

Innovative Approaches in Addressing Child Labour An Indian Experience

A Paper Presented by

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Regional Workshop on
"Best Practices to reduce Child Labour in Informal Sector"
On 26th-27th June 2002 at Dhaka, Bangladesh

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Introduction:

As an organisation our position on child labour has been that there are multiple causes for child labour - poverty, stagnation of the rural economy, with no alternate forms of employment - majority of the child labourers belong to the socially oppressed communities, non functioning primary and elementary school system with poor quality of education, ineffective functioning of public distribution system lack of minimum social security and the onslaught of the globalisation and its repercussions on small entrepreneurs and marginalised groups of people are some of the key factors.

Situation Analysis

According to the 1991 census, there are about 13 million child labourers in the country the overwhelming majority of whom are in agriculture : 35.2 per cent being cultivators and 42.5 being agricultural labourers. However, since a lot of labour performed as part of the family in farms and household units is not recognised, there is a problem with census estimates as well. This is particularly true of the labour of the girl child. If one were to use the labour participation rate of children in the age group of 6-14 years as shown by the 42nd round of the National Sample Survey (NSS) and apply the ratio to the child population in this age group, which is estimated by the 1991 census to be 164.67 million, the child labour population in the country would work out to 71 million. There are 2 million child labourers in India in hazardous industries according to the Government.

Initiatives to Combat Child Labour

To combat the complex issue of child labour, various initiatives have been taken in India by the government, UN organizations, bilateral agencies and the non-governmental organizations working against child labour. All of these organizations are agreeable on the fact that child labour exists, and it should be eradicated. Their initiatives towards the elimination of child labour however differ based on their understanding of the existence of child labour. While some believe that child labour is the cause of poverty and therefore efforts have to be made to totally ban child labour/work and all children should be compulsorily in full time formal school. Whereas there are others who believe elimination of child labour should be done in a phased manner starting with the most intolerable forms of

labour. Therefore, the responses to child labour are varied based on the conceptual understanding of child labour.

Government of India's Policy towards Eliminating Child Labour in India :

The first Act in India relating to child labour was the 'Enactment of children (Pledging of labour) Act' of February 1933. Since then there have been nine different Indian legislations relating to child labour until in 1986 a comprehensive Child Labour (Regulation and Prohibition) Act came into being. The strategy of progressive elimination of child labour underscores India's legislative intent, and takes cognizance of the fact that child labour is not an isolated phenomenon that can be tackled without simultaneously taking into account the socio-economic and cultural factors that are at the root of the problem.

National policy on Child Labour 1987 :

The National Policy on Child Labour, 1987, has three facets : a legislative action plan, focus on general development programmes to benefit child labour and project-based action plan in areas of high concentration of child labour.

National Child Labour Projects :

In pursuance of the National Child Labour Policy, the ministry of labour has been implementing the scheme of National Child Labour Projects (NCLP) since 1988 for the rehabilitation of child labour. A major activity undertaken under the NCLP is the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition, stipend and health care, to children weaned away from employment. Seven child labour projects were set up in the year 1988 after the announcement of the National Child Labour Policy, 1987. The number of projects increased to twelve by the middle of 1994. These projects were basically specific projects intended to rehabilitate children working in traditional industries concentrated in specific areas¹. The particulars of these projects are as under:

SL. No.	Name of the Child Labour Project	Nature of Industry	Year of Starting
1.	Sivakasi	Match and Fire work	1986
2.	Jaipur	Gem Polishing	1988
3.	Mandsaur	Slate	1988
4.	Markapur	Slate	1988
5.	Mirzapur-Bhadohi	Carpet Weaving	1988

¹ Resource Kit; Social Audit on Child Labour Interventions by Campaign Against Child Labour, Advocacy Unit, Secretariat, Centre for Education and Communication, November 2001, Pg.9-10

6.	Firozabad	Glass	1988
7.	Aligarh	Lock	1988
8.	Moradabad	Brassware	1988
9.	Jaggampet	Slate	1989
10.	Samblapur	Bidi	1994
11.	Thane	Brick	1994
12.	Gharwa	Bidi	1994

Source: Resource Kit; Social Audit on Child Labour Interventions Page 10. By CACL, CEC, November 2001

A major flaw in the design of many of these projects is the implicit assumption that child labour is a problem at the behavioural level. This is a consequence of the shift of attention of international policy-makers from the structural roots of child labour to behavioural aspects. As a result, the focus is primarily on abolition of child labour through penal sanction.

However, most of the projects planned and implemented are occupation specific and not geographic specific. In other words elimination of child labour can be occupation specific, however rehabilitation programme must be geographic specific i.e. address the issues of child labour by identifying districts where there is a high concentration of child labour and tackle issues of poverty, alternate employment opportunities for adults, minimum wages etc.

