Chapter IV

POLICIES AND PROGRAMMES
FOR CHILD LABOUR
4.1. Introduction

Child labour is a scourge of many developing and newly industrializing countries. It also exists in almost, all of the advanced economies of the world. Posing huge physical, psychological and moral risks for the children themselves, the child labour system also darkens the whole outlook for the world’s worst-off countries. It robs them off their next generation of schooling and health.

And, as a new report from the I.L.O points out, “child labour deprives adult workers of much-needed jobs, while at the same time hampering population control, due to the commonly perceived economic value of children.” The I.L.O voices particular concern over two growing trends: the “exposure of children to new and greater risks” and “an explosion of the number of child workers in the informal, unregulated sector of the economy.”

4.2. Phenomenon of Child Labour

The phenomenon of child labour is so complex and deeply rooted in the socio-economic fabric of the society that it may not be wise to rely on one single approach to deal with it. The causes of the persistence of child labour in India, is the inadequate educational system and a lack of awareness among parent and society in general and about the implication of the child labour for health and development.

To treat poverty as the only cause of child labour would, therefore, be an over-simplification of the situation. Even those families which are not so poor cannot overcome the temptation of maximizing their income by sending their children to work. But, poverty is the main cause for the persistence of child labour. Child labour can gradually be phased out by efforts to intensify economic development and employment oriented programmes.
4.3. Approaches to Eliminate Child Labour

The following are the various approaches to eliminate child labour.

4.3.1. Basic Education

Basic education is a valuable legacy of our freedom. Free and compulsory primary education for all children up to the age of 14 years is a constitutional obligation. Ever since the commencement of the era of planning in 1950, we have been striving towards universalisation of elementary education and total literacy. Literacy rate has nearly trebled about 53% during which the population has also increased by two and a half time.

Access to schooling has been substantially achieved at the primary stage with 95% of the rural population having access to primary schools within one kilometer radius. Today, the elementary education system enrolls 136 million children as compared to only 22.3 million in 1951. During his statement at the plenary session of "Education for all Summit" in New Delhi on December 16, 1994, the Prime Minister Shri P.V. Narasimha Rao said: "We need to mobilize local communities for the cause of basic education." The Prime Minister emphasized the need to improve teacher competence, motivation and performance.

There is an increasing awareness in India that education is a multi-dimensional instrument for improving the quality of life of every section of the society. Education or literacy contributes to socio-cultural consciousness about such issues as women, welfare, health, social and personal hygiene, nutrition, child care, protection of children from health hazards, and their mental development.

Therefore, education is the glavenising force in local dynamics and development. Dr. Myron Weiner, Ford International Professor of Political science, Massachusetts Institute of Technology, Cambridge, in a letter to Ms. Eimi Watanabe,
UNICEF representative in India, has asserted that the child labour can only be eliminated if elementary education is made compulsory and the government ensures that there are enough schools and teachers and an appropriate plan of action for getting all children into school. Other countries in Africa and Asia with mass poverty have successfully made education compulsory and significantly reduced the incidence of child labour.

4.3.2. Consumer Awareness

Swami Agnivesh and his Bandhua Mukti Morcha spearheaded a campaign against the exploitation of children in Mirzapur, both in India and in countries like Germany and Holland which buy the Mirzapur carpets. At long last there is a glimmer of hope, certain carpet manufacturers associations have decided to produce their carpets without child labour and an appropriate label will be affixed to such carpets, to testify to this fact.

4.3.3. International Efforts

India’s accession to the Convention on Rights of the Child coincided with the publication of the UNICEF’s “The State of the World’s Children Report for 1993.” The report warned that the global goals for child survival and development agreed upon by 150 countries including India at the World Summit for Children in 1990, would remain only on paper unless urgent steps were taken. The thrust of the Report was on the need to translate the global goals into effective action, ensuring the every child has adequate nutrition, clean water, basic health care, and primary education by the end of the decade.

In 1924 The League of Nations adopted, the “Geneva Declaration of the Rights of the Child.” In 1959, the United National General Assembly adopted unanimously the Declaration of the Rights of the Child. It affirms that the child has
the right to enjoy special protection. The child has to be given opportunities and facilities, so that it will be able to develop in a healthy and normal manner.

4.3.4. Constitutional Safeguards

The Constitution of the Republic of India was drafted with a view, among other things, to protect the interest of the child, both through the Fundamental Rights, and the Directive Principles of State Policy. Pandit Jawaharlal Nehru, who was connected with the formulation and implementation stages of the Constitution, is known to have had the cause of children close to his heart.

