

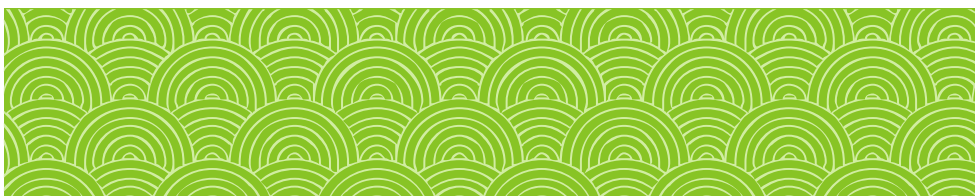
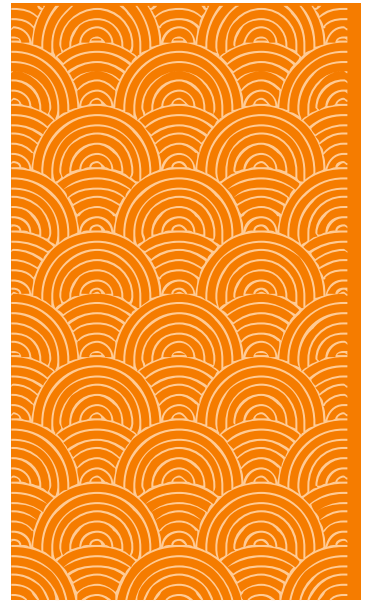
Saccha Bachpan

Children's voices on child labor and the new child
labor law



21.11.16 – 23.11.16

Vaagdhara Tribal Development Resource Center
Banswara, Rajasthan





Dear Reader

India is sadly the home to the largest number of child laborers in the world. The Census in 2011 found a total number of 4,4 million child laborers. Poverty, lack of good schools and growth of informal economy are considered as the important causes of child labor in India. The increasing gap between rich and poor, privatization of basic services and neo-liberal economic policies are causing that major sections of the population are threatened by unemployment and without access to basic needs. This adversely affects children more than any other group.

Child labor is one of the most pernicious threats that Indian children face today. The full and prompt attention of different stakeholders is needed to entirely eradicate it. But the *Child Labor (Prohibition and Regulation) Amendment Act, 2016* gave its nod to the proposal to allow children below 14 years to work in family enterprises and entertainment industry with certain conditions, while completely banning their employment elsewhere. Since most of Indian child laborers work to some extent in a family enterprise this law remains ineffective in banning child labor. The new child labor law completely banned employment of children below 14 years in only 18 hazardous industries.

Saccha Bachpan is an effort to make children participate in the process of policy making. Since the child labor law directly influences the lives of millions of children it is an urgent need to give those a voice in the process of policy making. VAAGDHARA, which engages with marginalized communities, is seeking out the voices of affected children regarding their rights. That's why we conducted a Ground-Level-Panel of children to comment on *the Child Labor (Prohibition and Regulation) Amendment Act, 2016*. VAAGDHARA believes that participation is a basic right of all children.

The Ground-Level Panel enables a process of sharing the experiences and opinions of 15 children on child labor and how it impacts their lives. The purpose is, to develop a statement from the panelists, which we will share with policy makers.

With the outcome VAAGDHARA will give a voice to children from deprived areas of southern Rajasthan. It shall reach out to government agencies, civil society, and the media and collectively voice for change.

Jayesh Joshi

Secretary VAAGDHARA

Introduction of the GLP

As VAAGDHARA aims to put tribal communities from southern Rajasthan into the mainstream development, the sample of 14 children for this event was chosen considering several criteria. All the participants are tribal children either from Banswara or Dungarpur district. The eight boys and seven girls are aged between 12 and 18 years. They are coming from different backgrounds as some of them are child laborers, some dropouts and some are students.

Background

In India, there were many laws enacted that prohibited and/or regulated employment of children in different sectors. In 1986, the Child Labor (Prohibition and Regulation) Act prohibited the employment of children below the age of 14 in hazardous occupations identified in a list by the law including 83 occupations.

On 19th July of 2016 the government of India remitted a law that allows children to work in family enterprises. The new law brings several changes.

