

CHILD PROTECTION BULLETIN

STATE CHILD
PROTECTION
SOCIETY, ASSAM

MONTHLY BULLETIN OF ACTIVITIES CONCERNING CHILD PROTECTION IN ASSAM

EDITORIAL

Child labour is a perennial problem which continues to haunt the country. This is due to the magnitude and extent of the problem.

In spite of the Government's proactive steps to tackle this problem through strict enforcement of legislative provisions along with simultaneous rehabilitative measures; the shocking news is that 11% of the workforce of India is Child Labour. One in every 10 workers in India is a child!

In 1979, the Government appointed Gurupadswamy Committee to study the issue of child labour and it observed that as long as poverty remains, it would be difficult to totally eliminate child labour and hence, any attempt to abolish it through legal recourse would not be a practical proposition. It therefore, requires concerted efforts from all sections of the society to make a dent in the problem.

12 June being observed as the World Day against Child Labour with the theme "No Child Labour, Yes to Quality Education", this month's bulletin focuses on Child Labour.

*Editorial Board,
State Child Protection Society, Assam*

TOWARDS ELIMINATION OF CHILD LABOUR ... HUMAN RIGHTS PROBLEM

CHILD LABOUR is a pervasive problem throughout the world. The 1959 Declaration on the Rights of the Child was the first United Nations document devoted exclusively to the rights of children but served more as a moral rather legal binding framework. The special plight of girls was addressed in part by the Convention of Elimination of all Forms of Discrimination against Women, adopted by the General Assembly. The convention provided that all persons under eighteen have a right to be protected from performing any work, that is likely to be hazardous or interfere with the education of the child or to be harmful to the health, physical, mental, spiritual, moral or social development of the child. In India, the problem of child continues to pose a challenge before the Nation. Though some pro-active measures have been taken by the Government to tackle it, it remains essentially a socio economic problem inextricably linked to poverty and illiteracy and requires concerted efforts from all sections of the society to make a dent in the problem.

A study on this issue suggests that as long as poverty continues with its stronghold it would be difficult to totally eliminate child labour and hence an attempt to completely abolish it through legal process would not be a practical proposition. It is a complex problem and poverty emerges as the most compelling reason. Poor households spend the bulk of their income on food and the income provided by working children is often critical to their survival. However, poverty is not the only factor and cannot justify all types of employment and servitude. Countries may be equally poor and yet have relatively high or relatively low levels of child labour.

Child labour is a critical obstacle in the path of children's development and society's sustainable development. The children who must spend the most important stage of their life in striving merely to survive are denied the opportunity to develop themselves to their full potential.

The emphasis has to be on free and compulsory education, which cannot be made successful by merely enacting certain laws. There has to be an awareness as to why such education is necessary and as to how illiteracy is a hurdle to their development. The laws so made have to be strictly implemented. The implementation of laws and awareness are two very important aspects. But the difficulty comes for the family, that if the children are to be sent to schools, they are losing an earning hand, extra income to the family. The industrial units allure them with extra coins, food and clothing, since they are getting labour on low wages. There should be a provision to compensate for the loss of earning of a family. Unless this aspect is taken care of, free and compulsory education for the children will remain on paper only without any effective implementation.



The fundamental right to education is denied to millions of children in spite of the fact that the fact that we have a fully educated society capable enough to end economic exploitation of children and break the cycle of poverty. There is total lack of political will in this regard and there are sections of the people who do not want the children of the poorer section to be educated. It is in the interest of some who want poverty to exist—illiteracy should remain in the society so that the exploitation is continued. The only way for the Government machinery to tackle this problem is to have a strong will power.

