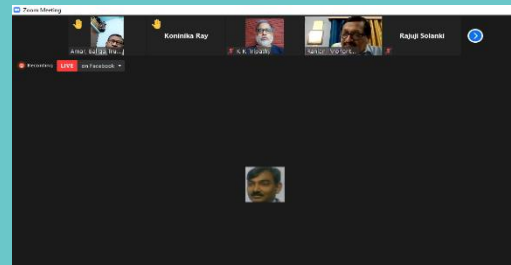


labour. The German government would require the companies to report according to a specific criteria which means that they have to go beyond the things they would do voluntarily.

Mr Insaf urged all the participants to do a bit of soul searching to answer the reason behind the extremely slow pace of change in the country. This is despite multiple positive aspects like the institutional strength of democratic bodies, legal enforcement, the knowledge, the research and the creative models that have already been implemented on the ground. He however urged the Indian government and the civil society to increase international engagement. Despite the high level of expertise that is currently available in the country he encouraged everyone to look for learnings from other contexts that may prove to be useful for the Indian case.

Ms. Küppers however also mentioned that the situation of child labour in India is known to a global audience. This has sparked responses like people refusing to buy products made by children while trying to actively get involved in the fight against child labour.

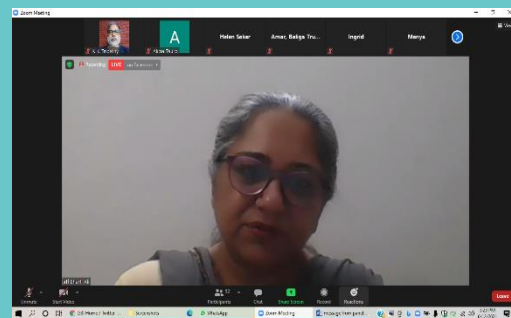
The questions raised by the audience however, brought the discussion back to operational questions. Multiple people working on the ground like Mr. Ramlal Prasad from Jharkhand and Mr. Azhar Ali from Baliya, UP emphasized the lack of prompt action from the different agencies including the government and Childline services. Thus, they are unable to reach or provide aid to vulnerable children in adequate time to take them to safety. Mr. Raghu Tewari from Uttarakhand raised the question of how the civil society can pressurize the government to act effectively to protect children especially in scenario where different government departments try to fudge data to hide instances



of child labour. Mr. Amar from Baliga Trust in Delhi is a part of the School Management Committee highlighted his experience of trying to locate almost 48 children from 6<sup>th</sup>- 8<sup>th</sup> standard who have disappeared since last year. He strongly believes that they have entered the workforce and requested the Labour department and Education Department to collectively pursue this matter.

Dr. Sekar responded to the questions to ensure social monitoring of all implementing agencies at village, district, state and country level. Thus, even in the case of Childline, she urges everyone working on the ground to inquire about the state of Childline service in their districts as they often severely understaffed and underfunded which significantly hampers their ability to take adequate action. She also emphasized on the need for NGOs and civil society members to set up independent witnesses within judicial systems to ensure adequate punishment for individuals violating the CLPR Act.

In her closing remarks, Ms. Bharti Ali drew attention to a secondary kind of victimization that children are subjected to wherein children who are rescued from child labour are treated as criminals. There is a need to deal with children sensitively. She wound up the discussion by urging for a renewed focus on the implementation of Right to Education to ensure that children remain in school until 18 years.



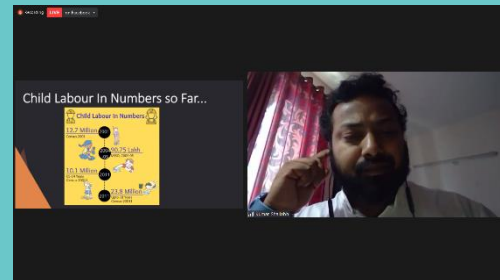
### C. WAY FORWARD

Based on the demands from children and suggestions and recommendations from notable experts who participated in the program, CACL has to reinvigorate its fight against child labour. There is an urgent need to push the government and the civil society to renew the commitment to fight against this social evil. This is pertinent in light of the deteriorating conditions of families from the marginalized sections of the society due to the economic shock

brought about by the pandemic.

CACL with other stakeholders will renew its commitment to fight changes in policies to advocate for a complete ban on child labour. Secondly, there will be efforts to advocate for free and compulsory education for all individuals until 18 years.

