NATIONAL AND INTERNATIONAL INITIATIVES FOR THE ELIMINATION OF CHILD LABOUR

“The service of India means the service of the millions who suffer. It means the ending of poverty, ignorance, disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every year. That may be beyond us but as long as there are tears and suffering so long our work will not be over”.

(Pt. Jawahar Lal Nehru)

Child labour is a multi-dimensional problem and it is too complex in nature, that it can not be abolished by a single approach. Government of India, state governments International Labour Organisation (ILO), UNICEF, various non-governmental organization do a lot of efforts to eradicate child labour from its roots. The government of India had started their efforts to eradicate child labour since independence. Various policies and laws for the eradication of child labour, passed by the government are going to be discussed.

6.1 Government Initiatives for the Eradication of Child Labour

Undoubtedly, law is a framework of society. It is the law which compels the people to maintain a disciplined atmosphere in the society. Nobody can exploit or harm to others due to legal provisions. But it is a bitter truth that inspite of laws to protect the interest of the people, violation of law is seen in the society, there are several laws for the protection of working children, but the fact is that children are exploited every where in terms of wages working hours and working conditions. Government started their efforts
from 1931 at the Karachi Session of Indian national Congress. Its basic features were:

- The state shall safeguard the interests of the industrial worker.
- It will secure for the worker a living wage, healthy conditions, and limited hours of work.
- It will provide a suitable mechanism for the settlement of disputes between employer and workmen.
- It will ensure protection against economic insecurity arising out of old age, sickness, unemployment and death.
- Labour will be freed from serfdom and conditions bordering on serfdom.
- Children of school-going age should not be employed in factories and mines.
- Workers shall have the right to form unions to safeguard their interests.

These highlights of the Karachi Resolution were incorporated in the final report of the labour sub-committee presented to the Indian National Congress in May 1940. The highlight of the report are:

- Working and living conditions of children including hours of work, would be regulated.
- The minimum age of employment of children should be progressively raised to fifteen in correlation with the education system.
- Working hours should be limited to forty-eight hours per week and nine hours per day.
A mechanism for fixing wages should be established in order to secure for workers a living wage and a minimum wage (Mishra and Mishra, 2004).

In 1931, another commission was also formed to enquire the condition of working children. The Whitley Commission report of the Royal Commission on labour in India was shocked by the worst condition of children working in factories and observed that

In many cities, a large number of young boys are employed for long hours, and discipline is strict. Indeed, there is reason to believe that corporal punishment and other disciplinary measures of a reprehensible kind are sometimes resorted to in the case of smaller children. Workers as young as five years of age may be found in some of these places working without adequate meal, intervals or weekly rest days and 10 or 12 hours daily for sums as low as two annas is in the case of those of tenderest years (Rajawat, 2004).

The commission, therefore, appropriately recommended legislation to fit the minimum age for employment of children at a higher level than that obtaining in many industries. In the following years, the minimum age for employment of children was fixed 12 years under the factories Act and 15 years under the Mines Act.

The recommendations of the Royal Commission of labour that were finalized in 1931 came up for discussion in the legislative Assembly and the children (pledging of Labour) Act, 1933 was passed. This is the first statutory enactments dealing with child labour. This law prohibits parents and guardians from pledging the services of a child. The children (pledging of labour) Act, 1933 was followed in quick succession by the employment of Children Act, 1938.
The Employment of Children Act 1938 has so many loopholes, it cannot properly address the problem of child labour and suffered from the following infinities.

- The act did not attempt a formal definition of the child.

- It was unclear and ambiguous in its scope and content in as much as it classified into two Categories for the purpose of prohibition and regulation of their employment. The first Category of children were those below the age of fourteen who were prohibited from working in five occupations listed in the act. The second category was those who had completed 14 years but were below seventeen. The could be employed in the prohibited occupations provided they were allowed a period of rest. (Rajawat, 2004)

Government forms 16 member committee on child labour in 1979 under the supervision of M.S. Gurupadswamy. The government had directed them that, firstly they have inquire the various causes responsible for child labour and also suggest measures to protect children from work.

The committee submitted its report with following recommendations:

- The existing laws relating to prohibition and regulation of employment of children should be consolidated into a single comprehensive code in order to prevent any ambiguity in respect of the basic objectives.

- In case of child labourers, the periodical medical check-ups should be linked up with the national health scheme.
• In the areas where there may be concentration of working children, arrangement should be made for non-formal education.

• In the areas where there are large number of working children, recreational and cultural activities should be provided (Kulshreshtha, 1994).

Labour Ministry were considered these recommendations and felt that health and safety of the children at workplaces need to be ensured and children should be protected from long working hours and night shift.

In the seventh five year plan (1985-90), National development council is of the view that elimination of child labour is not feasible, and the abolition of child labour could only be achieved by improving the condition of the families of child labour. Government have launched a new policy i.e. National Child Labour Policy 1987. A national authority on elimination of child labour was constituted under the chairmanship of union labour minister with secretaries of nine departments of government of India concerned with child labour to oversee the implementation of schemes using the fund. A comprehensive programme of action drawn up to release two million children employed in hazardous nature of work by 2002 A.D. A conference of 62 district collectors was held in September, 1995, to give a final shape to the Action plan. Finally, 76 projects were sanctioned in 76 districts to translate the plan to action known as National Child Labour projects (V.V.G.N.L.I., 1998).

