Chapter-8

Summary of Findings
“Child is the father of man”

“To enable fathering of a valiant and vibrant man, the child must be groomed well, in the formative years of his life. He must receive education, acquire knowledge of man, and materials, and blossom in such an atmosphere, that on reaching age, he is found to be a man with a mission, a man who matters, so far as the society is concerned.”

(M.C. Mehta v/s State of Tamil Nadu)  
Supreme Court of India, New Delhi
8.1. Summing Up

Children are the world’s most valuable resources and they are the best hope for future. Importance of children was realized in families and care for a good and healthy child was on the top of the agenda of different ancient societies. This trend even put its impression in present era but with a little importance on present/future economic value of child. Rational valuation of children started when the society allowed child’s work within the family as the occupation of a particular family. This mute recognition of society to child’s work has increases in an uncontrolled manner during industrial revolution where children were exploited for different profit making activities. Exploitation of children after globalization has forced us to think about the affliction of these children and thus child labour become a burning issue before society and attracted political, social, legal and academic attentions.

UNICEF’s intervention in the area of child welfare and child rights compel different governments to initiate actions, so as to protect the rights of their children, provide the welfare inputs as desired by them and safe guard their tender body and ignited minds by keeping them outside of the exploitation from the cruel profit makers. Laws were made with specific provisions for special needs of different segments of vulnerable children like child labour, disabled children, child of prostitutes, migrant children and child beggars. Some children are even working in worst state like child slavery, child trafficking, child prostitution, child in crime and child soldiers. However these laws fail to define these children uniformly. The acuteness of exploitation for a child working outside the family is more as compared to a child working inside the family. The hazardousness of work is more in manufacturing and service sector as compared to agriculture and allied sector. Children are more vulnerable in cities and town than in villages. Fertile and visionary minds of the makers of our constitution have pronounced specifically for these children through different legislations and statutory enactments. Valuable suggestions and advices given by different commissions and committees are reflected in these articles and enactments. Different institutional mechanisms were also put in place for functioning and monitoring different programmes/schemes for these children.

The magnitude of child labour in India as per Census, 2001 is 1.26 crore as compared to 1.13 crore in 1991. This figure has given India, the distinction of having second position in world.

As governments of different countries have different definition of ‘Child’ and ‘Labour’, uniform estimation of child labour around the globe is very difficult. Based on the countries own definitions ILO in 2004 estimated 119 million economically active children in the world in the age group of 5-14 years. United Nations’ declaration of 1976 as ‘International Year for the Child’ added fire to welfare programmes, enforcement of laws and researches in the area of child labour. ILO and UNICEF worked as light house
to different countries in helping them to find out solutions to child labour issue. Odisha shares 5% of country's total child population while its share in the total child labour force of the country is around 3%. Employment of children is more in rural Odisha than in urban Odisha. It will be bias, if we will point out poverty as only cause of child labour. Poverty along with allied factors like, illiteracy, societal attitude, burden of large family etc; makes the issue of child labour more complex.

Enactment of Child Labour (Prohibition and Regulation) Act, 1986 based on the recommendations of the Gurupadaswamy Committee and approval of National Policy on Child Labour in 1987 by union cabinet proved to be landmarks in the child labour elimination programme of Indian government. However a century before i.e. in 1881, Lord Ripon, Administrator of the then British India enacted the Indian Factory Act, 1881, which bans employment of children below the age of seven in factories. It is the first general law against child labour. As per the National Policy on Child Labour, National Child Labour Project (NCLP) was lunched at different revenue districts for rehabilitating and mainstreaming working children. The working children were withdrawn from different hazardous occupations and put in special schools where education, vocational trades, nutritive foods and health care facilities, stipend were given to them. To execute, evaluate and monitor the NCLP scheme, organizational set up at central, (Central Monitoring Committee) state, (State Monitoring Committee) and district (Society for Welfare of Child Labour) levels were created and activated. Monitoring is done through flexible guidelines and structured forms. Different national level committees and authorities were also created by government to share their professional expertise on the issue. Along with NCLP, International Program for Elimination of Child Labour (IPEC) is also executed in specific area, after lunching of IPEC by ILO in 1991. India is the first country to sign Memorandum of Understanding (MOU) with ILO to implement IPEC in our country.