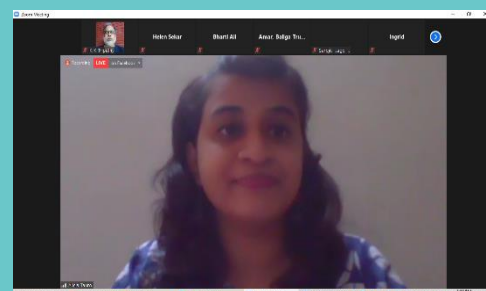
Based on recent reports and children's narratives, there is sufficient evidence that the child labour is increasing in the country. Hence, there have to be efforts to tackle the key reasons that is pushing children into this situation.



The primary reason for this rise is the economic shock that the pandemic has caused to the country which has resulted in massive loss of jobs and livelihoods. Thus, children become one more member in the family to supplement the income. Children's narratives showed that they were unable to receive relief during the COVID 19 lockdown. Thus, there has to be efforts to push for effective implementation of relief schemes so that the poorest are able to tide this humanitarian crisis. Given the increasing accounts of hunger and starvation that families are facing which is consequently pushing children into child labour, CACL will advocate for a more judicious and human based use of food grains stored so that people do not fall into starvation and hunger cycles.

The government has to be urged to ensure employment to adults and also reopen schools as soon as possible. Closure of schools is endangering children who are already struggling to continue their education. In a situation where schools cannot reopen soon, government has to ensure that students have the means to access online learning to ensure that digital divide does not hinder their education.

The above stated purpose means that CACL will have to actively work with the stakeholders including parliamentarians to renew its commitment to fight child labour.



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## 2. Programme Schedule of the National Consultation:

National Consultation 'Issues & Challenges of Child Labour Eradication in India'		
Date: 12 <sup>th</sup> June 2021 (Saturday)-----Time: 11.00 am - 1.45 pm		
Organized by: Campaign Against Child Labour-CACL Program schedule		
Time	Session	Person /Facilitator
11.00 am-11.05 am	<b>Welcome and Objectives of the National Consultation</b>	Mr. Ashok Kumar, Convener, National Advocacy Unit-CACL
11.05 am-11.10 am	CACL Song	CACL -NAU
11.10 am -11. 15 am	<b>Context Setting</b> – Strengthening the Campaign towards total eradication of Child Labour	Mr. P. Joseph Victor Raj – Former National Convener- CACL
11.15 am -11. 25 am	Inaugural address	Justice Madan B. Lokur, Judge, Supreme Court of Fiji and Former Judge, Supreme Court of India
11.25 am -11. 35 am	<b>Release of video</b> on child labour and Sharing of <b>Status Report on Child Labour</b>	-CACL –National Advocacy Unit(NAU) -Mr. Kumar Shailabh, HAQ: Centre for Child Rights, Member-CACL
11.35 am-12.25 pm	<b>Sharing by children from various states on:</b> <ul style="list-style-type: none"> <li>• Issues and concerns of working children</li> <li>• Grassroots impact of CLPRA 2016 on working children's lives and development (in the last 5 years)</li> <li>• Impact of Covid-19 pandemic on child labour phenomena</li> <li>• Sharing of some case studies</li> </ul>	Child representatives from various states  <i>Moderators:</i> – Mr. Manish Shroff- New Vision- Pune,-CACL member -Ms. Neelima Bhat - Uttarakhand State Convenor- CACL
12.25 pm-12.30 pm	Sharing ' <b>charter of demands</b> ' by child representatives	Child representatives
12.30pm - 12.35 pm	<b>Statement from CACL</b>	Mr. Mathews Philip , National Convenor,CACL
12.35 pm - 01.25 pm	<b>Panel discussion</b> (Responding to the issues & concerns raised by child representatives and how to realise the demands raised by children)	Panelists: ( 5-6 minutes/panelists ) <ul style="list-style-type: none"> <li>• Prof. Shantha Sinha-Former Chairperson- NCPCR</li> <li>• Prof. Babu Mathew- National Law School of India University-Bengaluru</li> <li>• Ms. Amarjeet Kaur – General Secretary, AITUC</li> <li>• Dr. Helen R Sekar – Senior Fellow, V V Giri National Labour Institute.</li> <li>• Ms. Barbara Küppers- Public Affairs, Terre des hommes</li> <li>• Mr. Insaf Nizam – Regional Specialist, FPRW, ILO</li> <li>• Ms.Vandhana Kandhari – Child Protection Specialist, UNICEF</li> </ul> <i>Moderator – Mr. Ranjan K Mohanty, Former National Convenor-CACL</i>
01.25 pm-01.40 pm	Followed by Q & A session/ <b>Open discussion</b>	<i>Moderator – Mr. Ranjan K Mohanty</i>
01.40 pm-01.45 pm	<b>Concluding remarks</b>	Ms. Bharti Ali- HAQ: Centre for Child Rights , Member-CACL
<p>Link for joining the consultation: Topic: National Consultation 'Issues &amp; Challenges of Child Labour Eradication in India'-Time: Jun 12, 2021 11 am India, Join Zoom Meeting</p> <p><a href="https://zoom.us/j/94097417814?pwd=d0FaY2pFWjRTU3BGOEYvOFpzMIRnUT09">https://zoom.us/j/94097417814?pwd=d0FaY2pFWjRTU3BGOEYvOFpzMIRnUT09</a></p> <p>Meeting ID: 940 9741 7814 , Passcode: 504409</p> <p>Anchor : Ms. Alicia Tauro –Convenor- CACL -Maharashtra</p>		