The major objectives of the National Child Labour projects are:

• Stepping up enforcement of child labour laws;
• Non-formal education
• Adult education
• Income and employment generation;
• Special schools;
• Raising public awareness; and
• Survey and evaluation (Mishra and Mishra, 2004)

The principal agency was formed to implement these project, and registered it under the societies Act 1860. The projects are being carried out by local NGOs. Abolition of child labour needs an effective mechanism, which actively participates and provide inputs for policy formulations.

A child labour unit was set up in V.V. Giri National Labour Institute 1990 in order to properly address this multi-fold problem. This unit was further promoted to the National Resource Centre on Child Labour (NRCCL) in March 1993. The main aim of the promotion of child labour unit as a National Resource Centre on child labour is to assist central and state governments, non-governmental organizations, policy makers, legislators and social groups. The NRCCL is funded by labour ministry, government of India and UNICEF.

National Resource centre on child labour has built up an impressive and one of the largest documentation on child labour and is now assisting the Ministry of Labour in the implementation of child labour projects. The NRCCL has set two kinds of goals for itself. The long term goal includes to establish Regional Network Centres and to identify partners in Asian countries. The centre’s short term goal is to establish centres in states with high concentration of child labour (V.V.G.N.L.I., 1998).
Research and training are the two main features of the NRCCL. But in spite of this NRCCL do various jobs like documentation and dissemination, publication, workshops, networking, and seminars etc. NRCCL research always tries to explore the new aspects of child labour and create greater awareness on the nature, magnitude and dimensions of child labour and it also provides technical support services to various agencies like trade unions, non-governmental organizations, universities and others engaged in the implementation of child labour projects. The centre provides latest data on aspects of child labour form its researches through its various publication. The NRCCL has its close collaboration with International labour organization, UNICEF, state labour institutes, NGOs, trade unions, employers organizations and judiciary.

The centre has established a network with about 400 NGOs in assisting them through various ways of implementing child labour programmes. Apart from the NRCCL, the institute has set up a legal studies cell in September 1997, with a view to provide legal support services on child labour to national and state governments, policy makers, legislators and social groups. The main activities of the cell are

- To review the existing child labour laws;
- To conduct training or legal aspects of child;
- To examine the structure of enforcement system on child labour;
- To collect, analyse and disseminate information on judgements, orders and laws relating to child labour;
To provide legal support to prosecute or take on appeal a few cases relating to violation of laws on child labour (V.V.G.N.L.I., 1998).

All the laws passed by the government of India from 1957 of Karachi session of Indian national Congress for the betterment of child labour seem to have had very little impact to combat children from work. Then government of India had introduced a new child labour prohibition and Regulation 1986 and has passed in both the houses of parliament in order to prohibit children from hazardous occupations/processes and this bill mentioned the hazardous work/processes, because before this, there is no procedure laid down in any law, which specified that certain types of work are dangerous for children, and children should be prohibited from those work.

The statement of objects and reason in the bill reads:

There are a number of Acts which prohibit employment of children below 14 years in certain specified employment. However, there is no procedure laid down in any law for deciding in which employments, occupations or processes the employment of children should be banned. There is also no law to regulate the working conditions of children in most of the employments where they are not prohibited from working and are working under exploitative conditions.

The Bill attempts to achieve the following objectives:

- Ban the employment of children, i.e. those who have not completed their fourteenth year in specified occupations and processes.
- Lay down a procedure to decide modifications to the schedule of banned occupations or processes.
• Regulate the conditions of work of children engaged in forms of employment in which they are permitted to work.

• Prescribe enhanced penalties for employment of children engaged in forms of employment in which they are permitted to work.

• Prescribe enhanced penalties for employment of children in violation of the provisions of this act and other acts that forbid the employment of children.

• Establish uniformity in the definition of child in laws concerning them.

This bill generated a lively debate in the Indian parliament. The members had also expressed apprehensions and reservations regarding the following:

• Past experience shows that labour laws are never implemented. The child labour (Prohibition and Regulation) Act will become yet another exercise in futility.

• Hazardous work does not become safe merely because it is performed at home.

• Any scheme of exemption provided in a law is bound to be misinterpreted and misused.

• The intention of government should be not to regularize child labour merely because it exists.

• A one-sided and half-hearted approach of banning child labour in few establishments and regulating it in few others without adopting a holistic or integrated approach, without solving the problem of poverty and
economic deprivation, without enforcing the minimum wages Act, without resolving the problem of universal enrolment and retention of all children of school going age in the formal school system will serve little purpose.

6.1.2 The Violation of the Child Labour (Prohibition and Regulation Act) 1986

The proviso to section 3 of the act has resulted in large scale misinterpretation and misuse of the provisions of law, and is per se misconceived. The nature of a hazardous occupation does not change merely because it is performed at home or in any part of the residential premises with the help of the family members. The beedi industry, with its rolling, labeling and packing operations, is a hazardous occupation. The continuous bending causes backache; continuous inhalation of tobacco is harmful to the respiratory system, and none of these problem is minimized because the operations are carried out a home. Widespread poverty and the dearth of other more worthwhile and lucrative occupations have driven millions of families to take to beedi rolling. The same applies to carpet weaving which entails sitting in a particular posture for long hours, in an unhealthy environment, subjecting the worker’s fingers to continuous strain at a time when they should be used for writing and arithmetic. The logic and rational of granting exemption under proviso to section 3 is, therefore, not easily established. Section 10 and 16(2) provide for determination of age of the child in the case of any dispute regarding age. According to section 10, in the event of any dispute regarding the age of a child between the inspector and the occupier, the question should
be decided on the basis of a certificate of age provided by the prescribed medical authority to whom such an issue has to be referred for decision. This is a provision of the law that is most difficult to implement. The inspector represents the prosecution and the Acts puts the onus of proving age on the prosecution. The inspector appointed as such under the law is not only required to inspect the establishment, observe and record acts of omission and commission on the part of the employer in regard to violation of the statutory provision on employment of children but also to record the age of the children employed and establish their ages before the trial court with the help of the prescribed medical authority.