4.3.4.1. Article 15(3)—Special Provisions

Article 15(3) of our Constitution permits the State to make special provisions to restrict the employment of children in certain areas. Children are like buds. They need to be protected, nurtured and developed into full form of adults, so that they become useful to the society, and for themselves. Hence the Article states that “nothing in this article shall prevent the State from making any special provision for women and children.”

4.4. The working children

Children under 15 years of age work for economic gain, not only in India, but all over the world. Such cases are in abundance in certain pockets of poverty in industrialized countries and in developing countries. There is concern for these children, because most of them work for their survival and to support their families.

4.5. Article 21—Protection of Life and Personal Liberty

Article 21 upholds that each and every child has the inherent right to life, which means more than bare physical survival. The Article emphasizes that “No person shall be deprived of his life or personal liberty except according to procedure established by law.”
4.6. Article 23—Right against Exploitation

Article 23 prohibits the traffic in human beings and forced labour in all its forms. The Supreme Court has interpreted the term "forced labour" as payment below the rate of minimum wage. The above Article clearly states the "traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."

4.7. Enquiry by Labour Bureau

An enquiry conducted on "Child Labour in India" by Labour Bureau, in the early fifties concluded that: "At present, therefore in the factory industries, child labour is not a serious problem. It is, however, doubtful if statistics complied from the returns under the Factory Act tell the whole story regarding the child labour. For, it is well within experience of the Factory Inspectors as well as other officers engaged in field inquiries that no sooner they make their appearance on the scene than quite a large number of children run away from the factory premises. These are often children below the minimum age for employment."

The study conducted by The Labour Bureau shows that "in small industries and cottage industries such as match manufacture, cashew processing, bidi making, carpet weaving, employment of underage children, either uncertified or having false age certificates, continued. The actual hours of work were found to be in excess of the prescribed working hours under different enactments. In cottage industries, children were required to work as long as adult workers, except where home work system was prevalent.

The working conditions for the children in the bidi and glass industries continued to remain deplorable. However, a redeeming feature reported by the study
was that children were assigned comparatively light work wherever employed in plantations, factories and cottage and small scale industries.” The observations made by the Rural Commission on labour about 64 years ago, viz., “one black spot of labour conditions in India is the illegal employment of children in certain industries”, still holds true even today.

4.8. The National Commission on Labour

The report of the National Commission on Labour indicates the “children are not direct employees, but they help the weaver and collect whatever money they can get from him. In due course, children learn the trade. In the process, the casualty is the education of the child, which is to the poverty of the parents, which is to be blamed.”

4.9. Article 24–Prohibition of Employment of Children in Factories, etc

Article 24 forbids employment of children below the age of 14 years in hazardous jobs. It is emphatic in its tone that “No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.”

4.10. Article 39(e) (f) Obligations on the State

Article 39(e) makes it a duty of the State to prevent the children from entering into jobs, unsuited to their age. The said Article reads: “that the health and strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.” Article 39 (f) recommends the protection of childhood against exploitation and moral and material abandonment.

4.11. Article 45–Provision for Free and Compulsory Education for Children

Article 45 directs the State to provide free and compulsory education to all the Indian children upto 14 years of age within the limit of 10 years.

Indian has all along followed a policy of pro action in the matter of tacking the problem of child labour. Six ILO conventions relating to child labour have been ratified by India. The Constitution of India, through its Directive Principles of State Policy and as a part of the fundamental rights has laid down:

- That the State shall direct its policy towards securing that health and strength of workers, men and women, and the tender age of children are not abused,
- That citizens are not forced by economic necessity to enter vocations unsuited to their age or strength,
- That children, particularly, are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity,
- That childhood and youth are to be protected against exploitation, and
- That no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

4.13. The National Policy for Children Resolution

The National Policy for Children Resolution was adopted in August 1974. It further developed the above ideas and set out a policy framework and measures aimed at providing adequate services to children. These would become an integral and important part of the nation’s plan for development of human resources. Therefore, the national policy for children would include:

- Free and compulsory education for all children up to the age of 14 years,
- Provision of health and nutritional programmes and services,
- Providing alternative forms of education for children who were unable to take full advantage of formal school education, for whatever reasons, and
- Measures for protecting children against neglect, cruelty, and exploitation.
The policy also provides, as one of its objectives, that no child under the age of 14 years shall be permitted to be engaged in hazardous occupation or to be made to undertake heavy work.

