Appendices
CHILD POPULATION: EDUCATION AND ESTIMATES OF CHILD LABOUR IN INDIA 1951-1991

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Sources: Chaudhary, D.P. (1995), Dynamic Profile of Child Labour in India 1961-91

Notes: 
(i) 1951 full time students data is from the Census of India, Paper No. 5, 1954.
(ii) 1991 full time students Census data and full time Child Workers Census data is approximated from MHRD data & NSS estimates respectively.

APPENDIX-I
Governments' Obligations to Ensuring the Human Rights of Children:

Provisions of human rights law guarantee the Human Rights of Children?

Includes excerpts from the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention against Discrimination in Education, and the ILO Minimum Age Convention (No. 38).

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family and to the exercise of his social and cultural rights. Motherhood and childhood are entitled to special care and assistance. All children shall enjoy the benefits of government protection against abuse and neglect. Everyone has the right to education."

---Universal Declaration of Human Rights, Articles 25 and 26

"States Parties shall respect and ensure ... the survival and development of the child. States Parties recognize the right of the child to the highest attainable standard of health; shall strive to ensure that no child is deprived of his or her right of access to health care services; States Parties shall ... diminish infant and child mortality; ensure the provision of health care to all children. States Parties shall take all effective measures with a view to abolishing traditional practices prejudicial to the health of children. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. States Parties ... shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support, particularly with regard to nutrition, clothing and housing. States Parties recognize the right of the child to education. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse."

---Convention on the Rights of the Child, Articles 2, 6, 24, 27, 28, 32, and 34

"The States Parties ... recognize that special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States Parties ... recognize the right of everyone to an adequate standard of living; to the highest attainable standard of physical and mental health. The steps to be taken to achieve the full realization of this right shall include those necessary for the reduction of the stillbirth-rate and of infant mortality, and for the healthy development of the child. States Parties ... recognize the right of everyone to education."

---International Covenant on Economic, Social and Cultural Rights, Articles 10, 11, 12, and 13

"... Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or
birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State. Every child shall be registered immediately after birth and shall have a name. Every child has the right to acquire a nationality."

---International Covenant on Civil and Political Rights, Articles 6, 10, 23, and 24

"States Parties condemn discrimination against women in all its forms, agree ... to take all appropriate measures, including legislation, to modify or abolish existing laws, ... customs and practices which constitute discrimination against women. States Parties shall take all appropriate measures ... to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. States Parties shall ... eliminate discrimination against women ... in the field of education, ... in the field of health care." 

---Convention on the Elimination of All Forms of Discrimination Against Women, Articles 2, 5, 10, and 12

"The States Parties ... undertake ... to ... discontinue any ... practices which involve discrimination in education, ...; to formulate, develop and apply a national policy which ... will ... promote equality of opportunity and of treatment in ... education and in particular ... To make primary education free and compulsory; make secondary education in its different forms available and accessible to all; make higher education equally accessible to all on the basis of individual capacity, assure compliance by all with the obligation to attend school prescribed by law ...; To encourage and intensify ... the education of persons who have not received any primary education or who have not completed the entire primary education. It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and ... the use or the teaching of their own language." 

---Convention against Discrimination in Education, Articles 3, 4, and 5

"Each Member ... undertakes to pursue a national policy ... 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. The minimum age ... shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. 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 persons shall not be less than 18 years." 

---ILO Minimum Age Convention (No. 38), Articles 1, 2, and 3

**Governments' Commitments to Ensuring the Human Rights of Children:**

Includes commitments made at the Earth Summit in Rio, the World Conference on Human Rights in Vienna, the International Conference on Population and Development in Cairo, the World Summit for Social Development in Copenhagen, the Habitat II conference in Istanbul, and excerpts from the World Declaration on Education for All.

"The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all."

