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National Commission for Protection of Child Rights

Children's Lives are Indispensable

Following complaints received about the death of 149 children in five months (between October 2007 and February 2008) from three tribal mandals of Adilabad district in Andhra Pradesh, the NCPCR visited the area to understand the circumstances which led to such tragic loss of lives. We also wanted to understand the factors which continue to deprive children of their right to health, particularly of those in highly vulnerable communities.

During our visit, we heard at a public hearing the testimonies of many tribal parents on recurring cycles of fever resulting in deaths. They shared their helplessness in fighting for access to health care for their children. Their accounts highlighted the failure of ANMs, sub centres, PHCs and the network of referral hospitals in responding to health emergencies in the area. Failure of such magnitude is unacceptable.

Even some countries that are poorer than India have taken better care of their children. Fifty seven out of every 1,000 children born in our country die before one, 42.5 per cent of children below 3 years are underweight, just 43.5 per cent children have been fully immunised and 69.5 per cent children under five are anaemic. The corresponding figures for tribal children are even worse with IMR being 62 per 1,000, 54.5 per cent children under three being underweight, immunisation coverage at 31.3 per cent and anaemia prevalence among children at 76.8 per cent (NFHS III Report, 2007). Such poor nutritional status increases the vulnerability of tribal children to disease and infection.

This reflects the absolute failure of the state in providing health and allied services to the most needy. Considering the rapid strides that are being made in the field of medicine and science and the available knowledge on public health systems for preventive and curative care, such neglect is unpardonable.

A complete package of access to nutrition, safe drinking water, holistic health care through a network of informed functionaries from village to district and the state level must be provided. Combating malnourishment must be central to any health policy and health programmes must converge with the ICDS. Supporting and building the capacity of village level health care functionaries such as the ANMs and ASHAs must be a priority. The midday meal programme must develop indicators to monitor the nutritional status of children and go beyond measuring the efficacy of the programme in terms of enrolment and attendance of children in schools. There have been attempts to develop a school health programme, but this has not been implemented in a systematic fashion. This needs to be strengthened. Health care must also include institution building processes that reach out to the community. It is ultimately a statement of care for each and every child, her life and dignity regardless of her location and socio-economic status.

There must be a comprehensive child health policy, which encompasses primary care, immunisation, prevention of diseases and nutrition with special attention to the physically and mentally disabled and the most vulnerable communities. The PHCs must have a child centred perspective and the hospitals strong paediatric capability.

Good health is a fundamental right of every child and measures to protect it have to be taken up immediately. ■

Shantha
Shantha Sinha

August 2008 Issue

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Photo courtesy: UNICEF, New Delhi

‘From Work to School’- The Jamui Intervention

Jamui district in Bihar is among the most backward in the country, a tribal dominated area with a dismal literacy rate and sex ratio. To top it, the district has problems of being naxalite-affected as well as dacoit infested. But a fact-finding team of the National Commission for Protection of Child Rights (NCPCR) has found an educational turnaround being scripted even in this remote, backward region. It has emerged as a model on ending child labour by creating a demand for education in the community.

Bihar, which is one of the country’s largest exporters of child labour, is now playing a pioneering role in safeguarding children’s rights to education and helping to protect them from exploitative and hazardous conditions of work and living.

The Commission had always been concerned about the large number of migrant children from Bihar working on cotton farms, jewellery and zari units and as domestic helpers around the country. Bihar’s 11 lakh child workers account for a fourth of the country’s child labour population. Twenty one lakh children in the state are out-of-school and 536 blocks have been termed ‘educationally backward.’

Following reports of the Bihar government successfully preventing 1,200 children from leaving their home for work, the NCPCR visited the area in the first week of June to review how it happened.

When it visited two residential bridge course (RBC) camps under the Sarva Shiksha Abhiyan (SSA) in Budikhada and Shivmandir Baliyadh villages in Jhajha block of Jamui district, the team found some of the most impoverished families had preferred to support the education of their children instead of

sending them to work to supplement the family income. The new students are all girls, between the ages of 12-15 and belong to the most backward sections like Santhals, musahars, doms and dalit Muslims. They had been rolling beedis, herding cattle, collecting firewood, doing household work or had migrated to work in dhabas and hotels.