In 1994 NCLP reviewed its projects and made a shift in emphasis. NCLP concentrated on hazardous occupations and projects planned were area specific projects and initiated in child labour endemic districts. As against 12 NCLPs started earlier, 64 additional NCLPs were sanctioned bringing the number of child labour projects to 76. The cabinet committee on Economic Affairs (CCEA) approved on 23rd January, 1999 the continuance of the scheme during the Ninth plan and also approved to increase the number of projects from the existing 76 to 100. As of date, there are 93 National Child Labour Projects in 11 child labour endemic states for rehabilitation of approximately 1.9 lakh working children. The budgetary allocation for the year 2001-2002 is Rs.67.20 crores.² Statewise position regarding the number of projects sanctioned and coverage (sanctioned and actual) is given below:

² Resource Kit; Social Audit on Child Labour Interventions, by Campaign Against Child Labour, Advocacy Unit, Secretariat, Centre for Education and Communication, November 2001, pg.10-11

Coverage under National Child Labour Project

States	Number of districts covered	Sanctioned coverage		Actual coverage	
		Number of Schools	Number of children	Number of Schools	Number of children
Andhra Pradesh	22	915	58,050	797	50,508
Bihar	08	194	12,200	187	11,213
Karnataka	03	110	5,500	039	1,950
Madhya Pradesh	06	137	9,500	069	3,858
Maharashtra	02	74	3,700	061	3,170
Orissa	18	530	36,250	511	3,1456
Rajasthan	05	140	7,000	060	3,000
Tamil Nadu	09	425	21,900	353	17,190
Uttar Pradesh	11	350	22,500	170	11,730
West Bengal	07	279	14,000	232	11,650
Total	91	3154	190,600	2479	145,725

Source : Annual Report, 1999-2000, Ministry of Labour, GOI

The main thrust of the NCLP is to reduce the incidence of child labour in the project areas and thereby encouraging the elimination of Child Labour progressively. It was envisaged that the project activities would include:-

- Stepping up enforcement of child labour laws.
- Non-formal education.
- Adult education.
- Income and employment generation.
- Special schools for imparting non-formal education and vocational training.
- Raising awareness, and
- Survey and evaluation.³

Apart from NCLP, the government has been implementing a Grant-in-aid scheme for voluntary organizations working in the field of child labour. Under the scheme voluntary agencies are given financial assistance directly by the ministry of labour to the extent of 75% of the project cost for the rehabilitation of working children.

³ White Paper on Child Labour by Deepti Menon, Butterflies, New Delhi, November 2001, Pg. 11

Voluntary organizations have been receiving the funds under the scheme since 1979-80.⁴

Central Monitoring Committee :

A central monitoring committee for the overall supervision, monitoring and evaluation of the National Child Labour Projects has been set up in 1998 under the chairmanship of Secretary, Ministry of Labour with representatives of state governments and concerned Ministries/Departments. Most of the states have also set up state level monitoring committee for monitoring NCLPs in their respective states. Action is also being taken at the district level and state level to monitor the pace and progress of operationalisation of NCLPs.⁵

Compulsory elementary education has been seen as one of the strategies to prevent children from entering the labour force. To day it is a fundamental right of every child to have access to free quality and equitable elementary education. Although the allocation of budget for schooling has remained same i.e. 3.7% of the GDP and there seems to be no serious commitment to increase the budgetary allocation. To increase the coverage of education for children upto the age of 14, GOI initiated a programme called Sarva Shiksha Abhiyan.

Sarva Shiksha Abhiyan: A Programme for Universal Elementary Education in India :

The Sarva Shiksha Abhiyan is a noteworthy initiative towards achieving the goal of Universalisation of Elementary Education {UEE} through a time bound integrated approach in partnership with States. The SSA aims to provide useful and quality elementary education to all children in the 6-14 age-group by 2010.

The SSA is an effort to recognize the need for improving the performance of the school system and to provide community owned quality elementary education in the mission mode. It also envisages bridging of gender and social gaps.

Objectives of SSA

- All children in school, Education Guarantee Center, Alternate School, 'Back to School' camp by 2003.

⁴ Resource Kit; Social Audit on Child Labour Interventions, by Campaign Against Child Labour, Advocacy Unit, Secretariat, Centre for Education and Communication, November 2001, pg.11.

⁵ Resource Kit; Social Audit on Child Labour Interventions, by Campaign Against Child Labour, Advocacy Unit, Secretariat, Centre for Education and Communication, November 2001, pg.12.

- All children complete five years of primary schooling by 2007.
- All children complete eight years of schooling by 2010.
- Focus on elementary education with satisfactory quality with emphasis on education for life.
- Bridge all gender and social category gaps at primary stage by 2007 and at elementary level by 2010.
- Universal retention by 2010.⁶

Coverage and Period

The SSA was supposed to cover the entire expanse of the country before March 2002 and the duration of programme in every district would depend upon the District Elementary Education Plan {DEEP} prepared by it as per its specific needs. However the upper limit for the programme has been fixed as ten years i.e. upto 2010.