---Rio Declaration, Principle 21

"... The involvement of today's youth in environment and development decision-making and in the implementation of programmes is critical to the long-term success of Agenda 21 ... Each country should combat human rights abuses against young people, particularly young women and girls, and should consider providing all youth with legal protection, skills, opportunities and the support necessary for them to fulfil their personal, economic and social aspirations and potentials. Children ... are highly vulnerable to the effects of environmental degradation. ... The specific
interests of children need to be taken fully into account ... in order to safeguard the future sustainability of any actions taken to improve the environment...."

-- Agenda 21, Chapter 25, paras 1, 8, and 12

"National and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular, the girl-child, abandoned children, street children, economically and sexually exploited children, ... children victims of diseases..., refugee and displaced children, children in detention, children in armed conflict, as well as children victims of famine and drought and other emergencies. International cooperation ... should be promoted to support the implementation of the Convention [on the Rights of the Child] and the rights of the child should be a priority in the United Nations system-wide action on human rights. The World Conference on Human Rights ... stresses that the child for the full ... development of his or her personality should grow up in a family environment which accordingly merits broader protection.... The World Conference ... calls on States to integrate the Convention ... into their national action plans.... Particular priority should be placed on reducing infant and maternal mortality rates, reducing malnutrition and illiteracy rates and providing access to safe drinking-water and to basic education.... Exploitation and abuse of children should be actively combated, including by addressing their root causes. Effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse."

-- Vienna Declaration and Programme of Action, Part I, para. 21, and Part II, paras. 47 and 48

"All States and families should give the highest possible priority to children. The child has the right to standards of living adequate for its well-being and the right to the highest attainable standards of health, and the right to education. The child has the right to be cared for, guided and supported by parents, families and society and to be protected by appropriate legislative, administrative, social and educational measures from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sale, trafficking, sexual abuse, and trafficking in its organs.... When formulating socio-economic development policies, special consideration should be given to increasing the earning power of all adult members of economically deprived families, ... and to enabling children to be educated rather than compelled to work.... Countries should aim to meet the needs and aspirations of youth, particularly in the areas of formal and non-formal education, training, employment opportunities, housing and health, thereby ensuring their integration and participation in all spheres of society, including participation in the political process and preparation for leadership roles...."

-- Cairo Programme of Action, Principle 11 and paras. 5.4 and 6.13

"We will ... ensure that children ... enjoy their rights and promote the exercise of those rights by making education, adequate nutrition and health care accessible to them. .... Take appropriate and affirmative steps to enable all children and adolescents to attend and complete school and to close the gender gap in primary, secondary, vocational and higher education...."

-- Copenhagen Declaration, Commitment 6

"We are determined to ... ensure the human rights of ... the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms. .... ensure the full enjoyment by ... the girl child of all human rights ... and take effective action against violations of these rights...."

-- Beijing Declaration, paras. 9 and 23

"Actions to be taken: ... Advance the goal of equal access to education by taking measures to eliminate discrimination in education at all levels on the basis of gender, race, language, national origin, age or disability, or any other form of discrimination.... By the year 2000, provide universal access to basic education and ensure completion of primary education by at least 80 per cent of primary school-age children; close the gender gap in primary and secondary school education by
the year 2005; provide universal primary education in all countries before the year 2015.... Set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensure the full enforcement of relevant existing laws and ... enact the legislation necessary to implement the Convention on the Rights of the Child and International Labour Organization standards, ensuring the protection of working children, ... street children, through the provision of appropriate health, education and other social services.... Address the acute problems of children ... by supporting efforts ... aimed at ... the prevention and eradication of female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse...."

"... We recognize the particular needs of ... children and youth for safe, healthy and secure living conditions.... We shall ... ensure ... the effective participation of youth, in political, economic and social life...."

"The needs of children and youth, particularly with regard to their living environment, have to be taken fully into account. Special attention needs to be paid to the participatory processes dealing with the shaping of cities, towns and neighbourhoods; this is in order to secure the living conditions of children and of youth and to make use of their insight, creativity and thoughts on the environment. Special attention must be paid to the shelter needs of vulnerable children, such as street children, refugee children and children who are victims of sexual exploitation.... We commit ourselves to ... Working in partnership with youth in order to develop and enhance effective skills and provide education and training to prepare youth for current and future decision-making roles and sustainable livelihoods in human settlements management and development...."