According to an interpretation of the law provided by a competent legal authority, section 10 should be read to mean that it is upto the inspector to adduce such evidence as he deems fit to underscore his reasons for not accepting the age shown by the occupier, and in the absence of a certificate of age from the prescribed medical authority for obtaining his certificate. The prescribed medical authority is required, in turn, to take into account the material made available by the inspector on the basis of which the latter has formed his opinion, when certifying the age of the child. This merely means that when the court is unable to reach a definite conclusion on the basis of evidence already produced by the inspector and the occupier in accordance with the rules of evidence, then the opinion of the prescribed medical authority has to be obtained as an aid in deciding the question of age. There is no further requirement or restriction in section 10 on the power of the court to determine the disputed age of the child. Section 10 has to be read with sub-section 2 of sec. 16. This provision specifies that a certificate of age granted by the
prescribed medical authority shall, for the purpose of the Act, be conclusive evidence of the child’s age. This provision means that the court’s power to determine the child’s age is taken away by sub-section [2] of sect. 16 declaring a medical certificate to constitute conclusive evidence. There is no satisfactory system of recording the births and in the absence of this, particularly in rural areas, it is extremely difficult to determine the age of a child precisely. Callous and unscrupulous establishments employing children below 14 years often tend to take advantage of this lacuna. They in collusion with the prescribed medical authority, obtain a falsified certificate. This creates enormous problems for the courts, for they are obliged to treat the medical certificate as conclusive evidence under sub sect. 2 of section 16 of the act (Rajawat, 2004).


6.1.2 A Proviso to Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986

According to a correct interpretation of the law, the house of the person employed for this purpose is not a ‘workshop’ of the ‘occupier’ within the meaning of the proviso to section 3 and Members of the family who assist the employees home are not covered by the ‘expression his family’ in the
proviso. If such an interpretation is accepted, the weakness attributed to the proviso to section 3 is invalid.

In the manufacturing of beedies a beedi (local cigarette) contractor or sub-contractor hands over the raw materials (tendu leaf, tobacco) to the persons employed for the purpose of rolling beedies and permits them to take the raw materials to their homes to roll instead of rolling them in the premises of the manufacturers (occupier). The same is true in carpet weaving. Children may weave carpets at home along with other members of the family but they do so using raw materials delivered to them by the contractor/subcontractor or any other agent of the manufacturer.

Most state governments/union territories, and district administrations tend to include jobs, operations and processes that are carried out within a residential premise as falling within the purview of the proviso to section 3 and tend to extend the protection to workers who are engaged in these jobs, operations and processes that are logically not extendable.

6.1.3 The Minimum Wages Act

The minimum wages act was introduced in 1948 with the objective of fixing, reviewing, revising and enforcing the minimum rates of wages relating to scheduled employments to be notified under the law by the appropriate government, i.e. central and state. The intention of the act is to fix minimum rates of wages in employments in which the labour force is vulnerable to exploitation, i.e. is not well organized and has no effective bargaining power. ‘Minimum wage’ has not been defined in the act.
The minimum wage represents the basic subsistence wage below which no employer can go although nothing prevent him from paying above this statutorily notified wage. According to the judgement of supreme court, an industry or industrial establishment does not have the right to exist if it cannot guarantee payment of the minimum wage.

The following five norms recommended by the Indian Labour Conference in its 15th session held at Nainital for fixation and revision of minimum wages.

- Three consumption units for one earner.
- Minimum food requirement of 2700 calories per average Indian adult.
- Clothing requirements of 72 yards per annum per family.
- Rent corresponding to the minimum area provided for under the government’s industrial housing scheme.
- Fuel, lighting and other ‘miscellaneous’ items of expenditure to constitute 20 per cent of the total minimum wage.

The honourable Supreme Court of India in its judgement in the case Reftakos Brett and Co. vs. Others, Civil Appeal No. 4336 of 1991, held that the following should be added to the names and criteria already recommended by the ILC:

- Children’s Education;
- Medical requirement;
- Minimum recreation;
- Provision for old age;
- Marriage.
There are, however, two provisions in the law that have a direct relevance to child labour and which, in the context of our thinking on the issue, are not conducive to the central objective of elimination of child labour. These are sub-section 3 of section 3(a) and Rule 24 are the following:

(3) In fixing or revising minimum rates of wages under this section:

(a) different minimum rates of wages may be fixed for:

(i) different scheduled employments

(ii) different classes of work in the same scheduled employment;

(iii) adults, adolescents, children and apprentices.