SSA has two aspects- I} it provides a wide convergent framework for the implementation of Elementary Education schemes; ii} it is also a programme with budget provisions for strengthening vital areas to achieve universalisation of elementary education.

National Programme of Nutritional Support to Primary Education (Mid-Day Meals) :

The National Programme of Nutritional Support to Primary Education, commonly known as the Mid Day Meals Scheme was launched in August 1995. This was due to the favorable impact of the scheme on children in some States as well as the comfortable food stock position in the country, and to relate primary education with nutrition, health and ICDS.⁷

Initiatives Taken by the UN Agencies

ILO - International Programme for the Elimination of Child Labour (IPEC):

The International Programme on the Elimination of Child Labour is a global programme launched by the International Labour Organization in December 1991.

⁶ Resource Kit; Social Audit on Child Labour Interventions, by Campaign Against Child Labour, Advocacy Unit, Secretariat, Centre for Education and Communication, November 2001, pg.13.

⁷ Resource Kit; Social Audit on Child Labour Interventions, by Campaign Against Child Labour, Advocacy Unit, Secretariat, Centre for Education and Communication, November 2001, pg.12.

India initiated IPEC in 1992, for the period 1992-93, budget allocation and commitment for India given under IPEC was US\$ 6.9 million. Altogether 154 action programmes were taken up under IPEC during 1992-99. The total number of children covered by these projects is 90,000.

Types of IPEC Action Programmes :

There were two types of individual programmes, namely, Action Programmes {AP} and Mini Programmes {MP} which fell into four categories :

- I. Direct Support
- II. Institutional Development
- III. Awareness Raising
- IV. Programme development

Direct Support Programmes: During the first phase{1992-96} close to 120 action programmes spread all over the country were implemented covering about a 1,00,000 children. The major programme initiative was setting up of non-formal education centres by NGOs.

Institutional Development: Institutional development programme and programme development – two categories of indirect support programmes received attention during this period. Institutional development programmes attempted to create capacities among a large number of partners to address child labour issues e.g. workers' organisations, employers' organisations, training institutes, National Safety Council, Central Board of Workers Education and National Institute of Rural Development.⁸

Awareness Raising: The role of awareness generation programme as a strategic input towards combating child labour was recognised as critical input to mobilise various segments of the society and the community as a whole.

Programme Development: From 1989 to 98 there was a marked change in IPEC strategy in India. IPEC moved away from running a very large number of small programmes to building up a portfolio of a few large programmes.

Integrated area-specific approach against hazardous and exploitative forms of child labour (IASP) is one of such approaches. The fact that the problem of child labour is complex and multidimensional, and therefore the need to address the issue through diverse set of social interventions. The integrated model included provisions of formal and non-formal education, health services, skill

⁸ White Paper on Child Labour by Deepti Menon, Butterflies, New Delhi, November 2001, Pg. 31

development, supplementary income to the parents of child labourers withdrawn from work, prevention of child labour, mobilisation of trade unions and employers, training and capacity building etc. These programmes are both location-specific and target-specific. This new programme envisages addressing the problem with a collective effort involving all the social partners.⁹

The Integrated Area-Specific Approach Against Hazardous and Exploitative Forms of Child Labour {IASP} is being implemented in five districts of India, endemic in hazardous occupations. They are:

- i. Sivakasi, Virudunagar district of Tamil Nadu where children are engaged in manufacture of matches, fireworks and explosives.
- ii. Tirupur, Coimbatore district of Tamil Nadu where children are mainly engaged in garment manufacturing.
- iii. Jaipur in Rajasthan where children are engaged in hand knotted carpet making.
- iv. Firozabad district in Utter Pradesh where children are engaged in the glass and bangle industry.
- v. Mirzapur district of Utter Pradesh where children are engaged in hand knotted carpet making.

UNICEF - India

Bal Adhikar Pariyojna : This integrated community-based project on the prevention and implementation of child labour in the carpet belt of Utter Pradesh is supported by the German National Committee for UNICEF as well as IKEA. The objective of the project is to promote community based strategies and interventions aimed at the prevention and elimination of child labour with a focus on addressing the root causes of child labour and providing opportunities for 'at risk' families to improve the qualities of their lives. Started in October 1997 the project is implemented in a phase manner. In its third phase the project reaches out to more than 15 lakh people spread in eight development blocks of the three carpet belt districts of Bhadohi, Mirzapur and Jaunpur.

The components supported by UNICEF include capacity-building for social mobilisation and technical/resource support for quality education, greater women's networking through self help-groups and improved management and monitoring.