4.14. The Economic Angle

The national anti-poverty policies, the national education policy, the national policy on health for all and on nutrition, as also the generally stepped-up provisions in social services in national plan outlays, are all geared to tackle the economic angel of the problem i.e. the problem of poverty. In these cases the origins and compulsions of child labour are often rooted in the problem of poverty. For the progressive elimination of poverty and consequently of the phenomenon of children compelled to work for wage employment or quasi-wage employment at their prime of childhood, would follow,

- The general raising of the population above the poverty line, or
- The provision of improved social services in the above mentioned areas.
- The basic and root causes of the child labour will be tackled by
- The measures to promote employment oriented development, both in rural and urban areas,
- All-round development and extension of adequate facilities for both formal and non-formal education,
- Vocational education and training, and
- The Coverage and extension of social security and family welfare measures.

4.15. The Action Programme

The Action Programme, therefore, has to be viewed against the above background. It is essential that the attempt will have to deal with the situations:
Where children work, or are compelled to work, on a regular or continuous basis to earn a living for themselves and/or for their family,

Where their conditions of work result in their being severely connected with such factors resulting on wage-employed children.

A close attention will be given by the State for rectification, amelioration, and regulation through specific legal and administrative instruments and measures. The future action is set out under three broad heads:

- The legislative action plan,
- The focusing on general development programmes, for benefiting child labour wherever possible, and
- Project based plan of action in areas of high concentration of child labour engaged in wage/quasi-wage employment.

4.16. Legislative Action Plan

A Child Labour Technical Advisory Committee has been set up to advise the Central Government on addition of occupations and processes to the Schedule contained in the Child Labour (Prohibition & Regulation) Act, 1986. The provisions of the Child Labour (Prohibition & Regulation) Act, 1986, the Factories Act, 1948, and the Mines Act, 1952 will be enforced so as to ensure that the Children are not employed in factories or mines or in any other hazardous employment, and Where the children employed in non-hazardous employments, or occupations, to ensure that the work is regulated in accordance with the provisions of part III of the Child Labour (Prohibition & Regulation) Act, 1986.

Government will also bring forward legislation to delete the provisions contained in the Minimum Wages Act, 1948, allowing different wages to be fixed for children, adolescents and adults. This means that children will have to be paid the
same wages as adults. This will remove the economic incentive for the employers to employ child labor on lower wages.

For enforcing other protective legislation like the Payment of Wages Act, 1936, the Equal Remuneration Act, 1976, etc. it will be ensured that the child labour is not discriminated against as compared to adult labour. The Central and the State inspection machinery will be geared up for this purpose.

4.17. General Development Programmes

National Development Programmes exist with very wide coverage in areas of Education, Health, Nutrition, Integrated Child Development, and Anti-Poverty Programmes. It will be necessary to focus on these programmes by the implementing agencies under the State or the Central Government so as to deliver the benefits to child labour wherever possible. Such focusing could be possible in some areas as given below

4.17.1. Education

The National Policy on Education, (NPE) 1986, sets the target of all children, who attain the age of 11 years by 1990, having had 5 years of schooling, or its equivalent, through a non-formal system of education, 4,90,000 Non-Formal Education (NFE) centres are proposed to be opened which will supplement the formal education system. The strategy of the non-formal education, based on Micro-level and Area specific, and population specific planning, are the central features of the implementation of non-formal education. Therefore, NFE centers for child labour will be set up with the involvement of voluntary agencies and Panchayati Raj Institutions.

They are capable of running the NFE centers. Special attention will be given to attracting and retaining girls from among working children in the NFE centres. Part time courses and vocational courses will also be catered to at these centres. Such
NFE centres for child labour would aim at education to children up to the level of V class, with arrangements for continuance of NFE up to the level of VIII Class, wherever possible. All the special features mentioned in the Programme of Action of the National Policy on Education will be provided, where it is possible to organize such NFE centres for child labour.

4.17.2. The Disadvantaged Classes

For the child labour belonging to the disadvantaged classes like SC/ST families, details of a scheme of incentive / assistance to indigent SC/ST families who have to send their children to wage / quasi-wage employment will be worked out in consultation with the State Governments Scholarships will be given to children who come from families engaged in occupation like scavenging, flaying and tanning. With constant micro-planning and verification it is to be ensured that SC/ST child labour in NFE centres enrolled successfully complete the NFE course up to VIII Class.