Different programme components of NCLP scheme during 12th plan periods includes, survey of child labours, teacher's training, preparation of standard curriculum and learning materials for children, comprehensive pre-vocational training to child labour students, strengthen health components, uniform and school bags to students, provision for computer and printer to NCLPs, strong linkage with education department, enhancement of honorarium of NCLP functionaries, enhancement of house rent, residential facility for migrant children, award scheme for NCLP at state and central level, awareness generation among public, enforcement of child labour act, tracking and monitoring of child labour, vocational training for adolescents, creation of state monitoring cell and preparation of state action plan. Government has also adopted a protocol in 2008 for rescue, repatriation and rehabilitation of trafficked and migrant child labour. These programme components and protocol of government aims to eliminated child labour from hazardous area at the first instance.
The Child Labour (Prohibition and Regulation) Act was enacted in 1986, which seeks to prohibit employment of children below 14 years in hazardous occupations and processes and regulates the working conditions of children in other employments. It prohibited engagement of children in 65 processes and 18 occupations. Indian judiciary has also intervened into the different provisions of the child labour act on numerous occasions and pronounced its verdicts which proved to be blessing to children. M.C. Mehta v/s State of Tamil Nadu is one such case, which has given momentum to enforcement of child labour laws and rehabilitation programmes for working children. In this case the apex court has given certain directions to governments, which are complied and affidavits in this regards are submitted to apex court regularly.

This act was criticized by NGOs and child labour activists as soon as it was passed in 1986. Sociologists think that, the Child Labour (Prohibition and Regulation) Act is ill equipped to deal with the problems of child labour in India as it target only few children working in listed hazardous occupation and processes and fails to intervene the working children working in hazardous occupation and processes not listed. Further, as it regulate working children in the non listed occupation and processes, leaving enough space for offending employers to engage a child. After education become a constitutional right of a child, the regulating part of the act becomes null and void. How we expect a child to enjoy his/her constitutional right at school when another act allowed the child to work. Neera Burra (1995) suggested listing the whole industry as ban for child labour would make the task of enforcement simpler and strategies of evasion more difficult. She thinks that if there is at all a blue print for tackling the problems of child labour, it is education.

Violations of the Child Labour (Prohibition and Regulation) Act, 1986 everywhere in open air is mutely allowed by the society. But how we will tolerate when the violation is by a responsible District Collector that to in election process of 2009 for the largest democracy of world? Keeping in view the mountaineering pressure from public, government thinks to amend the controversial provision of allowing children to work in non listed occupations and processes of the act and asked National Labour Institute to prepare the draft legislations. Similarly, Second National Labour Commission in its report also recommended for convergence of different laws meant for child labour and education. Estimation of child labour in Odisha by different agencies reflects a diverse result most of whom are engaged in caste based occupations. Government of Odisha spends 91% of its budgetary allocation for children in their education only. Still then the problem of child labour can be widely noticed in Odisha. The need of the hour is to change the direction of the child budgetary resource allocation towards development to see a better future for the children in the state. Odisha is apathetic, even fatalistic towards the problem of child labour is evident from functioning of the District Child Welfare Committees (DCWC). Out of 30 DCWC in the state, only seven DCWC are active and functional, where as 18 districts under NCLP scheme with 513 schools and 30,000
students by the end of 10th plan. Later on NCLP extended to 24 districts. Sambalpur is the oldest NCLP district in the state where most of the working children are engaged in beedi rolling work.

A survey conducted in 1997, identified 2.15 lakh child labours engaged in both hazardous (23761) and non-hazardous (191461) occupations/processes. Govt. of Odisha has constituted different committees and created institutions to look after the proper functioning of the NCLP and different child labour elimination programmes in the state. A state action plan on elimination of child labour is also in the pipeline which chalks out the strategies for elimination and rehabilitation of child labour. Print and electronic media in the states have played a pivotal role in awakening people on child labour issues and highlighting child atrocities in the states but hundreds of other instances of tortures, exploitations and assaults on child labour in the state going unreported. In some parts, it is very painful to watch a small child picking up the used plates in a hotel and then cleaning it, but the government officials and the police officers have not taken any appropriate steps to check this practice. None of the government officials dares to take a step forward, then what about the local public. *Kalahandi Model* a public private partnership (PPP) initiative of NCLP, Kalahandi and NGOs in the district act as a ray of light to all the stakeholders in the child labour elimination programmes in the country. Civil Societies, Corporate World and Social Activists also acted as an instrument in the child labour elimination programme.

