

# **Child labour in rural areas with a special focus on migration, agriculture, mining and brick kilns**

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## **INTRODUCTION**

Child labour in India is to be found in almost every sector of the informal economy. Children are to be found working in workshops and small factories, in dhabas and restaurants, on the streets as well as domestic servants. But perhaps the largest sector in which children are to be found working is agriculture. The report brings together macro statistics and field based case studies highlighting the problem of child labour in rural areas. The Report documents testimonies of children as well as brings together select case studies of innovative work done by NGOs for getting children out of work and into school.

The report points out that a rights-based approach to development needs to emphasise empowerment, participation and non-discrimination and address vulnerability, marginalization and exclusion.<sup>1</sup> By narrowing the definition of child labour to either wage employment or 'hazardous' work, one is indeed not taking into account the entire universe of marginalized children who cannot exercise 'choices'. Efforts at gender equality and gender justice must start with equality for the girl child. A rights-based approach when applied, for example, to the problem of out-of-school children, dictates an inclusion of all such children into the schooling system irrespective of whether they work in agriculture, in industry or at home. In the Indian context, many commentators and development agencies have sought to distinguish between children who work at home, in agriculture or in assisting petty family business from those who work outside the home for a wage. Moreover, since it is primarily girl children who work at home assisting their mothers in the household tasks of looking after younger siblings, cooking, cleaning, washing, etc., such a distinction would openly discriminate against female children. It is here that engendering of the development strategy links up with the rights of all children who are out of school.

The Report concludes with some policy issues and makes suggestions for the way forward.

## **CATEGORIES OF CHILD LABOUR**

Child labour is a term that needs to be unpacked: it cannot be used in a sweeping manner but covers a range and variety of circumstances in which children work.

**a. Child Labour:** *Those children who are doing paid or unpaid work in factories, workshops, establishments, mines and in the service sector such as domestic labour. The*

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Ministry of Labour, Government of India has employed the term 'child labour' only in the context of children doing 'hazardous' work. By implication, children who are not doing 'hazardous' work are not considered to be child labourers and are said to be doing child work. The consequence of this narrow definition of child labour is that the Labour Ministry's definition only includes a very small percentage of children who are in the work-force and leaves out millions of children who require policy and programmatic support from the Government.

**b. Street Children:** *Children living on and off the streets, such as shoeshine boys, rag-pickers, newspaper-vendors, beggars, etc.* The problem of street children is somewhat different from that of child labour in factories and workshops. For one thing, most children have some sort of home to go back to in the evenings or nights, while street children are completely alone and are at the mercy of their employers. They live on the pavements, in the bus stations and railway stations. They are at the mercy of urban predators as also the police. They have no permanent base and are often on the move. So their problem is more acute than that of children working in a factory and living at home.

**c. Bonded Children:** *Children who have either been pledged by their parents for paltry sums of money or those working to pay off the inherited debts of their fathers.* Bonded child labour is an acute problem in some states. Bonded children are in many ways the most difficult to assist because they are inaccessible. If the carpet owner has bought them, they cannot escape. If the middle-class housewife has paid for them, they cannot run away. If the landlord in the village owns them, they will spend their life in servitude till they get married and can, in turn, sell their children.

**d. Working Children:** *Children who are working as part of family labour in agriculture and in home-based work.* If children are working 12-14 hours a day along with their parents at the cost of their education, their situation is similar to that of children working for other employers. In fact children, particularly girls, are expected to take on work burdens by parents in complete disproportion to their strengths and abilities. This is the largest category of children who are out-of-school and are working full time. And it is here that we find the largest percentage of girls working at the cost of education.

**e. Children used for sexual exploitation:** Many thousands of young girls and boys serve the sexual appetites of men from all social and economic backgrounds. Direct links between the commercial sexual exploitation of children and other forms of exploitative child labour are numerous. Factories, workshops, street corners, railway stations, bus stops and homes where children work are common sites of sexual exploitation. Children are especially powerless to resist abuse by employers, either as perpetrators or intermediaries. Village loan sharks often act as procurers for city brothels, lending money to the family which must be paid back through the daughter's work. Almost all such children are betrayed by those they trust and end up with their trust abused. The physical (health, danger of HIV/AIDS, sexually transmitted diseases) and psycho-social damage inflicted by commercial sexual exploitation makes it one of the most hazardous forms of child labour.

**f. Migrant children:** India faces a huge challenge with "distress seasonal migration". Millions of families are being forced to leave their homes and villages for several months every year in search of livelihoods. These migrations mean that families are forced to

drop out of schools, something that closes up the only available opportunity to break the vicious cycle generation after generation. At worksites migrant children are inevitably put to work. All evidence indicates that migrations are large and growing. The number of children below 14 years of age thus affected, may already be in the order of 9 million.<sup>2</sup>

Migrant populations overwhelmingly belong to Scheduled Caste, Scheduled Tribes, and Other Backward Castes. They comprise the landless and land poor who possess the least amount of assets, skills or education. Studies reveal that the majority of migrant labour is to be found in states like Andhra Pradesh, Rajasthan, Karnataka, Gujarat, Tamil Nadu and Maharashtra. Almost all major states appear to be affected by migration, although to varying degrees. Many industrial and agro-industrial sectors like brick-making, salt manufacture, sugar cane harvesting, stone quarrying, construction, fisheries, plantations, rice mills and so on run largely on migrant labour.

**g. Children engaged in household activities:** Apart from children who are employed for wages (either bonded or otherwise) as domestic help, there are a large number of children (especially girls) who are working in their own houses, engaged in what is not normally seen as “economic activity”. These children are engaged in taking care of younger siblings, cooking, cleaning and other such household activities. As seen in the literature on women’s work, such activities need to be recognised as ‘work’. Further, if such children are not sent to school, they will eventually join the labour force as one of the above categories of child labour.

## CONCEPTUAL ISSUES

### **a. Child labour versus child work: Definitions of child labour and child work**

An interesting debate has been in progress over the definition of child labour and child work and the contribution of children’s work in the informal economy.<sup>3</sup> Those who have argued for a narrow definition have been motivated in part by the desire to reduce the size of the problem and thus make it more manageable. But this conceptual sleight-of-hand flies in the face of common sense and results in making the work of millions of children invisible to public policy and public action. The distinction at the conceptual level between child labour and child work is essentially flawed as children play a major role in the care economy.<sup>4</sup>

Child labour is conventionally defined to include all ‘economically active’ children in the age group 5-14 years. A person is treated as economically active or gainfully employed if s/he does work on a regular basis and receives remuneration for it. The ILO defines ‘child labour’ as “work that deprives children of their childhood and their dignity, which hampers their access to education and the acquisition of skills, and which is performed under deplorable conditions harmful to their health and their development.”<sup>5</sup> Child work, on the other hand, includes all paid and unpaid work for the household or for the market, whether it is full-time or part-time. Participation in household activities on a regular basis and for several hours in a day to relieve adults for wage employment is also included in this definition. The ILO argues that it is not concerned with children helping in family farms or doing household chores.

The World Bank, in a similar vein, argues that child work that does not involve an exploitative relationship should be distinguished from child labour. It further argues that in some instances, work done by children within the family may even contribute to the development of the child. Not all child labour is harmful. Many working children who are living within a stable and nurturing environment with their parents or are under the protection of a guardian can benefit in terms of socialisation and from informal education and training.

According to a recent UN report, the problem of child labour in agriculture is extremely acute. According to experts, "... some 70 % of the estimated 218 million world total of child labourers ... are employed in agriculture, and of these 132 million are between the ages of 5 and 14." Further, the report says, "Many of these are in jobs that can undermine their health or lead to serious accidents including loss of limbs, including handling toxic pesticide, using dangerous cutting tools, working in extreme temperatures, or just working long hours."<sup>6</sup>

The struggle to get recognition for children's paid and unpaid work is an uphill task. One set of child rights activists continue to pass off children's full time work as part of the socialization process. There are academics and activists alike who have glorified the work of children - who are looking after younger siblings, cooking, cleaning, fetching fuel, fodder and water – thus basically managing the household so that adults can take on more wage work. There are even arguments made that support the work of children on the grounds that children's work supports the costs of schooling!<sup>7</sup> What is the evidence about the work of children?

The informal economy is linked closely with the formal economy – producing, distributing and providing goods and services. Informal enterprises run by adults depend hugely on family labour, particularly the labour of children. And if children are not directly working on production related work, they are engaged in supporting the "care economy" so that their mothers can be freed up for wage employment. And while this may not "officially" be defined as "child labour" by some "experts", there is no doubt that many self-employed persons, own-account persons/sub-contracts producing goods and services are able to do so because survival activities for households are managed by children, particularly girls.

Children contribute substantially to the informal economy, albeit invisibly. There is hardly any sector in the informal economy where children are not working. Perhaps the category under which children are engaged in most is that of self-employment, where they work as part of unpaid family workers. They are of course excluded from compilations of the self-employed because they are not even considered entrepreneurial assistants. While the group of own-account workers within the larger category of the informal economy capture the work of women, this is yet another category which is also heavily dependent on children and where again the contribution of children is little recognized.

## **EMPIRICAL ISSUES**

### **Nature and extent of child labour and child work:macro-level data**

Shakti Kak writes about the magnitude and profile of child labourers in the 1990s based on evidence from the NSS Data. According to her, “the number of rural boys and girls of 5 to 9 years of age who were categorized as principal status workers in rural areas is higher in 1999-2000 as compared with 1987-88. The magnitude of child labour force participation increases with the inclusion of secondary workers.”<sup>8</sup>

The Census of India (2001) defines any person over the age of 7 years and above who can both read and write with understanding in any language as literate, even if the person has not received any formal education or passed any minimum educational standard for being treated as literate. A person who could only read but not write in any language was treated as illiterate and all children below the age of 6 years, even if they could read and write were considered illiterate.

Work has been defined in the Census 2001 as ‘participation in any economically productive activity with or without compensation, wages or profit. Such participation could be physical and/or mental in nature. This work includes supervisory work as well as direct participation in the work. For the first time, the Census includes part-time help or unpaid work on the farm, family enterprise or in any other economic activity such as cultivation and milk production for domestic consumption as work. All persons engaged in ‘work’ as defined in the Census are considered workers. Main workers are defined as those who have worked for the major part of the reference period, that is 6 months or more. And marginal workers are those who have not worked for the major part of the reference period. All those workers who are not cultivators or agricultural labourers or engaged in household industry are categorized as ‘Other Workers’. Though there is also another category of ‘non-worker’ which includes students who did not participate in any economic activity, paid or unpaid as well as beggars, vagrants, prostitutes, rentiers, pensioners, persons living on remittances, convicts in jail or other institutions as also persons who were seeking/available for work, I will not discuss this category further as it is not pertinent to the discussion that follows.<sup>9</sup>

Therefore, for the Census of India (2001), the activity status of a person was classified as main worker, marginal worker and non-worker. Further, for both marginal workers as well as non-workers, there was further sub-classification for those seeking or available for work.

Census data shows that there is a sharp decline in the number and percentage of children classified as main workers from 4.3 percent in 1991 to 2.3 percent in 2001. But there was a substantial increase in marginal workers in every category of worker irrespective of sex and residence. As a result, despite the number of main workers declining from 9.08 million in 1991 to 5.78 million only in 2001, the total number of children in the work force increased from 12.86 million in 1991 to 16.35 million in 2001. A large part of the

increase was accounted for by the increase in marginal workers, which increased from 2.2 million in 1991 to 6.89 million in 2001. The trends between 1991 and 2001 of declining main child workers along with increasing marginal workers may indicate the changing nature of work done by children. It may also be a result of simply widening the definition of marginal work to include more household tasks done by children within the ambit of work by the Census 2001. Although, the total number of children in the labour force has seen an increase of around 3.5 million, most of these children are being employed in part-time work. Most of the children employed as marginal labourers are employed in agriculture and the increase in marginal workers compared to main workers could also be related to the growing demand of children in agricultural processes.<sup>10</sup> This issue was discussed in the earlier section on case studies.