The law amendment brings down the list of hazardous occupations from the earlier 83 to just three: mining, inflammable substances, and hazardous processes as classified in the Factories Act 1948.

These will further disadvantage vulnerable groups such as tribal and lower-caste communities. It puts such a great burden on poor low-caste families that instead of promoting education, the Act increases the potential for dropouts. And parents, scared of the huge fines that they may have to pay for employing their children, are likely to lie about school attendance. The amendment in the law makes it practically impossible to implement the RTE.

The Panelists

- 1. Anita** (14) is from Kamji Ka Khera, a small village in south Rajasthan and lives with her parents in a small house. She is studying in class 8 of the Government Upper Primary School in her village. She has always been an eager learner and an outspoken, active girl. She is also a member of a Child Group. Though she was a bright student she used to leave school to go to Mansore (MP) for soybean harvesting. At her worksite, she faced some difficulties in her living conditions. Neither she was getting enough food nor sleep. By this time, Child Group members together with Village Child Protection Committee released her from her labor relations. Now she is continuing her school career. She decided that before finishing school she doesn't want to go to labor again. In her school, there are only 3 teachers for 160 students. She wishes that in future there will be more teachers to help her and her friends studying. When she grows up, she wants to become a teacher so she can spread the message that studying is important for all children.



- 2. Shilpa** is 14 years old and lives in Kamji Ka Khera in Banswara, Rajasthan. She is studying in 8th class in the Upper Primary School in her village. Shilpa enjoys to read. Therefore, she would like to have a library at her school. Also, she is member of a Child Group and is very much aware of the importance of education and the disadvantages emerging from child labor. Together with her Child Group she rescued 13 children from child labor on NREGA worksites and 5 children from soybean cutting. In future, she wants to become a teacher so she can contribute to society by creating awareness of child issues and the importance of education.



3. **Sarika** (12), lives in Budha village of Banswara district in Rajasthan with her parents and siblings. Her father is a security guard who works between 12 and 15 days per month. Her father is a very important person in Sarika's life as he is providing great support to her. Sarika who is enrolled in 6th standard loves to study. She thinks that more female teachers should teach in schools. Through that more girls would get motivated to attend class. Besides girls are also more likely to share their problems with females. Another problem her village is facing, is that there is no Senior School nearby. That's why, she says, most girls drop out after Upper Primary School. She is an active member of a Child Group who likes to express her ideas. When she grows up she wants to become a doctor.



4. **Anita** is 16 years old. She comes from Amlipara village in Kushalgarh Block of Banswara. In 5th class she had to drop out of school even though back then she liked to study. Her parents decided that she had to work instead. When she asked for permission to go back to school her parents refused. Now she is regularly migrating to Gujarat to work on construction sites with her family. Usually they stay there for one to three months. Her family has been following this practice for 3 years now. The living conditions in Gujarat are quite hard. The family lives in tents close to the construction site. Anita gets up at 4 AM to cook food for the family. Then she will work for at least 8 hours on construction sites. Afterwards she is again doing household chores like cleaning and cooking. When Anitas family returns to their village Anita has to help with the harvest. Nowadays, Anita says, that she does not desire to go back to school anymore because she already got used to working.



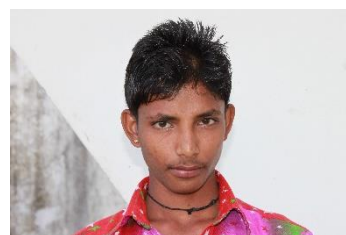
5. **Ajad** (17) is from Amlipara village in Kushalgarh Block, Banswara. He's got 5 sisters and is the only son of his parents. His father is already too old to go to work so Ajad must earn some money to support his family. He migrates with his cousin to Gujarat to prepare marriage ceremonies. He earns roughly 13000 to 14000 INR per month. Ajad has been working for the past four years now. After Upper Primary School Ajad dropped out of school. Even though he is interested in studying, he says that his family conditions do not allow him to go back to school.