**Rule 24**

**Number of hours of work which shall constitute a normal working day**

The number of hours which shall constitute a normal working day shall be:

(a) In the case of an adult, nine hours;

(b) In the case of a child, four and a half hours (Rajawat, 2004)

**6.2 International Labour Organisation’s efforts of child labour elimination**

International labour organization is considered as an international agency concerned with child labour as a specialized agency of United Nations organizations. It came into existence after the first world war in 1919 as part of the league of Nations with the objectives of eradicating child labour.

The basic objective of the ILO is the betterment of labour by ensuring international cooperation for some minimum and uniform standards. The
ultimate aim of abolition of child labour is not only consistent with its basic objectives and policies, it is an integral part of it (Kulshreshtha, 1994).

The ILO adopted its first convention on child labour in the very year of its inception i.e. 1919. The minimum Age (Industry) convention 1919 (No. 5) sets the minimum age for regular industrial work, excluding family enterprise and technical schools, at 14. In 1937, this convention was revised and the minimum age was raised to 15.

**Table 6.1**

**ILO Minimum Age Conventions, 1920-65**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Occupation</th>
<th>Convention</th>
<th>Minimum age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Seamen</td>
<td>No. 71920</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No. 581936</td>
<td>15</td>
</tr>
<tr>
<td>2.</td>
<td>Agriculture</td>
<td>No. 101921</td>
<td>14 (Except out of school hours)</td>
</tr>
<tr>
<td>3.</td>
<td>Mining</td>
<td>No. 1231965</td>
<td>16</td>
</tr>
<tr>
<td>4.</td>
<td>Non-industrial</td>
<td>No. 331932</td>
<td>14 (but allows children over 12 to be employed outside of school hours on light work)</td>
</tr>
</tbody>
</table>

A detailed analysis of the ILO conventions on the employment of child labour and young persons, the aims and objectives of these international standards, whether the conventions have been ratified by India and the reasons for their non-ratification is given in Table 6.2 (Mishra, 2000).
<table>
<thead>
<tr>
<th>S.No.</th>
<th>Title of the Convention</th>
<th>Aim</th>
<th>Status of ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Convention no. 5: Minimum age (Industry) 1919</td>
<td>To prohibit employment of children under the age of 14 in any public or private industrial undertaking</td>
<td>Ratified on 9.9.55</td>
</tr>
<tr>
<td>II.</td>
<td>Convention no. 10: Minimum age (Agriculture) 1921</td>
<td>To provide that children under the age of 14 may not be employed or work in any public or private organizational undertaking or any branch thereof save outside the hours fixed for school attendance</td>
<td>Not ratified, because of lack of resources which will be required for its implementation, as it is related to a vast and unorganized field.</td>
</tr>
<tr>
<td>III.</td>
<td>Convention no.33: Minimum age (Non-industrial employment) 1932</td>
<td>To provide that children under 14 or those over 14 years who are still required by national laws or regulations to attend primary school shall not be employed in any employment to which this convention applies</td>
<td>Not ratified, because a latter convention on the subject has come into force</td>
</tr>
<tr>
<td>IV.</td>
<td>Convention no.59: Minimum age (Industry) (Revised) 1937</td>
<td>To prohibit employment of children under the age of 15 in any public or private industrial undertaking.</td>
<td>Not ratified, because of variations in the nature of wide spread mines and lack of effective system of medical examination.</td>
</tr>
<tr>
<td>V.</td>
<td>Convention no.60: Minimum age (Non-industrial employment) (Revised) 1937</td>
<td>To provide that children under 15 years or children over 15 years who are still required by national laws or regulations to attend primary school shall not be employed in any employment to which this convention applies.</td>
<td>Not ratified, because the subject matter is primarily of the state’s concern whose laws on shapes and commercial establishments vary with one another, and, therefore, a national consensus on the issues involved is called for.</td>
</tr>
<tr>
<td>VI.</td>
<td>Convention no.123:</td>
<td>To provide that persons</td>
<td>Ratified on 20.3.75.</td>
</tr>
<tr>
<td>VII.</td>
<td>Convention no.:138 Minimum age 1973</td>
<td>The convention relates to the abolition of child labour. The minimum age for admission to employment or work shall be not less than the age of completion of compulsory schooling (normally not less than 15 years). Developing countries may, however, initially specify a minimum age of 14 years.</td>
<td>Not ratified, because there is absence of an omnibus provision fixing a minimum age of entry to employment.</td>
</tr>
<tr>
<td>VIII</td>
<td>Night Work convention no.6: Night work for young persons (Industry) 1919</td>
<td>Abolition of night work for young persons in any public or private industrial undertaking. The provisions of the Convention have been modified for India.</td>
<td>Ratified on 14.7.21.</td>
</tr>
<tr>
<td>IX</td>
<td>Convention no.79: Night work for young persons (Non-industrial occupation) 1966</td>
<td>To provide that children under 14 years of age who are admissible for full time or part time employment and those over 14 who are still subject to full time compulsory school attendance shall not be employed nor work at night during a period of at least 14 consecutive hours including an interval between 8 p.m. and 8 a.m.</td>
<td>Not ratified, because it requires review at the national level of various state enactments relating to shops and commercial establishments.</td>
</tr>
<tr>
<td>X</td>
<td>Convention no.:124 Medical examination of young persons (Underground work), 1965, Seafarer’s conditions for admission for employment</td>
<td>To provide that a thorough medical examination and periodic re-examination at intervals of not more than one year for fitness for employment shall be required for the employment or work in underground mines of persons under 21 years of age.</td>
<td>Not ratified, because of its wide coverage.</td>
</tr>
<tr>
<td>I</td>
<td>Convention no.15: Minimum age (Trimmers, stokers) Convention 1921</td>
<td>To prohibit employment of young persons of below 18 years at trimmers and stockers in port. If persons of over 18 years are not available then young persons between 16 and 18 can be employed. trimmers/stockers below 16 years can be employed, subject to medical fitness, in the coastal trade of India.</td>
<td>Ratified on 20.11.22</td>
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<tr>
<td>II</td>
<td>Convention no.16: Medical examination of young persons (Sea) Convention 1921</td>
<td>Young persons under 18 years of age can be employed on any vessel on the production of a medical certificate attesting fitness for such work.</td>
<td>Ratified on 20.11.22.</td>
</tr>
</tbody>
</table>