It is clear from the data available that there are very few states where decline in work-force and labour force participation is combined with increases in school enrollment and reduction in the number and percentages of out-of-school children. While the Kerala and Tamil Nadu stories are well known, it is heartening to see that the state of Andhra Pradesh shows very remarkable reduction in work-force participation, along with a dramatic increase in the enrollment of children in school.

The data from the state of Andhra Pradesh shows that there is both a dramatic increase in the number and percentage of children going to school from 49.18 percent in 1991 to 73.82 percent in 2001. The percentage of children out of school has also declined substantially from 50.81 percent in 1991 to 26.17 percent in 2001. The details are available in the section on education and child labour.

Surprising is the case of Himachal Pradesh, which has shown significant increases in school attendance and in literacy levels.<sup>11</sup> However, there is a dramatic increase in the percentage of children in the age-group 5-14 years who are classified as workers, both main and marginal. In Himachal Pradesh, the percentage of child workers has gone up from 5.5 percent in 1991 to 8.6 percent in 2001. This could also be a result of larger numbers of children combining work with schooling or simply better enumeration of children's unpaid work.

### **Andhra Pradesh: dramatic results**

Andhra Pradesh was notorious for its poor literacy rates and high child labour rates, both main and marginal workers, as compared to the all-India averages in every age group. In fact, in 1961 and upto 1991, Andhra Pradesh was in the same league as India's most educationally backward states, with very large percentages of children working as main and marginal workers. Andhra Pradesh was also known as the state with the highest percentage of child bonded labour. Since 1991, the state has made amazing progress towards universalizing elementary education as well as bringing down the number and percentage of children working in the age group 5-9 years and 10-14 years in both rural and urban areas. The literacy rate for girls in the 7-14 age-group has shot up by 71.46 percent between 1991 and 2001.<sup>12</sup> Table 1 below illustrates.

School attendance has gone up from 38 percent in 1991 to 71.9 percent in 2001 as is evident from the table given below. This is an 88.71 percent increase in a 10 year period. Child labour (main and marginal worker) rates have gone down from 10 percent in 1991 to 7.7 percent in 2001, showing a 23 percent decrease in the incidence of child labour. Indeed, Andhra is now comparable to the top two states, Kerala and Tamil Nadu, with respect to high literacy levels, high school attendance and low child labour participation. They have done better than states like Himachal Pradesh where high literacy levels are also combined with high participation of children as marginal workers. This is not the case with Andhra Pradesh.

Andhra Pradesh's transition from a low literacy, high child labour state to a near universal elementary education and low child labour/child work participation is as impressive as that of Kerala, Tamil Nadu and Maharashtra. This transition has also been in a shorter time-frame of about 10 years.

Given below are four tables showing data on literacy rates, percentage of children attending schools, percentage of children working as main workers and percentage of children working as main and marginal workers in select states. This data is for the 1991 and 2001 Census and is for eight states. The states have been selected for their achievements in literacy and school enrolment. Maharashtra, Karnataka, Tamil Nadu and Kerala have traditionally been states where literacy levels have been high. Andhra Pradesh, Himachal Pradesh, Madhya Pradesh and Rajasthan have shown marked improved in literacy levels. Himachal Pradesh had very high literacy levels even in 1991. The purpose of showing literacy, school attendance as well as percentage of child labour is to see whether there is a simple co-relation between high levels of literacy and child labour elimination or whether some other factors such as social mobilization around child labour elimination is also necessary.

Table 1  
Literacy rate for children by sex and residence for major states  
7-14 age group Total (in '000)

	1991			2001			%age increase
	Children	Boys	Girls	Children	Boys	Girls	
Andhra Pradesh	62.5	70.6	53.8	83.5	86.8	80.0	33.6
Himachal Pradesh	85.8	90.0	81.5	94.8	95.7	93.8	10.48
Karnataka	72.8	79.0	66.6	85.4	87.9	82.7	17.30
Kerala	97.5	97.6	97.4	96.2	96.2	96.2	-1.33
Madhya Pradesh	57.5	66.4	47.9	79.5	83.8	74.9	38.26
Maharashtra	80.8	84.7	76.7	91.9	93.0	90.7	13.73
Rajasthan	47.2	62.0	30.7	77.5	85.8	68.1	64.19
Tamilnadu	85.0	88.8	81.2	91.0	92.0	90.0	7.05
All India (excluding J&K)	64.2	71.4	56.2	77.8	81.6	73.6	21.18

According to the Census figures of child labour (main and marginal) population, Andhra Pradesh and Maharashtra are the two best states in terms of absolute decline in child labourers between 1991 and 2001. Both these states saw the child labour population decline by close to 300,000 between 1991 and 2001. These results are to be seen in a context where, during the same period, the population of child labourers had indeed increased by 14,00,000. Only eight out of 21 states, mentioned in Table 3, had absolute numbers decline. All the other states had the absolute number of child labourers increase during the same ten year period. Significantly, among these eight, Maharashtra and Andhra Pradesh saw the largest decline during the ten year period.

Even in terms of percentage decline, Andhra Pradesh saw the highest decline followed by Maharashtra and the remaining six states. While the percentage of child labourers declined by 2.3 percentage points in Andhra Pradesh, Maharashtra saw it decline by 2.2 percentage points. This performance is even more creditable, given the fact that the best state in terms of literacy, Himachal Pradesh, also saw the child labour percentage increase by 3.6 percent during the same ten year period. Census figures also confirm that Andhra Pradesh and Kerala are the only two states which have seen the absolute number of child labourers decline during the ten year period in urban and rural areas, while all other major states show an absolute increase in the number of child labourers.

A similar story is repeated with regard to educational attendance of children. The Table below gives percentage of children attending school by sex and residence for 1991 and 2001.

Table 2  
Percentage of children attending school by sex and residence for major states  
5-14 age group Total

	1991			2001			%increase
	Boys	Girls	Children	Boys	Girls	Children	
Andhra Pradesh	56.0	42.0	49.2	76.9	70.6	73.8	50
Himachal Pradesh	76.6	68.0	72.4	85.8	84.1	85.0	17.40
Karnataka	61.9	51.0	56.5	72.3	68.1	70.3	24.42
Kerala	85.5	85.5	85.5	89.1	89.4	89.2	4.32
Madhya Pradesh	53.1	37.8	45.7	69.6	60.9	65.4	43.10
Maharashtra	69.0	59.9	64.6	80.2	78.0	79.2	22.60
Rajasthan	52.1	25.3	39.5	73.3	56.3	65.3	65.31
Tamilnadu	73.4	66.1	69.8	84.5	83.1	83.9	20.20
All India	55.6	43.1	49.7	68.8	62.0	65.6	55.6

The above table clearly indicates that the two states, which have seen the highest jump in educational attendance ratios are Rajasthan and Andhra Pradesh. The only difference between these two states is the important fact that while Andhra Pradesh has also seen a substantial reduction in child labour population, Rajasthan has seen the child labour population increase by 488,371 during the same ten year period compared to almost 300,000 decline in the case of Andhra Pradesh. Excluding Rajasthan, Andhra Pradesh is

the state with the highest percentage point increase in the percentage of children attending educational institutions. In the last ten years period, it increased by 25 percent compared to an all India increase of only 16 percent. But even more remarkable is the fact that Andhra Pradesh was placed at number 10 when states (major 16) were ranked in order of percentage of children attending educational institutions in 1991. For girls, it was even worse with Andhra Pradesh being ranked at number 13 with only Bihar, Madhya Pradesh, Uttar Pradesh and Rajasthan having a lower percentage of girls attending educational institutions.

By 2001, the scenario had changed completely with Andhra Pradesh being the fourth best state in terms of educational attendance of 5-14 age group children. The only states with better educational attendance percentages than Andhra Pradesh in 2001 were the traditionally better states of Kerala, Himachal Pradesh and Tamil Nadu (these three were also the best three states in 1991). The performance was even more remarkable in the case of girls with the state jumping from 13th position to 4th position in 10 years time.

However, given that school attendance /enrolment figures are grossly exaggerated, the data to track is the literacy data. Here again the figures for Andhra Pradesh are very encouraging.

Andhra Pradesh was notorious for the existence of child labour and they had the highest percentage and number of child labour in the country in 1991. This was almost halved by 2001. The only other state where the percentage of child labour was very high was Madhya Pradesh, where there has also been clear reduction. The Table below clarifies.

Table 3

Percentage of children as main workers by sex and residence for major states  
5-14 age group Total

	1991			2001			%age decrease
	Boys	Girls	Children	Boys	Girls	Children	
Andhra Pradesh	9.1	9.4	9.2	5.2	5.4	5.3	-42.39
Himachal Pradesh	2.2	2.8	2.5	1.1	1.0	1.0	-60
Karnataka	8.2	6.5	7.4	4.9	3.3	4.1	-44.59
Kerala	0.5	0.4	0.5	0.4	0.2	0.3	-40
Madhya Pradesh	6.6	5.2	6.0	2.8	2.1	2.5	-58.3
Maharashtra	4.1	4.5	4.3	2.0	1.6	1.8	-58.13
Rajasthan	4.4	3.8	4.1	2.4	2.7	2.5	-39.02
Tamilnadu	4.4	4.3	4.4	2.9	2.3	2.6	-40.90
All India	5.2	3.4	4.3	2.7	1.8	2.3	-46.51

However, when one adds marginal workers to that of main workers, again the gains made by Andhra Pradesh are impressive.

Table 4

Percentage of children as workers (main+marginal) by sex and residence for major states  
5-14 age group Total

	1991			2001			%age
	Boys	Girls	Children	Boys	Girls	Children	
Andhra Pradesh	9.4	10.5	10.0	7.0	8.4	7.7	-23
Himachal Pradesh	3.6	5.5	4.5	7.7	8.6	8.1	+80
Karnataka	8.9	8.7	8.8	7.2	6.6	6.9	-21.59
Kerala	0.6	0.5	0.6	0.6	0.4	0.5	-16.66
Madhya Pradesh	7.6	8.6	8.1	6.4	7.2	6.8	-16.04
Maharashtra	4.9	6.6	5.7	3.5	3.5	3.5	-38.59
Rajasthan	5.2	7.9	6.5	6.9	9.7	8.2	+26.15
Tamilnadu	4.6	5.1	4.8	3.8	3.4	3.6	-25
All India	5.7	5.1	5.4	5.1	4.9	5.0	-7.40

Andhra Pradesh shows a dramatic decrease in the incidence of child labour (main and marginal) in the 5-14 age group from 10 percent in 1991 to 7.7 percent in 2001 which is a 23 percent decrease. This is in sharp contrast to states like Himachal Pradesh where in spite of the state's focus on education, the incidence of child labour has increased from 4.5 percent in 1991 to 8.1 percent in 2001, an increase of 80 percent. Rajasthan was also a state where the government put a lot of emphasis on providing education to all children. Yet again, there is an increase of child labour from 6.5 percent in 1991 to 8.2 percent in 2001, a 26 percent increase. The only explanation for this is that both Himachal Pradesh and Rajasthan provided flexible timings for schooling so that children could combine education with work. This is not the case with Andhra Pradesh that has always supported the growth and strengthening of the formal school system. There is more discussion on this later.

If one looks at all the parameters like school attendance, literacy rates, work participation rates (main and marginal), Andhra Pradesh stands out as a state which has made remarkable progress to eliminate child labour and to universalize elementary education. It must be noted that Andhra Pradesh was, till 1991, notorious for the highest numbers and percentage of child bonded labourers. They ranked with Bihar and Uttar Pradesh at the bottom of the ladder. States like Karnataka, Maharashtra and Tamil Nadu, which show very good performance, had much better parameters to begin with.