Public were very much aware of place/area/sector/establishments where child labours are working but not daring to oppose this ill practice. This mute acceptance of 91% people towards this social evil has credited India as second in world in term of child labour. This social acceptance of child labour among people must be discouraged. Inadequate knowledge and awareness among public/employer on the child labour is the biggest barrier of NCLP. It is heartening to know that 11% of public/employer know the correct definition of child labour and rest 89% do not know it. Similarly, government claims that, NCLP is the largest welfare programme implemented in the country. But only 32% of people know about it. Gender biasness also strongly prevails in the state. 89.33% parents will get their school going daughter married, if a good proposal will come. Similarly, 37.33% parents even if their daughter is interested to study get her married, if the proposal is good. Thus parent’s priority is daughter’s marriage not her education.

63% of the public and employers do not know the rules and regulation prohibiting children from work. 45% teachers do not know, whether the provisions of the child labour act is enforced strictly or not, where as 16.25% says it is enforced strictly. Odisha Television (OTV) has conducted a voting among people of Odisha on 12/06/2011 through SMS/email, where 90% respondent said that in Odisha child labour act is not implemented strictly. 83.75% teachers do not know the names of hazardous occupations
and processes. Major hurdles/problems in the ways of strict enforcement of the Child Labour (Prohibition and Regulation) Act, 1986 expressed by government officers and project functionaries are: (a) Enforcement drives by Inspectors lack support from public; (b) Enforcement will take away livelihood of children; and (c) Rehabilitation of rescued child labour is ignored in the act.

People do not know the verdict of the apex court but they know that as a result of this verdict fines from the offending employers are collected and deposited in a fund known as ‘Child Labour Welfare Fund’ which is meant for education and rehabilitation of working children.

57.66% parents blamed poverty as the main reason for non enrolment of their children in the nearby government school. 72.66% of parents have admitted that, their level of literacy can make them realize the value of education and poverty cannot be an obstacle on the way of the education of their children. They also guess that if the child will not work, he/she will simply sit idle and if enrolled in school, he/she will not read. However these are the assumption of parents seems to be illogical. If an interest towards education in the mind of children can be created then he/she will explore the curiosity for education.

Approximately 70% of parents were compelled by their children to enroll their names in schools, which show children’s curiosity towards the foundation of education. These ignited minds as said by our former president Dr. A.P.J. Abdul Kalam, must be cared and nurtured to reach up to their zenith. (Kalam, 2002) They have a strong zeal to read, learn and relearn. But we are unable to provide the basic essence to these little buds to blossom into a beautiful flower and spread their aroma. In the name of poverty, illiteracy, gender and social mores, we are suppressing their unseen abilities, locking their vibrant and fertile minds and putting a ceiling on their potential escalation as future citizens.

68% children admitted that, they were pressurized by their parents to do the work. 79% of children admitted that due to house hold chores they are helping parents in agriculture and allied works and unable to enrolled their names in schools or remain absence from the schools.15.33% children told other reasons like, teacher’s beating, distance from schools etc, for non enrolment and absence. 12% children have to walk more than 10 kilometer every day just to reach and back from their schools.

Further presence of approximately 37% productive adults in the family of child labours indicate that children are sent to work place not for supplementing the family income but for some other social or attitudinal factors, which requires further research.

Supports to parents of child labour by the government do not have any impact on their families. Though they were included under different schemes, eye catching development
in their standard of living, income level is hardly noticed. NCLP do not have any
programme components to support the parents of child labours.

84.33% parents have a strong faith that, NCLP can make the foundation of their children
and 94.33% of them liked the courses curriculum of the school. But, 47.66% of students
of Class-I and 32.66% of students of Class-II unable to speak the names of subjects
taught in the class. Only 38% children know about the vocational training scheme. Odiya,
the mother tongue remains the main subject liked by 82.66% of children.

A huge disparity is noticed among school managed by NGOs and Government. In certain
area like monitoring and supervision, punctuality of teachers and student etc, schools
managed by NGOs are ahead where as in the area of MDM, stipend and health check up
etc, performance of school managed by government are better. So a general conclusion
cannot be drawn that NGO managed school are better than government managed schools.
91.25 % of teachers and non teachers admit that there is difference between a NGO run
and NCLP managed schools, but it does not indicate that NGO managed schools are
better than NCLP managed schools.