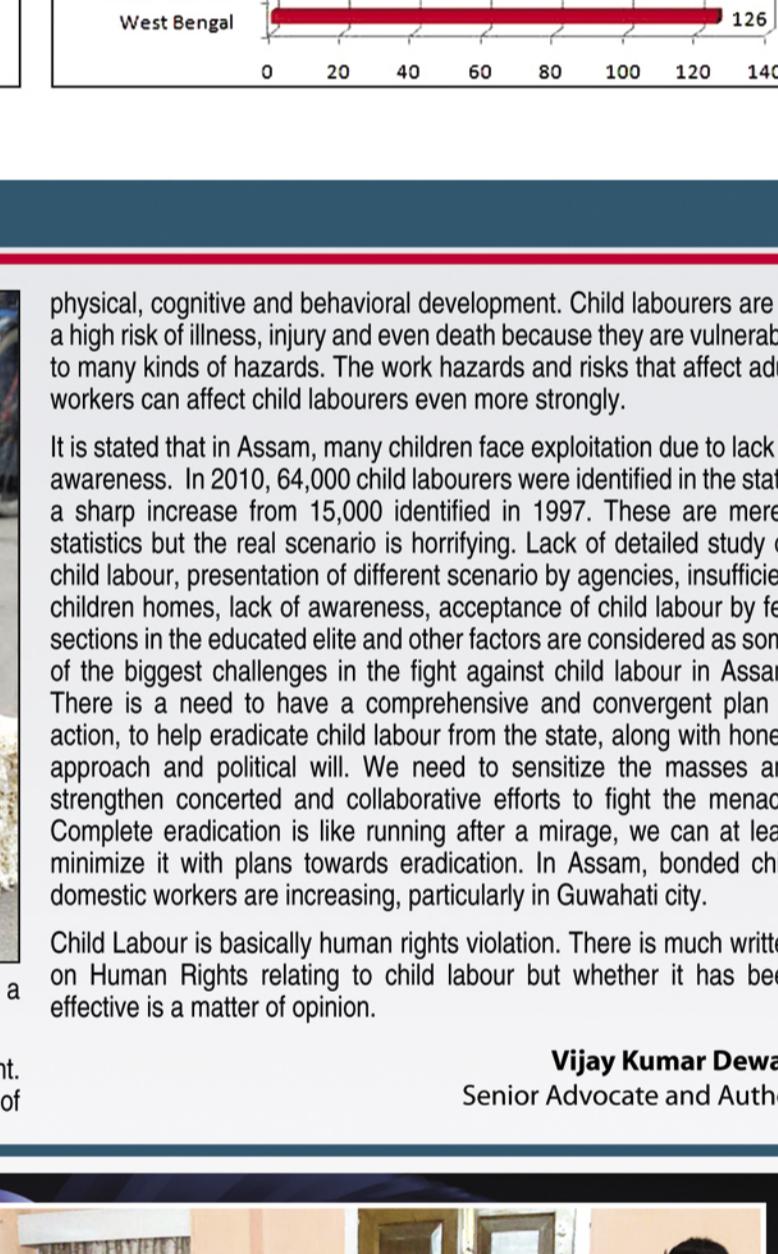
Another cause for the perpetuation of child labour is the total lack of political and administrative will, despite legal instruments categorically prohibiting employment of children in any factory and/or hazardous industry. The law enforcing agencies too are either apathetic or blind folded to such tragedies.

Decades after a nationwide ban on child labour in hazardous industries was introduced, over 12 million Indian children, aged between 5 and 14, continue to work in dangerous occupations like construction, mines and factories manufacturing beedis, bangles and fireworks.

Even the female children are put to work in unacceptable circumstances. They face the worst forms of exploitations; some are even forced to take up commercial sex or child prostitution as work.

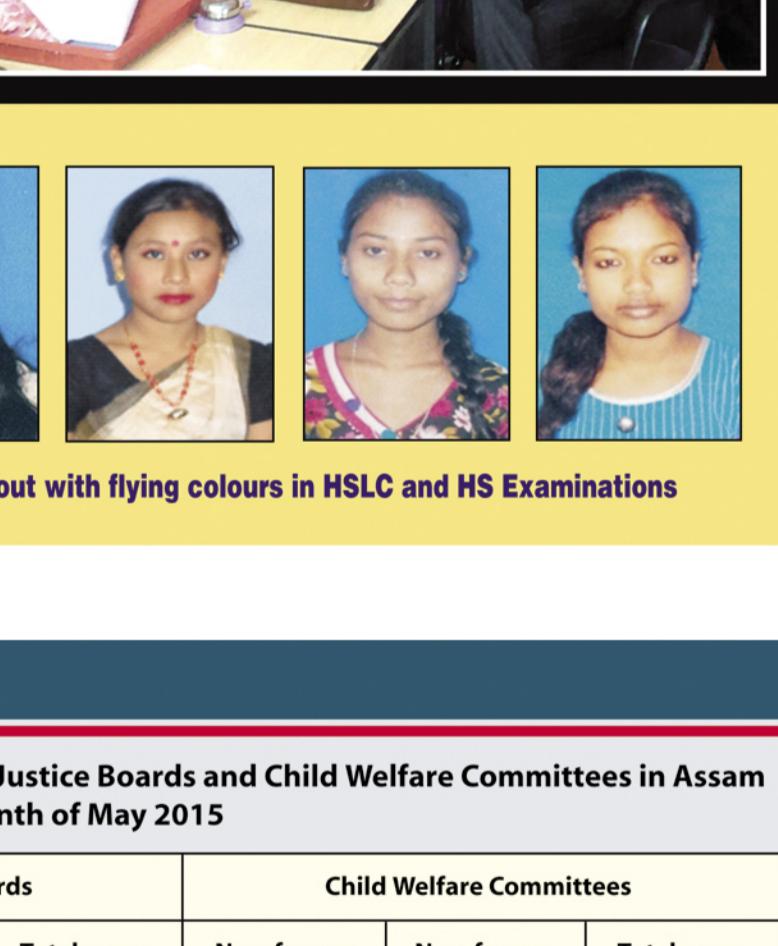
Child domestic labour refers to situations where children are engaged to perform domestic tasks in the homes of employers that are exploitative and suffer from harsh working conditions, even physical, emotional and/or sexual abuse. About 90% of such domestic labourers are girls. The domestic child labour after the Amendment of Child Labour Act in 2006 has been considered a hazardous occupation. Domestic Workers Welfare and Social Security Act 2010 is the only comprehensive Central Legislation specifically designed to meet the working condition of the domestic workers.