#### **Andhra Pradesh's success: some possible reasons**

There have been several reasons for Andhra Pradesh's spectacular performance. For one thing, Andhra Pradesh is one of the few states which have institutions such as Social Welfare hostels meant for children belonging to Scheduled Caste, Scheduled Tribe and Other Backward Castes. This meant that residential facilities could be provided to

children who had no educational institutions close to their residence. The second important factor was that very early on, the government decided that child labour elimination can only be done if it is linked to providing education to children and therefore the administrative responsibility for getting children out of work and into school fell upon the Education Department. This also ensured synergy between various education programmes. Andhra Pradesh is now the only state in India where the National Child Labour Programme is anchored in the Education Department and not the Labour Department. The responsibility of the Labour Department is limited to inspection and enforcement and does not extend to running or monitoring special schools. This has the advantage that there is much more convergence in Andhra Pradesh between the education programme and the child labour elimination programme. In all other states, child labour is handled by the Labour Department.

The Andhra Pradesh Education Act (1998)<sup>13</sup> provides that there is a School Education Committee for every school. The role of the committee with respect to bringing children back to school and for abolition of child labour is as follows:

- Facilitate admission of children, the newly enrolled and also the older children into schools by insisting on flexibility in admission procedures.
- Identify school dropouts and irregular children on a regular basis, contact the family and ensure that the child rejoins school.
- In case of absence of children due to adverse circumstances at home such as ill health of parents or children's own ill health, help in their readmission in schools without insisting on medical certificates and so on.
- Facilitate the issuing of transfer certificates to children as and when necessary.

Another first step that the government of Andhra Pradesh took was to cancel non-formal education centres which catered to the students in the evenings and set up similar education centres in the schools.<sup>14</sup>

The Government of Andhra Pradesh has also passed several Government Orders (GOs) to ensure that all children had equal opportunity to attend school. For instance, the Department of Education passed a GO saying that any child had the right to school admission irrespective of the time of year. For the first time, there is no cut-off date for admission for children up to class 8.<sup>15</sup> Then again, a GO was passed saying that the move from primary to upper primary or middle school was the responsibility of the school administration and not that of parents. This GO Ms. No.272/B4-1/2001 was passed in April 2001.<sup>16</sup> It was found that children dropped out of school for simple things like lack of stationery or advice as to how transfer takes place from one school to another. Other GOs relevant to child labour elimination are GO Ms. No 53 of April 2001 whereby the department of education ordered that no child would be detained in the primary school as it was found that children stagnated for several years in Class I and this led to a huge wastage of education. Sometimes, the number of children in Class I was almost the same as the total number of children from classes II to V. One of the reasons for this was that there were very few senior level teachers and in order to manage the students, they ensured that children didn't get promoted. The only children who were promoted were

the brightest in the class. The bulk of the students repeated their class.<sup>17</sup>

In addition, the Labour department has become extremely active in undertaking raids and releasing child labourers from work and also holding employers accountable. This twin track strategy seems to be working.

## **NGO contribution to the elimination of child labour: some case studies**

### **M.V.Foundation's contribution to elimination of child labour in Andhra Pradesh**

Andhra Pradesh has in the last 15 years or so been greatly influenced by the strategy and approach of an NGO, the M.V. Foundation, (MVF), whose principal philosophy has been that “all children out of school must be considered child labourers” as children are not sitting idle; they are engaged in work of one kind or the other. Once children start working, they are quickly sucked into the labour market, making it difficult for children to then build up their enthusiasm for schooling. M.V.Foundation's basic philosophy has been that the only sustainable approach to the elimination of child labour is to strengthen the formal school system. Providing alternate education to the children of the poor is unethical and does not provide a level playing field. However, older children who have never been to school cannot be expected to join in Class 1 along with younger children as this de-motivates them. They have pioneered what is popularly known as the “bridge camp approach,” wherein children who have dropped out or never enrolled are given special attention in educational camps where their educational levels are brought up to the level of children of the same age group and then they are mainstreamed into the formal school system.

The ‘bridge camp approach’, pioneered by MVF, has been accepted as a very simple solution to getting children back-to-school. MVF experimented with several types of ‘bridge camps’. There are 9-12 month ‘residential bridge camps’ for older, more hard-core child labourers for whom MVF felt that nothing short of getting away from home would break the routine of labour for the child. Parents of working children had not yet internalized sending children to school and it would be no time at all before children got sucked into more and more work. A break from home would inculcate in the child that he/she was no longer a worker but a student. Parents would also have the time to internalize their status as parents of school-going children and not of child labourers. This change in attitude would take time to be internalised as parents of out-of-school children have absolutely no idea of what it means to send children to school. Parents would also have to adjust to the increase in work-loads as tasks done by children would now have to be taken up by adults in the family.

Younger never-enrolled children in the 5-9 age group were placed in non-residential bridge camps which are run in the compounds of local government primary schools. These bridge camps are run by Vidya Volunteers who were recruited in large numbers by the government of Andhra Pradesh. To date Andhra Pradesh has 62,685 Vidya Volunteers who are attached to the formal schools. In the initial years, MVF volunteers

taught children in bridge camps apart from mobilizing the community to send their children to school.

The MVF strategy is not just to push for the right of the child to get equal quality education, but also to ensure that there is a consensus on this issue amongst all key stakeholders.<sup>18</sup> Therefore, MVF mobilized panchayats, teachers' unions, formal school teachers, parents, local government officials, employers and children themselves. Formal grassroots institutions have been set up such as the Child Rights Protection Forum, the Girl Child Protection Forum, the Formal School Teachers' Association against Child Labour, and Panchayats Against Child Labour. These institutions meet regularly, have a clear cut agenda, minute their proceedings and lobby for the rights of children to formal education. These are the institutions which monitor the presence of child labour in the various districts. MVF provides them with training and capacity building to become strong advocates for the elimination of child labour.

So popular has been the 'bridge camp' approach that the Social Welfare department of the Government of Andhra Pradesh which runs Social Welfare Hostels for children of backward and marginal communities also ran summer bridge camps for out-of-school children. Thousands of children approached the Social Welfare Hostels for school admission. These hostels, which were running empty, are over-flowing with children who were mobilized by the Social Welfare Department and the M.V. Foundation. Government orders were passed by the Social Welfare Department which also institutionalized a monitoring role for the M.V. Foundation, whose staff and volunteers routinely check that former child labourers are not ill-treated or discriminated against in these hostels.

Between 1991- 2005, MV Foundation has directly run long-term bridge camps for girls and boys and short-term bridge camps for younger children, removing 3,70,000 children from work and mainstreaming them in formal schools. Ten lakh children are monitored on a daily basis covering 6000 villages spread over 12 districts in Andhra Pradesh namely Adilabad, Anantapur, Chittoor, Kadapa, Kurnool, East Godavari, Mahabubnagar, Nalgonda, Ranga Reddy, Srikakulam, Warangal and Vizianagaram. MVF has in addition extended technical support to Assam, Bihar, Maharashtra, Madhya Pradesh, Tamil Nadu and the neighboring country of Nepal.

M.V. Foundation has run hundreds of training programmes for government school teachers, sarpanches, NGOs, government officials, self-help groups and others since 1988 onwards, not only for the state of Andhra Pradesh but also for other state governments. Study tours and orientation programmes for sarpanches from all over the state have also been organized. Sarva Shiksha Abhiyan, the flagship education programme of the government of India, also accepted the bridge camp approach pioneered by the M.V. Foundation.

A major opportunity came their way when the Government of Andhra Pradesh accepted the philosophy that child labour also causes poverty and mainstreamed child labour elimination into their major poverty eradication programme with World Bank assistance. This was first experimented with by the UNDP supported South Asia Poverty Alleviation

Programme (SAPAP) in which several thousand children, particularly girls, were removed from work and placed into formal schools by the women's self-help groups in Mahbubnagar, Kurnool and Anantapur districts. The Velugu programme, funded by the World Bank, supported volunteers to do house-to-house mobilization of families, paid for teachers, and constructed school buildings or enhanced the number of classrooms. MVF was the technical consultant to this major initiative and they placed their own volunteers in each of the *mandals* (an administrative unit made up, of groups of villages) and villages so that the mobilization work continued with full strength.

M.V.Foundation strategies are very Gandhian in nature. They believe that the best way forward to eradicate child labour is to work towards consensus building against child labour. Fortunately, child rights is an issue over which there can be a consensus and a minimum common understanding. M.V.Foundation volunteers and activists were continually in search of answers to questions such as: How could tension levels in the village be reduced? How could landlords be converted from recruiters of child labour to supporters of child education? How could the village community be convinced that employing bonded labour was morally and legally wrong?

One idea that emerged and later was to become extremely important was the technique of felicitating landlords who had released bonded labour. The names of landlords releasing bonded child labour on their own were given to newspapers and public functions were held to felicitate them. This softened the blow for the landlord who lost a valuable asset but got an opportunity to be recognized. This one act made a great difference and in a ten-year period (1995-2005), many landlords voluntarily gave up the practice of hiring bonded child labour. These landlords, many of whom were panchayat presidents and *sarpanches*, had a major role to play in monitoring the release of bonded child labour in their area. Peer pressure ensured that their relatives could not hire bonded child labour as well because there was a lot of moral persuasion.

Another useful tactic that M.V. Foundation evolved was to name former employers of child bonded labourers as Presidents of the Parent-Teacher Associations (PTAs). This honour made it incumbent on the landlord to ensure that bonded child labourers in his area were released and put into schools.

However, not all landlords released children under moral pressure. Many of them threatened the MVF activists, children, parents and sometimes the entire dalit community (most child bonded labourers were dalit). Many volunteers were physically abused and threatened.

There was also the issue of repayment of loans taken by the family against the promise of the child's labour. In many cases the parents were keen to repay the loan and although M.V. Foundation activists were aware that legally there was no obligation by parents of bonded child labour to repay loans under the Bonded Labour Abolition Act, 1976, in order to ensure peace and harmony, M.V. Foundation activists did not stand in the way of parents repaying loans to landlords. However, where it was clear that parents would not

be able to repay the loan, M.V. Foundation did not hesitate to use the assistance of the local police and revenue officials to warn employers not to threaten parents of children.

Employers of child labour and child bonded labour were not the only group co-opted by the M.V. Foundation in their battle against child labour. Formal school teachers were also resisting the enrolment of former child labourers into schools because the increasing numbers in enrolment was making it difficult for them to cope in the classroom. Transforming the attitude of formal school teachers therefore became an urgent need. The Baala Karmika Vimochana Vedika (BKVV) Teachers Forum was created in 1996 to build a consensus among formal school teachers that all children must be in school. Teachers had to be taken on as mobilisers and made accountable for the absence of children from school.

As Sucheta Mahajan aptly puts it, “Where other NGOs pit themselves against government and inhabit the terrain of radical politics, MVF occupies the middle ground from where it can simultaneously trigger the process of rejuvenation of defunct government institutions and mobilize people to access them. The MVF is not oppositional in its approach, its self-image is that of a facilitator, infusing life into inert institutions set up by the government, strengthening the fabric of civil society, contributing to good governance by enabling people to access programmes and policies intended for them. This makes the programmes tools of empowerment, which provide the people the wherewithal to determine what sort of development they want. Empowerment implies restoring to people agency in the process of social transformation where government institutions are merely instruments in the hands of the people rather than government being the centre of all power before which people are humble supplicants. This results in deepening of democracy and discovering its revolutionary potential as a system of government that is pro-people”<sup>19</sup>

Andhra Pradesh’s success is at least in part due to a partnership strategy with a major NGO in the state, the M.V.Foundation. The state government provided the enabling environment whereby the lessons from the field could be incorporated in the state plans and programmes. The NGO, in turn, made it clear that they did not believe in setting up parallel structures or promoting alternative schooling and believed in strengthening existing institutions.

### **Field studies: a review of recent work**

This section looks at case study material as well as the data generated by a time use study which shows that children, particularly girls, are in great demand in the labour market. Children are often working longer hours than adults and are largely engaged in marginal and subsidiary work.