Convention No. 138, coupled with recommendation No. 146, is the most comprehensive international instrument and statement on child labour. Convention No. 138 applies to all areas of economic activity (factories, mines, plantations, the sea etc.) regardless of whether the clutches are employed for wages or not convention No. 138 has three articles, which are the following.

Article 1 – Each member for which this convention is in force undertakes to pursue a national policy designated to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2 – The minimum age specified in pursuance of paragraph 1 of this article shall not be less than the age of completion of compulsory schooling and on any case, shall not be less than 15 years.
Article 3 – The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young person shall not be less than 18. The main drawback of the convention No. 138 is that it does not speak about a single minimum age, rather it speaks of various minimum ages depending on the type of employment and work (Mishra, 2000).

Table 6.3
Minimum Age of Entry to Employment in accordance with Convention No.138

<table>
<thead>
<tr>
<th>S.No.</th>
<th>General Minimum Age</th>
<th>Light work</th>
<th>Hazardous work</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>In normal circumstances, 154 (not less than compulsory school age)</td>
<td>13 years</td>
<td>18 years (16 years conditionally)</td>
</tr>
<tr>
<td>2</td>
<td>Where economy and educational facilities are insufficiently developed</td>
<td>12 years</td>
<td>18 years (16 years conditionally)</td>
</tr>
</tbody>
</table>

The convention no. 138 contains flexible provisions and saving clauses. The figures present a very disappointing picture with regard to its ratification. By 1979 only 13 countries had ratified it and by 1988 this figure rose to 36 (Fyfe, 1989).

Besides these convention and recommendations, the ILO has adopted a number of resolutions relating to protection of children and young persons. One of them is one of the 1945 by which the ILO has endeavoured to draw the attention towards the need of maintenance, health, education, employment, protection and general welfare of children and young persons (Kulshreshtha, 1994).
6.2.1 International Labour Organisation’s Efforts to Combat Child Labour

International labour organization has adopted three strategies to combat child labours. The first strategy was legislative phase (1919 to 1973). During this phase the ILO was completing their standards upto convention 138 and recommendation 146, with the present doctrine in this area. The second strategy was that, the ILO, through their publications and meetings, exposed the problem publicly by denouncing abuses committed and highlighting the results of certain positive actions. In their third strategy i.e. more recently, the ILO have been involved in a technical consistence phase to help member states who ask for it.

One of the principal ways in which the ILO has tried to combat child labour is through the adoption and application of international labour standards and secondly through International programme on the Elimination of Child Labour (IPEC) with the launching of this programme, which is operational since 1992, the ILO has embarked on a course of action to put an end to this problem.

6.2.2 International Programme on the Elimination of Child Labour

International labour organization launched IPEC with an aim to progressively eliminate child labour worldwide. India was the first country to join the programme in May 1992. The IPEC became fully operational in late 1992 when India, Brazil, Kenya, Thailand, Turkey and Indonesia signed it. IPEC is operational in 30 countries (Mishra and Mishra, 2004).
The IPEC gives priority to the eradication of the most abusive and exploitative types of child labour. It is rightly considered as the ILOs “Operational arm” in the fight against child labour. The IPEC is flexible in responding to the country’s needs in addressing their specific child labour (Joseph, 1992-95).

Its strategy rests on the commitment of individual governments to address child labour in cooperation with employers and workers organizations, non-governmental organization and the media, in a broad social alliance. A government’s will and commitment to do so are expressed in its singing of a memorandum of understanding with the international labour organization (International labour review).

6.2.3 Aims and Objectives of IPEC

The main aim of IPEC is the elimination of child labour in a phased manner. It can be done in two ways. Firstly, by strengthening the capability of countries to deal with the problem and secondly, by promoting a worldwide movement to combat child labour. Eventually, this problem can be solved only from within the countries themselves. Thus ILO-IPEC strives to do certain things. Some of them are

- To support national efforts in order to combat child labour and to build up a permanent capacity to tackle the problem.
- To give priority to the eradication of the most hazardous and exploitative types of child labour (IPEC Filer)

The objectives of this programme were:
• To contribute substantially in the long term to the elimination of child labour in a selected group of countries;

• To enhance the capability of the member states so that they can design and implement policies and programmes to effectively protect working children and combat child labour.

• To increase awareness of member states and the international community as a whole as to the dimensions and consequences of child labour and national obligations under international law.

Keeping these objectives in mind, the activities were set, accordingly, in the wider context and the activities were linked to the transitional process of regulation and protection of working children, this came down to a two-track approach: firstly, to provide support where the political will to act existed, secondly, to help mobilize and exert pressures within countries where this was not the case. It was expected that NGOs would play a leading role in national campaigns alongside employees and workers organizations (IPEC, 1994).