"Basic education should be provided to all children, youth and adults. To this end, basic education services of quality should be expanded and consistent measures must be taken to reduce disparities. For basic education to be equitable, all children, youth and adults must be given the opportunity to achieve and maintain an acceptable level of learning.”

--Beijing Platform for Action, paras. 80, 175, and 230

--Istanbul Declaration, para. 7

--Habitat Agenda, paras. 13 and 45

--World Declaration on Education For All, Article 3
DECLARATION OF THE RIGHTS OF THE CHILD
Proclaimed by General Assembly resolution 1386(XIV) of 20 November 1959

Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children.

Whereas mankind owes to the child the best it has to give.

Now therefore,

The General Assembly

Proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

Principle 1

The child shall enjoy all the rights set forth in this Declaration. Every child, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

Principle 3

The child shall be entitled from his birth to a name and a nationality.

Principle 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in
health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

**Principle 5**

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

**Principle 6**

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother.

Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

**Principle 7**

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

**Principle 8**

The child shall in all circumstances be among the first to receive protection and relief.

**Principle 9**

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

**Principle 10**

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.
APPENDIX-4

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989.

Entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration
of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.
Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child’s place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child’s best interests. 4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the
well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (order public), or of public health or morals.
Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children’s books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.
Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child’s status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child’s care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child’s country of origin; (c) Ensure that the child concerned by inter-
country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child’s condition and to the circumstances of the parents or others caring for the child. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child’s achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

3. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.
Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.
Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29 General comment on its implementation

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic
substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

**Article 39**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

**Article 40**

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

   (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

   (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

      (i) To be presumed innocent until proven guilty according to law;

      (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

      (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

      (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

      (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

      (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used.
To have his or her privacy fully respected at all stages of the proceedings. 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems. (amendment)

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

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5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

**Article 50**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

**Article 51**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

**Article 52**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

**Article 53**

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

**Article 54**

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.
International Instruments on Child Labour

A number of Conventions and Recommendations were adopted by the International Labour Organisation in the area of child labour since its origin in 1919. These Conventions could be classified into different categories. Given below is the highlights of some of the very important Conventions of the ILO, classified as Conventions relating to age, Conventions relating to night work, Conventions relating to medical examination of young persons.

Conventions relating to Age of Employment:

Convention No. 5
Minimum Age (Industry) Convention, 1919
Main Provisions:
Prohibits employment of children less than 14 years in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed.

(Article 2)

Status of ratification by India

Ratified, Consequentially the Factories Act, 1948, the Mines Act, 1952, the Employment of Children Act, 1938, the Beedi and Cigar Workers Act, 1966 and the Motor Transport Workers Act, 1961 were passed.

Convention No. 7
Minimum Age (Sea) Convention, 1920
Main Provisions:
Prohibits employment of children under the age 14 years who shall not be employed, or work in vessels upon which only family members of the same family are employed

(Article 2)

Status of ratification by India

Not ratified, mainly due to the fact that most of Indian Seamen are employed on foreign ships.

Convention No. 10
Minimum Age (Agriculture) Convention, 1921
Main Provisions:
Children under the age of 14 years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed outside the hours of school attendance, the employment shall not be such as to prejudice their attendance at school.

(Article 1)
Status of ratification by India

Not ratified, because Agriculture is the most unorganized sector in India.

Convention No. 13
The White Lead (Painting) Convention, 1921
Main Provisions:
Prohibits employment of male children under 18 years of age and all females in painting work of an industrial character involving the use of products of lead sulphate & white lead.

(Article 3)

Status of ratification by India
Ratified.

Convention No. 15
Minimum Age (Trimmers & Stockers) Convention, 1921
Main Provisions:
Young persons under the age of 18 years shall not be employed on vessels as Trimmers & Stockers.

(Article 2)

Status of ratification by India
Ratified.

Convention No. 33
Minimum Age Employment (Non-Industrial Employment) Convention, 1932
Main Provisions:
Children under 14 years of age or children 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 except as hereinafter otherwise provided.