#### **a. Time-use survey**

The Department of Statistics, Government of India, organized a pilot time use survey in six states of India between July, 1998, and June, 1999. The idea of undertaking such a

study was, in part, to analyse the implication of paid and unpaid work among men, women and children in rural and urban areas. This study was conducted in Haryana, Madhya Pradesh, Gujarat, Orissa, Tamil Nadu and Meghalaya. The total sample size was 18,628 households distributed among the states in proportion to the total number of estimated households as per the National Sample Survey Organization (NSSO) 1993-94 survey. The survey collected comprehensive information on how people, including children above six years, spend their time on different activities. The one-day recall method was used for data collection. Indira Hirway, analyzing the data, shows “that the most important economic activity for children in the age group, 6-14 years is animal husbandry. About 11.47 percent of boys and 10.69 percent of girls in this age group participated in this activity, particularly in animal grazing....These boys and girls spent 21.54 hours and 13.94 hours, respectively on this activity, implying on an average, a daily engagement of three and two hours respectively”<sup>20</sup> The next important economic activity for children is the collection of fuelwood, water, fodder, fruits, etc. About 4.51 percent of boys and 13.76 percent of girls in the age group 6-14 were engaged in this activity, which implies that this activity is more important for girls than for boys.<sup>21</sup> Farming engages 6.23 percent of boys and 6.24 percent of girls. Petty services like informal sector activities engage 5.41 percent of boys and 4.72 percent of girls. Fishing and forestry and other manufacturing activities are also important from a children’s work point of view.

Breaking up the data by age groups, Hirway says that in the 6-9 years age group, about 6.82 percent of boys and 6.37 percent of girls are engaged in animal husbandry, mainly grazing. Petty services employ 4.57 percent of boys and 4.40 percent of girls. Crop farming engages 3.51 percent of boys and 3.74 percent of girls. Further the data reveals that “children aged 6-14, who, participated in economic activities spent 21.46 hours a week (about three hours a day), on an average, on SNA (System of National Accounting)<sup>22</sup> work, which comes to 12.77 percent of their total weekly time. Boys spent 24.27 hours while girls spent 18.63 hours. The data show that boys engaged in mining, quarrying and digging spend maximum time on this work (34.5 hours), which implies that many of them are engaged in these activities on a full-time basis. This is followed by manufacturing work (32.70 hours), construction work (26.16 hours), animal grazing (21.54 hours) and crop farming (20.14 hours).

In the case of girls engaged in SNA activities, maximum time (37.34 hours a week) is spent by those who are engaged in mining, quarrying and digging. This is followed by girls engaged in manufacturing activities (27.57 hours), construction work (22.30 hours), crop farming (20.79 hours) and animal husbandry (18.02 hours).<sup>23</sup> The time-use survey showed that while 67.13 percent of children are engaged in educational activities and about 17 percent in pure economic activities, the balance 15.87 percent were engaged either in extended SNA activities or in non-SNA activities. Extended SNA activities while not considered strictly economic activities fall in the ‘General Production Boundary’ and include activities such as household maintenance, management, care of siblings, sick, aged and disabled and other household activities.<sup>24</sup> Care of siblings, the aged, the sick and the disabled take up a fair amount of the time of children. For example,

girls in the age group 6-14 and 6-9 years spend 7.96 hours and 7.52 hours on the physical care of children respectively.

The time-use survey shows that boys and girls spend 21.46 hours a week on SNA activities, which is about 47 percent of the time spent by an adult on SNA activities. Girls (6-14) participate in extended SNA activities much more than participant men of all ages. Thus, while girls spend 13.01 hours on household management, 10.64 hours on community services and 11.17 hours on care activities, the corresponding data on time spent by men are 6.76 hours, 7.99 hours and 6.12 hours respectively.<sup>25</sup>

As Hirway points out:

“when one combines SNA and extended SNA work, one realizes that children’s contribution to this total work in the society is more than marginal, in terms of both number of participants as well as hours put in. The contribution of girls is greater than that of boys.”<sup>26</sup>

More significantly, she says that

“more than 32 percent ‘nowhere’ children, who do not go to school, are largely engaged in economic or in extended economic activities. In the case of girls, their low attendance in school is not only due to their participation in economic activities but also due to the responsibilities borne by them in extended SNA activities.”<sup>27</sup>

While international and national attention has been focused on child labour in hazardous conditions where the numbers of children involved are fairly substantial,<sup>28</sup> it is clear from the available data that the largest numbers of children are in fact to be found working in agriculture and allied activities. These children are rarely taken into account by policy-makers. Children are also to be found in non-traditional occupations and this sector is only growing.<sup>29</sup>

#### **b. Cottonseed production in the state of Andhra Pradesh: case study**

Davuluri Venkateswarlu’s research on child labour in the hybrid cottonseed industry in Andhra Pradesh has revealed that farmers are employing girls largely to minimize costs of production. Labour costs for the production of hybrid cotton seeds accounts for 50 percent of the total costs and by employing children, labour costs are substantially cut. Farmers also recruit children because they can make them work longer hours. Children are easier to control and can be cajoled with inexpensive treats. Children work uncomplainingly and are not aware of the hazardous conditions they are working in. They are unaware of the high quantities of pesticides used in cottonseed cultivation.

According to Venkateswarulu and Lucia Da Corta, “A new system of employing female children as ‘bonded labourers’ has come into practice in recent years in ... rural South India. ...Female children are employed on long-term contract basis in return for loans advanced to their parents by local seed producers who have agreements with the national and multinational seed companies.”<sup>30</sup> The authors estimate that there are nearly 400,000 female children in the age group of 7 to 14 years who are employed in the cottonseed fields. Out of these, 250,000 are employed in the state of Andhra Pradesh. This figure is

greater than the total number of children working in the so-called 'hazardous' industries sector such as carpet-weaving, glass bangles, diamond polishing, gem polishing and limestone put together. An interesting point being made by the authors is that while child labour does not exceed 25 percent in any of the industrial sectors, child labour in the cotton seed production accounts for 90 percent of the labour force.<sup>31</sup>

Hybrid seeds are produced through cross-pollination, which has to be done manually. Each individual flower bud has to be emasculated and pollinated by hand by a large labour force. Cross-pollination requires 90 percent of the total labour days employed and 45 percent of the capital investment. According to the authors, "It is estimated that, while nearly 2,200 labour days are required for cultivation of one acre hybrid cottonseed crop, cross pollination work itself accounts for nearly 2000 labour days".<sup>32</sup> Girl children are mostly employed in two important activities, cross-pollination and harvesting. Girls exclusively do cross-pollination work. Girls also do harvesting of seeds.

The nature of the work is such that farmers require assured labour and it is therefore considered necessary by them to have advance agreements with labourers before taking up seed production activities. Farmers engage children on long-term contracts by paying advances to their parents. These researchers found that nearly 95 percent of the children employed in cottonseed fields in Andhra Pradesh are in debt bondage. Although the agreements are supposed to bind the worker for one crop season only, in reality the child labourers are bonded for years. This according to the researchers is proved by the fact that "...70 percent of the children employed currently were working in the same fields as the year before. 57.5 percent have been employed for the last two years and 12.5 percent have been employed by seed producers for the last five years."<sup>33</sup>

M.V. Foundation was told by a cottonseed field supervisor in Madaaram village, Parigi *mandal* of Rangareddy district in Andhra Pradesh, the reason for giving advances to parents.<sup>34</sup> "We need the children for work in the cottonseed field all through the year. If the children stop coming in the middle, we would be at a loss. So we take the agreements from them in advance. If they have to abide by the agreement we need to give them some money in advance. If we don't give, there is a danger of them quitting work in the middle and going to work for others."<sup>35</sup>

On an average, children are paid about 70 percent of the adult female and 45 percent of the adult male wage rate. Local children generally work 9 to 9.5 hours per day and during the peak season in winter they work more than 11 to 12 hours a day. Migrant children work longer hours as they are completely under the control of their employers.<sup>36</sup>

Venkateswaralu and Da Corta graphically describe the plight of migrant child labourers. "Migrant children form an important segment of labour force in some areas like Koilkuntla, Sanjamala and Nandyala of Kurnool district, where seed production is highly concentrated and the availability of local labour is insufficient for the entire work. To recruit the migrant children, seed employers mostly depend upon the middlemen, who organize the labour for them. Migrant children are put in camps and are given food. The children who are brought in this way need to stay in the camps organized by the employers and work in the fields throughout the day."<sup>37</sup> Employers also use innovative ways to keep the children humoured by organizing video film shows, providing sweets and chocolates. One employer said: "...Children get tired, while working, don't they? We

make them happy in order to help them overcome their tiredness and make them work more. That's why we do all this. The expenditure on them is not much. What we spend on their movies, eatables, etc. is not a large amount. If we spend Rs. 10 on them this way they do for us Rs. 100 worth work."<sup>38</sup>

Although children start working at the age of 7 years, the preferred age group is 9 to 13 years. Children over the age of 13 years are not generally employed. The nimble fingers theory is widely espoused and girls are preferred to boys because they are supposed to be more patient. The socio-economic profile of child labourers shows that a majority of the children employed belong to the Scheduled castes/agricultural labour families. Sixty percent of the children belong either to the landless or marginal farmer category having less than two acres of land.

M.V.Foundation found through their research work that seed producers first find out how many girl children would be available for work in a particular village, before seed cultivation is taken up. Only after ascertaining the availability of girl children are other production related issues dealt with. Children and adults have reported to the M.V.Foundation that "the owners first go to the village and enquire about the children in Harijan colony ...where agricultural labourers mostly reside. They do house to house survey. Their survey is similar to the survey conducted by the government for the population census. They find out details like how many girl children are there in every family, their age, whether they would work or not. Later they meet the parents of the children and enquire how many of them would come forward to send their children to work throughout the year. Only after having the confidence of getting adequate number of children for work that they consider the other aspects of the seed production ... and then decide whether to start seed cultivation there or not."<sup>39</sup>

Why are girls considered more favourable candidates than boys for employment? According to a field supervisor interviewed by the M.V.Foundation research team, boys are not so easily available for labour as many of them are going to school. "Many of them want to get their sons educated. If there is one girl and one boy in a family, they think of sending the girl for labour and boy to school. They do not think about sending their son to labour."<sup>40</sup> A myth is being perpetuated that girls who have attained puberty cannot work in the fields as they can pollute the crop if they come to work during their menstrual cycle. But employers were very clear as to why they want young girls. They don't want to pay wages to adults and if work was available for adults, they would be inundated with requests from adults, particularly women. They do not want adults. They only want children. Interestingly, when M.V.Foundation started getting children out of work and into school by organizing bridge camps, the employers increased both the advance they were giving to parents as well as the loan.<sup>41</sup>

M.V.Foundation's findings are that the number of days and hours that children work is increasing and the number of days of employment for adults are decreasing. In the case of adult males, it is not just that they work lesser days than children because of non-availability of labour; they dislike work, are lazy and believe that certain types of work should be done only by women and girls. Men are also spending a major part of their income on liquor. It has also been noticed that in families where there is dependence on the earning of children, adult males spend more than 20 percent on liquor.