These are as per the specific provisions laid down in the programme of action of the NFE. Micro-planning for NFE centres will have to be undertaken for child labour, not only for those belonging to such disadvantaged sections of the society as SC/ST, but also in areas where the Concentration of such disadvantaged group of families exist.

4.17.3. Urban Areas

In urban areas also, especially in urban slums, NFE programmes by both the State Govt. and by voluntary agencies will be promoted. This would include Extra curricular activities, Diversity in learning activity, Provision of games and sports, related equipments, Plays and skits, and Excursion, etc.
4.17.4. Continuing Education

For continuing education of the child labour, who have been enrolled and successfully completed their period of NFE, efforts would be made to link the NFE institutions with the open schools, or with the formal educational system. This would enable them to continue their education. The NFE programmes would also be linked with the Shramik Vidyapeeths, Schemes of public libraries, Jana Shiksha Nilayams and vocational and technical courses of a wide variety. They would be provided, where required for, among others, working children education and training who come from the non-formal stream.

4.17.5. Health

Health being a State subject, the programmes of medical inspection of children has been assigned to the State. The progress among the various States is uneven. A few States have good programmes but many States do not have. In those States where there exists a school health service programme, all primary school going children in the rural areas have been covered under the scheme for regular examinations. But, the unfortunate children, who do not join school because of being at work, would obviously be not covered by such school health programmes, even where they exist.

4.17.6. Nutrition

The Department of Women and Child Development has an on-going programme for women and child, i.e. Integrated Child Development Services. These are approved on the basis of proposals by the State Govts., and non-governmental organizations. Earmarking of funds specifically for child labour is not possible. However, proposals from these State Govts / non-governmental organizations and voluntary agencies in child labour areas will be funded on a priority basis.
4.18. Anti-poverty Programmes

For the coverage of poverty alleviation programmes like the IRDP, NREP, RLEG, etc. funds are allotted on the basis of criteria which have been laid down for the States to follow. The coverage of the entire gamut of anti-poverty programmes included families which have child labour. Also, the extent that such families with incidence of child labour fall within the selection criteria for endowment of income-generating assets (i.e., NREP/RLEG), they would be benefited by the ongoing programmes, which have a large corpus of funds allotted to them in the Five Year Plans. Therefore, to the extent that the poorest families are often forced to send their children to work for wage/quasi-wage employment, they would be getting assistance under these anti-poverty programmes to raise themselves above the poverty line.

4.19. Project Based Plan of Action.

There are specific sectors of employment where the incidence of child labour is high. The child workers involved in the following sectors of employment and geographical areas deserve priority attention. This is because of either the employment processes in which the children work are prohibited under the Factories Act, 1948, or the Child Labour (Prohibition and Regulation) Act, 1986, or the work is such that it is likely to affect the child’s well-being.

The strategy will be to evolve a package comprising of following six elements

- Stepping up the enforcement of the Child Labour (Prohibition & Regulation) Act, 1986, the Factories Act, 1948, and the Mines Act, 1952. Special Enforcement Staff, if necessary will be created for the purpose.

- Coverage of families of child labour under the income/employment generating programmes under the overall aegis of anti-poverty programmes.
• Where there is a concentration of SC/ST families with Child Labour, a combination of special component and Tribal sub-plans by the State Governments in each project area.

• Formal / non-formal education of ultimately all child labour engaged in hazardous employment, and of as many child labours as possible as may be in non-hazardous employments. Also a stepped up programme of adult education including non-formal education) of the parents of the working children.

• Coordinating the activities of different Departments / Ministries of the Central and State Governments to benefit child labour.

• Setting up of schools for child workers together with provision of vocational education / training in such special schools, supplementary nutrition, a stipend to the children taken out from prohibited employments. And health care for all children attending such special schools.

4.20. Projects under NCLP

The Government of India felt that legislation alone would not be sufficient to tackle the problem of exploitation of the child labour. Hence the National Policy on Child Labour was formulated in August, 1987. in pursuance of it, a number of projects have been taken up in the areas of child labour concentration as detailed below.

• The Match Industry in Sivakasi, Tamil Nadu.

• The Precious Stone Polishing Industry in Jaipur, Rajasthan.

• The Glass Industry in Ferozabad, Uttar Pradesh.

• The Brassware Industry in Moradabad, Uttar Pradesh.