6. **Ramesh** (15) from Bada Talab in Anandpuri block of Banswara has two brothers and one sister. It has been two years since Ramesh didn't attend school anymore. After 7th grade he left school to work instead. Ramesh says that he would have preferred to finish school. But even though he used to like school he had to earn some money since his father has problems with his leg and can't earn sufficient money for the whole family. Ramesh's work is to operate machines in construction work. Therefore, he sometimes migrates to Gujarat. Whenever he's got some free time he likes to spend it with his family. He is also encouraging his younger siblings to study.



7. **Vishwas** (15) comes from Amlipada village in Kushalgarh Block of Banswara. After 5th grade Vishwas left school. For the last six years Vishwas has been migrating to Gujarat to work on construction sites. Since his father is already too weak to work, nobody was there to earn money for the family, Vishwas says. That's why Vishwas is going to work together with one of his six sisters. On his worksite, he is facing different kind of problems. Sometimes his salary is not on time or he must work extra hours without getting payed. Two of his sisters are married and 3 are still going to school. With his work Vishwas also wants to support those of his sisters who are still in school so that they can continue their education.



8. **Prakash** (17) is from Biluda in Dungarpur District. He has 6 siblings, 3 brothers and 3 sisters. His parents are small farmers. Prakash never went to school. Instead his parents sent him to work in agriculture. He must take care of the family's livestock. Sometimes Prakash also migrates to Gujarat where he works in the tile fitting industry. There he earns about 5000 INR per month.



9. **Arjun** (17) comes from Patampura Sabla Block of Dungarpur District. He's got five brothers of which four are still studying, his parents are marginal farmers. After Upper Primary School Arjun left school. He was enrolled in Senior School as well but in the very beginning of 9th class he got sick for a few weeks and afterwards became irregular. Same as Prakash he is also migrating to Gujarat for tile fitting. His parents encouraged him to go to work instead of continuing with his studies. Arjun says, that he prefers to work rather than going to



school. His goal is to become a headman at his worksite and be successful in what he is doing. Arjun wishes for his brothers that they continue with studying. With his work, he wants to support his brothers who are still attending school.

10. Roshni (12) hails from Singhaura village in Ghatol Block, Banswara. She is currently studying in 7th class. She's got two brothers and one sister and lives together with her uncle. Her hobbies are dancing, singing & playing with friends. Roshni is an eager student who loves to learn and go to school. Nevertheless, she says, that her school building is in a very bad condition. When Roshni grows up she would like to become a doctor.



11. Priyanka (13) lives in Talwara village in Banswara District. She has three sisters and 2 brothers. Priyanka is enrolled in 8th standard. Her hobbies are singing and dancing. When she grows up she would like to become a teacher because she likes studying so much.



12. Sushila (13) comes from Amlipada village in Kushalgarh Block of Banswara. Her hobbies are singing and dancing. She is Vishwas younger sister. Just like her brother she had to leave school early after 5th grade. Now she is travelling with her brother to Gujarat to work on construction sites. At her worksite, she is facing a lot of problems since a construction site is a very unhealthy environment for a 13-year-old child. From carrying heavy weights Sushila often gets back pain. If she gets the chance, she would like to go back to school again. Her dream is to become a teacher.



13. Kuldeep (17) is from Timeda village in Kushalgarh block of Banswara. He's got one brother and two sisters. Shortly before graduating he had to drop out of senior school to earn money. Now he is working as a driver in Gujarat even though he doesn't have a license. He would like to study further and go to college so that one day he can have a good job.



14. Kalpesh (14) comes from Biluda, a village in Dungarpur district. He dropped out of school in 7th class. He decided on his own to do so because teachers scolded him and used harsh words. Also, he was influenced by other children who were already working. He saw that they had mobile phones, so he thought if he'd go to work, he would also be able to buy himself a mobile phone. He used to travel to Gujarat to work there in a hotel. But after a while he left that worksite. Now he is working in the production of clay products. Kalpesh's hobby is playing Kabaddi.



15. Chagan (17) comes from Bada Talab in Anandpuri Block, Banswara. Chagan left school in 6th standard because he had to earn money for his family. He is very aware of the importance of education, but he had to take the responsibility to earn enough money for his family, he says. In a village in Banswara which is more than one hour away from his home he is working in the field of marble cutting. Since his employer doesn't provide any protective wear, Chagan faces a lot of health risks at his work site.