### **c. Migrant child labour from southern Rajasthan to BT cotton farms in Gujarat: a case study**

As pressure increases on farmers in Andhra Pradesh not to recruit children to work in the BT cotton farms, it seems that cotton seed production is moving to other states. According to Davuluri Venkateswarlu, the number of children working on BT cottonseed production in Gujarat in 2004 was approximately 90,000 of which sixty percent were girls. Hired labour accounted for 86.5 percent of the total workforce. The proportion of children (below 14 years) to the total workforce was estimated as 35 percent. There were almost 4 children working on one acre of land.<sup>42</sup> While there is some decline in the number of children working who are below 14 years of age, there has been an increase by almost 6 percent in the employment of children in the 15-18 years age group.<sup>43</sup> In a field survey done by Venkateswarulu in 2006 in 60 sample farms in 12 villages in Idar and Khedbrahama talukas in Sabarkantha district and Vijapur taluka in Mehsana district, it was found that children in the age group of 7 to 14 years constitute 32.2 percent of the total workforce. Among them 61.6 percent were girls.<sup>44</sup>

The Dakshini Rajasthan Mazdoor Union (DRMU) has prepared a separate report based on primary data on the number of children working on BT cotton fields, which shows that out of 604 labourers, 199 or 32.9 percent were children below the age of 14 years.<sup>45</sup> According to the authors of the DRMU report, “With regard to spread, except for two farms, the team found CL (Child Labour) on all the farms. The survey thus undoubtedly confirms that CL continues to be used on cottonseed farms and indeed, the use is widespread this year (2007).”<sup>46</sup> The DRMU survey team found that boys outnumber girls. They also found that 9.5 percent of the farms did not employ any boy and 28.6 percent farms did not employ any girl child. Girls seem to be concentrated in some farms. In four farms, the survey team found seven to ten girls each. None of the farms employed more than six boys. Eighty-nine percent of the farms employed upto three boys.<sup>47</sup> The survey report says “on the basis of the current survey we may safely assert that the incidence of CL in total labour force in the year 2007...in the state of Gujarat on cottonseed farms was around one-third of the total labour force. Earlier we had observed that the total area under CSP (cottonseed production) in Gujarat is over 25,000 acres. We had also noted that for each acre about ten labourers are required. This has been substantiated by many farmers in response to a specific question on labour requirement. Accordingly this year the total estimated labour requirement was to the tune of 2.5 lakh labourers.”<sup>48</sup>

Children employed are in the 10-14 years age group though even 8 year-olds have been found working. According to the DRMU Report, this evidence is also corroborated by primary school teachers who report that the number of children going out is more from class IV and V and less from upper primary sections.”<sup>49</sup> Thus, “overall, girls constituted 44 percent of children employed in cotton work in the sample of 978 households. However in Dhamod village on the outskirts of Bichhiwada, girls outnumbered boys by a ratio of more than 2 to 1.”<sup>50</sup> According to a field survey undertaken by DRMU, “overall 35 percent of the 978 households listed reported sending children for cotton work”<sup>51</sup>

While Davuluri's study indicates that girls outnumber boys, the DRMU study findings state the opposite that boys outnumber girls.

This researcher undertook fieldwork in December 2007 and visited 6 villages in Dungarpur district in the state of Rajasthan. During our interviews in Dungarpur, some of the mates/agents who recruit labour for the Gujarat farmers provided an estimation of the numbers and percentage of child labourers for the BT cotton farms. Vasudev Kachraji Dhamar, when asked to give an estimation of the numbers of workers taken for BT cotton work, felt that in Sagwada tehsil, there would be at least 100 mates and each would take at least 100 labourers. Of this, at least 20-25 percent would be children between the ages of 8-12 years. He said that although as a result of Union activity, the recruitment of children for BT cotton had reduced drastically, there were still some Union mates who were clandestinely taking children to work and half of these children were girls.

Motilal Sawa Damor, said that many mates took children to work in the BT cotton fields and his estimation was that at least 25 percent of the work-force in the BT cotton fields were children below the age of 14 years. He said, "Out of 100 labourers, at least 25 percent would be children in the age-range of 10-12 years of age. Younger children in the age group of 8-9 years are those who have no adults to look after them. Either the father has moved in with another woman or the mother has run away with another man or both parents are dead."

Kalulal Kote, a DRMU worker, said that while there were very few Gujarati children to be found working in the BT cotton fields, in a gang of 100 Rajasthani labourers, there would be at least 20-25 percent children between the ages of 12-15 years.

Kalpesh, son of Gautam Halia of Gandheri village, who has been going to Gujarat for the last 3 years with Nathu, the mate. His brother Dinesh, who is 12 years old, had also returned from Gujarat and he told us that out of 50 labourers, 10 were small children like him.

In Navapadar village, Biliyabadgama panchayat, we met 13 year old Bharat Dulji, who said that he was going for cross-pollination work for the last 3 years. He went to Banaskantha district. All the children at the BT cotton fields were 12-13 years old. He said, "From our village 50 people go for BT cotton with one mate. All of them are between 10-16 years old. Farmers don't accept older labourers as they don't work as hard and as carefully as children."

In village Piyola, we met the Sarpanch, Dhaneshwarji Damor. He said that in a population of 5000 people, fifty percent went to Gujarat for labour of which 25 percent were children in the age-range of 10-12 years. Workers first went for BT cotton work and then after a short break after Diwali, they went to work in the brick-kilns. According to Dhaneshwarji Damor, more than 800 children from our area go for *dodhi bandhana* or cross-pollination work.

The DRMU survey report estimates that one-third of the labour force working on BT cotton fields comprises children below the age of 14 years, and the GALU estimates that 150,000 children are working in BT cotton fields. Our field visits and meetings with parents, children and mates seem to indicate that 20-25 percent of the labour force on BT cotton fields was made up of children below the age of 14 years. Since ours was a very short visit, it is possible that our assessment is inaccurate and the percentage of child labour on BT cotton farms is larger. It has not been possible to assess with precision the strength of the migrant workforce or the proportion of children amongst them. Existing estimates vary widely partly because they relate to different source districts of migration, different destinations and probably also because of different methodologies used. However, whether the proportion of child labour is 33 percent or 25 percent is not the issue. The fact is that significant numbers of children are working in hazardous conditions on BT cotton farms. This has been widely recorded by agricultural workers' unions and NGOs working for the abolition of child labour.<sup>52</sup>

### **Human Rights Violations relating to BT farms : Testimonies of child labourers at the Public Hearing held in Ahmedabad in September, 2007**

This researcher attended a Public Hearing organized at the Behavioural Science Centre, Ahmedabad where several children reported how they were virtually abducted by mates on false pretences and taken to work in Gujarat.

#### **Box 1**

Ambalal Rajulal Palaat is 12 years old and belongs to Village Goran, Jhadol Taluka, Udaipur District. He said, "I was studying in Class IX when I met Rooplal/Nana of Lakhmara, a mate, during the summer vacations. He enticed me by saying that he will take me on a pleasure trip. There were 15 of us boys and girls. So I left home without permission and information. But Rooplal actually took me to the BT cottonseed farms for cross-pollination work in July, 2007. He left me there and went away. This farm was in Jaalmore village of Sihori Taluka, Banaskantha District. I worked there for 25 days and then the mate Rooplal came and took me home. I learnt that my parents had scolded Rooplal for taking me without permission. During my stay on the seed farm, I got no wages but was given food by the landlord.

#### **Box 2**

Somabhai Thawrabhai Pargi, age 12, belongs to Gudapida village, Simalwada Taluka, Dungarpur District. He said, "I live in Gudapida village and grazed cattle for my family. Some of my friends (Pravin, Ishu, Shankar, Santilal) and I used to go in a group with our cattle to the outskirts of the village. During this time, we met one Kanubhai Gautambhai Kharadi who told us about the possibility of employment for us on BT cotton farms in Gujarat. He convinced us that this was a good option for us and three of us went with him on the bus. Kanubhai, the mate, brought us to a farm in Village Jasaali, Deodar Taluka, Banaskantha District.

Our parents were unaware about this and the mate also did not tell our parents. The mate did not give any advance to our parents. We worked for one month in the farm and did cross-pollination work. We were harassed by the farm owner who beat us and confined us in a room. We could neither purchase rations nor get enough food to eat. No payment was made to us during that period. Frustrated and tired, all three of us abandoned our work one day and fled on foot from Deodar to Himmatnagar town. From there, we returned home by traveling on trucks.”

There were several other children who gave testimonies at the Ahmedabad public hearing in the presence of Labour Department officials. One of them was the father of a boy who had died at the work-site. His testimony is given below.

**Box 3**

Khatubhai Poonjabhai Damor, father of Mansingh Kahtubhai Parmar, age 14, belongs to Saraswa Village, Kadana Taluka, Panchmahal District. He said that in August 2007, a mate approached him and asked him to send Mansingh to work on a cotton seed farm in Himmatnagar District.

Khatubhai said, “ The mate told me that Mansingh would get Rs. 50 per day as wages and will get work for one and a half months. About 17 children of Mansingh’s age went with Pooja, the mate, from the village. Pooja gave each family Rs. 500 per child.

Mansingh was taken to work on the farm of Seth Rajubhai Kantibhai of Village Kadoli, Himmatnagar District, and worked long hours doing cross-pollination work. On the night of 4 September, 2007, after taking their night meal, Mansingh complained of acute stomach ache and was immediately taken to a hospital in Himmatnagar, where, according to the friends who later reported to me, the doctor said he had inflammation in the brain.

The mate told me that after the stomach ache, Mansingh was taken to the hospital and he took seriously ill and expired. Pooja brought the dead body home in the ambulance and handed it over to us and also gave us Rs. 7000 as compensation, saying that it was for expenses related to the last rites.

My son was a sturdy fellow and had not fallen ill in the last three years so I am surprised that he took ill suddenly and died.”

**d. Children working in mines and quarries**

The working of children in mines and quarries is banned. However, the incidence of child labour, whether as part of family labour or as individuals recruited for work continues regardless. Stone quarrying is one of the biggest sectors attracting migrant labour. According to Santulan, a Pune-based NGO, there are 4-5 million workers in this sector in Maharashtra alone of which 800,000-10,00,000 are likely to be children. <sup>53</sup>Arindam Roy

writes about the Kol tribes of Shankargarh, a block just 50 kms from Allahabad where he says almost every person in the area is a bonded labourer, forced to work for silica sand mining sub-lessees. The major occupation in the area is mining of silica. The rate is Rs. 150 per tractor load. Two persons can be expected to mine and load a tractor in 3 or 4 days. According to Roy,

“ The slavery of kols is complete. Their children, eight years upwards are not spared either. When children are not breaking the stones, they are made to carry headloads (‘taslas’) to the waiting trucks or tractors. For each head load, they are given a pebble (‘kauri’). They are paid Rupee 1 for carrying 40 head loads, at the rate of 2.5 paise per head load. After running endlessly, carrying some 400 head loads, these little children are paid about Rs. 10”.<sup>54</sup>

In April, 2005, several organisations working on child rights and labour rights issues did a field investigation on the incidence of child labour in the iron ore and granite mines in Bellary district in the state of Karnataka.<sup>55</sup> Their report published in April 2005 and based on a two-day field visit to Hospet, Sandur and Illakkal revealed that a large number of children were working in mines and most of them were forced by mine owners and contractors to dig, break stones, sieve, load, dump and transport iron ore. Children were also employed in the granite mines for collecting kerosene from mine tailings and in the washeries handling toxic wastes with their bare hands.<sup>56</sup>

The Report states that almost 50 percent of all workers are children. According to the Team: “...we tried to assess the extent of child labour involved where we took a conservative estimate of 2000 hectares of private mines where migrant and child labour are employed. A head count of the mines we visited revealed that there were 100 workers per acre of whom 50 percent were children, mostly girls which means there are at least 400,000 daily wage labourers in the iron ore mines of which 50percent (200,000 or more are child labourers. The real figures would certainly be higher than this estimate if we take into consideration the illegal mines, the stockyards, loading points, trucks, tippers and other machinery all of which employ very high number of child labourers.”<sup>57</sup>

The same report goes on to say that in the granite mining areas, children are not only employed in the cutting and polishing units, but they are also employed on a “piece-rate” basis to squeeze and strain out kerosene from storage tanks. “Girls and women sit on piles of white slush generated by the granite factories in the process of cutting and polishing granite rocks. They scrape together this semi dried white slush into iron basins, pour water into it and begin to kneed it like dough till the kerosene begins to float on top, which they then pour out by cupping their palms into plastic mugs. Once all the sediments settle, this is pored into used Bisleri, Aquafina and other mineral water bottles. In the evening a ‘contractor’ comes and buys the bottles of kerosene from them at Rs. 10 a litre and sells it back to the factories at Rs. 18-20 a litre.”<sup>58</sup>

There are different categories of children working in the mines. There are children who go to school and work in the afternoon, children who work full time along with their parents, children who migrate with their parents and migrant child labourers who are brought by contractors. The last category is the most vulnerable to sexual exploitation and physical abuse. The attitude of the employers was that they were doing the workers a favour by allowing the children to work and to stay with their parents at the mine site.