### 3. Case studies:

During the 44 days campaign some case studies were also shared by the various state chapters of CACL. Some of the case studies are given below:

#### **SAMIR AHMED, 15, WEST BENGAL**

Samir lives in Kamarhati Municipality of North 24 Parganas where he works as an assistant in a grocery shop. When Samir's father left his family, Samir started working in roadside restaurant to support his family. Later he took admission in class 7<sup>th</sup> in a school and started working in a grocery shop as shop assistant. But when the school closed due to the pandemic and lockdown Samir's attention fully moved towards work. After 14 months of school closure he has completely disconnected from his study and cannot write a single sentence in his mother tongue correctly.

His dream is to become a football player but he seldom manages time to play. He wants government should provide free and compulsory education for all children up to 12<sup>th</sup> class and provide financial support to those the poorest of the families.

#### **RAJIB MOMIN, 15 YEARS, WEST BENGAL**

Rajib Momin, has been working in the carpet weaving since two years. He lost his father quite early in life and as the eldest son of the family the responsibility to look after his mother and younger

Siblings fell on his shoulders. So he works every day for 12 hours from 6am morning to 6pm evening. He is enrolled in school in class IV but never manage time for study. Presently his school remains closed for last 14 months due to corona pandemic. He wishes that if his working hour could be reduced he could get more time for his study.

He has a dream to join the army. He wants the government should make opportunity for him to study and also help him in building his own house.

#### **NIKA ORAO, 15 YEARS, WEST BENGAL**

Nika Orao works as casual labour in tea plantation at Ivil Tea

Garden of Jalpaiguri District, West Bengal. Both of her parents also work as casual labourers in the same tea garden but their earnings are too low to run a family. Therefore, they engaged Nika also in this work mainly because her school is closed for last 14 months due to pandemic. Nika was a student of Class X. Though her school was faraway for which transport was not always available and she also does not have electric connection at home, she was continuing her education. But when pandemic closed down her schools her father got a good excuse to send her for work. Nika now work for 8 hours a day and for seven days a week.

Nika had a dream of becoming a nurse in future. She wants to continue her study once again.

#### **WORK ON BRICK KILNS IS JUST A MATTER OF A YEAR.....**

Sahil, Sulekha and Krishna are the three siblings. They belongs to Chandausi in Jalaun district of Uttar Pradesh. Sahil is the eldest who is about 12 years old, Sulekha is around 9 years old and Krishna is about 5 years old. Sahil along with his siblings and parents have been visiting brick kilns for the last 3 years. Sahil had studied up to class 4th in a government school in Orai, and younger sister Sulekha used to go to Anganwadi. Krishna, the youngest sister, did not even go to Anganwadi.

Sahil and his parents own a little piece of land, they also have their own tractor which earlier Sahil's father used to drive, and now his uncle drives in the village. Their father worked in Delhi for 8-9 months making cement-mortar, after which he is now working on brick kilns. Sahil said that he digs the soil, pours water for mud and mortar and moulds the bricks. His mother tells his father not to do the work of brick kiln. 'We will not work on brick kiln again after one year. I will go back to school', Sahil said. Her little sister Sulekha smiled and said, 'I don't like to mould the bricks, I like to read and read and play'.

*(Written by Jagdish Chandra, the project staff of Centre for Education and Communication)*

According to Jagdish, he has been hearing these stories and

statements of children for past three years since he started working in the brick kilns of Surir, district Mathura in Uttar Pradesh. And then next year he sees many of these children again at some nearby brick kiln. He has never seen these children without hope. They bring their little hopes and dreams every year and go back with them.