It is reported that since the inception of the project in 1998, more than 35,000 have been enrolled through the project. A lot of emphasis is laid on community participation for making the programme effective. Efforts at the community-level

⁹ White Paper on Child Labour by Deepti Menon, Butterflies, New Delhi, November 2001, Pg. 34.

to prevent drop-outs have met with limited success. To remedy the situation and reduce dropout, Shikshan Sahiyog Kendras {education support centers} are being run on experimental basis in select villages.

The process of phasing out has been a useful learning experience and the gaps identified will facilitate withdrawal in the phase II and III villages.

Initiatives Taken by NGOs :

A number of NGOs across rural and urban India are working on the issue of child labour. For a large number of NGOs elimination of child labour strategy was either initiating non-formal education centres or withdrawing children from labour and admitting them in formal schools. In certain cases it worked in preventing and withdrawing children from labour force but in large instances it has neither prevented nor withdrawn children from labour force. Our view is that the strategy of compulsory education as the core of policy initiatives to end child labour glosses over the complexities referred to earlier. Besides, there is the implicit assumption that all learning takes place in schools. This is problematic in itself. the most important weakness of this position is that it ignores the present-day international context that is of acute world-wide crisis and the structural-causal links that bind the countries of the South and the North. Needless to emphasise, this approach would violate the essence of the CRC direction that 'the best interest of the child shall be the primary consideration.' The right to life is fundamental to all notions of child's rights existing in the CRC. Rights to life implies right to pursue survival strategies in the event of failure by the State and society to ensure survival. To foreclose the option of labour for survival to a child without ensuring conditions of survival may enforce other articles of the CRC, but would undermine the right to survival and go against 'the best interests of the child.' There has also been efforts for national and international campaigns against child labour which has resulted in boycott of products made by children by other countries.

The **Bachpan Bachao Andolan** came into being during the Uttar Pradesh Legislative Assembly election in 1993. It emerged as a strategy by the South Asian coalition of Child Servitude {SACCS}, a Delhi based NGO, to inject the issue of child labour into electoral campaign. More known for its curative approach this group organises direct action like raids and freeing children from bondage; mobilising public opinion on the issue and building pressure groups for an effective implementation of child labour laws and rehabilitation schemes.

The Andolan has units in UP, Bihar, MP, Rajasthan, Maharashtra, Haryana and Delhi. SACCS is the first Asian joint initiative against bonded child labour and servitude. the initiative is reported to have freed more than 27,000 children from

servitude through raids and with the help of Supreme Court and High Court orders –from the carpet, glass, brick kiln, stone and construction sectors. Besides, it has also set up 14 non-formal schools for working children and two rehabilitation centres for freed child labourers. The group has developed the Rugmark label.¹⁰

Rugmark label: It is a product labelling scheme that is based on the desires of western consumers for goods produced under morally acceptable conditions. The Rugmark labelling initiative was founded in 1994 by organisations in Germany and India with the support of carpet importers and the German government. Carpet manufacturers who register with Rugmark commit to not using child labour in production processes and allow the Rugmark foundation to conduct unannounced inspections of their looms. The Rugmark Foundation then attaches labels to their carpets, thereby selectively promoting the export of carpets made without the use of child labour. The idea and operation of Rugmark were refined and finalised during discussions between SACCS and three German funding agencies led by Bread for the World.¹¹

The Rugmark initiative did make noticeable impact in curtailing child labour in the hand knitted carpet industry. However the programme had quite a few problems and suffered setbacks also. Such an initiative by foreign organisations from developed countries to combat child labour by linking it to trade is looked as having protectionist motives. Moreover the procedural part of Rugmark is not considered foolproof.

The **Campaign Against Child Labour {CACL}**, initiated in 1992, by a German funding agency, MNC - ad agency and a local NGO is a nationwide effort seeking eradication of child labour addresses the question of child labour as a violation of basic human rights. Its major focus is on the mobilisation of public opinion for the eradication of child labour; establishing links with other issues, movements and struggles; and intervening in specific cases of child rights violation. At present CACL is active in 12 States of India. A two-pronged advocacy including both the elimination as well as the preventive approaches has been adopted – that of building public opinion on child labour and using both conventional and non-conventional media, and of persuading to Government to enforce existing laws and to enact legislations to ensure the rights of children.¹²

CACL believes that the enforcement of free, quality, compulsory elementary education for all children upto the age of 14 years, is a pre-requisite for eradication

¹⁰ Convention on the Rights of the Child, India First Periodic Report 2001, Dept. of Women and Child Devpt., Ministry of HRD, Govt. of India, Pg. 379.