55% of teachers have expressed their satisfaction over the present system of functioning
of child labour schools, but 77.5% of government officers and project functionaries are
not happy with the functioning of NCLP. 85% of them admitted that the teachers play an
important role in NCLP. They are of the opinion that agricultural and its allied
occupations and family based occupations should be included in the hazardous list so as
to enforce the provisions of the act effectively. On the contrary children engaged in
family farms and domestic chores are neither hazardous nor burdensome as perceived by
the parents as well as children. Most of the children while working do not feel any
hardship/difficulty indicates that children are engaged mostly in light work and non
hazardous in nature. Only 34.59 % of boys are working in hazardous occupation are
covered by the scheme, where as it is 0.58 % in case of girls. NCLP fails to keep the
children working in hazardous area under its net.

The author being a field level functionary of the Ministry of Labour is closely associated
with activities related to various aspects of child labour and especially NCLP. In course
of organizing different programme an opportunity is available to personally meet the
teachers and get the feedback at personal level on the problems in discharging their duties
in particular and at the organizational level in general. It was found that NCLP is a
project seems to manage a school for child labour to mainstream. It has no means or
process for its members and functionaries to be activated for their secured and prosperous
future. State labour machineries are also ineffective and should be well equipped with
adequate staffs for monitoring, supervision and identification of child labours and the
follow up actions. Mid day meal scheme is proved to be the most popular item in child labour school. 25.66% knows about the sports and extracurricular activities of schools. 66.33% children do not know the vocational trade in which they are trained.

Everyone likes the working of teachers, the back bones of NCLP. The success of scheme depends on their satisfactory performance, as they are the grass root level functionaries directly interacting with child labour and their families. But these teachers are demotivated due to their meager honorarium and temporary nature of job resulting in decrease of their commitment level. They admit that their service is for a noble cause but their attitude towards this noble work is negative because the scheme fails to provide them the basic requirement to maintain their families in the current price index. 67.5% teachers and non teachers consider their job as volunteer due to non existence of regular sale of pay and service rule.

Alarming thing is that, 66.25% of the mainstreamed students who were recorded as mainstreamed were either not enrolled in formal schools or if enrolled, discontinued their studies. 22.22% mainstreamed students observed a change in the behaviors of their parent after they were mainstreamed. 60% of recorded mainstreamed students say, everyday they help their parents in domestic work and seasonally in agricultural work.

8.2. Suggestions:-

(I) School Curriculum:-

(a) It is observed in child labour school that once a child completes three years of education cycle and mainstreamed, by the request of his/her parents other younger brothers/sisters of mainstreamed child is admitted in school, which is a wrong practice. It should be stopped immediately. Instead of three year of education cycle, it should be up to such period and time i.e. up to class tenth, so that the children can really build a bright future or eligible for mainstreaming. So, at policy level this suggestion of parents must be addressed and necessary changes may be incorporated at the programme components.

(b) While the child labours are initiated with education in NCLP, they are not taught as it is from response of Class-I and II students regarding their knowledge from various subjects of their class. So teachers must take special care to make the subject interesting and understandable with student friendly methods so that their foundation will be stronger enough to adopt the courses in the higher classes.

(c) Children have shown their interest in the residential schools, which is also beneficial for parents as they will be free from entire responsibility of children's food, clothes etc. Residential schools for child labour should be encouraged and made a programme component under NCLP.
(d) Selection of teachers having a natural and spontaneous urge for teaching may be done from local community and certain minimum education criteria and cut of marks may be prescribed.

(2) School Environment:-
(a) As the schools are functioning at rented premises, basic infrastructures like permanent black board, furniture and other teaching aids, school building, play ground, sitting arrangements in the class room etc, are lacking. NCLP must develop a school like environment in every child labour school.

(b) NCLP is able to create a faith among the parents that their children are doing well in the schools. They are also satisfied with the performance of their children. However they along with their children want a new pucca school building like a government school building and school like environment instead of a rented one.

(c) Facilities for sports in schools are not provided or inadequately provided by teachers. Necessary arrangements like sport kits and play ground near to school may be made available to students.

(d) People are not aware on the admission procedure for which children working in hazardous work are remaining away from NCLP and children in non hazardous work are admitted, which is not right approach. First priority in admission must be given to children working in hazardous work for which awareness among public is required.

