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CHILD LABOUR AS EXEMPLIFICATION OF CHILD ABUSE

Children form the supreme form of wealth for a nation. Yet in developing countries in particular and in the whole world in general millions of CHILDREN are trying to survive through bone-breaking labour some under bondage and some without bondage. Historical revelations stand witness to the existence of CHILD LABOUR from time imemorial.

We have umpteen number of legeslations, conventions and UN declarations to protect the rights of the children. But lack of political will and sheer negligence on the part of the IMPLEMENTING AUTHORITIES all over the world offers conducive environments for the birth, breeding and uninterrupted survival of CHILD LABOUR. This problem has been compounded by avaricious employers/ manufacturers including some multi-nationals who try to exploit every form of cheap labour.

A statistics of INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU) indicates the following shocking revelations of child labour all over the globe:

South Asia	56%	of the total	child labour	in the world
East Asia	18.1%	"	"	"
Africa	17.5%	"	"	"
Latin America	6%	"	"	"
North America				
U.S.S.R.	2.4%	"	"	"
Europe				

It is safely estimated that in South Asia alone about 150 million children are working for their survival, of which India holds about 60 million. It is estimated that Children below the age of 14 form about 40% of the total population of India.

Children are the most vulnerable group in any population, hence need great care and protection. Since the children cannot assert their rights it becomes binding on the parents in particular and the society in general to protect their rights and needs. Unfortunately in

many cases the parents themselves are instrumental in sending their children for work at a very tender age for the survival of the family. Socio-economic backwardness coupled with illiteracy and superstitious beliefs contribute amply for the birth and breeding of Child Labour.

The case of BONDED CHILD LABOUR is still horrible. A Child becomes a slave right from birth if born to a couple already in bondage. In some cases parents receive advances from the employers and send their children for work. The children thus become bonded. Cases of this nature have been observed in Palamu (BIHAR) from where the Carpet manufacturers of Mirzapur, Varanasi and Eadohi (all in U.P.) procure child labourers. Palamu can be reckoned as the rock bottom of poverty in Bihar. Children of even 7-8 years are made to work for 15-16 hours a day in a dimly lit room. A few Chappatties and a Watery Dal once or twice a day is all that they are entitled against thousands of rupees these manufacturers make everyday in carpet sales. Carpet export is a major foreign exchange earner and the input, infra structure and the over-heads are negligible. The Government machinery especially the labour wing is apathetic towards the plight of the children. The officials who are responsible to implement the labour laws are well looked after by the employers and the children continue to languish.

Besides the domestic and other commercial sectors in India child labourers can be found in the following areas:

i)	Agriculture	8.8 Million	(All India basis)	90% in Bondage
ii)	Carpet Weaving	1.5 Lakhs	(Mirzapur-Varanasi)	"
		0.8 Lakhs	(Kashmere Valley)	"
iii)	Handlooms	0.2 Lakhs	(Kanchipuram)	15% in Bondage
iv)	Match and Fire Works	0.5 Lakhs	(Sivakasi)	30-40% in Bondage
v)	Glass, Bangles	0.5 Lakhs	(Ferozabad)	70-80% in Bondage
vi)	Diamond cutting and polishing	0.5 Lakhs	(Surat)	80% in Bondage
vii)	Lock making	8000-10,000	(Aligarh)	25% in Bondage
viii)	Brick Kilns	1 Million	(All India basis)	25% in Bondage
ix)	Stone quarries	1 Million	(All India)	40% in Bondage
x)	Construction	1 Million	(")	25% "

Last year in Delhi BANDHUA MUKTI MORCHA (of which I am the General Secretary) organized a SOUTH ASIAN LEVEL SEMINAR ON CHILDREN IN SERVITUDE. The meeting was attended by well known legal luminaries like Justice V.R. Krishna Iyer, Justice P.N. Bhagwati etc besides renowned social activists of South Asian countries. The Children in servitude also participated and testified before these eminent personalities of their sufferings and miserable plight. As a sequel to the 5 days deliberations a COALITION named SACCS (South Asian Coalition on Children in Servitude) was formed and a charter for Children in Chains was framed as under:

1. The child and his full personality is the concern of our coalition and is integral to a holistic vision of human rights.
2. Habilitation, Education and Development are the birthright of every child in conditions of quasi-service.
3. Any act which generates and continues child servitude and allied situations is a cognisable crime.
4. There shall be a constitutional ban on forced labour of the child; and child labour shall be allowed only for play and creative, educative and other activity authorised or certified by medical and educational authorities as beneficial for the child's development.
5. Constitutional status shall be conferred on all NGOs and persons involved in child development as pre-agent, to operate as of right to collect information from any centre, workplace, house or other spot where a child or child labour under pressure or inducement is deleterious to the child's personality. The right to information on all its aspects must be within the Constitutional freedom of NGOs. These voluntary surrogates of society shall have the authority to monitor and report on the progress of the processes of liberation and rehabilitation of child labour.
6. Recognised NGOs and social activists in the field have the status to represent (or take initiative on their own). Children in bondage and press for remedial action and habilitative relief before any governmental agency. Free access to justice instrumentalities shall also be a constitutional right of these bodies. They shall enjoy visitorial powers over all institutions where children are custodically kept, made to labour or otherwise lodged in public or private centres. These voluntary organisations may also report to the Legislative Houses on the prevention, pre-emption and liquidation of child labour.

7. Approved NGOs shall have the power as an office of State to release bonded labour and report the fact to the nearest Magistrate who will recoup the NGO the expense incurred in the release and will also ^{habilitate} the family by making provisions for education of the illiterates among them.
8. Free primary education, with food, books, clothing and habilitation shall be a fundamental right. When bonded labour is dis-bonded the children shall be sent to school with free food and clothing. The right shall be enforceable at the instance of NGOs.
9. To put a child in prison or police lock-up shall be an offence and the jail or police officials shall be punishable on a legal motion by an NGO.
10. Forced labourers shall be set free and no condition by way of payment or otherwise shall be imposed by the court, authority or mediator.

Sex abuse of child labour shall be treated as a non-bailable offence and severely punished by law. Any manner of torture of a custodialised child shall be treated as a grave crime.
11. There shall be appointed for each state a panel of ombudsperson who will have appropriate powers to extinguish the system of bonded labour, to initiate punitive action against violators and to habilitate them at state expense.

Later I could place the testimony of these Children before the UN sub-Commission on contemporary forms of Slavery in Geneva.

A recent UNICEF report commenting on the working conditions of Indian Children says children between the ages of 3½ and 15 are working for almost 12 hours a day in the match stick industries in hazardous chemicals with inadequate ventilation. In the BEEDI industries children 8 to 12 years are put in long hours and often contract bronchitis and tuberculosis.

A conference of non-governmental organisation in Germany in May 1990, discussed the issue relating to exploitation of Children in Indian Carpet Industry. Swami Agnivesh and myself attended the Consumers' Confederations meeting in which a resolution was passed that from now onwards Carpets imported should be labelled that "NO CHILD LABOUR IS INVOLVED". West Germany is the biggest buyer of Indian Carpets and the manufacturers have received instructions to this effect from the Consumers' Confederation there.

The five member taskforce headed by L.M.Singhvi submitted its report to the Govt. in Dec 1989. Its recommendation included the creation of Statutory ombudsman for child labour who will look into the grievances of working Children It also recommended amendments in the Child Labour (Prohibition & regulation Act) 1986.

The working girl children are subject to sexual abuse and they are the most adversely affected ones. The employer uses the girl children in whatever way he wants. These children need special care and protection against sexual abuse, social taboos and crippling conditions.

A case study of Seigi (12 years) who was got released by our organisation Bandhua Mukti Morcha in January this year from Village Lal Khelara (Distt.-Gurgaon) will give us a fair idea of the sufferings of these Working children.

SEIGI- THE HARROWING TALE OF BONDAGE & SUFFERING

Infancy, childhood and adolescence are meant for fun, play, education and care-free life. But for SEIGI (12 years) her infancy started with shackles of slavery around her tender neck.

INCEPTION OF SLAVERY:

Seigi belongs to village Banbandha of Bilaspur district of Madhya Pradesh. About 10 years ago, Seigi's father took a loan of about Rs. 400/- from quarry contractors Mr Sant Ram and Mr. Raghubar which became the passport for him and his family to enter the doomed world of the bondage. The contractors brought him and his family members from Madhya Pradesh to Haryana and made them to work for 12 to 15 hours a day and made them to live in inhuman conditions under the watchful eyes of their goons, so that they do not escape. With the systematic manipulation of accounts the loan of Rs. 400/- taken ten years ago instead of getting reduced now stands at Rs. 4000/- even after paying them a pittance for their toil.