Yet another recent research study on sand quarrying in India authored by P.Madhavan and Sanjay Raj for the India Committee of the Netherlands reports that out of approximately 100,000 quarry workers in Bundi district of Rajasthan, roughly 15,000-20,000 are children. There are an estimated 8,000 child labourers involved in making cobbles in Budhpura alone.<sup>59</sup> According to the authors, child labour is on the increase in the Budhpura sandstone quarries and the major reasons for this increase is because of the low wages paid to adult workers, alcoholism amongst adult males forcing children to supplement the family income, lack of schooling facilities and increasing debt bondage. The authors say that children are mostly engaged in making cobbles and small blocks from sandstone quarry waste. There is quarry waste in abundance that does not directly bring substantial revenue to the quarry owner. At the same time, there is an increasing demand for cobbles for the export market, mainly to the Netherlands. Exporters or quarry owners employ children directly at their collection centres. Children are known to deliver a good job because of their flexible hands and gentle pressure. For a 12x12x8cm piece of cobble a child is paid between Rs.0.40 to rs.1.25. Theoretically, a child can make up to 100 pieces a day, but this depends on the type of stone, the quality of the waste and the demand for cobbles. It is not possible to set a daily or a monthly average.<sup>60</sup>

#### **e. Child labour in brick kilns**

Usha Jayachandran writing about child labour in the brick kilns in Thane and Nashik districts of Maharashtra says “When the workers migrate to the brick kiln zones, they move with their families. These migrant tribal families have a large number of children who get displaced from their native schools and start working on the brick kilns, alongside their parents....The labour input of these children is not counted separately and is taken as part of the family’s income....”<sup>61</sup> She further says, “It is estimated that there are at least 25,000 children working in the brick kilns of Thane district alone. If these children don’t work at the brick kilns, they stay home, at the ‘Bhonga’s’ built by their parents, close to the brick kilns, and look after their siblings and the household work. They thus get totally excluded from the education system from which they have to dropout of. When these families return to their native villages in late May the following year, their children are unable to pick up their education where they left off and thus fall prey to illiteracy and an inability to rejoin their schools.”<sup>62</sup>

According to Jayachandran, “It was an eye-opener to find out that these children, who engage in the brick-making activity have to get started even before sunrise, sieving coal dust. They have to stand for hours in knee-deep water, mud and straw to prepare dough for the bricks, work very close to the fire whilst making the kiln, and their work hours could range from 10 to 14 hours every day. They carry as many as 10 to 12 bricks at a time, each brick weighing as much as two kgs. These children thus get exposed to health hazards such as diseases that affect the skin, lungs, stomach, and also malnutrition and exhaustion, which they have to suffer at a very young age.”<sup>63</sup>

According to an Action Aid study of migration of tribals from Western Orissa to the brick kilns of Andhra Pradesh, “a child is an essential part of the work unit that the contractors hire for brick work in Orissa. A study of 300 brick kilns around Hyderabad

revealed that as many as 35 per cent of the total migrants comprised children, of which 22 per cent were in the school going age of 6-14 years. While the bulk of this migration is to Andhra Pradesh, some is also to Mumbai, Surat, Varanasi, Raipur and other cities to work on construction sites, in weaving units and hotels, and as rickshaw pullers.”<sup>64</sup> Smita, a researcher, was told by one parent at a Hyderabad brick kiln that “ ‘Children work according to their strength’ pointing to a 4 year old girl carrying a brick. ‘After some time she will start carrying two!’ Children of 9-11 years are fully part of the assembly line – they mix mud and straw, sieve coal dust, make balls of wet mud, carry wet bricks on the steel base plate to lay for drying, and flip them as they dry. A wet brick weighs 3 kilos. Once dried, they carry them in head loads of 10-12 bricks to the kiln. Many of these operations have been specifically designated to children due to their small hands and light bodies (like walking over semi dried bricks to flip them)! Moreover, parents believe that this work cannot proceed without children!”<sup>65</sup> At the brick kilns, jobs are ‘assigned’ and even four year olds were seen to be sorting coal from a heap. The work is assigned to a unit, which includes, a man, a woman and 2-3 children.

According to Smita, “children not only work for as many hours as their parents, they also suffer the same verbal and physical abuse. Terrible scenes have been witnessed, specially in AP kilns, like the instance of a girl who was trying to make her younger brother, shivering with fever, get up because she was unable to carry all the bricks to the kiln, under threat of the supervisor. They suffer from respiratory, stomach, eye and skin problems along with water-related diseases; many children become knock-kneed. Accidents due to burns are also common, which cause disability and even death, but are completely ignored by employers. The girls and women are constantly exposed to sexual abuse.”<sup>66</sup>

#### **f. Children working in salt pans**

Smita describes the conditions of workers in the saltpans vividly. Saltpan workers live and work in some of the harshest conditions. Their task is to dry up the saline sea water by circulating it from one pan to another so that it dries in the sun and crystallizes into salt. They work in the open facing strong sea winds, glare of the sun reflecting off the salt, intense midday heat and cold nights. They work with heavy implements and are provided no protective gear. The family live in shacks with uncertain supplies of water and food. Children don’t have specific tasks. Smita reports the story of one 10 year old girl:

“At a saltpan in Saurashtra we met a girl who was about 10 years old. She said her mother and father worked through the night at the pan to avoid the midday heat, while she and her two younger siblings slept alone in the tiny hut quite some distance away. Every morning she woke up at 4:00 to cook food, which she did more or less in the darkness, never having enough supply of kerosene to light the lamp. Then she walked about a kilometer and a half with the food to the saltpan to give it to her parents. She came back to collect water and fire wood, following which she washed clothes and then fed her two siblings. She remained busy till her parents returned by 10 am to sleep for a few hours. After this the parents again went back to the pan. This time, she and the other

two children accompanied them to the pan, to lend a hand there till evening. This was the routine she had been following everyday since the time they migrated about six months back. She told us she accompanied her parents each year.”<sup>67</sup>

### **g. Seasonal migration and its impact on children**

According to Smita (2007) almost 6 million children below the age of 14 years may be migrating with their parents because of livelihood optionally locally.<sup>68</sup> According to Smita, “A classic case is the western Orissa to Andhra Pradesh brick kiln migrations in which 100,000 – 150,000 labourers are moved from the four to five tribal districts across 600-800 kilometres by train”.<sup>69</sup>

The migration cycle begins around October-November and lasts for 6 months. It also overlaps with the school calendar. Children migrating with their parents are only able to go to school from June-November. Smita’s research reveals that migrant “children get drawn into labour from the early ages of 6-7 years, and are usually full fledged labourers by the age of 11 or 12 years.”<sup>70</sup> Most of the migrant families belong to SC, ST and OBC families. They are both landless and land poor. According to this research, “At worksites, the employer, contractor or the parents invariably draw the small hands and feet into the labour process. This is due to the nature of wage payment, which is on a piece rate basis rather than on hours of work....Needless to say that among migrant children, the girl child suffers the most.”<sup>71</sup>

One of the consequences of children migrating with or without their parents is that their education is disrupted. This has been reported in south Rajasthan where child migrant labour is rampant. Studies on seasonal migration from different parts of the country tell the same story. Ben Rogaly and other researchers working on rights of seasonal migrants in West Bengal report that while migrant families struggle to keep their children at schools and children themselves are also working hard to remain in school, “However, the schooling system has not responded to the seasonal requirements dictated by agricultural cycles, either in source or destination areas.... In the destination area study locality, there was a 40 per cent drop in attendance by children of Bagdis – mainly agricultural labourers in the cultivation seasons. Many were covering for parents busy earning a wage.”<sup>72</sup>

Jayachandran in her study of brick kilns in Thane and Nashik districts reports that there were huge problems in getting migrant children back into school. Important among these were the reluctance of employers to let children study, reluctance of employers to let schools be set up in the vicinity of the workplace as well as lukewarm response of the district administration. In some cases the brick owners did not allow the child labourers to sit for the final exams and forced them to work at the kilns on examination days.<sup>73</sup>

A major issue raised by Smita is the poor or non-existent schooling available to children in migration prone areas. She says, “The status of government schools in migration prone regions is found to be dismal. These remote and backward regions have governance much below the state average and the school system is no exception. Even in progressive states

like Maharashtra and Gujarat, in the high-migration pockets, which lie in the backward districts, school functioning is less than satisfactory. Poor education possibilities push children further into migration. Ironically, with large-scale enrolment drives, the names of most migrant children are on school rolls; but in reality they are out of school, getting sucked into labour at worksites, and falling irreversibly into the vicious annual cycle.”<sup>74</sup>

In the villages where they migrate to, children are not accepted in the local schools. They are largely treated as outsiders. The National Human Rights Commission Expert Group (2000) found a high incidence of migrant bonded labour in states like Bihar, Jharkhand, Chhattisgarh, Tamil Nadu, Madhya Pradesh, Orissa, Rajasthan, Punjab and Haryana. Other sources reveal that Andhra Pradesh, Maharashtra and Gujarat and West Bengal also have a high proportion of migrant bonded labourers.

#### **h. Child labour in rural areas**

##### **Other research findings**

It is increasingly being recognized that a large number of children are out of the school system largely because they are involved in some kind of work within the household. Recent research has shown that if non-remunerative work for the household is included in the statistics of child labour, then a very large percentage of children are part of the labour force. Francois Leclercq, using the NCAER-HDI 1994 survey data, seems to suggest that on an average, children account for 44.7 percent and 52.9 percent, respectively, of days spent on agricultural and non-agricultural wage labour in their households, which is extremely high.<sup>75</sup> Needless to say, this does not represent children’s total contribution to household resources, which should include income generated through other types of child work and opportunity gains through substitution of child for adult labour. Piyush Antony’s research work in rural Bihar points to large numbers of children working as agricultural labour and in cultivation. If animal grazing is included, approximately 25 percent of all working children belong to agriculture and allied sectors. This does not include the fifty percent of children who are full time engaged in household work and the 17.35 percent of children engaged in fuel wood and cow dung collection.<sup>76</sup>

Bhattacharyya, Mathur and Dash, writing about the situation in rural Rajasthan and citing a UNESCO sponsored study, say that it is estimated that 50 percent of children are either working and nowhere children for the year 2000, which is much higher than the figure estimated for the country as a whole. The authors say that “what is intriguing is that the incidence of child labour has gone up from 5.64 percent to 7.8 percent during 1981-91 (Census, 1991) in rural Rajasthan. This is solely due to the increase in the work participation of girl children. ...What is more disturbing is that there has been a steep increase in the already high percentage participation of girl children in work activities in the rural areas during the eighties. The figure has increased ... from 6.38 percent in 1981 to 9.75 percent in 1991”.<sup>77</sup> The study shows that the incidence of child labour is not uniform across districts and there is great disparity in the spatial distribution of child labour.<sup>78</sup> The authors report that in three of the five districts of Barmer, Banswara and Churu, more than 50 percent of the children did not go to school and more than 20

percent were engaged in economic wage activities which were hazardous to the health of children.

