



POLICY DOCUMENT

Child Labour and Right to Education

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Policy Statement

Introduction

The child work force in the world is about 218 million. [1] Child labour is work carried out to the detriment and endangerment of a child, in violation of international law and national legislation. It either deprives children of schooling or requires them to assume the dual burden of schooling and work. It includes: All “unconditional” worst forms of child labour, such as slavery or practices similar to slavery, the use of a child for prostitution or for illicit activities and Work done by children under the minimum legal age for that type of work, as defined by national legislation in accordance with international standards. [1] Asia Pacific has the largest numbers of child labourers about 78 million or 9.3% of child population [2] As per Census 2011, In India, 10.1 million that is 3.9% of total child population are working, either as ‘main workers’ or as ‘marginal workers’.

Another highlight remains, more than 42.7 million children in India are out of school. [3] There is long interrelation between education and child labour. It reinforces intergenerational cycles of poverty curbing economic development, social welfare and undermining the progress towards Sustainable Development Goals. [4]

MSAI Stance

Medical Students Association of India(MSAI), works towards strong fundamental goals of equality and justice and condemns exploitation of children in every form. We encourage action at local, national and international levels. We believe, education is an extremely crucial component in the life of an individual and a single most important tool in eliminating child labour.

Call to Action:

MSAI addresses this issue as a national developmental goal with local measures. It is not a problem with a one sided solution. It is an encompassed effort of all sections of the society to work together to find solutions to these issues. Hence we call, the

Governments

1. Increase the fine and duration of imprisonment for offenders indulging in child labour.
2. Make amendments in legislations to increase and define the hazardous industries
3. Check on the working conditions for adolescent labour & children in family run businesses
4. Increase the number and accessibility of schools in rural and urban areas.
5. Improve the quality of education providing quality supplementary nutrition and health care.





6. Map the current child labourers, vulnerable children and out-of-school children and facilitate their movement to schools

Schools

1. Maintain a record of the number of students enrolled and update their progress.
2. Monitor any drop outs and either collaborate with an NGO or appoint its own team of community workers who identify the cause of such dropouts.
3. Provide education of the highest quality without discrimination or violence
4. Conduct regular counselling sessions for the children to address any personal, familial, academic or financial problems.
5. Introduce capacity building sessions for the teachers to equip them with counselling skills.

International Organisations

1. Work to strengthen the effective application of national legal frameworks and promote regulation of working conditions for children old enough to work.
2. Provide Funding to the governments for supplementary services.

NGO

1. Work on rescue, repatriation and rehabilitation of children through child protection networks
2. Conduct counselling for the community leaders, families and children.
3. Introduce 24x7 helplines to record and report against child labour.
4. Establish learning centres including Vocational Training for children and their families.

General Population:

1. Stop employment of children under the age of 14 as house helps or at any work facilities.
2. Refrain from buying goods produced by business indulging in child labour.
3. Provide Emotional Support and Guidance to the families of children engaging in labour .
4. Identify offenders and report them to the police, the Child Helpline or NGOs

Media and Press

1. Increasing the visibility of government programs to the masses.
2. Use print and digital media to spread awareness on the importance of education.
3. Educate the masses on the consequences of indulging in child labour.
4. Share the government and NGO helpline numbers amongst the general population.

MSAI

1. Actively conduct campaigns, activities and awareness sessions and collaborate with external partners and IFMSA to educate medical students and sensitize them towards the problem.
2. Volunteer and work closely with local NGOs and associations by participating in education drives, helplines or counselling the families.





Position Paper

Introduction

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

It refers to work that:

- - is mentally, physically, socially or morally dangerous and harmful to children; and/or
- - interferes with a child’s ability to attend and participate in school fully by obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.[2]

Children are restricted from going to school, have little or no time to play and lack proper nutrition or care. Aid agencies assume that in reality, there are many more estimating that 65 million children between 6 and 14 years do not go to school. [6]

The Convention on the Rights of the Child (CRC) recognizes every child’s right, “to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education,” or that is likely to harm the child’s health or, “physical, mental, spiritual, moral or social development.”² Other international instruments further define a child’s right to be protected from the “worst forms of child labour,” including recruitment in armed conflict, sexual exploitation and drug trafficking.[5]

Child labour impedes children from gaining the skills and education they need to have opportunities of decent work as an adult. Inequality, lack of educational opportunities, slow demographic transition, traditions and cultural expectations all contribute to the persistence of child labour in India. [2]

Education is a human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy and sustainable human development. There is long interrelation between education and child labour. Child labour is a curse to the society and it can be only eradicated by means of education. [3]

Eradicating child labour is a moral imperative. It is also essential for ensuring that children can make the best use of their potential now and for future inclusive growth

Background

Poverty and Family Instability

Two-thirds of people in India live in poverty: 68.8% of the Indian population lives on less than \$2 a day. Over 30% even have less than \$1.25 per day available India has the world's largest number of poor people living in a single country. [6]

Sociologist offers two definitions of poverty, absolute and relative property-

- Absolute poverty refers to lack of basic necessities such as food, shelter and income.