• The Handmade Carpet Weaving Industry in Mirzapur, Bhadohi, Uttar Pradesh.
• The Lock-making Industry in Aligarh, Uttar Pradesh.
• The Slate Industry in Mandsaur, Madhya Pradesh.
• The Slate Industry in Markapur, Andhra Pradesh.
• The Diamond Polishing Industry in Surat, Gujarat.
• The Handmade Carpet Weaving Industry in Jammu & Kashmir.

Out of the above, first eight projects are being run and another project at Jaggampet in Andhra Pradesh for child labour in Tile manufacturing industry has also been taken up. Special schools from a major component of these projects have been set up to provide basic needs like non-formal education, vocational training, supplementary nutrition, health care etc. to the children withdrawn from employment. One hundred and twenty-four special schools have so far been sanctioned for covering 6,900 children. An amount of Rs. 1.09 crore has been released during 1992, under the above projects.

4.21. Committee on Child Labour

The Gurupadaswamy Committee on Child Labour was set up in 1979, with 16 members. It was to look into, in detail, the causes leading to and the problems arising out of employment of children. The Committee submitted its report in December, 1979. The steps taken in pursuance of the accepted recommendations of this committee are:

• A Child labour cell has been set up on the Ministry of Labour.
• A Central Advisory Board on Child Labour has been set up to advice government on the measures to be taken towards progressive elimination of child labour.

The Child Labour (Prohibition & Regulation) Act, 1986 has been enacted, which Prohibits the employment of children below 14 years of age in certain specified
occupations and processes, Seeks to regulate the conditions of work / work
environment of children in employments in which they are not prohibited from
working, Brings about uniformity in the definition of "Child" (as a person who has
not completed his 14 years of age) in the Minimum Wages Act, 1948.

The Plantation labour Act, 1951, the Merchant Shipping Act, 1958 and the
Motor Transport Workers Act, 1961, Empowers any person to file a complaint of the
commission of an offence under the Act in any Court of competent jurisdiction, and
Provides for stringent penalty for violation of provisions relating to child labour. The
penalties will apply for violation of the provisions of minimum age of entry into

- The government of India, Ministry of Labour has taken up a centrally
  sponsored scheme for strengthening the enforcement machinery in the States
  for better implementation of laws relating to child and women Labour.
- Dialogue has been initiated with trade unions and employers' organizations to
  explore their co-operation in respect of the needs of working children.
- All State Governments/Union territory Administrations has been addressed
  from time to time to strictly enforce the provisions of the Minimum Wages
  Act, 1948.
- Department of Education has set up a number of non-formal education centres
  with the help of voluntary organizations.
- The recommendations of the committee were also considered while
  formulating the National Child Labour Policy, 1987.
- Financial assistance is provided to voluntary organizations for taking up
  action-oriented projects aimed at benefiting child labour.
• Under the Child Labour (Prohibition & Regulation) Act, 1986, a Child Labour Technical Advisory Committee has been constituted to advise the Central Government for the purpose of adding the list of occupations and processes in which employment of children is prohibited.

4.22. The Child Labour Advisory Board

It was initially constituted in March, 1980 and reconstituted form time to time. The board has been set up to review the implementation of the existing legislation administered by the Central Government, suggest legislative measures as well as welfare measures for the welfare of working children, and recommend the industries and areas where there must be progressive elimination of child labour. The Child labour Advisory Board examined the recommendations of Task Force on Child Labour, set up under the Chairmanship of the eminent Jurist Dr. L.M. Singhvi.

4.23. The Child Labour Technical Advisory Committee

It was constituted on August 3, 1987, under Section 5 of the Child Labour (Prohibition & Regulation) Act, 1986 to advise the Central government for the purpose of addition of occupations / processes to the schedule under Section 3 of the Act. The advisory Committee has met thrice and on the basis of the recommendations, one occupation and 3 processes have been added so far to the schedule. In its last meeting, the Child labour Technical Advisory Committee has recommended addition of a further 15 processes to the schedule.

4.24. Government programmes for Child Workers

Within the frame work of the NCL Policy, the GOI has launched 2 pilot project in major concentration of Child Labour: in the Match Industry of Sivakasi, Tamil Nadu, and the Carpet Weaving Industry of Varanasi, Uttar Pradesh.
4.25. The Sivakasi Project

The main target group of this project is the 45,000 working children employed in the match and fireworks industry of Sivakasi in Tamil Nadu. Other beneficiaries of the programme will include the parents of these children and a number of low income and disadvantaged groups of people living in the area. The ultimate objective of the project is the elimination of child labour in the match and fireworks industry. The programmes include such areas as education, rural development and health for the benefits of working children and their families. Most of the children are either drop-outs, or have never attended schools.

