

Missing, a Strong Legal Framework to Combat Child Labor

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The numbers tell the sorry story - an estimated 60 million child labourers in India but only 670,000 violations of the law detected in eight years and just 22,588 convictions! Behind the bland government numbers are the millions of young children working in roadside eateries, slaving away in glass factories, hunched up over carpet looms or sweeping and cooking in homes in blatant violation of the Child Labour (Prohibition and Regulation) Act.

The children are a visible proof of the failure to implement the law, the inbuilt lacunae in the legislation itself and the poor rehabilitation policies. Although government figures put the number of child labourers in the country at 12.6 million, child rights activists say the number is closer to 60 million.

The low conviction rate in the eight years during 1997-98 to 2005-06, as indicated by the annual report of the ministry of labour 2007-08, gives a clear signal that the law has failed to act as a deterrent to stop child labour, say experts.

"The number of people convicted because of flouting the law and hiring children as labourers is very low. According to a study by the V.V. Giri National Labour Institute (a body of the ministry of labour and employment) in 2003, for instance, 14,163 inspections were done with respect to enforcement of the Child Labour Act. However, the number of convictions was only 99," Pradeep Narayanan of CRY India told IANS.



Children stage street play during a protest against child labour system organised by Child Rights Trust at Town Hall circle in Bangalore on Wednesday



Children form Human Chain during a protest against child labour system organised by Child Rights Trust at Town Hall circle in Bangalore on Wednesday

Kailash Satyarthi of the Bachpan Bachao Aandolan (Save Childhood Movement) added that judgements against those flouting the law on child labour were rare; hardly anyone has been jailed for two years for an offence under the law prohibiting child labour.

For first convictions, the act prescribes imprisonment of three to 12 months or a fine of Rs.10,000-20,000 (\$250-500). Second offences are to be punished with a mandatory six months to two years in prison.

While implementation of the law is one problem, the legal framework is also not strong enough. According to Narayanan, the law, which bans the employment of children under 14, itself has many limitations.

"According to the Child Labour (Prohibition and Regulation) Act, children below the age of 14 should not be employed in factories and hazardous occupations. Nowhere does it mention the agriculture sector, where 70-80 percent of the child labourers are employed for cheap labour," Narayanan told IANS.

Another reason why there seems to be no end to the vicious cycle of child labour is the poor rehabilitation policies of the rescued child labourers. The economic context that forces the children to work or face starvation is vital, say experts. What is needed is holistic rehabilitation.

In a conference earlier this year, Dipa Dixit, member of the National Commission of Protection of Child Rights (NCPCR), pointed to the deplorable condition of juvenile homes where rescued child labourers are taken to. Instead of helping matters, they just drive the children back to the roads, she said.

Mahmun, a 15-year-old rescued child labourer, said: "The juvenile homes are like jails. I was picked up from a railway station and put into a juvenile home in Lajpat Nagar (in south Delhi) where I used to be beaten up almost every day along with other children.

"Forget about love and care, the caretakers used to take back the clothes that we used to get and purchased things like cigarettes and tobacco. Frustrated, I used to escape from all these homes and go back to the roads."

The National Child Labour Project (NCLP), which acts a bridge school for rescued child labourers and is run by the ministry of labour, has been functioning for the past 20 years but without much gain. As a possible solution, Satyarthi suggests that all programmes such the NCLP, the Sarva Shiksha Abhiyan and the midday meal scheme be clubbed together and the responsibility of their implementation be given to one officer in every district -- to begin with in 100 districts.

Experts also suggest the implementation of more officials and labour inspectors and not looking at the issue of child labour in isolation.

"Poverty is the main reason which drives parents into pushing their children to work instead of sending them to schools. Addressing that is one of the main challenges to resolving this mammoth problem," Satyarthi told IANS.