Parveen Nangia and Nizamuddin Khan's study of educational deprivation and employment status of children in the rural areas of Andhra Pradesh, Madhya Pradesh and Orissa is based on the National Family Health Survey conducted by the Ministry of Health and Family Welfare. Analysing the data, Nangia and Khan show that nearly 7 percent of children could not attend school because they were required to work either in family businesses or on family farms. Overall, 21 percent of children (17 percent of boys and 24 percent of girls) could not attend school because they were required to work or help in household chores or take care of siblings.<sup>79</sup> Analysing the reasons for children dropping out of school, Nangia and Khan say that amongst other reasons, 13 percent of children dropped out because they were required to do household work and 10 percent because they were required to work on farm or family businesses or outside for payment in cash or in kind. In all, 26 percent of children who ever attended school dropped out because they were required to work or help in the household chores or take care of siblings.<sup>80</sup> The sample size of this survey was extremely large covering 3,872 households from Andhra Pradesh, 6,749 from Madhya Pradesh and 4,689 from Orissa.

Nira Ramachandran, analyzing the census data from 1971 to 1991, reports that there is a clear increase in girl child work participation rates in 13 of the 21 states for which data were available. In some of the backward states like Orissa, Rajasthan and Uttar Pradesh, girl child participation rates have doubled between 1981 and 1991. According to the author, "what is even more disturbing is the one hundred percent increase in these rates in developed states like Punjab and Gujarat. States like Bihar and Gujarat, which recorded a fall in rural girl child work participation between the seventies and the eighties, have again recorded an upward trend in the 1991 Census. In absolute terms, the number of girl child workers has increased from 2.8 million to 3.5 million since 1971. Over 80 percent of these girls are still caught up in the agricultural sector, mostly as full-time agricultural labourers."<sup>81</sup> Paro Chaujar, quoting from a study of beedi workers in Tikamgarh district of Madhya Pradesh, points out that there is a significant rise in the number of children engaged in this work, especially an increase in the participation of girl children, who constituted 23.3 percent of the total workers in the sample. In the case of domestic help, it was found that over 92 percent of child domestic workers were girls. They worked for an average of 8-9 hours of work everyday without any leave/holiday and earned a meager wage.<sup>82</sup>

Movement for Alternatives and Youth Awareness (Maya), an NGO based in Bangalore reported that child labour was rampant in the sericulture industry of Karnataka. According to their Report published in the year 2000, "... sericulture being a cottage industry ...depends on maximum amount of work to be carried out by children. Children are employed in all stages of the silk processing, making sericulture a child-based industry. The machines utilised are designed such that children can work on them."<sup>83</sup>

"A study conducted by MAYA on the impact of wage pattern on the family and the child indicates that poverty is not only an economic condition but also includes a culture that

sometimes deprives children of their fundamental needs. A significant finding of this study is that **a child's well being is more dependent on the prioritisation of expenditure of the parents rather than on their income level.** Children of daily wage earners were found to be less likely to attend school than those of monthly wage earners despite the fact that the absolute income (per month of the former is more than the latter.”<sup>84</sup>

A recent report in the Hindu quoted a study, which said “nearly 80 percent of girl child labourers in Bidar and 52 per cent of such children in Chamarajanagar were agricultural labourers. The study found that a significant number of children were paying off their parents' debts.” The same report said that 49 per cent of child labourers in Bidar and 42 per cent of those in Chamarajanagar are involved in agricultural labour.<sup>85</sup> The same report also says “a farmer seeking agriculture subsidy in Karnataka will have to henceforth sign a declaration that he will not employ children aged less than 14 for any ‘hazardous agricultural activity’. This will include not only children employed for wages but also the farmers own children.” The issue of course is how ‘hazardous agricultural activity’ will be defined in practice.

Prashanth Reddy a journalist writes “withdrawal of children from work has brought about important changes in the agricultural labour market. It has changed workforce composition and increased the demand for adult labour, which in turn has led to labour scarcity and rise in wage rates.”<sup>86</sup>

All the evidence from the field suggests that children are systematically recruited by employers because it is profitable for the latter and children are hardly likely to rebel against exploitative conditions of work. The circumstances under which children work in any number of activities gives the lie to the view that work is a form of socialization into childhood. No such rationalization can ever justify the misery and oppression faced by children and documented extensively by field studies.

## **Conclusion**

Several issues have emerged from the research findings documented above. One is that children are working in very large numbers in agriculture, a sector where child labour is in fact permitted. Yet field data shows that agricultural work is extremely hazardous for children. There is therefore a need to ban child labour in agriculture. Secondly, even in occupations such as mining and quarrying and working in brick kilns is prohibited under the Child Labour (prohibition and Regulation) Act, 1986, children are found working across the country. Clearly there is a need to strengthen the implementation of the Act where it does apply.

A third important issue is the increase in the migration of children for work. They are either travelling alone with agents and labour contractors as is the case with children working on BT cotton fields. Or they are migrating as part of family labour to work in the brick kilns, salt pans, for sugarcane harvesting, as domestic labour or migrating to work in sweatshops in the cities. NGOs across the country have developed models of keeping

children in schools, either by running schools at the work-site and linking up with schools at the village from where these children are coming from. But this effort is sporadic and dependent on donor or government funding.

NGOs working with migrant children and running schools at the work site find that the same families don't come to the same work-site every year. This makes continuity very difficult. One thing is increasingly becoming clear that government will have to come up with a policy and a programme for children of migrants and this would have to be in the form of providing residential school facilities for all children of migrant families in their home villages. Experience of NGO activists working with migrant children has been that providing education at the work-site and then ensuring that these children get re-admitted into their own formal schools when their parents return does not work out as schools are reluctant to take on more children and provide them with the additional support they require. On site schools may need to be run to cater for very small children who cannot be left back home. But this is clearly not the solution for older children.

Since a large number of NGOs are working with migrant labourers and their families, it would be useful for NCPCR to build up a database of such organization and hold a national consultation highlighting the issues so that there could be a broader policy debate and discussion. This could also be an important step towards building up a non-negotiable strategy on this issue.

A community mobilization programme is necessary to create a consensus in the village that children of migrant workers have as much a right to equal opportunities as do other children. It would be necessary to enlist the support of sarpanches across the country on the specific issue of child migrant workers. They could then be enlisted to find community solutions to this extremely difficult problem.

NCPCR needs to discuss this issue with the Department of Education. The Sarva Shiksha Abhiyan (SSA) needs to have a concrete plan for migrant children. At present, most schools are showing these children as enrolled even though for months the children are not in the villages. Panchayats need to track each and every child and this data needs to be shared with SSA.

The rights of children migrating for work, whether as part of family labour or by themselves needs to become a major focus area for NCPCR. There are at present huge data gaps on the extent of this phenomenon. A systematic mapping exercise needs to be done to identify districts and blocks from where children are migrating. Labour flows may be intra district, intra block, inter state, inter district, inter block. Some areas may be both receivers of labour and senders of labour. The Government of India needs to come up with a white paper on child migrant labour so that some permanent solutions can be found for this extremely difficult situation.

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<sup>1</sup> HDR 2000 expands on the right-based approach to development thus: "Rights also lend moral legitimacy and the principle of social justice to the objectives of human development. The rights perspective helps shift the priority to the most deprived and excluded, especially to deprivations because of discrimination. It

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also directs attention to the need for information and political voice for all people as a development issue – and to civil and political rights as integral parts of the development process.” (HDR 2000:p.2)

<sup>2</sup> America India Foundation (2006) **Locked Homes, Empty Schools. The Impact of Distress Seasonal Migration on the Rural Poor**, Zubaan, New Delhi

<sup>3</sup> For a discussion on the issue, see Piyush Anthony and V. Gayathri (2003) “Child Labour: A perspective of Locale and Context”, **Economic and Political Weekly**, Vol. XXXVII, No. 52, 28 December, pp. 5186-5189. See also, N Kabeer (2001), “Deprivation, Discrimination and Delivery: Competing Explanations for Child Labour and Educational Failure in South Asia”, **IDS Working Paper** 135,

<sup>4</sup> This section draws heavily on a paper published in the *Economic and Political Weekly*. See Neera Burra (2005), “Crusading for children in India’s informal economy”, **Economic and Political Weekly**, Vol.XL, No. 49, pp 5199-5208.

<sup>5</sup> ILO/UNICEF (1997) **Strategies for Eliminating Child Labour: Prevention, Removal and Rehabilitation** (Synthesis Document), International Conference on Child Labour, Oslo, Norway, October.

<sup>6</sup> “Global bodies to fight child labour in agriculture”, June 12, 2007, **The Wall Street Journal**

<sup>7</sup> See, Olga Nieuwenhuys (1994), **Children’s Lifeworlds: Gender, Welfare and Labour in the Developing World**, Routledge, London and New York. For more arguments on the work versus education for girls, see Ramya Subrahmanian (2002), “Gender and Education. A Review of Issues for Social Policy”, **Social Policy and Development Programme Paper**, Number 9, April, United Nations Research Institute for Social Development. See also, K. Bhatta (1998) “Education Deprivation in India: A Survey of Field Investigations”, **Economic and Political Weekly**, Vol.XXXIII, No.27, 4 July, pp.1731-40 and Vol. XXXIII, No. 28, 1858-69, International Programme on the Elimination of Child Labour (IPEC) (2003), *Investing in Every Child. An Economic Study of the Costs and Benefits of Eliminating Child Labour*, December, Geneva, International Labour Office.

<sup>8</sup> Kak, Shakti (2004) “Magnitdue and Profile of Child Labour in the 1990s:Evidence from the NSS Data”, **Social Scientist**, Volume 32, No ½, January, p.51

<sup>9</sup> Census of India 2001, **Series-1India, Primary Census Abstract, Total Population: Table A-5**, Registrar General & Census Commissioner, India, pp.xli-xliii.

<sup>10</sup> Field level evidence of children being employed in cottonseed cultivation from Andhra Pradesh would give support to such a possibility. However, since industrial break-up of children in various occupations is still not released for 2001, it will be premature to arrive at any such conclusion.

<sup>11</sup> The Himachal Pradesh story has been well documented by Anuradha De, Claire Noronha and Meera Samson in “Primary Education in Himachal Pradesh: Examining a Success Story” in R. Govinda (edited) (2002) **India Education Report**, op.cited, pp.297-311

<sup>12</sup> The literacy data in the Census is provided only for children six years and older.

<sup>13</sup> Act 13 of 1998, published in Andhra Pradesh Gazette, Part IV – B –Extraordinary, No.16, Hyderabad, Wednesday, April 22, 1998

<sup>14</sup> No.454/b8-3/97 (issued by Director of school education) – Sub: NFE – Conversion of all the existing centres to day time – Instructions Issued –Regarding. Keeping in mind that the children who go for work during day time were not able to pay attention to the studies in the NFE centres in the evening hours, it was desired to change the timings of the centre from evening to day time. The centres are expected to function for two hours in the morning hours in the school premises only.

<sup>15</sup> G.O.Ms.No.53 dated 20-4-2001(Issued by Director of School Education). In order to ensure that the detention of students at the primary level is kept to a minimum so that high incidence of stagnation leading to wastage is minimised, it was proposed that the minimum attendance for students in classes I to VI shall be 60% (from 80%) Further, in case the student secures in the prescribed tests and examinations not less than 40% marks the attendance requirement shall be waived. Moreover, the minimum attendance prescribed shall be calculated from the date of admission of the child in the School.

<sup>15</sup> No.272/B4-1/2001 dated 20-4-2001.Point 4 states “The calculation of the percentage of attendance will be based on the attendance from the date of admission of the child and not from the start of the academic year.”

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<sup>15</sup> G.O.Ms.No.53 dated 20-4-2001 (Issued by Director of School Education).

<sup>15</sup> No.Spl.CDSE/E-1/2003, dated 15-4-2003. (Issued by Director of School Education). In this order, DEOs of the state are informed “not to refuse the children from writing examination appearing for 6<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> classes on petty grounds (like shortage of attendance etc.,) if the candidates are ready to write the examination.”