### **JOURNEY FROM TOOLS TO PENS.....**

This is the story of children engaged in carpet weaving in Naktapur village. It is one of the child labour intensive villages of the project. 130 families living in Naktapaur village belong to scheduled caste and carpet weaving is the main source of their livelihood. 178 children in the age group of 6-14 years are working with their families and weaving carpets. Majority of the children in their formative years of life are missing education and other child rights.

During community self-assessment, it emerged that out of 178 children, 140 children (78%) were enrolled but 49% of them were not attending the school and remaining 51% were attending the schools but not regularly. 38 (22%) children have dropped out of school a year before. 140 enrolled children were also heading towards dropping out of school due to their increasing absence in the school. This problem was prioritised and brought in the village action plan formulated by the community after five days intensive participatory process which the implementing organization Sarathi Development Foundation named as Village Integrated Planning.

Community volunteers were oriented on counselling of the parents for enrolling and sending children regularly to the school. Twelve children including ten girls who were dropped out of school were re-enrolled in school in October 2019. While mobilising the parents for enrolment of the drop out children, the next challenge emerged at school level. To address it, community volunteers and parents visited the school several times for re-enrolment of their children but did not succeed. Teachers were asking affidavits and other documents to avoid the enrolment.

This issue was escalated to senior public authorities at district level for support and action. Basic Shiksha Adhikari (Head of Education Department at district level) and he issued a letter for schools in the project area for enrolment of the drop out children in month of September 2019. He appreciated project initiatives and assured to provide all support for encouraging education in child labour intensive carpet belt of Bhadohi district. It has regenerated hope among children for their development and better future. They are regularly going to school and mobilising other children as well. More and more parents are getting aware of the importance of education. It is an important step for reducing child labour among children so that they can shape their future and make essential life choices. Value of community based strategies in influencing behaviour and building linkages with the government are slowly getting established.

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**CHAKOR, 13 YEARS, UTTAR PRADESH**

Chakor begs on the streets on Lucknow. She used to study in class Vth at government primary school, Bastauli, Lucknow. Her mother's name is Prema who works as a domestic worker. She earns Rs 1500/- through this. Her father Prem Narayan does not do any work as of now, citing reasons that he does not get any work even though he wants to. Along with Chakor's parents, her grand-mother lives them apart from her siblings, brother Deepak, (22) Rajeev (17) studies in a private school and sisters Mini, Laxmi (16) studies in class 7 th and Arushi (8). Her elder sister Mini (18) also works as a domestic help and earns Rs 1000/-permonth. Her eldest brother Deepak is physically challenged. As per the family members, since the family income is very low, the children are forced to beg along with their 80-year-old grandmother. Chakor and Arushi have been begging for the last 4 years. Her grandmother says that due to old age it is difficult for her to find any suitable work, so she has no choice except begging.

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**ANANYA, 10 YEARS, UTTAR PRADESH**

Ananya lives in Bastauli, UP with her mother, Reeta Rawat. Her father, Deepu Rawat passed away 4 months ago. Ananya studies

in a government school situated near-by.

Ananya often goes to beg in the vicinity of her home and to the nearby temples. She joins other friends of her age near the temples. She has started begging post lockdown. As per Ananya's mother, though the economic conditions have deteriorated post lockdown and more so after Deepu's death. Both her mother and her aunt scold Ananya for begging, sometimes she is beaten up but she doesn't pay heed to all the scolding. At the time of begging, Ananya pretends to be dumb and often collects money needed to buy her favourite things like chocolate, chips etc which her family cannot afford. Ananya's mother is a domestic worker and she works in two households where she earns a meagre Rs 1000/- a month that does not suffice for the family needs. At times, Ananya supports her mother through her earnings made through begging.

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#### **DAKSHNA, 13 YEARS, UTTAR PRADESH**

Dakshna is a quiet girl like other girls of her age. But the only difference that marks her from others is that morning hours for her friends mean going to school, while for her it means going to different households to work. Dakshna lives in Samuddipur area of Lucknow with her father who is a construction labour, her mother who now works as a domestic help and her two sisters and a brother. Previously, her elder sister had dropped out of school as she could not cope with education pressure and stayed at home while Dakshna and her younger sister, Sudha used to study in nearby school. Covid-19 lockdown forced them to stay back at home. During lockdown, like numerous others, both her parents lost their job and it became difficult to make both ends meet. After unlock period started, gradually her mother resumed work in one of her employer's house but that did not suffice for the family. Seeing this situation, Dakshna and her elder sister also started going to work as a domestic help along with their mother during unlock period. Now she works in two households independently. Schools have opened up but only Sudha is going to school now. Dakshna has joined the work force along with her elder sister and mother. Resuming education is not an option for her now.