Introduction & identification of social background



Mapping daily routine of the children and reasons & solutions of children's condition in child labor through making understanding on rights of children



Discuss with children on general issues of child labor and the reasons of child labor



Highlighting the change in child labor law and introducing various schemes and laws meant for child protection along with compiling the recommendations from Penalists.



Listing challenges & barriers

Sharing a voice of children with Key stake holders (CWC, civil society etc)

Identifying the most marginalized children



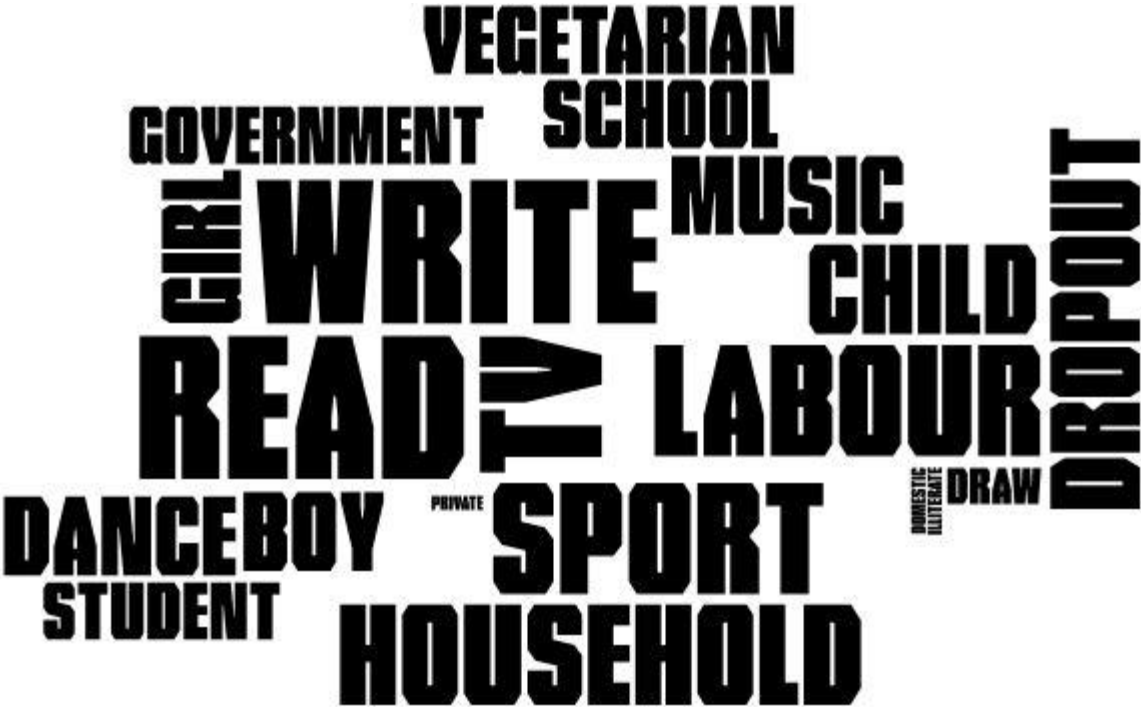
Share recommendations with government

Children's identities

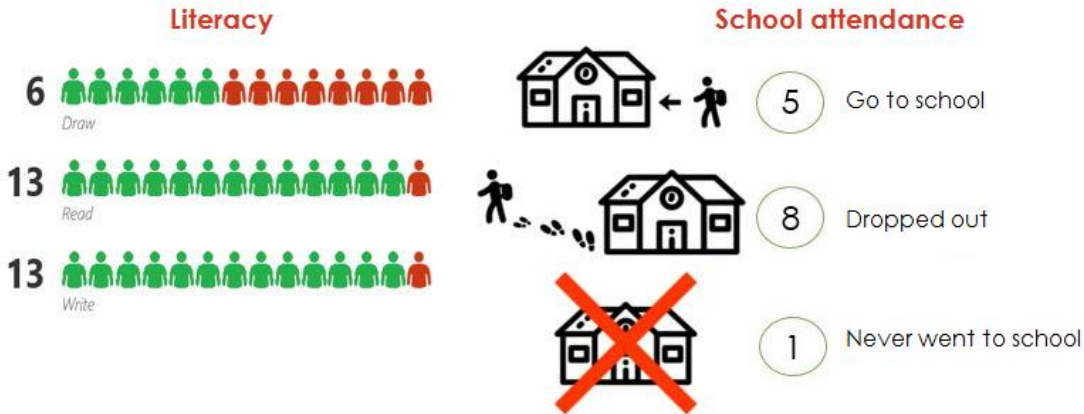
At the first morning, the event started with some games so children had the chance to get to know each other and feel comfortable in the new environment. This was a first introduction of themselves and their likings.



The panelists gave information on their identity the results are displayed in the word cloud.

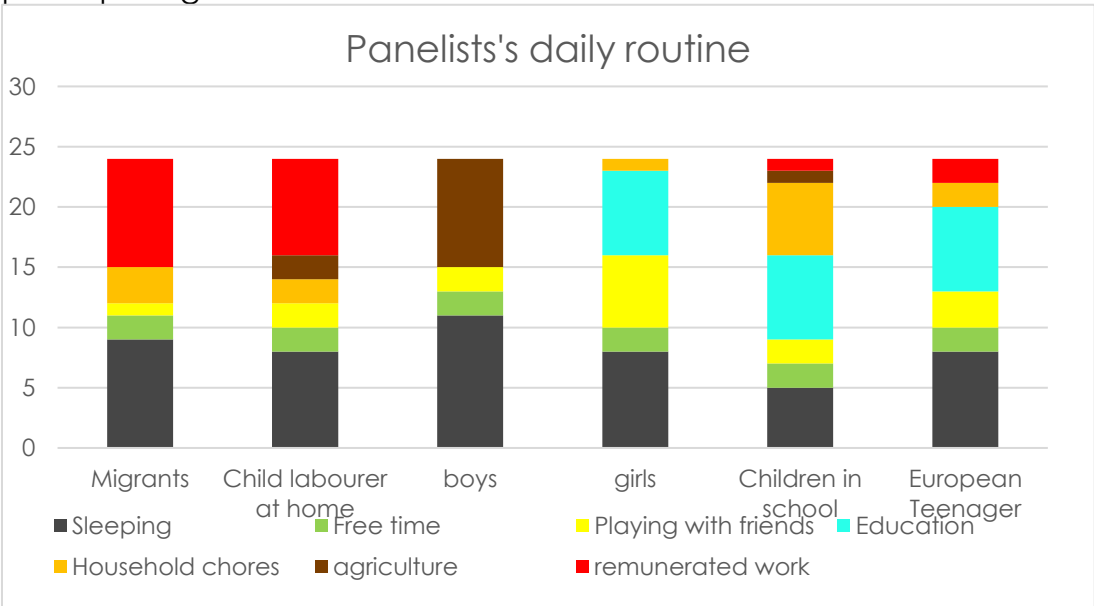


Information on the panelist's literacy and school attendance were collected aswell. Most children where able to read and write. While the majority is not going to school at the moment.



Children talked about their experiences in child labor and school and described their daily routine. Five groups explained that they wake up between 4 AM and 6 AM. Some of the children go for open defecation. After taking bath and having breakfast some of the girls clean the house and wash utensils. Children are also engaged in cleaning the cattle shed, foddering animals and cooking breakfast for the family. Some children go to school in the morning, some must work. Some of the girls help their mothers with household chores. Children who go to school study in the evening from 8 to 10 after finishing domestic work.

The panelists had to distribute the 24 hours of their day in different categories. The sixth group “European Teenager” was represented by a volunteer participating in the event.



Afterwards the panelists thought about how an ideal day for children from 0 to 14 and from 14 to 18 years should look like. The results differ significantly from the actual time distribution in children's everyday life. As per the panelists the following terms should be fulfilled.