(Article 2)

Status of ratification by India
Not ratified due to unorganized nature of labour.

Convention No. 58
Minimum Age (Sea) Convention, (Revised) 1937
Main Provisions:
Raised the minimum age for employment from 14 to 15 years.

(Article 2)

Status of ratification by India

Not ratified as Indian Seamen are employed on foreign ships.

**Convention No. 59**  
**Minimum Age (Industrial) Convention, (Revised) 1937**  
**Main Provisions:**  
Raised minimum age from 14 to 15 for admission to industrial undertaking.  
(Article 2)  
**Status of ratification by India**  
Not ratified, reason not known.

**Convention No. 60**  
**Minimum Age Employment (Non-Industrial Employment) Convention, (Revised) 1937**  
**Main Provisions:**  
Article 9 of this Convention provides for modifications in the application of the Convention to India.  
Children under 14 years of age, or children 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 except as hereinafter otherwise provided.  
Children under 15 years of age, 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 except as hereinafter otherwise provided.  
(Article 2)  
**Status of ratification by India**  
Not ratified due to difficulty of review of Shops & Commercial Establishment Acts passed by State Legislatures.

**Convention No. 112**  
**Minimum Age (Fishermen) Convention, 1959**  
**Main Provisions:**  
Children under the age of fifteen years shall not be employed or works on fishing vessels.  
Provided that such children may occasionally take part in the activities on board fishing vessels during school holidays, subject to the conditions that the activities in which they are engaged- (a) are not harmful to their health or normal development; (b) are not such as to prejudice their attendance at school. And (c) are not intended for commercial profit.

**Convention No. 115**  
**Radiation Protection Convention, 1960**  
**Main Provisions:**
Prohibits employment of children less than 16 years in work involving ionizing radiations.

(Article 7)

Status of ratification by India

Ratified.

Convention No. 123
Minimum Age (Underground Work) Convention, 1965
Main Provisions:
Persons under a specified minimum age shall not be employed or work underground in mines.

Each Member, which ratifies this Convention, shall specify the minimum age in a declaration appended to its ratification.

The Minimum age shall in no case be less than 16 years.

(Article 2)

Minimum age should be fixed in consultation with employer’s & worker’s organizations for working in underground mines.

(Article 3, 4 & 5)

Status of ratification by India

Ratified. The Mines Act, 1952 was enacted.

Convention No. 138
Minimum Age Convention, 1973
Main Provisions:
Minimum age for admission to employment is conditionally provided as 16 years.

(Article 3)

Status of ratification by India

Not ratified. Difficulties in review of different enactments.

Convention No. 41
Minimum Age Employment (Non-Industrial Employment) Recommendations, 1932

Convention No. 52
Minimum Age (Family undertakings) Recommendation, 1953

Convention No. 96
Minimum Age (Coal Mines) Recommendation, 1953
Convention No. 124
Minimum Age (Underground Work) Recommendations, 1965
Main Provisions:
Provides that where the minimum age for admission to employment or work underground in mines is less than 16 years, measures should be taken as speedily as possible to raise it to that level.

Convention No. 146
Minimum Age Recommendations
Main Provisions:
Provides that the minimum age should be fixed at the same level for all sectors of economic activity. Members are recommended to take steps in progressively raising the age for admission to employment or work to 16 years in pursuance of Article 2 of the Minimum Age Convention 1973. Further it provides that where the minimum age for employment or work covered under the above provision is still below 15 years, urgent steps to be taken to raise it to that level.

Conventions relating to Night Work

Convention No. 6
Night work of Young Persons (Industry) Convention, 1919
Main Provisions:
Young persons under 18 years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

Young persons over the age of 16 years may be employed during the night in the following industrial undertakings or work which, by reason of the nature of the processes, is required to be carried on continuously day and night.

(Article 2)
The term “Night” signifies a period of at least eleven consecutive hours, including the interval between the ten O’clock in the evening and five O’clock in the morning.

(Article 3)
Status of ratification by India
Ratified.