So far as India is concerned, the IPEC programme is guided by a national steering committee. The chairman of which is the secretary, Ministry of Labour under IPEC, India has undertaken certain important initiatives, some of which are as follows:

• Rehabilitation of about one lakh working children employed in hazardous and other extremely adverse conditions across the country;

• Sensitizing trade unions in the country to the evils of child labour and motivating them to play a prominent role against it.
• Making government and non-government agencies, semi-government institutions, autonomous bodies, etc. aware of how important an area of concern it is and building up their capacity to tackle the problem;

• Conducting research studies to understand the implications of child labour and documenting them;

• Training labour inspectors on the effective enforcement of child labour laws, training NGOs and institutions on various aspects relating to child labour, including the design, management, and evaluation of projects for its elimination.

• Mobilizing employers and their organizations against child labour and sensitizing them against employment of children;

• Setting up a child labour cell in the National Institute of Rural Development (NIRD), Hyderabad to assist the central and state government in introducing policy changes to combat child labour in rural areas, training elected personnel and officers of related departments, and developing the capability of the NIRD to conduct action research and undertake the evaluation of child labour projects;

• Integration of a child labour component in joint government of India – UN products on primary education.

• Developing training packages to promote sustainable income generation activities for mothers of children rehabilitated from (particularly, intolerable and exploitative) work to substitute the fall in family income on account of withdrawal of the child from work etc (Mishra, 2000).
6.2.4 Preventive Measures of ILO-IPEC

The ILO-IPEC has established three priority target groups in order to achieve the ultimate goal of eliminating child labour, which is already in progress. The three priority target groups are:

- Those children who are in hazardous working conditions and occupations.
- Those who are very young working children (under 12 years of age)
- Those children who are in hazardous working conditions and occupations (Mishra and Mishra, 2004).

6.2.5 The Working of IPEC Programme

So far as the working of IPEC programme is concerned, it pursues a phased, multi-sectoral strategy, beginning with the “situational analysis” of the nature and magnitude of child labour in a given country. Assistance in policy design, institution building, awareness raising, development and application of protective legislation and support to direct action are some of the subsequent steps involved in the working of the IPEC (International Labour Review, 1997).

With regard to the implementational aspect, it can be said that the IPEC was implemented in a highly decentralized manner. The best way to strengthen the capacity of partner organizations, as per ILO-IPEC’s thinking, is to apply a phased and multi-sectoral strategy against child labour so as to establish an international climate conducive to action. This would include the following: the collection and dissemination of statistical information, the networking of government agencies, social partners and NGOs, advocacy through mass media
and targeted at policy makers, improved coordination with international agencies, and an international exchange of views and experiences (IPEC, 1994).

The National Steering Committees were to look into the development of national programmes. The day to day implementation of the national programmes and the preparation of information for the National Steering Committee was done by the national programme coordinator. He was supervised by the director of the ILO Area office and worked under the technical guidance of IPEC at headquarters.

Another body known as the programme steering committee (PSC) was created to review the general strategy of IPEC and of national programmes. The committee also examine a work plan and budget for a period of two years. The PSC receives annual reports submitted by the office and suggest priorities for the programme. The PSC consist of one representative of the ILO and the donors, one participating countries representative, one employer and worker representative and observers from UNICEF and UNESCO (Mishra and Mishra, 2004).

Under the IPEC, a wide variety of interventions was devised. But rehabilitation of child labour through non-formal education was given a central place. Accordingly around one lakh working children were rehabilitated under various non-formal education programmes, largely implemented by NGOs. An evaluation of the IPEC conducted in 1999 are the following.

In most of the schools the child were found happy and eager to learn. This is reflected in a significantly higher (96-98 per cent) level of attendance as
well as retention in these schools. The implementation of these programmes has also demonstrated that the beneficiaries and their families were willing to accept adjustments to the consequential income losses (Mishra, 2000).

The evaluation team further found that the IPEC had a significant impact on child labour in the country through a variety of interventions. Both IPEC and the national programme on child labour have reinforced each other. As a result, “the issue of child labour has been brought to the national forefront and a more conducive climate has been created to tackle this problem” (Mishra, 2000).

IPEC has further sharpened its focus on priorities, it has launched a new programme “Action against the most intolerable” forms of child labour (AMIC) during 1997-2001. AMIC specifically supports those programmes which aim at the immediate eradication of bonded child labour; the commercial sexual exploitation of and trafficking in children; child labour in domestic service; child labour in dangerous industries, occupations and working conditions.

There are two categories of IPEC programmes (a) action programmes and (b) Mini programmes. The action programmes deals with specific issues. Under this programme education (part time or full time) is provided in non-formal education centres. The main aim of these programme is to strengthen the capabilities of institutions and partner groups in order to sustain efforts towards the elimination of child labour. Most of these programmes were implemented through NGOs. On the other hand the main aim of mini programmes is to help partner organizations to carry out preparatory activities
(surveys, training or meetings) for possible future action programmes, awareness raising activities and evaluation and audits of IPEC activities (Mishra and Mishra, 2004).