As 13-year old Saryu remarked with great confidence when asked by the team how she has become so *hoshiyaar* (smart), she replied “*Chaar mahine se padh rahe hain, forward nahi banenge!* (I have been studying for four months now and have gained confidence).” Considering Saryu had never been to school or even stepped out of her village before joining the RBC, this is indeed a big achievement.

However, the task has not been easy. State education department officials assisted by NGOs Pratham, MV Foundation and UNICEF, had to trek through jungles and mountains to be able to visit every village in Jamui gram panchayat. Then they had to convince the children, parents and the community to admit the out-of-school children to a three-day motivation camp.

Community involvement in RBCs was built by recruiting teachers from the local population. Educated youth from the villages volunteered to teach at the camps until teachers were appointed. This social mobilisation programme turned out to be so successful that community members volunteered to guard the RBCs at night with bows and arrows. Further, panchayat funds have been allocated to install hand pumps and solar lamps for the RBCs, construct toilets and provide food. Success of this RBC has inspired communities in adjoining villages to make similar arrangements. They are now awaiting

Girls at RBC Khaira, Jamui district



education officials to come and start RBCs there too. The NCPCR found that the demand for education by these communities and the trust it has earned has helped the education department to operate without any fear. As a department driver told the NCPCR team, “SSA ki jeep kahin bhi jaa sakti hai (The SSA jeep can go anywhere).”

The girls in the Jamui camps are among the 70,000 children

currently studying in the state's 1,200 RBCs. They will complete this accelerated study course in January 2009 and will then be enrolled in formal schools.

The second step is to mainstream each child here into full-time formal schools. With a massive demand for education having been generated through the SSA bridge camps, communities are now demanding complete education for their children. In Jamui and also Patna where the NCPCR visited a non-residential bridge camp, the team heard complaints that there were very few schools beyond class 10 and that there should be RBCs for boys too. The challenge before the government now is to meet the raised expectations.

According to Shantha Sinha, chairperson, NCPCR, who led the fact-finding team, this project builds an understanding of the link between universal education and abolition of child labour.

Based on its review of the education revolution in Jamui, NCPCR has made observations and recommendations for a national policy. It says the prevailing social norm justifying the working of children using the ‘poverty argument’ can be changed with sustained social mobilisation as proved by the extremely effective counselling of parents, children and communities in Jamui through ‘motivation camps’.

Secondly, governments are capable of protecting children's rights under all conditions inspite of civil or social unrest. Jamui has shown that there is an impact when the government works with its functionaries in the field giving them the power to take decisions and reposes faith in the community and its capacities to take charge of their lives. This step has generated awareness about the importance of education and has led communities to support schooling. If such development programmes can be effectively operationalised by the government in a district which has a naxal presence then it is possible in any district. ■

Enlarge Role of Community Education Volunteers

The Bihar government's scheme of appointing community education volunteers or *bal shiksha hitaishis* has been so successful in improving children's participation and retention in school that the NCPCR team has recommended their role be enlarged to help children make the transition from RBCs to regular schools.

The volunteers are recruited from among educated youth in the community and paid Rs 2,000 per month by the government. Each *bal shiksha hitaishi* is responsible for the continuance and progress of 15-20 children.

Apart from engaging the child in positive activities after school hours, the child is prevented from being engaged in work. The volunteers ensure the children are active participants in school by assisting them to develop skills and knowledge through creative activities after school. This prevents them from dropping out of school due to non-performance or lack of self-confidence.

The NCPCR has recommended that the education volunteer scheme be documented for replication by other states and that the volunteers help in the transfer of the children from bridge courses to mainstream schools. ■

Guidelines on Children of Prisoners

Children of prisoners are vulnerable and require special care and protection. While the entitlements of children of prisoners below six years of age and living with their parents in prisons have been spelled out in the *RD Upadhyay vs. State of Andhra Pradesh & Others* judgement, no guidelines on care and protection of children of prisoners living outside prisons have been laid down.