- Relative poverty refers to a situation in which some people fail to achieve the average income or lifestyle enjoyed by the rest of the society [7]

Poverty practically is a state in which people lack basic needs such as food, clothing, health facilities etc. People live in severe housing conditions and poor sanitary and hygienic conditions. Most of them live in slums lacking housing, health care and nutrition sufficiency. Although illiteracy is far more prevalent among poor people, many of them lack education or they drop out of school because of high cost of schooling. [8]

Extreme poverty, lack of opportunity for gainful employment and intermittency of income and low standards of living are the main reasons for the wide prevalence of child labour. [7] Child labour is both a cause and consequence of poverty. Poverty forces children to actively engage in the labour markets to earn for a living. Sometimes they may supplement family income while most of the time it is a matter of survival. [2]

Child labour has been mainly a rural problem. Children are often seen helping out in the farm with their families. Child labour also exists in cities. According to the World Bank, child worker is typically a sign of urban poverty in many countries. Urban children usually are involved in domestic work or sales.[8] The main reasons for the emergence of child labour in bigger cities are unhealthy family life and economic deprivation.[9] In socially disadvantaged, alcoholic or bankrupt families, family lives are often destructed. Population explosion - high fertility rates in India often lead to poverty. Hence it is more common for children from larger families to engage in child labour than those from small families. Economic hardships and family dysfunction can therefore be named as the main causes of child labour. [9]

Culture is another driving factor. In some cultures it is assumed that children need to learn skills that can be good for their future hence making them work at a very young age.[8]

Financially impoverished parents send their children to work instead of sending them to school. They are deprived of education and acquiring skills; and in effect, the children grow as unskilled adult workers. This entangles them to the bottom of the economic heap in the next generation as well, and are again forced to send their children to work again to supplement the family income. Thus the chain of poverty persists and a child-labour trap is formed in a dynamic perspective. [10]

Hence, we must start Public employment programmes, which provide jobs for adults, provide them with skills through vocational training and build infrastructure namely roads, schools, health centres to ensure adults are capacitated to work and children can access quality education. Additionally, Unemployment protection, which provides adults with at least partial income replacement, reduces the need to rely on the income of working children when facing job loss. [11]

Education is considered one of the main alternatives to abolish child labour. Practically family income affects children's education and poor parents cannot afford to pay for children however, children are compelled to work and are less enrolled. [8] Hence we must begin by conducting counselling for the community leaders, families and children. In order to break the cycles of





poverty we must capacitate the families by conducting vocational training to empower them to earn a basic living. With the help of print and digital media we must spread awareness about the importance of education and availability of government provisions in their surroundings.

Upgradation of schools

The First World Summit for children in 1990 showed that education could play a key role in reducing child labour and in its eventual abolition. Lack of schooling is a major cause as well as consequence of child labour [10]

Many places in India, school facilities are either inadequate or of substandard quality or unaffordable. Moreover the importance of education is not perceived by the parents who then force their children to work. Even when education is "free of cost" it is perceived as a lost opportunity of the income. [9]

Roughly 650 million children are enrolled in primary school age in the world today and up to 250 million are not learning to read or write, even though half of them have spent at least four years in school. Hence, it is essential to improve the quality of education. [8] Hence our primary aim must remain to improve the quality and consider learning to be a top priority. We must instill in the parents the need for education, realize its potential in breaking the intergenerational cycles of poverty.

Schools and governments must provide nutritious, hygienic and good quality, free mid-day meals, books, uniforms, transport and special allowances.

It starts by providing school facilities, opening of new schools, bringing schools within easy reach of the children, starting girls' section in boys' schools to encourage co-education, condensed courses for adult women etc. Additionally, we must improve the existing schools by appointment of more qualified and motivated staff including a large number of women teachers to empower and encourage young girls and their mothers. We must ensure the provision of better building and educational equipment and along with it a wide choice of subjects.