Convention No. 90
Night work of Young Persons (Industry) Convention, (Revised), 1948
Main Provisions:
The term night signifies a period of at least 12 consecutive hours. In the case of young persons under 16 years of age, this period shall include the interval between ten O’clock in the evening and six O’clock in the morning. In the case of young persons who have attained the age of 16 years but are under the age of 18 years, this period shall include an interval prescribed by the competent authority of at least 7 consecutive hours falling between ten O’clock in the evening and five O’clock in the morning.
(Article 2)

Young persons under 18 years of age shall not be employed or work during the night in any public or private industrial undertaking or in any branch thereof except as hereinafter provided for.

(Article 3)

Status of ratification by India

Ratified.

Convention No. 14
Night work of Children and Young Persons (Agriculture) Recommendation, 1921
Main Provisions:

Recommends that each member of the ILO take steps to regulate the employment of children under the age of fourteen years in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of no less than ten consecutive hours.

If further recommends that each member of the ILO take steps to regulate the employment of young persons between the ages of fourteen and eighteen years in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine consecutive hours.

Convention No. 80
Night work of Young Persons (Non-Industrial Occupations) Recommendation
Main Provisions:

Recommends the adoption of legislative and administrative measures for restricting the night work of children and young persons less than 18 years of age who are engaged in domestic service and non-industrial occupations.

Conventions relating to Medical Examination of Young Persons

Convention No. 16
Medical Examination of Young Persons (Sea) Convention, 1921
Main Provisions:

The employment of any child or young person under 18 years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

Status of ratification by India

Ratified.
Convention No. 73
Medical Examination (Sea –Farers) Convention, 1948
Main Provisions:
No person to whom this Convention applies shall be engaged to employment in a vessel to which this Convention applies unless he produces a certificate attesting to his fitness for the work for which he is to be employed at sea, signed by a medical practitioner or, in the case of a certificate solely concerning his sight, by a person authorized by the competent authority to issue such a certificate.

Status of ratification by India
Not Ratified

Convention No. 77
Medical Examination of Young Persons (Industry) Convention, 1946
Main Provisions:
Children less than 18 (less than 16 years in India) need thorough examination of physical fitness to be employed in Industrial Undertaking. Subjected to medical supervision till 18 years (16 in India) in high health risk occupations re-examination of fitness till the age of 21 (19 in India).

(Article 2, 3 & 4)
(Article 10 deals with modifications in the application of the Convention of India).

Status of ratification by India
Not ratified. Some provisions have been incorporated in Factories Act, 1948.

Convention No. 78
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946
Main Provisions:
Children and young persons less than 18 years should not be allowed to work in non-industrial occupations, unless they have been found fit by a thorough Medical Examination.

(Article 2, 3 & 4)

Status of ratification by India
Not ratified due to unorganized nature of work.

Convention No. 124
Medical Examination of Young Persons (Underground Work) Convention, 1965
Main Provisions:
Medical examination and periodic re-examinations at intervals of not more than one year for fitness of employment for the employment or work underground in mines of persons under 21 years of age.

Convention No. 125
Medical Examination of Young Persons (Underground Work) Recommendation, 1965

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Main Provisions:
Provides for health, safety, welfare, weekly rest and annual holidays with pay and training with respect to young persons employed underground.

Convention No. 4
Lead Poisoning (Women and Children) Recommendation, 1919
Main Provisions:
It recommends that in view of the danger involved to the function of maternity and to the physical development of children, women and young persons under the age of 18 years be excluded from certain specified employments involving handling of lead.

Status of ratification by India
Not ratified due to unorganized nature of work.
Legislation Relating to Child Labour

1881: The Factories Act, 1881 provided:
- minimum age (seven years);
- successive employment (employment in two factories on the same day prohibited);
- duration of employment (working hours not to exceed nine hours a day and at least four holidays to be given in a month);
- factories employing 100 or more persons were covered by this Act.

1891: The Factories Act was revised with respect to the following matters:
- minimum age (increased to 9 years);
- hours of work (maximum seven hours per day, with prohibition of work at night between 8pm and 5 am.).