6.3 UNICEF and Child Labour

UNICEF is working as a principal agency for child labour because of its specific responsibility for child labour welfare. It urges on the need of giving priority to efforts for the immediate elimination of hazardous and exploitative child labour and urgent support for education, so that children may acquire the knowledge and skills that can enable them to improve their lives. Besides, it also stresses on the need for basic services, social development strategies, income generation measures and legal protection for children, their families and communities (Summary of UNICEF, 1996).

Over the years, the international approach to children has changed dramatically. The initial idea that children have special needs has given way to the conviction that children have same set of rights which the adults have. These rights are civil and political, social, cultural and economic and are termed as human rights. Since child labour has been treated as a human rights issue, it becomes pertinent to point out the various United Nations pronouncements on human rights relating to child labour. These pronouncements are:

- The Universal Declaration of Human Rights, 1948
- The International Covenant on Human Rights, 1966
- The Supplementary Convention on the abolition of slavery, 1956
The convention for the suppression of the traffic in persons and of the exploitation of prostitution of others, 1949

The Declaration of the Rights of the Child, 1959

In order to take up the human rights dimensions of child labour, effectively, the NGOs have lobbied United Nations Agencies (particularly UNICEF) to pay more attention to the issue (Fyfe, 1989).

The twin movements on behalf of children – one based on ‘rights’ and the other on ‘needs’ have come together and formed one whole. The ‘rights’ approach focuses on those who are disadvantaged by denial of specific legally constituted rights. But reaching children with ‘basic needs’ – under the terms of the convention, on the rights of the child – target a virtually identical group. Those who are disadvantaged by unmet rights and those who are disadvantaged by unmet needs are ultimately the same children.

Children do a variety of work in widely divergent conditions and this work can become exploitative also especially when child labour involves:

- Full time work at too early an age;
- Too many hours spent working;
- Work that leads to undue physical, social or psychological stress;
- Inadequate pay and too much responsibility;
- Work in bad conditions;
- Work as a slave or bonded labour
- Work that hampers access to education; and
• Work that retards full social and psychological development (Mishra and Mishra, 2004).

These exploitative kinds of work endangers child’s development from the following angles:

• Physical development – including overall health, coordination, strength, vision and hearing;

• Cognitive development – including literacy, numeracy and acquisition of knowledge necessary to normal life;

• Emotional development – including adequate self-esteem, family attachment, feelings of love and acceptance;

• Social and Moral development – including a sense of group identity, the ability to cooperate with others and the capacity to distinguish right from wrong (Bequele and Myers, 1995).

Besides all these, they are also vulnerable psychologically. They suffer devastating psychological damage especially in an environment where they work as slaves or bonded labour and where their self-esteem and dignity is undermined. All the sufferings and exploitations can be tackled with the help of education. Education helps a child development cognitively, emotionally and socially. UNICEF believes that education can be taken to child workers more directly. UNICEF considers that child exploitation is not an accident, rather it is done purposely. In certain industries, like the carpet industry and in electronic assemblies, children are employed because of the dexterity of their small fingers.
UNICEF has evolved two approaches towards improving the lives of working children.

- Using legal instruments to limit and define the conditions under which children work;
- Transforming the nature of work itself

So far as UNICEF India’s position is concerned, it aims to abolish child labour within a specific period of time in a phased manner. The UNICEF India policy on child labour is given below.

- All forms of child labour should be eliminated to comply with agreed child rights.
- The enactment and enforcement of legislation to make primary education compulsory is a pre-requisite for the elimination of child labour.
- The modification and enforcement of existing legislation on child labour is a necessary, supportive measure for the elimination of child labour.

UNICEF seeks to strengthen non-governmental alliances which are effective in drawing public attention to the issue and generating social mobilization for the elimination of child labour.

UNICEF advocates a comprehensive strategy against hazardous child labour including compulsory education for children and employment for parents. UNICEF’s overall strategy is based upon advocacy for government to adopt and pursue former policies to eliminate child labour and promote compulsory primary education and for industry itself to respond constructively
to presumes to replace child with adult labour. The strategy further seeks to develop and strengthen new alliances with NGOs, industry, external agencies, media, academics and advocates, which may bring innovative approaches to bear on the removal of children from the workplace. UNICEF is willing to support the initiatives of state governments to enforce compulsory primary education in districts of concentration of child labour. UNICEF advocates for revision of Child Labour Act, as it has certain loopholes, and suggests that government should introduce more rigorous enforcement procedures (Mishra and Mishra, 2004).

6.4 Non-Governmental organization’s Efforts of Child Labour

Non-governmental organization’s acting as an important body in the elimination of child labour. The main characteristics of NGOs programme are that they have health and nutrition components, non-formal education, vocational training, recreational facilities.

The NGOs are independent of statutory authority and their policies are framed and controlled by their own members. The thought and action of these NGOs aim at the creation of such a society where good life shall be possible for all (Sachchidanand, 1981).

NGOs are neither government contractors, nor substitute for government, nor competitors of governmental actions. NGOs are important partners and collaborators of government and should be viewed as such. They generally organize themselves at various levels as groups and are prepared to accept responsibility for social action and to devote time and energies to achieve their objectives by means of democratic social action outside the
machinery of government. They try to bring about a structural transformation and social revolution (Mishra, 2000).

NGOs like the anti-slavery society, have produced some of the best documented country studies of child labour. Some other NGOs like the Geneva based Defence for child international have taken up the human rights dimension of child labour (Fyfe, 1989).