After spending five years of working and living in most unhygienic and hazardous conditions, her father contracted tuberculosis which claimed his life. Her mother went her father's way within a few months. The entire burden of returning the loan of her father fell on the slender shoulders of Seigi when she was 7 years of age. From then on, she has been working, burying all her hopes and dreams of studying, playing and growing as a free person.

THE BREAK-THROUGH:

Seigi had been working for the past five years in the quarry staying with one of the workers. The contractors had kept about 70 persons (including men, women and children) as slaves. A few days before their release, One of the labourers Chokka by name smoothly slipped away from the care of the contractors and happened to attend a meeting at Sohna a nearby town, where Swami Agnivesh, Chairman of Bandhua Mukti Morcha (BMM) was addressing a gathering of workers. The urge to become free himself and get his friends freed from the bondage made him to contact BMM office in Delhi immediately.

MODUS OPERANDI:

When the labourer Chokka contacted BMM Office, immediately an activist along with a letter to the employer was sent for discussion and amicable solution of the problem. But neither was the activist allowed to enter the quarry premises nor any discussion allowed. Instead he was threatened by the goons of the quarry not to come back again. Without losing heart BMM on the 20th January sent another activist who could successfully penetrate into the area and report back about the position of the bonded labourers.

On the 22nd January, the General Secretary of the BMM sent in a petition to the District Collector of Gurgaon giving all the details of the persons kept as slaves by the employers and urged him to conduct an immediate raid to identify and release the labourers. The Collector ordered the Sub-Divisional Magistrate to raid the area and release the labourers.

On the 23rd of January 90, Bandhua Mukti Morcha (BMM), along with the Sub-Divisional Magistrate (SDM) of the area and the police arrived at the site. Though reluctant at the outset, the SDM was quick to get the release action in motion. A search was made to nab the offender (the quarry owners M/s Sant Ram & Raghubar) but in vain. Thus the story of 10 years of Bondage came to an end to Seigi and others.

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On the 18th of September the Prime Minister Sri. Viswanath Pratap Singh met a group about 600 child workers at his residence. Bandhua Mukti Morcha placed before the Prime Minister the following demands:

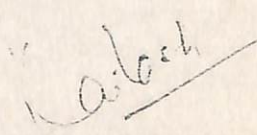
1. Total ban on employment of children in any industry be enforced at all costs.
2. Income generating schemes should be initiated in those areas where the vast majority of child workers come from. The earning of the parents of such children should be increased ensuring at least minimum wages for their work.
3. The working children of the bonded labourers must be recognised as a separate entity of bonded labour and released and rehabilitated as per law.

4. National Commission on bonded labour should be formed. The commission comprising one or two concerned retired Judges of the Supreme Court, dedicated Senior Govt. Officials and representatives from NGOs already involved in the movement should be given statutory powers to identify and release the bonded child labourers and to supervise the course of rehabilitation.
5. Proper coverage must be given to the legal enactments and other Govt. welfare Schemes on Radio/T.V. and other Govt.sponsored mass-media and a sustained and vigorous campaign be carried out to abolish child slavery.
6. To Implement all ILO conventions related with the child labour and the UN charter on the rights of the children.
7. TO GIVE TOP MOST PRIORITY TO THE CONSTITUTIONAL MANDATE OF FREE AND COMPULSORY EDUCATION OF ALL CHILDREN BELOW THE AGE 14.
8. The Government should certify and label certain items of export such as CARPETS, BANGLES, BLUE STONE, GARMENTS etc as "Free of Child Labour."

(A NATIONAL COMMISSION ON CHILD LABOUR has been promised by the Prime Minister after meeting the children.)

The menace of Child Labour should be combatted through a series of long term and short term measures: the first being banning the employment of children. Education and vocational training forms the second part.

Workers organisations have a special obligation to promote and assist the campaign against Child Labour. Child Labour contributes for unemployment among the adult workers and poses a challenge to trade union movement. Above all the right of the Child to grow in dignity should be given utmost importance.


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