The Constitution states that "right to education - the state shall provide free and compulsory education to all children of the age of six to



fourteen years in such a manner as the state may, by law determine." The Supreme Court in its liberal interpretation of life and liberty as under Article 21 held that the term liberty not only includes liberty but also it also includes livelihood and education. Article 45 states the "provision for free and compulsory education for children - the State shall endeavor to provide, within a period of ten years from the commencement of the Constitution, free and compulsory education for all children until they complete the age of fourteen years". However this goal has not been achieved even after sixty four years after the Constitution came into existence.

It is high time that we identified the critical instances of child labour spreading like epidemic in our society. It requires concerted efforts from



the government machinery and all sections of the society to make a change.

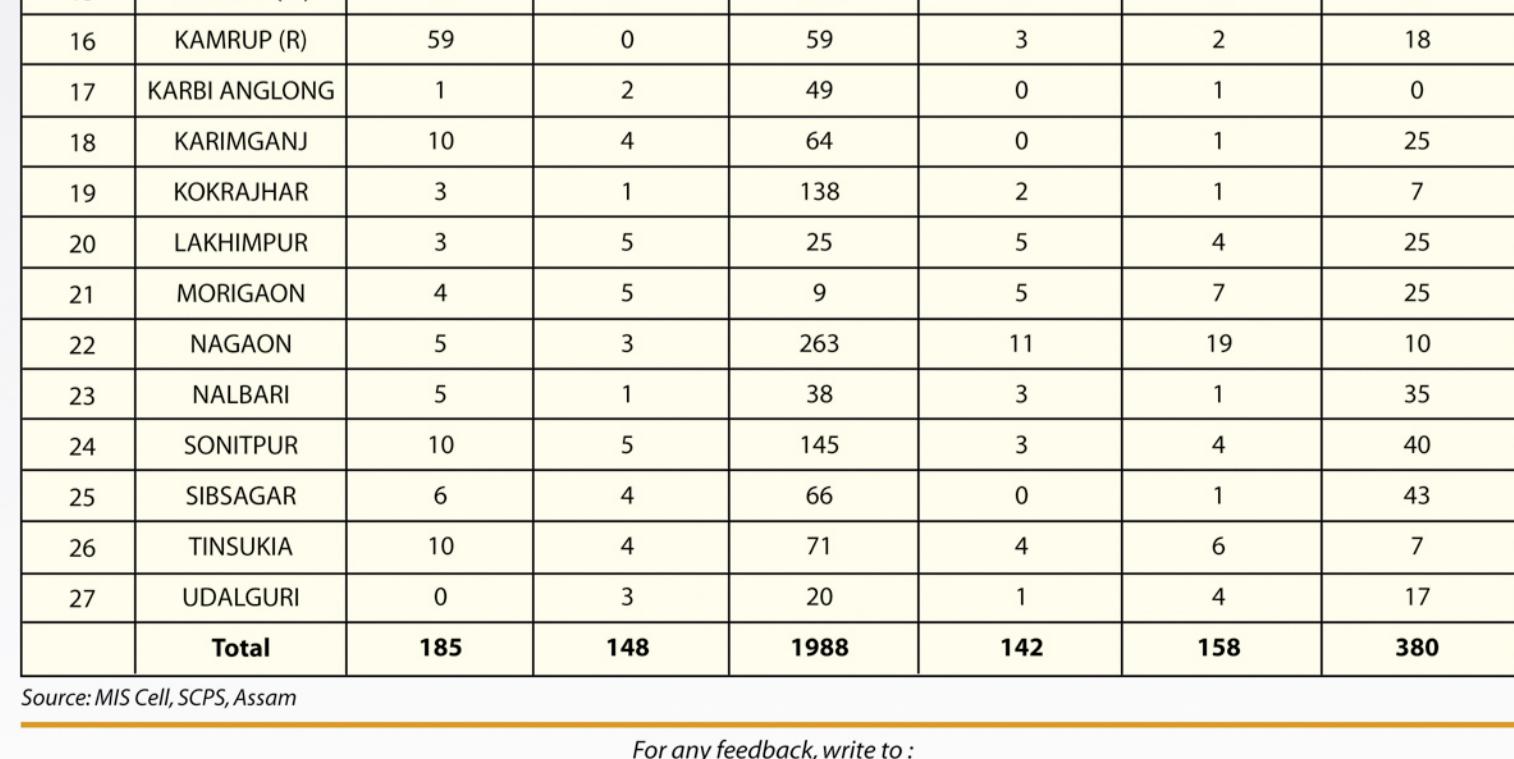
Childhood is a critical time for safe and healthy human development. The children have special characteristics and needs, in terms of