NCPCR noticed the issue of violation of rights of children of prisoners, in the context of such children from Kolkata Presidency Jail. It heard the testimonies of these children who spoke of the lack of support for their education and well-being. They also talked about their own stigmatisation and difficulties in coping with their parent's identity and the need for societal approval.

The need to have guidelines to protect rights of children of prisoners (living outside the prison) was reinforced by the recent directive of the Delhi High Court asking NCPCR to file an affidavit in this regard.

The guidelines, which have been submitted in the court, were evolved after receiving recommendations from Archana Mehendale (National Law School of India University, Bangalore), Manoj Dash (National Coordinator-FSP, SOS Children's Villages of India, Delhi) and the National Human Rights Commission (NHRC). A report on the 'Situation of Children of Prisoners', by PRAYAS, a field-action project of the Tata Institute of Social Sciences, Mumbai, was also consulted.

Identification of such children is the first step in the protection and enhancement of rights. The Commission noted that there was no record of the children of prisoners (names, ages, location, guardian, status of education), kept by the authorities. The guidelines recommend that the prison authorities send the particulars of such children to the department of social welfare or women and child development on a monthly basis. These departments, in turn should make an assessment of requirements of every child through a registered NGO/social worker and plan out their requirements. The district officer of the department of social welfare or WCD should arrange for the fulfillment of the basic needs of such children as matter of rights. Other departments at the district level should assist the nodal department.

Secondly, with regard to the provision of care, shelter and safe environment to the children, 'a sponsorship scheme', as envisaged under the Juvenile Justice (Care & Protect of Children) Act of 2000, should be operationalised and tailored to the needs of such children wherever necessary. The children, who are deprived of parental or family care due to

internment of parent/legal guardian, should be provided with 'foster care', as envisaged in the JJ Act 2000. The foster placements should be assisted and monitored by the state through an NGO registered under the JJ Act. Further, livelihood assistance should be extended to the care giver, wherever necessary, under relevant central and state government programmes. Counselling services should be provided to such children as well as their care-givers. Legal aid should be provided to prisoners' children by the District Legal Aid Services Authority.

The guidelines state that the prisoner's children should have equal access to all government programmes of health and nutrition such as ICDS, midday meal, Kishori Shakti Yojana, and immunisation programme, without any discrimination. Children who are HIV positive, physically handicapped, men-



tally challenged and hearing impaired, should be given special treatment and care under various programme implemented and aided by the government.

They should not be discriminated against due to the status of the parent in getting admission to educational institutions. Facility of residential schools run by the education, social welfare and tribal welfare departments should be extended to such children. Scholarships should be made available to facilitate their education.

Existing programmes and schemes of the government must be adapted for enabling children of prisoners to lead normal and healthy lives. In this scenario, various agencies including the police, judiciary, welfare officials and government organisations have a very important role to play. ■

(Contact the NCPCR for the full text of the affidavit)

Adilabad Tribals Seek Child Health Care

Hundreds of children as well as adults have succumbed to malaria, typhoid, high fever and other infections in the rural heart of Adilabad district of Andhra Pradesh and adequate medical facilities and help is not available. This was revealed during a public hearing held by the National Commission for Protection of Child Rights at Gaadiguda village, Narnoor Mandal from June 29 to July 1. The Commission has asked the state government for an action taken report.

The Commission's decision to conduct a public hearing was based on newspaper reports in May of large scale fever deaths in the district and a written complaint that 186 persons had died of malaria and fever between September 2007 and February 2008 in the district. It also visited a primary health centre (PHC) in the district before the hearing.

About 500 people from the five affected mandals of Janoor, Narnoor, Sirpur, Utanoor and Indervelly participated in the public hearing. Grievances were heard by the NCPCR chairperson Shantha Sinha, member Dipa Dixit, community health expert Manish Kakkar of the Public Health Foundation of India, Convenor of MV Foundation R. Venkat Reddy and consultant to NCPCR, Spurthi Reddy. Also present at the public hearing were the district collector, the local MLA and village and mandal level elected leaders.

About 50 people gave testimonies and over 200 written petitions were received replete with narratives of lives lost and families shattered. Children were the worst affected and

anaemia and malnutrition was widespread.