4.26. Formation of Child Labour Union

The “Bal mazdoor Union”, possibly India’s first child workers union, formed in 1992 under the aegis of non-governmental organization, Butterflies, was preparing to file a writ petition in the Supreme Court, to secure trade union rights for child labourers. The decision followed the rejection of such writ by a Division Bench of Delhi High Court. This has added a new dimension to the vexatious problem of child labour.

4.27. International Programme on Elimination of Child Labour (IPEC)

The International labor Organistaion had earmarked US $2.25 million assistance for International programme on Elimination of Child Labour in India for the period ending 31 December, 1993. IPEC was formally launched in India on January 20, 1993, based on the memorandum of understanding between the Government of India and the ILO in 1992. A major component of the IPEC is to encourage, promote and support voluntary and other organizations in implementing action oriented programmes at field level, within the framework of national policies and programmes related to child labour.
4.28. Child Labour Action and Support Programme (CLASP)

Another International Labour Organisation Project, namely the Child labour Action and Support Programme, was also launched. The main objective of the CLASP is to strengthen the capabilities of Central and State Governments in the implementation of National Policy on Child Labour.

4.29. National Steering Committee

The Government has already constituted a National Steering Committee comprising representatives of government, employers, workers and NGOs. Programmes were formulated by the national Steering Committee and submitted to the ILO Steering Committee for approval. Funds are then released to the organizations directly after they enter into sub-contracts with ILO.

4.30. Wage Board for Child Labour

The Government is considering setting up a Minimum Wage Board for Child Labour. This will mean legitimising recruitment of children between 10 and 14 years. However, the present ban on employing children in hazardous industries like construction and stone quarrying will continue.

4.31. Rationalising Labour Laws

A note on the "Objectives of Rationalising Labour Laws," prepared by the Ministry of Labour, outlining the various measures taken by the government to provide social security to workers, has also referred issues related to child labour. The government is taking follow up action on the programme for action to eliminate child labour in hazardous industries, as announced by the Prime Minister on August 15, 1994.

The programme will cover two million working children. The Union Minister for labour has held a meeting of the State Labour Ministers where child labour
concentration is high. An action plan was discussed and the States unanimously agreed to work out schemes in this regard.

4.32. National Authority for Elimination of Child Labour

The National Authority for Elimination of Child Labour was set up on October 1, 1994, by the Union Labour Ministry. This National Authority is required to monitor the progress of implementation of the programmes, projects and schemes of implementation of child labour, particularly in hazardous industries. It will coordinate implementation of child labour elimination related projects of the various sister Ministries of the Government of India.

Meanwhile, international pressure has been mounting on India to eliminate child labour in export oriented industries. There have been moves in the USA and West European countries to ban the inflow of goods produced with the help of child labour. The regional conference of Labour Ministers is being convened urgently to consider the measures to eliminate child labour, particularly in hazardous industries. It was therefore decided that all States will likewise establish State Authorities for Elimination of Child Labour.

4.33. State Labour Advisory Boards

These will be established where they do not exist. All states are to set-up district level child welfare comities. States have been asked to draw up “Master Plan of Action” for elimination of child labour within a specified time frame. For this, districts, blocks and industries will be identified on the basis of which surveys and studies on the conditions of child labour will be undertaken and completed within six months. This will be followed by time-bound action programme which will be implemented by the States.
4.34. Action towards total Elimination of Child Labour

The Central Child Labour Advisory Board, which assists the Ministry, has recommended progressive time-bound elimination of child labour in ten States/Union Territories, namely, Goa, Mizoram, Pondicherry, Manipur, Meghalaya, Nagaland, Sikkim, Tripura, Himachal Pradesh and Chandigarh. Two national child labour projects at Jaggampeta in Andhra Pradesh and Mandsaur in Madhya Pradesh were identified for total elimination of child labour within a period of one year.

4.35. Need for a Child Labour Commission

The Labour Ministry Task Force headed by the eminent Jurist Dr. L.M. Singhvi, recommended in February 1990, that all the laws pertaining to child labour be integrated to form a Child Labour Code. The Task Force suggested the setting up of a composite national machinery, an Ombudsman of sorts of better the lot of child labour.