1901: The Mines Act, 1901 was passed which prohibited:
- employment of children under 12 years;

1911: The Factories Act of 1911 provided:
- work between 7pm and 5:30am prohibited;
- work in certain dangerous processes prohibited;
- certificate of age and fitness required;

1922: The Factory (Amendment) Act, 1922: To implement the ILO Convention (No. 5), 1919, the amendment provided for changes such as:
- minimum age (15 years in general);
- working hours (maximum 6 hours, and also an interval of half an hour if children are employed for more than 5 1/2 hours);
- scope of Act: establishments employing 20 or more persons with mechanical processes were covered with power vested with local government to exclude the application of provisions to premises employing 10 or more persons;
- prohibition of employment of children below 18 and women in certain processes;
- provision for medical certificate and also certificate of re-examination for continuing work.

1923: The Indian Mines Act, 1923
- raised the minimum age for employment from 12 to 13 years.

1926: The Factory (Amendment) Act, 1926
- imposed certain penalties on the parents and guardians for allowing their children to work in two separate factories on the same day.

1931: The Indian Ports (Amendment) Act, 1931
- laid down 12 years as the Minimum age that could be prescribed for handling goods in ports. The Reports of the Royal Commission on Labour (1931) had an impact on legislation pertaining to Child Labour during the period between 1941 and 1949.

1932: The Tea Districts; (Emigrant Labour) Act, 1932
- was passed to check migration labourers to district in Assam. It provided that no under-age child is employed or allowed to migrate unless the child was accompanied by his or her parents or adults on whom the child was dependent.
1933: **The Children (Pledging of Labour) Act, 1933**
- prohibited pledging of children—i.e. taking of advances by parents and guardians in return for bonds, pledging the labour of their children—a system akin to the bonded labour system. This practice of pledging to labour or children was noticed by the Royal Commission in areas such as Amritsar, Ahmedabad, Madras, etc. and in carpet and bidi factories. The children in these situations were found to be working under extremely unsatisfactory conditions.

1934: **The Factory (Amendment) Act, 1934** had elaborate provisions for regulating the employment of children of various age groups in the factories, such as:
- children under 12 & 15 years—employment generally prohibited in certain areas;
- children under 12 & 15 years—employment restricted to 5 hours a day in other areas;
- children between 15 and 17 years—certain restrictions were imposed;

1935: **The Mines (Amendment) Act, 1935** also introduced divisions of children according to age groups and the position which emerged was as follows:
- employment of children under 15 years in mines was prohibited;
- persons between 15 and 17 years—underground employment was permitted only on production of certificate of physical fitness ranted by a qualified medical practitioner;

1938: **The Employment of Children Act, 1938** was passed to implement the convention adopted by the 23rd session of ILO (1937) which inserted a special article on India. Children under the age of 13 years shall not be employed or work in the transport of passengers, or goods, or mails, by rail, or in the handling of goods at docks, quays of wharves, but excluding transport by hand. Children under the age of 15 years shall not be employed or work... in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority. This Act:
- prohibited the employment of children under 15 years in occupations connected with transport of goods, passengers, mails on railways;
- raised the minimum age for handling goods on docks from 12 to 14 years;
- provided for the requirement of a certificate of age.

1948: **The Factory Act, 1948**
- raised minimum age for employment in factories to 14 years.

1951: **The Employment of Children (Amendment) Act, 1951**
- (as a result of the ILO Convention relating to night work of young persons) prohibited the employment of children between 15 and 17 years at night in railways and ports and also provided for requirement of maintaining register of children under 17 years.

1951: **The Plantation Labour Act, 1951**
- prohibited the employment of children under 12 years in plantations.

1952: **The Mines Act, 1952** prohibited the employment of children under 15 years in mines. The Act stipulates two conditions for underground work.
- requirement to have completed 16 years of age; and,
- requirement to obtain a certificate of physical fitness from a surgeon.