The public hearing showed that the villagers tried to avail of the existing health services by visiting the local PHC, ANM, or private hospitals and medical practitioners, not just in the district but in neighbouring districts as well. This is contrary to the commonly held view that the tribals have no faith in modern medicine. Malnutrition, coupled with lack of clean drinking water, poor sanitation and lack of transport facilities for many habitations compounded the epidemic. The PHCs and sub centres also lacked adequate trained staff. After the breakout of the epidemic the health services were stepped up, which helped arrest the epidemic.

Kova Vijayalakshmi of Pasaraguda village, Jainoor mandal, is a community health worker from the Gond community. In a span of three months she lost her nine-year old son Sandeep, her six-year old daughter Sangeeta and then her husband Kova Ramu. All three were taken to the Jainoor government hospital and even to private hospitals but to no avail. In her testimony, Vijayalakshmi said, "I too am very unwell and don't know what to do. This happened to me even though I am a health worker and know which systems to access."

M. Jaithu of Parsavada village of Narnoor Mandal lost two of her daughters – Marubai, studying in class 11 and Parvatibai, studying in class 7. Both fell ill and were suspected to have malaria. Marubai was taken for treatment but the fever never subsided and she died. A few days later the



A bereaved father narrating his story at the public hearing



younger girl too died in the same hospital and the parents were told she had jaundice.

While a majority of the deaths were due to malaria, Tekam Nerajabai of Sedvai village, Narnoor mandal, was just a year when she was diagnosed with tuberculosis at the Adilabad hospital. She died before treatment could begin.

Kodappa Motibai had a bad cough and was taken to the Gaadiguda PHC. On her way home from the PHC on May 15 she died. The sarpanch of Dongara gram panchayat, Rathod Gokul, said none of the six villages (Dongara gaam, Chittaguda, Sedvai, Bodiguda, Bodiguda Tanda and Dongara Tanda) that fell under the panchayat had an access road and several people had died before they could reach the PHC. Even an ambulance could not reach the panchayat. The sarpanch of Sangvi village also provided a list of 12 people who had died in his panchayat because there was no road. When there was a flash flood the villages of Sangvi, Bhaniguda, Punaguda, Ganeshpur and Lokari were completely cut off. There were several such complaints about the urgent need for road and transport facilities.

Champat Rao of Todasam village of Indervelli mandal, said 11 children of nine years and less, had died in the mandal between June and December 2007. The Indervelli PHC does not have a toilet or water and several posts are lying vacant. Children aged between 0 to 5 years do not have access to the supplementary nutrition provided under the Integrated Child Development Scheme (ICDS) nor are they getting the full benefits of the immunisation programme. He wants the Indervelli PHC to be upgraded to a 50-bedded hospital with full medical staff. The convenor of Child Rights Protection Forum, Narnoor, told NCPCR that in the last one year 149 children had died. Many of them could have been saved if there was access to the

PHC or the sub centre. This has affected ante-natal care and the immunisation programme. The PHC staff are not local residents and do not stay in the village at night.

Based on the testimonies, petitions, and the interaction with the district administration and various secretaries to the state government, the Commission demanded immediate action. It has asked the government to submit an action plan with specific timelines.

To tackle malnourishment, the Commission has recommended :

- Introduction of cooked food in the ICDS scheme in Adilabad district.
- Midday meals supplemented by a wholesome meal to all children. This was seen as vital to deal with the undernourishment and anemia rampant in the area. Additional funds need to be found to provide this extra nourishment.

- A District Health Action Plan to tackle malnourishment amongst children upto 18 years based on the weight of children.

The Commission has pointed out that the Integrated Disease Surveillance Project (IDSP) was not functioning in Adilabad. Though Rapid Fever Surveys are being conducted they should not to be equated with surveillance, the Commission has said. So the IDSP should be strengthened for effective disease surveillance.

The case documentation, it was pointed out, was weak. If medical documents are prepared properly it would be of help when cases are referred to another hospital. Directions should be given to all health centers to provide proper documents to the patients.

The Commission has recommended strengthening the management capacities of the health centres and suggested regular communication between the ANM and the PHC doctor. To bridge gaps in service provision it was suggested that peripheral staff be recruited.