It sought further amendment to the Child Labour (Prohibition & Regulation) Act, 1986 and more teeth in the National Policy and Action Plan on Child Labour. The Task Force also wanted the Government to prepare a white paper on the historical background and the present situation on child labour, giving reliable statistical data, projecting the perception and policies of the Government in terms of targets, allocations and sector plans.

The suggested Child Labour Ombudsman or a Child Labour Commission be entrusted with the task of investigation, resolution of grievances and disputes and giving authoritative direction to employers and others, would at least better the lot of child labour.
4.36. Child Welfare Measures

Considering the magnitude of the problem of children and especially of the working children the question comes whether the Government of India is a silent spectator. Obviously the answer is that the Government is aware of the problem and it has adopted a national policy for the welfare of children way back in 1974 which recognises that the nation’s children are a supremely important asset. Some of the important measures that the Government is committed to undertake for the welfare of the children are:

- Comprehensive health programme for all the children.
- Programme to provide nutrition services for removing deficiencies in the diet of the children.
- Free and compulsory education for all children up to the age of 14.
- Physical education, games, sports and other types of recreational as well as cultural and scientific activities in schools, community centres and such other institutions.
- Special assistance to children belonging to weaker sections of the society.
- Special attention to children who have become delinquent or have been forced to take to begging or are otherwise in distress. Facilities for education, training and rehabilitation and care of children who are physically handicapped.
- Protection of the children against cruelty, neglect and exploitation.
- No child under 14 years of age shall be permitted to be engaged in any hazardous occupation or be made to undertake heavy work.
- Facilities for special treatment, education, rehabilitation and care of children who are physically handicapped.
Priority to children in relief operations in times of distress or natural calamities.

Amendment to existing laws in the interest of the children.

The measures as proposed by the Government of India in its National Policy for the welfare of children will go a long way in upholding the rights of the child. However, considering the magnitude of the problem, the initiative by the Government of India is not sufficient.

Therefore it is necessary that all concerned parties, namely, the Government, parents of the child, trade unions, employers and the non-Government Organisations should attend to the rights of the child and prepare an action plan for the welfare of the child, and especially for the welfare of the children who are forced to work in their tender age for wage employment or self employment.

4.38. Conclusions

Child labour is a scourge of many developing and newly industrializing countries. The causes of the persistence of child labour in India are the inadequate educational system and a lack of awareness among parent and society in general and about the implication of the child labour for health and development. Article 15(3) of our constitution permits the state to make special provisions to restrict the employment of children in certain areas.

Article 21 upholds that each and every child has the inherent right to life, which means more than bare physical survival. The study conducted by The Labour Bureau shows that in small industries and cottage industries, employment of underage children, either uncertified or having false age certificates, continued. The working conditions for the children in the beedi and glass industries continue to remain deplorable.

The report of the National Commission on Labour indicates that the children are not direct employees, but they help the weaver and collect whatever the money
they can get from him. Article 45 directs the State to provide free and compulsory education to all the Indian children upto 14 years of age within the limit of 10 years.

Gurupadaswamy committee recognized that a distinction had to be made between child labour and the exploitation of child labour because, through both are a problem, they are of different orders. The Non–Formal Education centres for child labour would aim at education to children upto the level of 5\textsuperscript{th} class, with arrangements for continuance of Non–Formal Education upto the level of 8\textsuperscript{th} class, wherever possible.

The department of Women and Child Development has an on–going programme for women and child, i.e., Integrated Child Development Services. The Child Labour Advisory Board examined the recommendations of Task Force on Child Labour, set up under the Chairmanship of the eminent Jurist Dr. L.M.Singhvi. The ILO had earmarked US $2.25 million assistance for International programme on Elimination of Child Labour in India.

The National Authority for Elimination of Child Labour will coordinate the implementation of child labour elimination related projects of the various sister ministries of Government of India. Two National Child Labour projects at Jaggampet in Andhra Pradesh and Mandsaur in Madhya Pradesh were identified for total elimination of child labour within a period of one year.

The important measures undertaken for the welfare of the children are, comprehensive health programme for all the children, programme to provide nutrition services for removing deficiencies in the diet of the children, free and compulsory education for all children upto the age of 14 and special assistance to children belonging to weaker sections of the society.
4.39. References


5. Sekhar (1998), Child labour legislation in India, V.V. Giri National labour Institute, Noida.


