

Priorities for Child labour in XI Plan

For DW&CD - Karnataka & UNICEF
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International requirements on child labour

- UNCRC ratified by India mandates free and compulsory elementary education on the basis of equal opportunity (Article 28) for all children and fixation of a minimum age for employment (in accordance with relevant international provisions)
- ILO Convention on forced labour (ratified) mandates legal adherence. ILO Conventions 182 on worst forms of child labour and 138 on minimum age for employment (not ratified) mandate moral adherence. (But UN Committee on Child Rights has recommended ratification of Convention 138) - India has not ratified it
- UNESCO Convention Against Discrimination in Education, 1960 - education should be of equitable quality, i.e., all children should attend full-time formal schools or their equivalent. equity

National & International Commitments (cont'd.)

- Article 41 of Indian Constitution - "provide assistance to the weak, in cases of "undeserved want", for securing their right to education
- Article 46 of Indian Constitution - "promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the SC/ST.
- Article 18(2) and 19 of the UNCRC - when parents are unable or unwilling to provide the rights of children, assist them in fulfilling their child-rearing responsibilities.

Background to child labour issue

- 1976: The Gurupadaswamy Committee Report made distinctions between 'child work' which is enabling and 'child labour' which is exploitative
- 1986: The Child Labour (Regulation & Abolition) Act was based on this premise. It abolished child labour in certain 'hazardous' occupations and processes and regulated it in occupations considered 'non-hazardous'

Current situation of child labour

- Despite decades of efforts, India has the largest numbers of child labour in the world - 12.59 million 2001 Census
- 50% do not complete eight years of compulsory schooling
- In Karnataka, out of a total of about 10 million children:
 - No. of children enrolled in last 8 years in Std 1: 10.875 million
 - No. of children who dropped-out: 2.323 million
 - No. of children who fail to complete 8 years of compulsory schooling: more than 4 million (40%)
- Latest 2001 Census figures for Karnataka: 8.613 lakh child labourers in the State

ROAD MAP

- Legislation to conform to national and international commitments
- A rights-based approach
- Targeting the weak
- Priority for prevention and root causes of dropping-out
- Linkage to broader context: Assuaging negative impacts of New Economic Policy, 'Triangular Paradigm', Stress on poverty alleviation/incentives to parents/child
- Phased and time-bound plans
- Strengthening the formal school system: universal access, retention, achievement, equity

Money is moving - people getting rich (politicians, bureaucrats, capitalists)
on backs of child labourers
WB report on Karnataka - no children from poorest quintile reach tertiary educ - need for incentivisation of primary educ

ROAD MAP

- Measures for providing hostel facility at place of origin to children of migratory parents
- Greater social mobilisation
- Community-based surveys for MIS
- Involvement of civil society groups / employers' associations
- Institutional mechanisms at grassroots level
- Decentralised educational governance
- Community ownership & children's participation
- Enforcement & taking charge of children

by specific sectors

Recommendation 1 – Policy Changes

- Ratify ILO Minimum Age Convention 138. Correspondingly repeal Child Labour (Prohibition & Regulation) Act of 1986. *Min age 14 yrs for educ*
- As per ILO Convention 182 on Worst Forms of Child Labour, make 18 years the minimum age for employment in hazardous sectors. Inter alia ban and release all child bonded labour and extinguish all loans taken by pledging of children.

Recommendation – 2 Legislative Changes

Enact a single Act on Free and Compulsory Education and Child labour to: *as follow up to 1986*

- Make 14 years the minimum age for free and compulsory education in phases by 2011
- Make 14 years the age for general employment in all sectors, including in agriculture, animal husbandry and informal-sector. Only non-hazardous family labour of a few hours, outside school hours, could be permitted.
- Progressive extension of both age limits to 16 (2013) and later to 18 years (2015)

Recommendation – 2 (cont'd.)

Legislate to make education truly “free” by ensuring that there are no financial barriers to parents in educating their children, by providing:

- all kinds of fees
- Free uniforms
- Free text-books and stationery
- Free midday meals &
- Free transportation

to all children from Std. 1 to 8 at least (phase-wise up to Std. 10) in all government schools as part and parcel of the fundamental right to education.

Recommendation – 2 (cont'd.)

Legislate to make ‘compulsory education’ to mean

- that a child has a duty and a right to receive education of equitable quality
- that the state has the duty to provide a school of prescribed quality within prescribed distances; and
- that parents have an obligation to send their child to such a school where existent
- provided that the state will also have an obligation to suitably and adequately assist all parents, who are unable to fulfil their duty to educate their child for any reason.

Recommendation – 3

Institutional structures

3. a Set up an exclusive Attendance Authority (government official) in every GP/Nagarapalika/ward committee area to be accountable for ensuring 100% UEE and absence of child labour in the area. Impose penalties on this authority for any drop-outs/child labour in jurisdictional area. The Attendance Authority to work in conjunction with Grama Panchayat/Nagarapalika/Ward Standing Committees on Education (or Task Forces involving all concerned departments, School Development & Monitoring Committees, HMs and school staff and communities.)

*currently having
reach is not good
need for a
separate
person.*

Recommendation – 3 Institutional structures (Cont'd.)

- 3.b. Attendance Authorities to categorise all school drop-outs (children absent without permission for specified no. of days) and child labourers as "children in need of care and protection" under Juvenile Justice Act and bring them and their parents/guardians before Child Welfare Committees (CWCs) (to be set up at taluk-level under the JJ Act) for suitable action. Civilian Juvenile Police Units (CJPU) under JJ Act to assist Attendance Authorities in this regard.

Recommendation – 3 (cont'd.)

3.c. CWC's to decide on

- Providing incentives [adequate scholarships of at least Rs. 100 per month or fixed deposits against child's name (Rs. 10,000), or any other form of assistance from other depts.] to needy parents against identified criteria of eligibility on condition that the child attends bridge and/or formal school; or
- Admitting such children to bridge school and/or free government hostels (seats in free hostels to be reserved for these children on priority), or
- Taking charge of these children in any other manner - sending them to shelter home, fit institution, foster home, etc.

To be made on nation's resources for:

- providing free education as already described
- monthly scholarships (Rs. 100 at least) or lump-sum amounts at the end of 8-year compulsory education (Rs. 10,000) to eligible children or as assistance to parents
- providing schools with minimum specified infrastructure;
- social mobilisation activities; capacity building and training;
- participatory school-mapping and action research exercises;
- building child-tracking and monitoring systems (MIS)
- enforcement activities
- opening of more free government hostels /shelter homes, etc. for children denied their right to education by parents;
- monitoring and evaluation; documentation and research.

Thank You