- In the ideal daily routine of a children of all ages there should be no time for remunerated work
- Children of all ages should get 9 hours of education
- Children should have free time and time to play with their friends
- Children of all ages should not spend more than three hours per day on agriculture and household chores

Solutions for Child Labor

The panelists were provided three scenarios which they discussed on. They worked on these scenarios to figure out possible solutions to solve problems that lead to child labor.

1. A child which lives in a poor family with low socio-economic status is forced to work to earn money for the family's livelihood.
2. A child from a poor family which goes to a school with very low quality of education and poor facilities drops out of school. After leaving school the child engages in child labor instead.
3. The parents of a girl don't allow her to go to school since they think that girls should not receive education. Instead she stays at home, does household chores and gets married early.

The causes for these problems according to the panelists were:

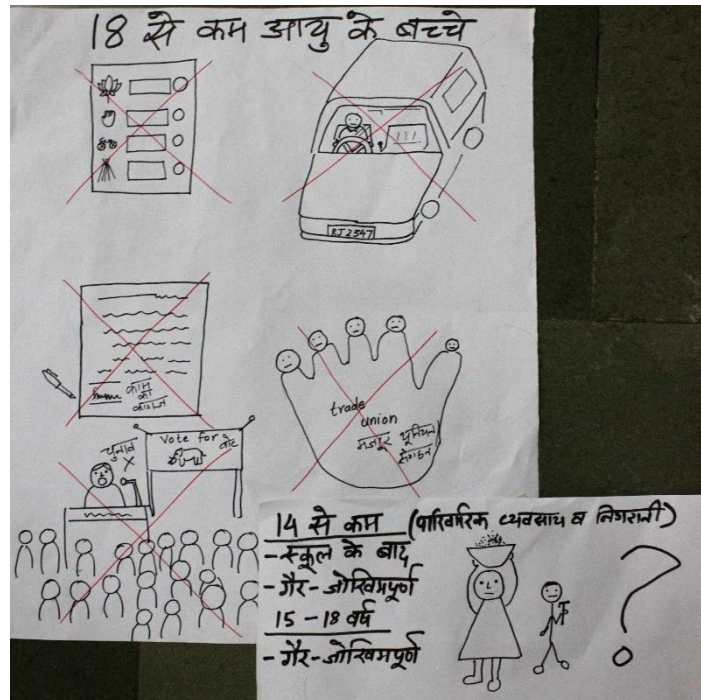
- Poor quality of schools
- Economic pressure on families
- Cultural acceptance of child marriage
- Cultural doubts against girl's education

The solutions they figured out were:

- Parent's awareness raising on the importance of girl's education
- Establishing Child Protection Committees in every village
- Raise children's awareness on Child Line 1098
- Enacting a strict law which completely bans child labor

Children's problems

Children had to think about the most deprived child in their village and what they wish for it. They told about children whose parents died, who are engaged in child labor, and dropped out of school. Differences between rich and poor children were identified. Children listed up that children of rich family's study, don't have to work and they have enough food. Children explained that in their experiences rich people often oppress the poor. Poor families do not have access to governmental schemes. One reason for that is the lack of education. The poster shows things that are forbidden for children, like signing a contract or driving a car. Children were confronted with the question, why those things are prohibited to children, but child labor is not. Children discussed that this is unfair and it's the governments' duty to completely ban child labor.



Children's problems at work:

- Lack of food
- Unpaid extra hours
- Violence
- Lack of hygiene facilities
- Open defecation
- Salary not on time
- Children have to sleep on the ground
- Separation from family
- Dangerous and hazardous work environments e.g. on construction sites
- Problems with back and joints through lifting heavy weights

Children's problems at school

- Teachers beat children and use harsh words
 - Broken roof
 - Handpumps are not working
 - Lack of class rooms available
 - No blackboards
 - Broken windows
 - Not enough plates for lunch
 - Power cuts
 - No separated toilets and no water in toilets
 - Lack of teachers
 - No female teachers
- Children don't experience school as a safe place where they can develop and grow!