Since the gram panchayat can play a catalytic role in safeguarding health with proper training, the NCPCR has offered to facilitate the visit of gram panchayat leaders of Adilabad to gram panchayats in Rangareddy district which are actively involved in monitoring children's health and participation in schools.

The Commission has said the village health committees of the gram sabha should be empowered to support the health workers. Since Child Rights Protection Forums in Adilabad have been monitoring the health of children in their villages, the Commission suggested that their services be utilised in all the health committees of sub centres, PHCs and referral hospitals from village to district level. ■



Monitoring Child Labour in BT Cotton Fields of Gujarat

As part of NCPCR's ongoing campaign to stop children working in the BT cotton fields in Gujarat, the Commission met the state principal secretary, labour and employment, RM Patel and Anita Karwal, secretary, primary education, in July to start a vibrant enrolment campaign that would track children working in cotton fields as well as in any other agricultural activity and put them in schools.

The campaign began in August last year when it was revealed at a public hearing in Rajasthan that children were recruited for work in the cotton fields and surreptitiously taken in trucks to Gujarat. At the hearing it was pointed out that the children lived in appalling conditions and were ill treated, underpaid and sexually abused.

Apart from Gujarat, it is estimated that 300,000 children are working in the production of hybrid cotton seeds in Andhra Pradesh, Karnataka and Tamil Nadu. These four states together account for 95 per cent of the cotton seeds produced in the country with Gujarat being the biggest producer.

Letters with specific guidelines have been sent to the chief secretary of Gujarat, the labour commissioner and the secretary for juvenile justice and empowerment so that issues of child labour are handled in totality. The Commission is seeking follow up action on child trafficking, migration, right to education and child labour in agriculture and on issues pertaining to children in juvenile homes.

The Commission has recommended that the existing *gram mitras* (village volunteers) be trained to identify working children and mobilise them to schools. At the state government level, an inter-departmental coordination committee must be

set up comprising secretaries of school education, home, social justice and an NGO representative with experience in working on child labour issues. This committee shall meet every month to monitor progress in eradicating child labour. This committee shall also ensure that children get compensation from employers violating the Child Labour (Prohibition and Regulation) Act, 1986.

The children rescued from work should be sent to schools. Setting up of systems that are in consonance with the departments of labour, tribal welfare, social justice and education, to provide mainstream education to all children rescued from child labour is a must.

In the case of migrant children, repatriation efforts must be strengthened by greater coordination between the concerned departments in Gujarat and those of the host states, especially Rajasthan, Bihar and Jharkhand. The Commission will facilitate an inter-state meeting of the secretaries of the relevant department of Gujarat and Rajasthan to identify and rehabilitate child workers through mainstream school education.

A quarterly review of educational support to children living in institutions, especially those in need of care and protection, shall be conducted. This would help ascertain the status of education of all children outside the purview of the department of school education.

In addition, the Commission has directed that periodic reports be prepared about the number of children rescued and repatriated to parents and home states. A separate report on children rescued from homes (domestic workers), shops and establishments, wherever the problem is highly visible, shall also be furnished. ■

Education is the Right Response



Babykumari, 13, lives with her parents, two younger sisters and brother in Ithwarpurpur village, Vaishali district, Bihar. She never had the opportunity to go to school not just because her family was poor and landless, but also because there was no school in the village. More importantly, no one from her family had ever been to school. Everyone in the family worked, even Babykumari's ten-year old sister. The daily income earned by the entire family ranged between Rs 50-60. But this was limited to whenever work was available.

When work was available, Babykumari would toil on wheat farms, jowari and potato farms. The money she received (Rs.20) was spent to buy food for the family. When there was no work, she collected firewood, fetched water, washed utensils and did other household chores.

When officials of the Sarva Shiksha Abhiyan (SSA) in association with UNICEF, Pratham and MV Foundation started a Non-Residential Bridge Course (NRBC) camp, their workers asked Babykumari's father to send her there. They thought he would not have objections as he had agreed to send his son. While her father was not against it, Babykumari's mother refused permission.