¹¹ *ibid.*

¹² *ibid.*

of child labour. At the same time it also aims at the immediate eradication of child labour notwithstanding the gravity of the child's need to earn when the family is in difficult times

The **M V Foundation**, established in 1981, with greater emphasis on the preventive approach, it focuses on the abolition of child labour through the universalisation of primary education. It has been providing non-formal education, particularly for girl children and bonded labourers in the agricultural sector of Rangareddy district of Andhra Pradesh for over a decade. The child labour project was instituted to provide non-formal education to working children and hereby to motivate them to enroll in regular schools.

The project is operational in 10 blocks {Shankarpally Mandals} and 300 villages of Rangareddy district. Over 80,000 children in the 5-8 age group are reported to have been enrolled into schools and have been retained. These include 1,200 formerly bonded children and 25,000 adolescent girls who have been released from work and have been enrolled and retained in schools. Over 500 teachers were appointed through the Parent-Teacher Association/ community/Gram Panchayat support. Over 1,200 para-teachers, 7,000 youth volunteers and 30 government teachers have been motivated and trained by the M V Foundation, and they in turn have motivated parents to release their children from work and send them to school. An advocacy campaign was launched in the community and as part of this, posters, handouts, spots in the electronic media were used to raise awareness of parents and teachers about the importance of universal primary education.¹³

The second strategy meant for the children in the age-group 9-14 years, was to 8th transitional bridge course camps, where children were prepared for the 5th standard. The children are contacted primarily through The non-formal education centres and after a decision to Join schools is made, they are sent to the residential camps for four months duration. In these camps the children are taught to read and write through a bridge course and are prepared to join in classes corresponding to their age.

The IPEC Report of 1992-95 observes that there is a great deal of enthusiasm among the children to go to the camps as there are even cases when the children have run away from their homes to go to the camp. The report further states that the success rate of these camps is almost 100%¹⁴

¹³ Convention on the Rights of the Child, India First Periodic Report 2001, Dept. of Women and Child Devpt., Ministry of HRD, Govt. of India, Pg. 379.

¹⁴ White Paper on Child Labour, by Deepti Menon, Butterflies, New Delhi, November 2001, Pg. 49.

The **Pratham Mumbai Education Initiative** adopted the plan of using early childhood education as a stepping stone to universalise primary education when it started work in the city of Mumbai. Begun with UNICEF initiative, Pratham's defined objective is to ensure that all children in the age-group of 3-10 years in Mumbai city are enrolled in pre-school centers or primary schools. Pratham has developed a low-cost and effective model for ECCE that is community based.¹⁵

The **Mabadi** {our school} project in Andhra Pradesh has set up schools run by the local community with support from the Integrated Tribal development Authority {ITDA}. Mabadi is a full time school and has classes up to class II. After completion of the course at Mabadi, the teachers encourage parents to admit their children to the nearby ashram or residential school. A local youth who has received education up to class VII is appointed by the Village Education Committee {VEC} to teach in the school.¹⁶

The **Lokjumbish** {people's movement} project in Rajasthan tries to address the needs of children who have been left out of the mainstream education system through the Sahaj Shiksha Kendras {non-formal teaching centers}.¹⁷

Butterflies Program of Street and Working Children

Children's Rights : Our Commitment and Mandate:

Butterflies believes in the right of every child to have childhood where he or she has the right to protection, respect, opportunities for development and the right to participate in decisions concerning his or her life.

As said earlier a multi pronged approach needs to be taken if we truly want to eradicate child labour. The issues of generating employment, ensuring minimum wages, and minimum social security functioning health care system, Public Distribution System(PDS), Integrated Child Development Scheme (ICDS) and quality education are essential. Elimination of child labour should be "occupational specific" but rehabilitation have to be "geographic specific". This approach proved effective in north Arcot district in Tamil Nadu which had

¹⁵ Convention on the Rights of the Child, India First Periodic Report 2001, Dept. of Women and Child Devpt., Ministry of HRD, Govt. of India, Pg. 379.

¹⁶ Convention on the Rights of the Child, India First Periodic Report 2001, Dept. of Women and Child Devpt., Ministry of HRD, Govt. of India, Pg. 379.

¹⁷ Convention on the Rights of the Child, India First Periodic Report 2001, Dept. of Women and Child Devpt., Ministry of HRD, Govt. of India, Pg. 379.

considerable numbers of bonded child labourers . Today the children are in schools, the loans were written off, women were given loans to initiate economic enterprises. School teachers were involved in giving extra coaching classes to the first generation learners and there was a functioning ICDS and PDS. This happened not due to an NGO's efforts, but due to a District Magistrate performing his duty. As much as we struggle to defend the child's fundamental right to quality elementary education in the same vein we should demand the child's right to family, food, shelter, health care and protection from abuse. These rights belong together.

Butterflies – Our Experience :

We work with street children in the city state of Delhi - children who have run away from home due to domestic violence, dysfunctional families, extreme poverty, strict disciplinarian parents, no interest in school, influenced by friends to leave home and orphans. To us they constitute the most vulnerable group of children in the city.