Challenges occurring during the event

1. Child labour is a part of the panellists' reality. Realizing that their way of living is harmful was not easy for a majority of the panellists.
2. It was difficult for the panellists to understand the importance of education, since quality of education is not sufficient and school environment is not friendly.
3. It was a problem for the girls to accept that there is gender inequality within society, because in that case they would have to blame their own relatives.
4. In the first phase of the event panellists' who were engaged in child labour didn't participate as much as the children who were going to school.

Dialog between stakeholders and panelists

Anita:

If children don't have the right to vote, to drive, to form their unions or to sign contracts then why are they provided with 'freedom' to work by government.

Stakeholders Response: This is really a matter of concern; this question of children should reach to policy makers. They need support from various civil society organizations for this.

Sarika:

Government has built many committees and groups for child security but who is responsible here to ensure child rights and protect children from getting exploited?

I want to go to a girls' hostel for further study, how can I get enrolled?

Stakeholders Response: Various committees meant for child welfare are responsible and apart from this if anybody feels any miss-happening with a child then they can directly call on 1098.

The children will get every support if they want to get enroll in hostels. They will ask Education department too to include such children in hostels first.

Kuldeep:

I want to study; how can you support me and the children like me?

You all are saying that children can go to hostels for studies where they will get all the necessary and basic things along with studies but what about rest of the family, because elder children of the family have been provided with responsibility to earn and to feed others?

Stakeholders Response: Any child who is need can come to SJE department office and can have asked for their problems and solutions to it.

The children can get enrolled in Tribal Area Development Hostels and can complete their education. The children who have completed schooling can also go under ITI studies; in coming future, the district is going to have good openings in this sector.

Sarika & Roshini:

When our schools' conditions will become better and when our schools will have separate toilets for girls

Stakeholders Response: Under Swacch Bharat Abhiyaan Schools will have toilets soon.

Recommendation from the panelists to policy makers

- Education should be free for Children aged up to 18 years
- Children aged below 18 should not get engaged in child labor. It's the government's responsibility to take care of this.
- Schools' environment should be appropriate to children's needs and desires. This would give an incentive to stay in school instead of working.
- The list of hazardous works given by the Factories Act is incomplete. Children often still have to work in dangerous conditions. The list of hazardous works needs to be extended.
- Child labor is a direct outcome of poverty and lack of opportunities. If you want to end child labor, you need to fight poverty.
- Children are not allowed to vote, to drive, to form unions or to sign contracts but they can work in family enterprise. As this is not fair, children should be free from the burden of work.
- If their family members would be working in jobs where they earned sufficient money, children would not have to work. The government should provide jobs with a payment which is sufficient for at least one grown up per family.

Quotes

Sarika: The children who belong to the wealthy, upper cast families often beat and suppress the poorer children. When children are treated that way they will leave the village.

Arjun: The wealthy people never have to ask for anything.

Prakash: The government is responsible for taking care of children.

Anita: Teachers beating children in school makes children feel bad. Then they choose to drop out of school and work instead.

Chagan: I'm helpless I must work because nobody else in my house is earning money. But I will help my younger brother to educate himself so he can find a good job later.

Ajad: We work like slaves. I will not let any other child in my village or relation to become a laborer.

Kuldeep: I want to study rather than wasting my life in labor.

Roshni: School environment is similar to working environment.

VAAGDHARA

VAAGDHARA is a non-profit organization, registered under Rajasthan Societies Act 1958. The core value of the organization is swaraj 'self-reliance' which is drawn from Gandhian philosophy. At the same time VAAGDHARA believes in the use of latest technology for the development of the poor population of India. During last decade and half, VAAGDHARA has impacted about 25000 tribal and poorest of the poor families to enhance their living conditions. It has implemented several interventions with support of government, national and international organizations like UNDP, UNICEF, WFP, Welthungerhilfe, NABARD, IGSSS, Save the Children and Plan India. The organization works intensively on issues related to nutrition, health, education and child rights.

VAAGDHARA adopts a twin-track approach to enhance child protection and inclusive quality education in the target area. By 2020 the organization has plans to reach about 1 lakh children to ensure their protection against all kinds of abuse, exploitation and violence. Key interventions include strengthening of government machinery and ensuring effective implementation of various child related schemes/acts.



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