"I did not think education was necessary for a girl who was ready to enter wedlock. But when I learnt Babykumari could begin learning even at 13 and use education to enhance her future, I sent not just her but all my three daughters to the NRBC" said Babykumari's mother.

Babykumari is not the only one whose life has changed. There are many other children who have been freed from the

clutches of child labour. Whether it is Swarupa from Andhra Pradesh or Minarul Haque Mondal from Assam (*see box*), the lives of these former child labourers have changed thanks to a successful initiative by the government and civil society groups. The children, who shared their experiences at a media interaction organised by National Commission for Protection of Child Rights (NCPCR), UNICEF and International Labour Organisation (ILO) on the occasion of World Day Against Child Labour on June 12, showed that education was the right response to child labour.

Shantha Sinha, NCPCR chairperson said, "These stories indicate that there is an inextricable link between abolition of child labour and universalisation of education. There are millions of out-of-school children engaged in some form of work. If only they were in schools, they would not be subjected to exploitation or live such precarious lives."

But has this approach been adopted in reality? According to Renuka Chowdhury, minister of state for women and child welfare, a 12-year-old girl who has been removed from school to look after her siblings and sees marriage as an escape is engaging in disguised labour. A 10-year-old boy who runs away from the constant beating in school to be further beaten in a brick kiln has no options. "There is a reality of entrenched attitudes that we need to address. Would we withdraw our children from school and put them to work? If we cannot dream of it then how do we employ other people's children or get served by them in public places? This is where we need to strike – in our hearts, that is where the change is



Babykumari with her mother

exploitation and trafficking, said Ann Hasselbalch, deputy director, UNICEF. Their rights to education, healthy development and a protected childhood must be safeguarded.

According to Leyla Tegmo-Reddy, director and ILO representative to India, the fight against child labour calls for action on many fronts. From the perspective of the ILO it means employment policies to ensure parents have jobs that allow families to enjoy a decent life, social protection that permits families to withstand and move beyond poverty and crisis and education and

needed," she asserted.

The widespread use of children as domestic servants is one of the most hidden forms of child labour and one that leads millions of children, mostly girls, at risk of sexual abuse,

training to help break the cycle of child labour and poverty.

Underlining the important role of education, Professor Babu Mathew, country director, Action Aid India, said there were several examples of schools reaching out to such children

Building A New Future

Minarul Haque Mondal did not know of life outside his work in a brick factory. Since the tender age of four, when his family migrated from Assam to Rajasthan, Minarul was sucked into the labour force.

When he and his family returned to Assam after seven years, his father decided to send him to school. However, Minarul was denied admission on the grounds that he was overage (he was already 11 years old).

When Abdul Matin of SASS, a NGO working for children heard about it, he asked Minarul's parents to send him to the residential bridge course camp (RBCC) at Halakura in Dhubri District. At first, his parents were not ready but they finally agreed after being told about the benefits of education.

After 13 months in the RBCC Minarul was mainstreamed into class V at Kathaltali M.E School. Since then he has successfully continued his education. Now he is in class VII and wants to be a teacher once he completes his education so that he can bring help other children like him.

Minarul's parents are so happy with his progress that they are willing to make any sacrifice to enable him to continue his education. They have even stopped migrating for work so that Minarul does not have to drop out of school.

As the first learner of the family, Minarul has inspired his parents to enroll his younger brothers and sisters in school as well. They say that they have realised education will help their children have a better future. ■





through flexibility in classroom practices, curriculum and school governance. These practices need to be emulated.

The government's efforts to achieve the twin goals of elimination of child labour and education for all was spelled out by S Krishnan, additional secretary, ministry of labour, Vrinda Swarup, joint secretary, ministry of human resource development and Pradeep Bolina, joint secretary WCD. Outlining the initiatives taken by their departments in tackling the problem, they said the government was determined to enforce laws like the Child Labour (Prohibition and Regulation) Act 1986, Bonded Labour Abolition Act 1976, Juvenile Justice Act, 2000, to ensure abolition of child labour.