<sup>16</sup> No.272/B4-1/2001 dated 19/4/2001 (Issued by Director of School Education). In order to prevent a number of children dropping out of school after class V, partly because of the shortage of upper primary sections and partly because of the unfamiliarity of the children with the new school it was suggested that the Headmaster of the primary school concerned will first prepare a list of all children in class V due to go to class VI and will communicate this list personally to the headmaster of the nearest UP School or High School. The Headmaster of the UP School or High School as the case may be will automatically admit the child in the school. It shall be the responsibility of the concerned primary school to ensure that school based certificates such as transfer certificates and so on are given.

<sup>17</sup> This section draws extensively from Neera Burra’s Introduction to Weiner Myron, Neera Burra, Asha Bajpai (2007) **Born Unfree. Child Labour, Education and the State in India**, New Delhi, Oxford University Press.

<sup>18</sup> For a more detailed analysis of MVF’s strategy see Shantha Sinha (2005) “Emphasizing Universal Principles towards Deepening of Democracy. Actualising Children’s Right to Education” in **Economic and Political Weekly**, Vol. XL, No. 25, June 18-24, pp.2569-2576. See also, Shantha Sinha and M. Nagarjuna (2004) “The Poverty Argument: In the context of Total Elimination of Child Labour”, Azad Reading Room, Hyderabad; Sucheta Mahajan (2003) “MVF India:Education as Empowerment”, **Mainstream**, 16 August.

<sup>19</sup> Ibid. p.30

<sup>20</sup> Indira Hirway (2002) “Understanding Children’s Work in India: An Analysis Based on Time Use Data” in Nira Ramachandran and Lionel Massun (eds.) **Coming to Grip With Rural Child Work**, op.cited p. 84

<sup>21</sup> Ibid.

<sup>22</sup> SNA is the System of National Accounts which refers to economic activities which are covered under national income accounts. Extended SNA activities are those which are not included in national accounts but are covered under General Production Boundary, and non-SNA activities or personal activities.

<sup>23</sup> Ibid.pp.86-87

<sup>24</sup> Ibid.pp 89-90

<sup>25</sup> Ibid.p.98

<sup>26</sup> Ibid.p.103

<sup>27</sup> Ibid.

<sup>28</sup> See Ruma Ghosh, Nikhil Raj and Helen Sekar (edited) (2001) **Child Labour in the Home-based Industries in the Wake of the Legislation**, V.V.Giri National Labour Institute, Noida; Sukhdeo Thorat and Nidhi Sadana (2001) “Magnitude, Determinants and Activities of Child Labour in Rural India”, paper presented at the conference Child Labour in South Asia, New Delhi, October 15-17; Alakh N. Sharma (2002) “Impact of Social Labelling on Child Labour in Carpet Industry”, **Economic and Political Weekly**, Vol.XXXVII, No.52, 28 December, pp.5196-5204; B.Bhattacharyya and L.Sahoo (eds.) (1996) **The Indian Carpet Industry – Evolving Concerns, Prospects and Strategies**, Global Business Press; US Department of Labour (1997) **By the Sweat & Toil of Children – Consumer Labels and Child**, Vol. IV, Bureau of International Labour Affairs, Vol. IV, Washington, DC; Klaus Voll (edited) (1999) **Against Child Labour – Indian and International Dimensions and Strategies**, Mosaic Books and Third Millennium Transparency, New Delhi; Richard Anker, Sandhya Barge, S.Rajagopal and M.P.Joseph (eds.) (1998) **Economics of Child Labour in Hazardous Industries of India**, Centre for Operation Research and Training, Baroda.

<sup>29</sup> See, Zakir Husain (2005)“Analysing Demand for Primary Education. Muslim Slum Dwellers of Kolkata, **Economic and Political Weekly**, January 8, pp. 137-147

<sup>30</sup>Davuluri Venkateswarulu and Lucia Da Corta (2001) “Female Child Bonded Labour in Hybrid Cottonseed Production”. Paper presented at the National Consultation on **Fifteen Years of Interventions**

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**Against Child Labour. A Collaborative Social Audit**, Indian Habitat Centre (IHC), New Delhi, 27-29 November, p.1

<sup>31</sup> Ibid.

<sup>32</sup> Ibid. p.2

<sup>33</sup> Ibid.p.3

<sup>34</sup> For an analysis of the work of M.V.Foundation see Rekha Wazir (2002) 'No to Child Labour, Yes to Education'. Unfolding of a Grass Roots Movement in Andhra Pradesh", **Economic and Political Weekly**, Vol.XXXVII, No 52, 28 December, pp. 5225-5229. See also Rekha Wazir (2002) **Getting Children Out of Work and Into School**. Monograph 1, M.V.Foundation, Published by UNDP, New Delhi; Neera Burra (2001) "Cultural stereotypes and Household Behaviour. Girl Child Labour in India," **Economic and Political Weekly**, Vol. XXVI, Nos 5&6.

<sup>35</sup> M.V.Foundation (1998) "Girl child bonded labour in cottonseed fields. A study of two villages in Rangareddy district of Andhra Pradesh." Secunderabad, unpublished, p.19

<sup>36</sup> Ibid.p.4

<sup>37</sup> Ibid.p.4

<sup>38</sup> Ibid.p.4-5

<sup>39</sup> M.V.Foundation (1998) "Girl child bonded labour in cottonseed fields. A study of two villages in Rangareddy district of Andhra Pradesh." Secunderabad, unpublished, p.18-19.

<sup>40</sup> Ibid.p.27

<sup>41</sup> Ibid. p.33

<sup>42</sup> See Venkateswarlu, Davuluri (2007) "Recent Trends in Employment of Child Labour in Hybrid Cottonseed Production in India", Study jointly commissioned by OECD Watch, Deutsche Welthungerhilfe (DWHH), India Committee of the Netherlands (ICN), Eine Welt Netz NRW (EWN NRW), International Labor Rights Fund (ILRF), unpublished, August p. 4 and p. 22. See also Venkateswarlu, Davuluri (2007) "Child Bondage continues in Indian Cotton Supply Chain. More than 400,000 children in India involved in hybrid cottonseed cultivation", Study commissioned by OECD Watch, Deutsche Welthungerhilfe (DWHH), India Committee of the Netherlands (ICN), Eine Welt Netz NRW (EWN NRW), International Labor Rights Fund (ILRF), unpublished, September

<sup>43</sup> Ibid. p.26

<sup>44</sup> Ibid. pp. 22-23.

<sup>45</sup> Khandelwal, Ashok, Sudhir Katiyar and Madan Vaishnav (2007) "Child Labour in Hybrid Cottonseed production in Gujarat. Tracing linkages between Companies and Inter-State Migrant tribal Child Labour", Draft report, November, Dakshini Rajasthan Majdoor Union, p. 7. The report provides a detailed account of the prevalence of child labour, the conditions of work and the method of recruitment of children.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.,p.8

<sup>49</sup> Ibid. p.33

<sup>50</sup> Ibid. p.34

<sup>51</sup> Ibid.

<sup>52</sup> See also Indian Express (2007) "GALU gears up to stop child labour on BT cotton farms in North Gujarat," 21 June and Indian Express (2007)"Activists, officials discuss ways to curb child labour", 8 September.

<sup>53</sup> See Smita (2007) "Locked Homes. Empty Schools. The impact of distress seasonal migration on the rural poor", Zubaan for America India Foundation, p.33

<sup>54</sup> Roy, Arindam (2000) "Breaking the Shackles. Kol Tribal Labourers", **Economic and Political Weekly**, February 5-11, Vol. XXXV, No. 6, pp.425-426.

<sup>55</sup> The fact-finding team included Dr. Shantha Sinha, Secretary, M.V.Foundation, Enakshi Ganguly Thukral, Haq-Centre for Child Rights, K.Bhanumathi, Samata, Hyderabad, Dr. Satyalakshmi, Movement against uranium project, Hyderabad, Dr. Bhagyalakshmi, Convenor, Women and Mining, Mines, Minerals and People, India, Narsimhamurthy and Harish Jogi, Campaign Against Child Labour, Karnataka and D. Dominique, Oxfam Swaraj, Karnataka.

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- <sup>56</sup> Our Mining Children. **A Report of the Fact finding Team on the Child Labourers in the Iron Ore and Granite Mines in Bellary** District of Karnataka, April, 2005.
- <sup>57</sup> Ibid.p.9
- <sup>58</sup> Ibid. p.11
- <sup>59</sup> P. Madhavan and Sanjay Raj (2005) “Budhpura ‘Ground Zero’ Sandstone quarrying in India”, Study commissioned by India Committee of the Netherlands, December, unpublished, p.18
- <sup>60</sup> Ibid.p.19
- <sup>61</sup> Jayachandran, Usha (2001) “Taking Schools to Children..Bhonga Shalas”, **Economic and Political Weekly**, September 1, Volume XXXVI, No. 35,p.3348.
- <sup>62</sup> Ibid.
- <sup>63</sup> Ibid.
- <sup>64</sup> Quoted in Smita (2007) “Locked Homes. Empty Schools. The impact of distress seasonal migration on the rural poor”, Zubaan for America India Foundation, p.33
- <sup>65</sup> Ibid.,p.53
- <sup>66</sup> Ibid., p.54
- <sup>67</sup> Ibid.,p.57
- <sup>68</sup> See Smita (2007) “Locked Homes. Empty Schools. The impact of distress seasonal migration on the rural poor”, Zubaan for America India Foundation, p.20
- <sup>69</sup> Ibid.,p.31
- <sup>70</sup> Ibid.,p.17
- <sup>71</sup> Ibid.,p.23
- <sup>72</sup> Rogaly, Ben, Jhuma Biswas, Daniel Coppard, Abdur Rafique, Kumar Rana and Amrita Sengupta (2001) “Seasonal Migration, Social Change and Migrants’ Rights. Lessons from West Bengal”, **Economic and Political Weekly**, December 8, Volume XXXVI, No. 49, p.4556.
- <sup>73</sup> Jayachandran, (2001) Taking Schools...op. cited, p.3350.
- <sup>74</sup> Ibid
- <sup>75</sup> Francois Leclercq (2002) “Child Work, Schooling and Household Resources in Rural North India” in Nira Ramachandran and Lionel Massun (editors) **Coming to Grips with Rural Child Work. A Food Security Approach**, New Delhi, Institute for Human Development and United Nations World Food Programme, p.170. See also, Francois Leclercq (2002) **The Impact of Education Policy Reforms on the School System: A Field Study of EGS and Other Primary Schools in Madhya Pradesh**, CSH Occasional Paper, No. 5, A Publication of the French Research Institutes in India.
- <sup>76</sup> See Piush Antony (2002) “Child Work in Bihar: A Leeway for Household Food Insecurity” in Nira Ramachandran and Lionel Massun (eds.) **Coming to Grip With Rural Child Work**, op.cited pp.223-225
- <sup>77</sup> Ibid.
- <sup>78</sup> Ibid.,p.282-283
- <sup>79</sup> Parveen Nangia and Nizamuddin Khan (2002) “Educational Deprivation and Employment Status of Children in Rural Areas of Andhra Pradesh, Madhya Pradesh and Orissa: Evidences from NFHS-2” in Nira Ramachandran and Lionel Massun (eds.) **Coming to Grip With Rural Child Work**, op.cited p. 322
- <sup>80</sup> Ibid.p.322
- <sup>81</sup> Nira Ramachandran (2002) “Introducing the Concept” in Nira Ramachandran and Lionel Massun (eds.) **Coming to Grips with Rural Child Work.**, op.cited p.7
- <sup>82</sup> Paro Chaujar (2002) “The Working Child”...op.cited, p.286
- <sup>83</sup> “Which silk route this?” **A situational analysis of child labour in the sericulture industry in Karnataka, India**. Prepared by MAYA (Movement for Alternatives and Youth Awareness – a Development an Training Organisation, 2000, p. 1
- <sup>84</sup> Ibid.,p2.
- <sup>85</sup> “Declaration on child labour mandatory”, Special Correspondent, **The Hindu**, 14 September, 2007.
- <sup>86</sup> Reddy, Prashanth (2002) “Farming technology fills in for child labour”, **Business Line Hindu**, February 20.