Children's Rights : Our focus :

Butterflies approach is democratic and decentralized. Therefore, the strategy aims to ensure that children actively participate in the decision making process through Bal Sabha (Children's Council meetings,) and their own Bal Mazdoor Union (Child Workers Union). Through the monthly Bal Sabha meetings the children share their concerns and find collective solutions, plan future activities, as well as monitor and evaluate the work of Butterflies. Furthermore, a number of children's own forum have grown out of their Bal Sabha discussions – such as their Bal Mazdoor Union, Bal Mazdoor Ki Awaz (Child Workers Wallpaper), Health co-operative, Bal Rang Manch (theatre group), Butterflies Broadcasting Children, restaurant, a credit union and very recently a children's bank called Bal Vikas Bank.

All these activities are clearly specifically directed to empowering children develop skills in decision making and train them in democratic participation. It is only then we believe that these children will grow up to be empowered adults capable of taking control of their lives and exit from oppressive situations.

Where possible we support children to return to their families. We respect children right to their families. Families are the best environment to grow and develop except in a few cases where families become non viable. An institution can not be a substitute for a family. In the last ten months itself we restored 60 children to their parents. Out of the numbers of children restored back to their parents about 20% of the children run away again. In our consultation with a

child who for various reasons does not want to go home we offer the child various options to choose from:

- a) to be admitted to a residential school
- b) to go to a home (institution) run by an NGO especially in cases of very young children. or
- c) if he chooses to stay on the street and work-we offer him all the other services such as education, health care, legal help, counselling technical training and access to municipal corporation night shelters, PHCs and government hospitals.

In the case of a girl child who refuses to go back home we would counsell and persuade her to get admitted to a girls home, as she could be sexually abused and forcefully pushed into prostitution there we continue to follow up her case even when she is in an institution for atleast three years and in certain cases i.e. if she has been sexually abused the follow up goes on till her therapy and legal case is completed.

Butterflies is accredited to National Open School, so children are encouraged to continue their studies. Our first target is to prepare him or her up to 5th standard, once the child completes the 5th standard we enroll him for the bridge course i.e. up to 8th standard. We then coach the child to register for the 10th standard. Here, I would like to digress a bit., while we were working in one of the major markets in Delhi with the coolie boys, we noticed quite a few rag picker children who used to hang around the market . On enquiry we realized that these children came from an adjoining slum. We made our contacts with the community and did a survey of the community (592 households) we found that no children from the slum went to the neighbourhood 5 NDMC schools nor to the two high schools. On enquiry we were told it was difficult to get admission as their children had no birth certificate. The school authorities agreed to take them if they could furnish affidavits of their births. Twenty parents came forward to make the affidavits and shelled out Rs. 75 each. Armed with the affidavits the parents along with us went to school for admission. They were admitted a week later 15 children's names were struck off. The reason given by the school authorities was that they were smelly, wild and had no discipline. When persuasion did not work we threatened that an assembly question will be raised if they were not re-admitted. The children were re-admitted. Today 95% of the children are in schools. There is 100% retention and the 5% that are not in schools is because the children miss out the academic year as they go to their villages during school recess and return late for the start of the academic session. The relationship between the school authorities (i.e. headmistress, teachers) parents and us are so good that if a child is absent for more than two days a chit is sent to the parents and us. Among these school children 40% are also working.

This year after years of struggle we were able to admit two street children to government school. The school authorities were reluctant in the first instance because they were street children and had no "proper home address" - the children's address was the government night shelter for the homeless. When we insisted, they said they will give a test and only if they pass will they be admitted although there is no such rule, they insisted on it. The boys took the test and passed it. The school gave them admission. This was path breaking for us, we can now admit children in formal schools even though they have no "proper home address". The children go to school and also work as well as participate in their collective activities. They are coached by the educators. They are the best students not only in their class but also in the school.

In Butterflies's education curriculum our major focus is on life skill education which includes values such as self worth, respect for diversity, handling of emotions, health issues, reproduction health, gender, sex, sexually transmitted diseases, drugs and laws relating to children. Working with street children is a real challenge, being a floating population, for us the challenge is to give the child an education that will give him or her knowledge and skills to be empowered while he/she is in contact with us.

However, all our programmes and activities are planned in consultation with children and in certain instances they plan a future activity in consultation with adults.

Children's Participation in decision-making : Bal Sabha (Children's Council):

Institutionalizing the concept of children's participation and that children need to have their own space is not easy. It is a constant battle with one's mental blocks among adults to truly give children right to freedom of self-expression and the right to form associations.

Bal Sabha forms the core of our programme. It has helped in refining our programme interventions, in the process of organizing children and creating a forum where they can speak, share their ideas as well as critique the programmes and orientation of the organization. Further, children also learn the principles of democracy.