1954: **The Factory (Amendment) Act, 1954**
- includes prohibition of employment of persons under 17 years at night("Night was defined as a period of 12 consecutive hours and which included hours between 10pm and 7am).
1958: The Merchant Shipping Act, 1958
• prohibits children under 15 to be engaged to work in any capacity in any ship, except in certain specified cases.

1961: The Motors Transport Workers Act, 1961
• prohibits the employment of children under 15 years in any motor transport undertaking.

1961: The Apprentices Act, 1961
• prohibits the apprenticeship/training of a person under 14 years.

1966: The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
• prohibits:
  • the employment of children under 14 years in any industrial premises manufacturing beedi or cigars.
  • persons between 14 and 18 years to work at night between 7pm and 6am.

• prohibits employment of a child below 15 years in occupations in railway premises such as cinder-picking or clearing of ash pit or building operations, in catering establishment and in any other work which is carried on in close proximity to or between the railway lines.

• this Act brings our uniformity in the definition of "child" in related laws. It bans the employment of children, i.e. those who have not completed their 14th year, in specified occupations and process. It also regulates the working conditions of children in occupations where they are not prohibited from working. See Appendix-7 for details.
The Child Labour (Prohibition & Regulation) Act, 1986

The Act originally prohibited the employment of children in five occupations and eleven processes. The numbers of prohibited areas of employment has now increased to eight occupations and fifty four processes through various Central Government Notifications. These has been listed out in Part A & B of the Schedule of the Act.

PART-A

Occupation

Any occupation connected with-

1) Transport of passengers, gods or mails by railway;
2) Cinder picking, clearing of an ash pit or building operation in the railway premises;
3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;
4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines.
5) A port authority within the limits of any port.
6) Work relating to selling of crackers and fireworks in shops with temporary licenses*
7) Abbatoirs/Slaughter House**
8) Handling of toxic substances, inflammable or explosive.

PART-B

Processes

1) Beedi-making
2) Carpet-weaving including preparatory and incidental processes thereto.
3) Cement manufacture, including begging of cement.
4) Cloth printing, dyeing and weaving.
5) Manufacture of matches, explosives and fire-works.
6) Mica-cutting and splitting.
7) Shellac manufacture.
8) Soap manufacture.
9) Tanning.
10) Wool-cleaning.
11) Building and construction industry.
12) Manufacture of slate pencils (including packing).*
13) Manufacture of products from agate.*
14) Manufacturing process using toxic, metals and substances such as lead, mercury, manganese, chromium, cadmium benzene, pesticides and asbestos.*
15) 'Hazardous process' as defined in section 2 and 'dangerous operations' is notified in rules made under section 87 of the Factories Act, 1948 (63 of 1948)**.
16) Printing as defined in section 2 (K) (iv) of the Factories Act, 1948 (63 of 1948)**.
17) Cashew and Cashew nut decaling and processing.**
18) Soldering processes in electronic industries.**
19) Plastic units, fiberglass & moulding and processing.
20) Automobile workshop & garages, welding units.
21) Sericulture (Only in processing section).
22) Lime kilns and the manufacture of lime.
24) Cotton ginning and pressing production of hosiery goods, and handloom industry.
25) Potteries and ceramics industry.
26) Manufacture of cement pipes, cement products and other related work.
27) Gem cutting and polishing.
28) Utensils making and polishing, metal buffing.
29) Processes in agriculture where tractors, threshing and harvesting machines are used.
30) Glass manufacturing, including glass bangles.
31) Manufacturing of bricks and of roof tiles.
32) Polishing moulding, cutting, welding and manufacture of brass goods in all forms.
33) Paper making.
34) Manufacturing of dyes and dyestuff.
35) Manufacturing/handling of pesticides and insecticides.
36) Manufacturing/processing of corrosive and toxic substances, metal clearing, photo engraving, soldering process in electronic industries.
37) Manufacturing process having high noise level.
38) Manufacturing process involving thermal radiation.
39) Oil expelling and refinery.
40) Fabrication workshops (ferrous & Non ferrous).
41) Tyre making, repairing, graphite beneficiation.
42) Handling of chromite an manganese ores.
43) Foundries.
44) Manufacturing of burning coal and cola briquettes.
45) Tobacco processing including manufacturing of tobacco paste, handling of tobacco in any form.
46) Zari making (all processing).
47) Leather goods (manufacturer and processing).
48) Any manufacturing processing having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scrapping of lead paint, burning of lead in enameling workshops, lead mining plumbing, cable making, wire patenting, lead casting, type founding in printing shops, store type setting, assembling of cars shock making lead glass blowing.
49) Jute textile manufacture.
50) Detergent manufacturing.
51) Saw mill.
52) Lock-making.
53) Manufacturing of sports goods involving exposure to synthetic materials, chemicals, leather.