She says, “Sustaining my family is now my priority, if I resume school, my work will be lost and that will push my family in further poverty.”

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**SAGAR SAHU, 13 YEARS, UTTAR PRADESH**

Sagar Sahu lives in a rented house with his family in Kamta, Lucknow. The family is originally from Chhattisgarh. His father Mahesh Sahu is a mason. His mother, Neera too works as a construction labour. Last year, his father became ill and had to leave his work. Poor family conditions prompted the children to drop out from education and start working to support family. That was the first incidence where Sagar got trapped into the vicious cycle of child labour. Sagar was in class IVth when he had to drop-out. He first worked as a labourer to support his mother. During lockdown, construction work was abruptly disrupted and the family had no work to do. There were days when the family has nothing to eat. A neighbour of the family then came forward and supported them with ration for a few days.

Later, Sagar found labour work at a Namkeen factory. Since then, he is working there and supporting his family. School now seems a distant dream for him. His only concern now is to earn enough to help his father recover from illness and get back to work.

He says, “I wish my father gets well soon and start earning some money. I am not sure if I will ever be able to go back to school”

**Riyaz Ali, 9 years, Uttar Pradesh.....**

Riyaz Ali lives in Paltan Chhwani and studies in class 3<sup>rd</sup> lives with his parents, aunt, and an elder sister. His sister Shabnam used to study in class Vth before the lockdown. Post lockdown, when schools were closed, Riyaz was sent a nearby auto-garage run by one of his relatives to ‘learn’ work while his sister started doing embroidery at home along with her mother and aunt. Now when the school reopened, Riyaz for now is going to school but after school hours he is sent to the garage since as per his parents, he now likes watching automobile being repaired and otherwise he would be roaming around in ‘bad’ company of his friends. His

sister has dropped out of school and continues to do the embroidery at home. Experiences show that even though Riyaz is going to school, he would soon drop out and enter into work force full-fledged while his sister has already dropped out. Their parents are skeptical about the worth or use of the kind of education being imparted at school. They feel ultimately if their son is forced to work as a labour just like his father after studies, working in a garage still offers a better opportunity. Riyaz says, “I like learning new work but my hands and nails get dirty and cracks have appeared. I like to go to school just like my sister but my parents are not ready to send her to school now. I fear I might have to drop from the school soon.”

**TIRUMALLA CHAVAN, 14 YRS, MAHARASHTRA**

Tirumalla had stopped coming to NGO’s center for the last few months. She is an intelligent girl and good in studies. Our teacher was concerned so went to her house and found that due to the lock down, the family is facing a financial crisis. Tirumala has started working in a vegetable shop.

Despite repeated requests and interventions she did not stop going to work. In March, our center teacher and project coordinator visited the place where the girl was working. We informed the employer that child labor is illegal and if still they continue with it legal action will be taken against them.

After insisting on them and making them understand the consequences of such a criminal offence they stopped the girl from coming to work. Tirumalla also realized how difficult it is to work and earn money. How much her studies were getting neglected as she was not at all getting time. Presently she has left all the work and is fully concentrating on her studies. She is also coming to the centre.

**“THE DREAM OF BHUMI WILL REMAIN A DREAM”.**

The girl from Ganjmal, Dist Nashik, Maharashtra. She is 15 years old. 3 Years ago she has left her school when she was in 9<sup>th</sup> Std. Her fathers Paraji Pradhan works as a daily wages labourer



and her mother Sudamati Pradhan work as waste picker. Her father is alcohol addicted and is not worried about the income. The income responsibility has been taken up by Bhumi & her mother.

Bhumi lost one of her elder sister three years ago because of jaundice. Her sister was in 11<sup>th</sup> grade who took care of all the siblings and this responsibility fell on Bhumi's shoulder. That's the reason she left her school. Now she is taking care of her 3 Sisters and 1 Brother (Sisters Ages : 5,7,8 & Brother Age :3) and also helping her mother in waste picking .

One thing we want to bring in your notice, same thing happen with Bhumi's mother. Her mother Mrs. Sudamati was also elder in her family and her mother used to do work as waste picker. Sudamati has 3 sisters & 1 brother. As she was elder in her family she used to take care of her siblings and after that she was forcefully dragged in waste picking work. Sudamati never had an opportunity to go to school.