One of the outcomes of Bal Sabha meetings has been the formation of Bal Mazdoor Union, Health cooperative, Bal Vikas Bank, Bal Mazdoor Ki Awaz, Bal Rang Manch and Butterflies Broadcasting Children. In fact at one of the meetings of the Bal Mazdoor Union, it was decided that representatives of the BMU will accompany street educators whenever they go to meet police or municipal

corporation officials on issues related to them. The reason for this decision was that street educators quite often did not share the information on the outcome of the meeting soon enough. The practice was to share the information whenever a meeting of children took place. Moreover the children felt since they were going to discuss about their problems they wanted to be present at these meetings.

Bal Mazdoor Union : Towards collective action by Children:

The direct outcome of having the Bal Sabha (Children's Council) has been the formation of a Child Worker's Union. One of the major problems faced by street children is harassment from police, licensed coolies and shop keepers. Quite often children are beaten up on false charges of theft and street brawls. They are also booked on false charges of theft and remanded either to a special home or sent to Tihar Jail (the latter is done by hiking their ages to 17).

Issues of concern to the Bal Mazdoor Union :

The Bal Mazdoor Union sees itself as a collective of street and working children. It is a platform of and for children who are denied their access to basic rights, which have been guaranteed to each and every child in India by the Constitution of our country and the Convention on the Rights of the Child, which has been ratified by the Government of India. The Union seeks to educate and conscientise children regarding their rights both as children and as workers. It is important to point out that the Union is concerned about the situations of abuse and/or denial of access to basic fundamental rights, such as the right to education, right to recreation and leisure, the right to respect and opportunities, the right to shelter and health care, the right to be protected from exploitation and oppression and the right to demand and implementation of all legislation's relating to the protection of children and their rights with regard to **all children**, especially the disadvantaged and the most vulnerable.

The Bal Mazdoor Union in its various collective actions has highlighted the situation of children in this larger contest. The Bal Mazdoor Union has brought to the attention of people the callous death of 15 year old Zaffar Imam by his employer in April 1994, the deaths of three street children because of medical negligence at the Observation Home Delhi in May 1994 and the death of a child in another state run home in 1996 due to brutal beatings as well as its protest over the brutal deaths of Gond tribal woman and children in Nagpur by police in December, 1994. They collected money for the cyclone in Orissa and the earthquake in Latur and Gujurat. In the case of Zafer Imam the Bal Mazdoor Union through it's dialogue with the chief minister of Delhi was able to change the

charge on the accused (employer) from section 307 of the IPC(which relates to attempt to murder) to a murder charge (section 302 of the IPC) further on behalf of the child's parents the Bal Mazdoor Union had filed a case in the Delhi high court for compensation.

Those who opposed the unionization of child workers do so on the following counts. They believe that(a) children are not mature enough to discuss and decide on issues pertaining to their lives (b) unionization in fact legalizes and institutionalizes child labour and (c) it is unnecessary effort to politicise children

It is ironic that children are not considered "minor" when they are forced to do adult jobs including working in hazardous occupation (match factories, fireworks, glass, gem polishing, lock, industry, mines, constructions, carpet industry etc) besides, they also work longer hours than adults and are paid less wages than adults. Some of these children are the bread winners of their families. However when it comes to giving them power to make their own decisions they are suddenly seen as incapable and being too young to shoulder their responsibility

Most of the opponents to this strategy seem to forget the fact that child labour has existed and continues to exist because of the political decisions and economic policies of our rulers. Thus politics in the wider sense of the term is responsible for the very existence of child labour in India, adult unions have alliances with various political parties and their priorities have been narrowly focused on agitations for higher wages and better conditions of work, wider social concerns which touch the basis of child labour, gender issues have not been on their agenda. But this need not necessarily be so, an informed trade union movement with a broad socio-political vision can be effective and children can certainly be trusted to fight for their rights as child workers without allowing themselves to be dragged into narrow politicking.

There are still others who feel that this unionizing and organizing is too much of a burden on the young child workers and that adults should fight for the child workers rights.

But fifty six years of independence has shown that adults and leaders of our society have failed children miserably. It is therefore important that children speak out and organise themselves to protect their own rights.

The spirit of article 15 of the convention on the rights of the child further strengthens the children's right to form association to secure their rights

Finally on the part of Butterflies and the children who constitute the child workers union, unionization is a clear expression of children's participation and

empowerment. Unionizing child workers is a commitment to the protection of child rights rather than enhancing facilities and conditions of child work.

Convention on the rights of the children is a clear opportunity to the government, NGO's and the society at large to begin seeing children as individuals with citizenship rights like any other citizen not merely as objects of charity and philanthropy. Our commitment should be to empower the children with the knowledge of their rights and equip them to protect their rights while the society ensures an environment that will facilitate the protection of all rights of all children.