## Child Labour in India

<table>
<thead>
<tr>
<th>Industry</th>
<th>Location</th>
<th>Total Workers</th>
<th>Child Workers</th>
<th>Percentage of Child Workers to Total Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slate pencil</td>
<td>Mandsaur, Madhya Pradesh</td>
<td>12,000</td>
<td>1000</td>
<td>8.3</td>
</tr>
<tr>
<td>Slate</td>
<td>Markapur, Andhra Pradesh</td>
<td>15,000</td>
<td>Approx. 3750</td>
<td>25</td>
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<tr>
<td>Diamond-cutting</td>
<td>Surat, Gujarat</td>
<td>1,00,000</td>
<td>15,000</td>
<td>15</td>
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<td>Agate-cutting</td>
<td>Bombay, Gujarat</td>
<td>30,000</td>
<td>Not known</td>
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<tr>
<td>Gem Polishing</td>
<td>Jaipur, Rajasthan</td>
<td>60,000</td>
<td>13,600</td>
<td>22.6</td>
</tr>
<tr>
<td>Powerloom</td>
<td>Bhiwandi, Maharashtra</td>
<td>3,00,000</td>
<td>15,000</td>
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<tr>
<td>Cotton hosiery</td>
<td>Tirupur, Tamil Nadu</td>
<td>30,000</td>
<td>8,000</td>
<td>33.3</td>
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<tr>
<td>Carpet weaving</td>
<td>Mirzapur-Bhadohi, Uttar Pradesh</td>
<td>2,00,000</td>
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<td>Carpet weaving</td>
<td>Jammu &amp; Kashmir</td>
<td>4,00,000 app</td>
<td>1,00,000</td>
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<td>Lock-making</td>
<td>Rajasthan</td>
<td>30,000</td>
<td>12,000</td>
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<td>Pottery</td>
<td>Aligarh</td>
<td>80,000</td>
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<tr>
<td>Brass Ware</td>
<td>Moradabad</td>
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<td>40,000</td>
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<tr>
<td></td>
<td>Uttar Pradesh</td>
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<tr>
<td>Match</td>
<td>Sivakasi</td>
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<tr>
<td>Glass</td>
<td>Firozabad, Uttar Pradesh</td>
<td>2,00,000</td>
<td>50,000</td>
<td>25</td>
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<td>Silk and silk products</td>
<td>Varanasi, Uttar Pradesh</td>
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<td>Textile</td>
<td>Varanasi, Uttar Pradesh</td>
<td>3,512</td>
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<td>Handicrafts</td>
<td>Jammu &amp; Kashmir</td>
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<td>Silk weaving</td>
<td>Bihar</td>
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<td>Brocade and Zari industry</td>
<td>Varanasi and other centres, Uttar Pradesh</td>
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<td>Brick-kilns</td>
<td>West Bengal</td>
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<td>Beedi</td>
<td>India</td>
<td>32,75,000</td>
<td>3,27,500</td>
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<td>Handloom and Handicraft Industry</td>
<td>Jammu &amp; Kashmir</td>
<td>1,16,000</td>
<td>28,348</td>
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</tr>
</tbody>
</table>

Source: Neera Burra, Born to Work: Child Labour in India, pp xxiv, as quoted by the Supreme Court of India in M.C. Mehtav. State of Tamil Nadu, 1996(6) SCC 756 at pp. 763-764.