NGOs are actively involved in the elimination of child labour not only in India, but also abroad they are working for the integrated development of children and the elimination of child labour and also for the universalisation of elementary education. Some of the NGOs, which are working for the elimination of child labour are given below:

| * Lok Jumbish                  | - Rajasthan       |
| * Mamidepudi Venkatranghaiya Foundation | - Andhra Pradesh |
| * Ekalavy                     | - Madhya Pradesh  |
| * CREDA                       | - Uttar Pradesh   |
| * Theatre Action Group        | - Delhi           |
| * Indian Council for Child Welfare | - Delhi         |
| * Butterflies                 | - Delhi           |
| * SEWA                        | - Lucknow         |
| * Delhi Council for Child Welfare | - Delhi         |
All the above mentioned NGOs differ widely in their approaches, strategies and philosophies, but their ultimate goal is one i.e. complete abolition of child labour from the country.

6.4.1 Working Strategies of the Non-Governmental Organisations

The working strategy of the some NGOs are going to be discussed in detail.

The M.V. Foundation is based in Ranga Reddy district of Andhra Pradesh, was established in 1981. The main objective of the foundation is to eliminate child labour. According to the M.V. Foundation, a child labour is one who is not part of the school system. This is regardless of whether the children are engaged in wage work or non-wage work, are self-employed or working for others; or engaged in hazardous or non-hazardous occupations; are earning a daily wage or are employed on a contract basis. So far as the funding is concerned, the foundation has a unique method, i.e. every month a nominal amount on each ration card is collected. The accumulated money is known as school development fund and it provides infrastructure like school building, benches and blackboards for the education of the child labourers in the area. The foundation does not encourage Non-formal education (Bhargava, 2003).

According to Santha Sinha, of M.V. Foundation, its greatest failure is in its assumption that working children can not be withdrawn from work while the fact, there is an unfulfilled demand for formal education even among poor in rural areas has been totally denied (Bhattacharya, 2002-03).

So far as the children are concerned, they are no longer working, rather they are studying. Those children who have been withdrawn from work and are
studying, are acting as resource persons in the campaign against child labour. Parents have changed their attitude now and they are willing to invest in their children’s education and are no longer dependent on their education.

**Lok Jumbish** a Rajasthan based NGO working towards universalisation of elementary education. It encourages people’s participation and works towards the empowerment of women through education. Lok jumbish has initiated **Sahejshiksha** (non-formal education), under this programme a child is allowed to learn at his/her own pace. These kind of schools have been established in those areas where schools do not exist or where teachers do not go regularly due to distances. These programmes are funded by SIDA, central and state governments (Bhargaja, 2003).

**Arunodhaya**, a Chennai based NGO established in 1942, is a centre for working children and works for the cause of child workers. The basic objective of this centre is to work towards changing the hazardous and exploitative situation of child workers and to provide protection and assistance to those child labourers who have been victims of various forms of abuse and exploitation (Brochure of Arunodhaya).

Arunodhaya runs special schools, where children are trained by the staff of the NGO and once they get equipped with the lessons, they are enrolled into the formal schools by the NGO. These special schools are run with the aim provided by the child relief and you (CRY) and the ILO. After enrolling the child laborers into the formal school system, the NGO keeps a check on them in the sense that whether they are attending the formal school regularly or not.
For this, they conduct tuitions for them in the seven tuition centres which has been organized by the organization (Mishra and Mishra, 2000).

**Butterflies** a Delhi based NGO established in 1988 for the sake of the street children. They primarily started their work with destitute street children and later on expanded it to include coolie boys of INA market, and the street vendors and shoe blacks at Cannaught Palace as also the street girl children. Butterflies has a non-formal education programme, recreational activities and a saving scheme. Those boys who were school drops-out were motivated to join the open school (Mishra and Mishra, 2004).

**CREDA**, the Centre for Rural Education and Development Action was founded in 1981 and has been fighting child and bonded child labour. It has been conducting a wide range of activities in this area with active and widespread support form members of the local community. In 1992, when the IPEC and CLASP were initiated in India, CREDA was identified to implement some components of both (Mishra and Mishra, 2004).

**Asha Niwas** registered NGO initiated in 1976, work on the marginalized and exploited children of Chennai. The main objective of this includes: sponsorship and scholarship for education of the working children; continuing education for school drop-outs; non-formal education and vocational training for working children; shelter homes for working children; recreational activities; health care and health education programmes etc. (Annual Report, 1996).

The prime concept that is realized through this programme is retaining children in school and preventing them from becoming child workers.
**Ruchika Social Service Wing** was established in 1985-86 and targeted children who work on the platforms of the railway stations. The Bhubaneshwar railway station and nine other nearby stations were targeted in the first phase of the project which lasted for eighteen months. Non-formal education centres were set up on the railway platform itself and the children working in and around the stations were encouraged to attend the classes that were held each day for only two or three hours. A three tier strategy was developed for school enrolment. The children, around 300, who were attending the non-formal education centre were to be shifted to full time day centres located near the railway station. So far as the impact of this programme is concerned, it was heartening to note that in the first year of project itself, sixty working children were withdrawn from the workforce and admitted to regular schools (Mishra, 2000).

As all of us knows that child labour is a complex issue, there is a need to tackle this problem very carefully. The problem of child labour can not be solved through a single approach. Inspite of various efforts made by government of India, ILO-IPEC, UNICEF and NGOs, this social evil is still existent in our society. So, it became the responsibility of the every member of society that child must be eradicated from our society.