Now Gati Foundation works with such kind of family who want to break this chain and to save the new generation from becoming child labour.

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#### **KAMLESH, 14 YEARS**

On Jan 2019, MSEMVS rescued 9 children (including kamlesh) and 2 adults from Chennai at Panipoori factory. Kamlesh and others was trapped by a person of same village of same district. The trafficker lured Kamlesh with good food, good job, good money in Chennai to a PaaniPoori Factory where Kamlesh had to work from 3AM in the morning to 2 AM of the next day and without any wages. Supervisor mistreated Kamlesh and other children every time and provided meal only once time in a day and they were not allowed to leave the room. They treated Kamlesh as a bonded labour in a factory.

During the Community Vigilance Committee (CVC), Kamlesh father (Pancham Vanvasi) met MSEMVS Staff. He told them about his son (kamlesh) and that his son had been trafficked to

Chennai by a member (Surendra) of his village. MSEMVS team took up this case very seriously. Their investigation revealed that Munnalal (age about 52) and his Son Rahul (aged 26) are running a PaniPooori factory in Chennai where Kamlesh was working. When Kamlesh parents called the factory supervisor to speak to Kamlesh the supervisor refused. Supervisor broke kamlesh's phone and threatened him that he would be killed if he informed anyone about their conditions.

Kamlesh had scars from beating and of oil spills in his hands. His parents were very helpless because no one was helping them when they requested MSEMVS team for their help. MSEMVS team assured them that they would bring Kamlesh home safely.

MSEMVS took up this case with higher administrative department and went to Chennai for his rescue of Kamlesh and do the legal process of rescue and liaising with Revenue Divisional and Sub Divisional Magistrate, North Division of Chennai District. Kamlesh was rescued from Chennai in Jan 2019 and the Release Certificate were issued to Kamlesh by the Revenue Divisional and Sub Divisional Magistrate, North Division of Chennai. A complaint had also been filed against the accused Munnalal and Rahul. Once of the two partners, Rahul has been arrested and the other partner has absconded. After reaching home, Kamlesh was in trauma for which MSEMVS team provided him counselling. They informed about this issue to District administration, Department and Child welfare Committee and produced Kamlesh to CWC Varanasi and handed over Kamlesh with their parents. After reaching home Kamlesh narrated about other children who were trapped in different PaaniPooori factory. MSEMVS team linked kamlesh with Government Scheme and also enrolled in Government school. They also helped him to get Aadhar and his bank account was opened. Kamlesh and other 10(8 children & 2 adults) got Compensation amount Rs.20000/- each. Now Kamlesh is an active boy in his society and getting good education. His dream is that after getting well education he helps those children who are in danger situation and trapped in child labour.

He demands that the government should ensure that Musher community children get good education and facilities like other higher caste children. There should be facilities of alternative education for the children who work at brick kiln. The facilities of the government should reach in Musher community. The Government should strictly implement the child labour rule at village and district level so that no child can be trapped in child labour.

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**RAVI, 13 YEARS, CHAMARAJANAGAR DISTRICT**

Ravi is studying in seventh grade and was always well-liked student by the school teachers because he is a very smart and intelligent guy. Ravi is the first child of four children of the Shankara and Geeta and were living well. However their lives completely changed due to Corona. Ravi's parents lost their jobs because of lockdown. Initially they were somehow managed their life through donations. Even after the 2020 lockdown was over, his parents couldn't find a job. Eventually they decided to go to daily wage (kooli) work.

But COVID-19 pandemic and second-time lockdown made it even harder to them. They couldn't survive with her modest salary due to which they were unable to arrange the costs of their children's online learning and supplement household needs and food. As a result, Ravi, a seventh-grader who was learning through an online class, had to quit his education. At the insistence of his mother, 13-year-old Ravi is now going for daily wage work along with his parents. Now Ravi is waiting with a hope that his hardships will end and is eagerly awaiting the good days of his return to school.

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# Child Labour Is Child Abuse For Which You Have No Excuse



**बाल श्रम ,बच्चों के साथ दुर्व्यवहार है,  
यह बच्चों का शोषण है,  
इस सच्चाई से आप मुँह नहीं मोड़ सकते**

National Campaign "#ShramNahiShiksha' #श्रमनहींशिक्षा ”

30th April - 12th June 2021

Campaign Against Child Labour – CACL

International Year for the Elimination of Child Labour – 2021