Ideally, the main function of the school is to prevent children from joining the labour force. The education department must ensure that all children in the 5-8 years age group are enrolled and retained in schools. They must pay attention to children in the 9-14 age groups like child labour, migrating children, street children, domestic child workers and school dropouts and never enrolled children and provide for residential and non-residential bridge courses, seasonal hostels, mobile schools and work-site schools for children who migrate with their families must from the very beginning be linked to a formal government school. [7]

Women

Gender is a crucial determinant in the fate of children in India. While child labour is a violation of human rights of all children, very often it is seen that girls are more affected than boys. They often start working at an earlier age than boys, especially in the rural areas which is referred to as the hot spot of child labour in India. Girls also tend to do more work in the home than boys. Gender





inequality, and traditional gender roles denies the girls their right to an education or often make them suffer the triple burden of house work, schoolwork and work outside home, paid and unpaid [12]

Girls are often confined to domestic service where they are abused and frequently over worked. In India there is a strong culture of young girls accompanying their mothers to places where they undertake domestic work. and by the age of 8 or 9 they are themselves hired as domestic workers. [12]

Moreover, Female members, mainly female children are often the first to be victimized by the poverty of the family. They are often denied the opportunity to seek education and access to basic resources. People prefer to educate their male child at the cost of the female. Hence, the girls are never admitted to schools. Both the never admitted and drop-out children, in turn, get trapped into becoming child labours. [12]

Girls and boys have different experiences which call for different solutions. Hence it is important to integrate gender concerns into child labour research, advocacy, programmes and policies. Gender sensitive programmes and policies shall be introduced which reduce and prevent child labour. These restore the right to education, protection from violence, abuse and exploitation and provide a healthy childhood to them.

Taking special interest in the upliftment of the girls, the government must provide additional services, facilities and provisions to girls up to the age of 16 at educational institutes. They must also provide free and quality higher education to women. It is extremely important to train the older generations to make them identify the importance of education. Hence, Education of adult women through night schools, adult training centres and special vocational training in female centric areas to make them acceptable to the rural areas must be undertaken. A greater focus on female education would eventually lead to overall progress by a decline in fertility rates which is the cause of poverty leading to child labor and also in participation of the children. [8]

Elimination of taboo against the girl child, initiate gender equality and the need for women empowerment is pivotal in elimination of girl child labour which occurs in this magnitude.

Bonded Labour

Bonded labour is mainly by a long-term relationship between employer and employee. [13] It is usually due to an informal loan taken by an employee. Bonded labour poses a serious challenge in South Asia affecting innumerable poor and vulnerable workers.

Typically, a worker takes a hefty loan from an employer, labour contractor or landlord. These loans are often given at unimaginable interest, often impossible for the employee to ever payback. The debtor is now obliged to work for the lender until the loan is repaid. This exchange lacks any formal documentation, paperwork. The informal terms are always heavily biased in





favour of the creditor/employer. Uneducation, poverty, vulnerability forces the worker to continue to borrow additional sums to meet family needs, making the overall debt grow further, eventually leading the person to work harder, often like a slave, denied even basic freedom. In the worst cases bonded labourers may be kept captive through violence or threats of violence. The looming debt pushes the family members of the debtor that is, women and children to work to repay the debt. More than often the labour of children is enslaved to repay the loans taken by parents, hence making him an eventual bonded labour.

Bonded labour perpetuates poverty. As adults are fully employed for long hours, children are engaged in animal grazing and domestic chores so are denied education and skill development. This results in low human capital at household level, perpetuating inter-generational poverty. [14]

Bonded labor stems from a variety of causes, mainly based on centuries long caste-based discrimination, vast poverty and inequality, an inadequate and inefficient education system, unjust social relations, and improper implementation of governmental legislations to alter the current scenario. Eventually, bonded labor in India can be viewed as a product of social, historical, economic, and cultural factors. [9]

From 2002–11, the ILO estimates there were over 20.9 million victims of forced bonded labour globally (ILO, 2012); which means that around three out of every 1,000 persons worldwide, at any given time, were trapped in jobs into which they were coerced or deceived and could not leave [14] often called as “modern-day slavery”. The Asia-Pacific region accounts for the largest number of forced labourers – 11.7 million or 56 per cent of the global total, with a high (though unknown) proportion trapped in bonded labour. [14]

The Supreme Court of India has interpreted bonded labor as the payment of wages that are below the prevailing market wage or the legal minimum wage.[9] Although there are laws against bonded labour in India they are not well implemented.[14]

Those who are in bondage often consider the demands made on them by their employers as “normal”, even when they encroach on personal freedoms. Hence, like everything else, we must start by educating the community on bonded labour issues. Government must strictly enforce the policies to abolish bonded labours especially children.

Government:

The India government has established various policies towards elimination of child labour.