(3) Management:-
(a) In most of NCLP districts part time Project Directors are appointed. Their primary duty is with their parent departments and NCLP duty is additional/secondary for them, for which they are unable to look after the proper functioning of child labour schools. So, it is suggested that every NCLP must have a full time Project Director for smooth functioning.

(b) Strengthening the content and quality of the mid day meal programme with more intense involvement of the community, particularly SHGs of women.

(c) Revamping the skill-training programme to make it more market relevant. To make vocational training more meaningful, a flexible demand driven skill development programme should be developed. Vocational instructors are also required to be trained for imparting meaningful and effective training.

(d) Along with vocational training development of hobby/in born qualities of children may be flourished.

(e) Introducing measures for proper check up of health of children at regular intervals.
(f) Experiment of running special schools through small implementing agencies like Yuvak Sanghas, Village Clubs and Youth Clubs etc; have been found to be successful, which needs to be encouraged.

(g) Functioning of NCLP Societies and District Labour Office differs though both the agencies are meant for child labour. Proper coordination and convergence in similar work be made to deal with the problem of child labour in an effective manner.

(h) The greatest loopholes in the Child Labour (Prohibition and Regulation) Act, 1986 is that, it is silent on rehabilitation of child labour after prosecution of his/her employer, which is the question of his/her bread and butter. Necessary changes in the act must be made to provide a comprehensive rehabilitation package for such children.

(4) Teacher's Incentives:-
(a) Due to meager incentives project staffs are de-motivated. They are like ticking bombs before NCLP and a threat to the project. It is a challenge before the scheme to make these project personnel committed and dedicated.

(b) Payment of teachers which is a main factor for de-motivation should be enhanced.

(c) Motivational training to teachers at regular interval will be feeble to keep up their motivation level. Instead of that, if some career advancement programmes like preference in admission of C.T. /B.Ed. may be given to teachers of NCLP based on their experiences, then it may boost up their motivation and attitude.

(d) Since the family records are available with the District Labour Officers, he or NCLP teachers as his nominee should have the power to recommend to the concern authorities of different departments to include parents of child labours under different welfare/developmental scheme of government. This recommending power will be an incentive for the teachers.

(5) Awareness Generation:-
(a) Most of the children as well as parents are not aware about the provision of vocational education, which requires awareness among them. Special awareness camps at village level should be organized at regular intervals for parents as well as children.

(b) As teachers are working at grass root level, they may be involved in awareness generation process and adequate resources may be allocated to them.

(c) Parents may be sensitized to send their children to schools as it is now their basic right.

(6) Family Support:-

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(a) As poverty is the main cause of child labour, poverty elimination programme should be included as a programme component of NCLP. Special steps must be taken for the families of child labour below poverty line to raise their economic condition. It should given top priority.

(b) NCLP fails to target the families of child labour which is the real source of child labour. A special family strengthening programme must be put in place for socio economic development of the child labour’s families. The programme should include components like income and employment generation activities, wage earning schemes, sensitization and awareness camps etc, for their integrated development.

(c) Incase NCLP cannot have independent programmes in the presence of other poverty elevation programmes under Panchayat Raj, Rural Development departments, at least an appropriate methods of convergence of all such schemes may be made to effectively benefit the parents of child labour.

(7) Follow Up/Mainstreaming:-

(a) NCLP should give priority to mainstreaming as well as post mainstreaming problems.

(b) Establishing a better tie up between NCLP schools and formal school system to facilitate a smoother process of mainstreaming.

(c) 27 students out of 80 mainstreamed children are found to be studying and status of rest 53 are unknown establish that though NCLP claim for an encouraging figure of mainstreamed children, in reality it is far below than the projected figure. Mainstreaming should not closed at the end of three years of education cycle, which may be a part of school functions but NCLP as a project needs to keep the records of those who have mainstreamed into the formal schools, until they are in a position to enter into livelihood activities.

Kerala a small Indian state has taken remarkable action to eradicate child labour not by any special efforts but by just strengthening primary education system. Other states may apply the Kerala formula to put an end to the issue of child labour. Thus, government’s initiative, functionaries’ sincerity in discharging their duty, judiciary activism and above all participation of informed and aware people can help to address the issue of child labour in India.
Reference:-


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