Of all the world's children, approximately one in seven is involved in some form of child labour. Statistics show that India not only has the largest child population in the world (more than one third of its population is below the age of 18), it has the dubious distinction of having the highest number of child labourers in the world. A concerted effort by all stakeholders including the media is required to awaken the national conscience and take the message of hope forward, was the refrain of most speakers. ■

A Real Life Heroine

Swarupa was only 12 years old when her father put her to work on hybrid cottonseed farms in Chityala, a small village in Parigi Mandal in Ranga Reddy district, Andhra Pradesh. Every morning at seven, Swarupa would start cross pollination of cottonseeds and work under the hot sun till dark. She was allowed two breaks in between, one for lunch and the other for dinner. For this 12-hour work Swarupa received a pittance of Rs 15.

While Swarupa's job to identify flowers ready for pollination and cross pollination may have looked easy, it was not. Not only was it a tedious task, needing great concentration, she was also exposed to harmful chemicals sprayed on hybrid cottonseed while she and other children were still working on the farm making her vulnerable to various ailments.

If this wasn't enough, Swarupa was also sent to work at the home of her employer. She would go straight from the farm to the house to weed cotton for two hours from 7-9 pm.

Swarupa had no choice but to work for two years on the farm because her parents had been paid a sum of money in advance. The employers also resorted to ingenious methods like providing a TV or taking them to the occasional movie,

giving them chocolates or ribbons to induce the children to continue to work for them. The seed farmers also circulated a myth that cotton would get spoilt if women began this work instead of young girls.

When MV Foundation began its work in this village to collect data about out of school children, they heard about Swarupa. When they told her about MVF's Residential Bridge Course Camp for working children, Swarupa was so inspired that she joined the camp without her father's permission.

When her father learnt about it he asked the camp staff to release his daughter. Fortunately, the MVF volunteers were able to convince him to allow Swarupa to stay in the camp.

Swarupa's determination to study also helped tilt the balance in her favour. After studying in RDC, she was able to make a smooth transition into the formal education system.

In her village Swarupa is a role model, inspiring young girls to pursue education. Even her parents proudly explain how Swarupa overcame all the hurdles in her way.

Today, Swarupa works for telecommunications company (IDEA Cellular Phone Company). Education has changed her life completely. ■

Guidelines on Abolition of Child Labour [Extracts]



Photo courtesy: Anoop Kamath

- The Child Labour (Prohibition and Regulation Act) 1986 prohibits child labour in 15 occupations and 57 processes (The Schedule-Part A and Part B). The labour department must book cases against the employers and issue strict warning to all potential employers. This must be taken up as a drive, area-wise through mobile labour courts and a plan of action for pursuing the cases that have been booked.
- The Juvenile Justice Act 2006, a welfare legislation, has been enacted to provide for care, protection development and rehabilitation of neglected, delinquent children and includes within its purview, child labourers. Section 2 (d) (ia) includes 'working children' within the definition of a 'child in need of care and protection.' The JJ Act, under section 2 (k) defines a 'child' as "a person who has not completed 18 years of age." Consequently this Act is much wider than the Child Labour

Act, as it affords protection, care and cover to all children upto the age of 18 as against the Child Labour Act which prohibits employment of children only upto 14 years. In other words, the JJ Act covers child labour which is not prohibited under the Child Labour Act.

- The Bonded Labour System Abolition Act 1976 must be used as an instrument to book cases against employers of children. It is noted that most children work against advances taken by their families. Such children are also working mostly as migrant labour. The vigilance committees under the Act have to be activated and the revenue and labour department must enforce the law strictly. It must be recognised that there is no age restriction to book cases under the Act and the burden of proof, that no advance has been given, is that of the concerned employer.
- In addition, the Contract Labour (Regulation and Abolition) Act 1970 can be used to prosecute the principal employer in cases where the engagement of child labour has been done through a contractor. This practice is common and used by many companies to absolve themselves of any liability. This Act draws on the principle of 'vicarious liability' and can be used effectively to prevent companies and contractors from engaging child labour.

All the above Acts together would cover most children who are in the labour force including agriculture and allied activities and must be used individually and/or collectively, by the government and other stakeholders to take firm action against the employers concerned. It must be understood that strict enforcement of the law should in itself act as a deterrent to the employers. Further children are being engaged to work because they are a source of cheap labour and can be forced to work for long hours. It is no favour done to the child but is a factor of cutting the costs for the employer.