physical, cognitive and behavioral development. Child labourers are at a high risk of illness, injury and even death because they are vulnerable to many kinds of hazards. The work hazards and risks that affect adult workers can affect child labourers even more strongly.

It is stated that in Assam, many children face exploitation due to lack of awareness. In 2010, 64,000 child labourers were identified in the state, a sharp increase from 15,000 identified in 1997. These are merely statistics but the real scenario is horrifying. Lack of detailed study on child labour, presentation of different scenario by agencies, insufficient children homes, lack of awareness, acceptance of child labour by few sections in the educated elite and other factors are considered as some of the biggest challenges in the fight against child labour in Assam. There is a need to have a comprehensive and convergent plan of action, to help eradicate child labour from the state, along with honest approach and political will. We need to sensitize the masses and strengthen concerted and collaborative efforts to fight the menace. Complete eradication is like running after a mirage, we can at least minimize it with plans towards eradication. In Assam, bonded child domestic workers are increasing, particularly in Guwahati city.

Child Labour is basically human rights violation. There is much written on Human Rights relating to child labour but whether it has been effective is a matter of opinion.

Vijay Kumar Dewan
Senior Advocate and Author



Girls from Nagaon Children's Home who came out with flying colours in HSLC and HS Examinations

Source: MIS Cell, SCPS, Assam

For any feedback, write to :
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State Child Protection Society, Assam

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DSW, Government of Assam

Lokonya Press, Guwahati-1

Sl. No. Districts Juvenile Justice Boards Child Welfare Committees

No. of cases instituted No. of cases disposed Total cases pending No. of cases instituted No. of cases disposed Total cases pending

1 BAKSA Cases are jointly dealt with Nalbari JJJB 1 1 0

2 BONGAIGAON 2 9 25 2 1 6

3 BARPETA 5 3 107 3 3 1

4 CACHAR 0 3 62 5 4 2

5 CHIRANG 7 0 52 11 11 3

6 DARRANG 6 4 142 4 0 23

7 DHEMAJI 6 2 31 1 1 3

8 DHUBRI 10 3 189 2 1 10

9 DIBRUGARH 6 3 73 15 15 1

10 DIMA HASAO 3 0 9 0 0 1

11 GOALPARA 4 7 119 10 9 2

12 GOLAGHAT 6 4 24 6 8 3

13 HAILAKANDI 0 0 29 1 1 2

14 JORHAT 4 3 51 3 4 6

15 KAMRUP (M) 10 70 128 41 48 65

16 KAMRUP (R) 59 0 59 3 2 18

17 KARBI ANGLONG 1 2 49 0 1 0

18 KARIMGANJ 10 4 64 0 1 25

19 KOKRAJHAR 3 1 138 2 1 7

20 LAKHIMPUR 3 5 25 5 4 25

21 MORAIGAON 4 5 9 5 7 25

22 NAGAON 5 3 263 11 19 10

23 NALBARI 5 1 38 3 1 35

24 SONITPUR 10 5 145 3 4 40

25 SIBSAGAR 6 4 66 0 1 43

26 TINSUKIA 10 4 71 4 6 7

27 UDALGURI 0 3 20 1 4 17

Total **185** **148** **1988** **142** **158** **380**

Source: MIS Cell, SCPS, Assam

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