Delhi Child Rights Club-A forum of child workers in Delhi State:

The Delhi child rights club was launched by BMU on human rights day 10th Dec 1998. The members of Bal Mazdoor Union were open to an adult suggestion that perhaps the children involved with other NGOs could all come together to work towards establishing a child rights forum. The children requested, children from other organizations to come together to form a children's forum, in Delhi. Thus within 5 months of the launch in may 1999, 84 child workers representing 10 NGO's from Delhi lead to the expansion of the club.

Since the May event, child representatives form 12 NGO's of street and working children from Delhi (Angaja Foundation, Ankuran, Ashray, Bal Sahyog, Butterflies, Deepalaya, ICCW, Navajyoti (DPF), Salaam Balak Trust, Delhi Brotherhood Society, Don Bosco and YWCA) have met together for regular monthly, sometimes, by monthly meetings. Today their membership is about 1500. All these children work and study.

To illustrate DCRC's work in the last 3 years :

In July and August 1999, (prior to the 1999 general election) the children held emergency meetings to discuss a strategy for sharing their concerns, with politicians, in the hope that their views could be incorporated in the political party manifestos. These meetings, resulted in the development of a 10 point memorandum of their needs and concerns, the memorandum was signed by over 3000 children in Delhi. On August 5th a delegation of child workers met and delivered, their 10 point demand to the chairpersons of manifesto committee of the major political parties (i.e. Congress I, BJP, CPI, CPM, Janata Dal).

Last year through a community mapping action planning process, the DCRC members organised a series of action programmes in a number of locations to raise awareness of their priority concern issue regarding the way, adults abuse alcohol and do not fulfill their parental responsibilities. It had the desired effect, in certain localities the incidence of drunken brawls and domestic violence has reduced. 29th Sep. 2001 to 20th Nov 2001 DCRC members held series of

workshops to debate on two issues a) the 93rd amendment draft bill (on education) to be tabled by the government during the winter session and b) the effect of war on children (Afghanistan was under seige). Over 1000 children participated in these deliberations, and their recommendations had been collated with signatures and presented at a press conference and also sent to the speaker of the House.

Non-negotiables :

1. Child labour is a symptom of a malfunctioning economy. Poor people come from deprived communities and marginalized castes. These poor families quite often faced with adult unemployment, or under-employment, are forced to send their children to work, the solution to such child labour cannot be, just free and compulsory education. Their economic non-viability- poverty and unemployment must be addressed. No more a simplistic analysis of the mindset of the poor explain child labour, and not sending children to school. If child labour has to be addressed we must have family focused programmes, and preferably programmes which address, the deprivation of marginalized communities and caste groups.
2. Those who work with children and those who firmly believe in children's participation are convinced that children can express their views responsibly, and often creatively. Before solutions to child labour are imposed on them, by the adults, their views must be sought. It is understood that their parents views, are as important and they should be taken into consideration while formulating programme solutions.
3. All interventions directed to prevention and elimination on child labour must have as their goal empowerment of communities, only when communities are helped to be economically, socially and political viable will they then take a stand that child labour is not acceptable. No outside pressure including legislations can be substitutes.
4. Children should not work is an acceptable dictum the logical prerequisite should be all adults should enjoy the right to employment, and sustainable wages. Solutions to child labour must include opportunities to adults for employment and adequate wages.
5. Mobilizing civil society and strategies for lobbying, cannot be effective if only NGO's concerned with child labour network for the purpose. NGO's concerned with child labour must link up with women's organizations committed to women's empowerment and with activists organizations mobilizing society against caste discrimination and marginalisation of minorities.

6. Non formal education for child labour, is not institutionalizing, child labour, rather, NFE is taking education to children who are denied right to education. NFE makes education accessible to working children when formal education does not reach them. Quite often NFE can be an effective transition and a bridge from non formal to formal education for many children. NFE should not be considered as parallel to formal education.
7. Quality and curriculum of education should not be different for the poor who have access only o the government education system. The goal of all education system, for all children, without discrimination, must be relevant and good quality education, preferably provided through one stream of education. Content of the school curriculum should be sensitive to the cultural diversities of our society. In areas where the school is serving artisan communities, the school curriculum should include the art and craft of the community. The art taught should be based on improved technology, new designs, knowledge and skills on business management so that the student is given multiple choices to exit - to either continue studies to become master craftsman with knowledge and skills to negotiate the business deals without a middleman or chose to go for higher academic studies to become an engineer, doctor or any other professional.

Conclusion :

In conclusion I must state that unless communities including children are empowered no social transformation can take place.

No child wants to work in oppressive and abusive situations and sacrifice their childhood. No parent wants their children to work. Can government and civil society respect the feeling of the poor? Provide full employment to adults with sustainable wages and good schools to children with relevant and quality education and there will not be a need for large expensive programmes to eliminate child labour.

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June 2002