At the same time all public sector institutions, government undertakings, government funded institutions and government offices must declare a code of conduct for all its employees not to engage children as domestic workers or encourage child labour in any form in their work places.

The district collectors have been directed by the NCPCR to draw up specific action plans to take up all the above tasks. ■



Feedback

The newsletter is very impressive. Could you add a section on the kind of complaints received by the NCPCR and the action initiated in response? This will encourage people to send complaints to NCPCR. ■

Ashok Agarwal,
Advocate

The newsletter is very good as it gives updates on the issues of children who are the future of our country. The last two pages highlighting the rights of children are very interesting. It will create greater awareness among the people. The efforts of NCPCR are commendable. A partnership between NCPCR and NGOs working to address issues of children can make a change in the environment. ■

N.Lakshmi Narayana
Director, Dakshinya

Demanding Responsible Action from Media and Police

Several interventions have been made by NCPCR to prevent the violation of rights of Aarushi Talwar, the 14-year-old from Noida, who was found dead under mysterious circumstances. Acting on a complaint by her mother Nupur, NCPCR member Sandhya Bajaj, wrote to the ministry of information and broadcasting asking it to restrain Balaji Telefilms from airing an episode closely resembling the murder on *Kahani Ghar Ghar Ki*, a soap opera on Star Plus. The ministry took up the matter with Star Plus, which was then forced to clarify it had no intention of cashing in on the tragic incident.

NCPCR also wrote to the DG Police, Uttar Pradesh, against remarks made by Gurdarshan Singh at a press conference casting aspersions on Aarushi's character. In reply, the DG said he had issued a circular reinforcing existing instruction to the police on handling of children's cases.

Providing for Children Affected by Blasts



The NCPCR has written to the Gujarat department of women and child to initiate schemes to provide free education to the children victimised by the recent bomb blasts in the state. It has also proposed that affected children be provided psychological counselling to overcome the trauma. These recommendations were made after a visit made by NCPCR member Sandhya Bajaj to Ahmedabad to meet the hospitalised children and to look into the actions taken by the state government.

Task Force for Enforcement of Child Labour Laws

The NCPCR has written to the chief secretaries of all the states in June asking them to set up a Task Force to track child labour. Despite laws like the Child Labour (Prohibition and

Regulation) Act, the rescue of bonded children and prosecution of employers has not been as stringent as needed. The NCPCR has asked district authorities to put in place a system of 'social audit' through a Task Force to ensure that children are not employed in the processes and occupations listed in the Child Labour Act to strengthen enforcement of the law.

In its guidelines on conducting the audit, the NCPCR says the Task Force should comprise representatives of government departments like labour and revenue, reputed NGOs, lawyers, educationists and representatives of trade unions and Nehru Yuvak Kendras. The audit would examine the existence of child labour in all the units where it is prohibited and identify bonded children. The collector and labour department officials would review the audit and book cases against the employers' involved.

Remove Child Labour from Export Sector

The NCPCR has urged the Export Promotion Councils to monitor prevention of child labour in their manufacturing units in the same manner as it monitors quality of manufactured goods. In a letter written in June to the chairpersons of all 22 Export Councils under the department of commerce and the ministry of labour, NCPCR has recommended formulation of self regulatory mechanisms to ensure abolition of child labour in manufacture on the lines adopted by some leading international carpet and garment exporters.

The Councils have been advised to include the clause specifying 'children are not to be employed' in their manufacturing contracts. A social audit could also be conducted at all stages from supply to export to ensure this direction is followed. By doing so they could make a difference in the lives of children and ensure their right to education is guaranteed.

New Appointment

VC Tewari, an officer of the Central Secretariat Service, has assumed charge as member secretary, National Commission for Protection of Child Rights (NCPCR). Before joining NCPCR, Tewari was member secretary, National Commission for Teacher Education (NCTE) for four years. He has held various positions in different ministries/departments such as finance, defence, commerce, HRD, public enterprise and in other offices like Kendriya Vidyalaya Sangathan and Indira Gandhi National Centre for the Arts. ■

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