In spite of various laws regarding child labour and tireless efforts by the non-governmental and international organizations, children continue to work on a massive scale in most parts of the country. According to the last census by the Government of India, the incidence of child labour has decreased in India by 2.6 million between 2001 and 2011. However, the decline was more visible in rural areas, while the number of child workers has increased in urban areas, indicating the growing demand for child workers in menial jobs. [2]

The enactment of the Child Labour Amendment (Prohibition and Regulation) Act, 2016 and The Right to Education Act 2009 have paved the way for ratification of ILO’s two core conventions





1. Convention No 138 stipulates that the minimum age at which children can start work should not be below the age of compulsory schooling and in any case not less than 15 years; with a possible exception for developing countries.
2. Convention No. 182 prohibits hazardous work which is likely to jeopardize children's physical, mental or moral health. It aims at immediate elimination of the worst forms of child labour for children below 18 years. [18]

After strengthening the legislative framework through amendment in Child Labour Act, Government has framed the Child Labour (Prohibition & Regulation) Amendment Rules, 2017 which inter alia specifies the duties and responsibilities of State Governments and District Authorities to ensure effective enforcement of the provisions of the Act. [17] The amendment has introduced the concept of adolescent labour for the first time.

The Act increased the penalty and imprisonment which shall not be less than 6 months and may extend upto 2 years and fine between Rs.20, 000 to Rs. 50,000. [18] The new amendments put a complete ban on the employment of children, but at the same time it questionably permits them to work in family enterprises/businesses.

Moreover child labour laws in India do not cover all types of work such as agriculture, wholesale trade, restaurants and domestic works. Usually these children are the most vulnerable child labourers [8] Even the recent amendment speaks differently.

Occupational hazards include chemicals, risk of injury or snake bites, and bad weather The children work with little or no protective gear and minimum or no access to water for both drinking and handwashing causing numerous health injuries and diseases. [8]

According to the amendment, the list of hazardous industries has been drastically decreased, from 83 to 3 namely 1) Mines. (2) Inflammable substances or explosives. (3) Hazardous process.[18] This permits children to be employed in industries like chemical mixing units, cotton farms, battery recycling units, and brick kilns etc.

Primary education is compulsory but not enforced, mainly in the rural part of the countries. Education is free but of substandard quality. Meals are provided but often adulterated or non nutritious due to the chain of corrupted officials. School attendance is a persistent problem and school dropout rates are high simultaneously child labour is also growing vigorously in the cities.. There is also a high drop-out rate at relatively higher ages where the child grows, his earning capacity rises and he leaves school to earn for the family. [10]

Despite these efforts, child labour legislation to protect children has been unsuccessful, this is because of the majority of Indian population lives in poverty.

The government must provide Social health protection, which ensures access to health care and financial protection in case of illness, which can prevent the children from going to work when a member of the household falls ill. Additionally, we must provide income security in old age, by providing pensions to older people that can contribute to the family income. To avoid older children having to work to replace the mothers' lost income during pregnancy, the government must





provide maternity benefits that protect pregnant women and recent mothers and allow caring for new-born children hence, improving the health of mothers and children. [11]

We must Prepare consensual lists of dangerous jobs and identify where the worst forms of child labour are practiced to tackle the problem urgently and to the rescue and rehabilitation of the girls and boys that are found in those situations. The government must increase the number of schools in rural and urban areas, ensuring to build them closer to the dwelling places to make them more accessible to the children. Regular monitoring and evaluation of the number of students admitted to the schools, cross checked with the live birth rate in the areas. It is essentially important to check the dropout rates and analyze the cause in such cases.

Companies

The companies must actively support the government and the NGOs to reduce the problem of child labour and child education. The companies must control the risks identified through a workplace risk assessment. This can have an immediate and long-term impact on the safety and health of workers. Children and adolescents are especially vulnerable to hazards because they are still developing physically and mentally. They are less aware of risk than adults and therefore are more likely to be hurt. Exposing children to dangerous chemicals or physical stress at this tender age can seriously harm their health and future. Hence, the risk factors must be regularly assessed and prompt measures should be taken to control the risks identified.

Additionally, there should be a permanent ban on underage recruitment. It is also important to enrol these children into school.

Companies share the responsibility of bringing child labour to an end. Companies must collaborate with governments and donors to provide services mainly education, to eliminate child labour. They may increase wages of the employees to provide financial assistance and stability. They must also encourage microfinance and skills training. [19]

They may also provide support for children's education, by funding for a child or building schools or its facilities near their factories or offices to provide accessibility to education. Sometimes, they may also pay an allowance for schooling to parents by paying a small sum of money given to all adult workers who have school-age children. [19]

A company at the top of the supply chain, must also make sure that all supply channels are free from child labour. [19] Adolescents who do not have a basic education must be equipped by combining training in the workplace with life and literacy/numeracy skills.

Majorly, the companies must raise awareness and promote children's rights by working with suppliers, workers and communities to ensure that they break the cycle of child labour, encourage education and end poverty by working with international organizations and local partners.





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