



# THE LABOURING CHILDHOOD

A Study on  
Child Labour in West Bengal  
Trends, Bottlenecks to End it





# The Labouring Childhood: A Study on Child Labour in West Bengal, Trends, Bottlenecks to End it

Caritas India is grateful to the children, their families, and community stakeholders in Darjeeling, Kalimpong, Siliguri and Kolkata district of West Bengal, for sharing with us their experiences and initiatives to curb child labour.

## About Caritas India

Caritas India, founded in 1962, is the official development arm (registered under the Societies Registration Act XXI 1860 (the Punjab Amendment Act 1957) of the Catholic Church in India. Over the years, Caritas India has diversified her interventions in the areas of Humanitarian Response and Disaster Risk Reduction, Climate Adaptative Sustainable Agriculture and Livelihood, Anti-Human Trafficking, Peace-Building and Community Health. With a network of more than 200 partners across India, Caritas India reaches out to the most marginalised through humanitarian and development programmes.

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# Abbreviations

MNREGA	Mahatma Gandhi National rural employment guarantee Scheme
ILO	International Labour Organization
UNICEF	United Nations International Children's Education Fund
WPR	Work Participation Rate
NSSO	National Sample Survey Office
CNCP	Child in Need of Care and Protection
CWC	Child Welfare committee
NCLP	National Child Labour project
NCPCR	National Commission for Protection of Child Rights
ICPS	Integrated Child Protection Scheme
ICDS	Integrated Child Development Scheme
CSO	Civil Society Organisation
DSWO	District Social Welfare Officer
DCPO	District Child Protection Officer
SC	Scheduled Caste
ST	Scheduled Tribe
OBC	Other Backward Classes
VLCP	Village Level Child Protection Committee
NGO	Non-Governmental Organisation

## Director's Message

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It is disheartening that children in India comprise a large part of the entire labour market. As we know, our country expressed its commitment to child rights to the global community, by ratifying the United Nations Convention on the Rights of the Child, in 1989. Here, India committed to ensuring four basic rights of survival, protection, participation and development to every child aged 0-18 years of age. Prior to this, the Constitution guaranteed several fundamental rights to children pertaining to early childhood care, education, health and nutrition, prohibition of child labour in hazardous sectors and so on. However, as known us all, with changing social, economic and political priorities and landscapes, the risks and threats endangering childhood have multiplied and aggravated. One is forced to encounter working children in daily life around oneself.

The Government enacted several policy level and legal safeguards from time to time, but poverty and inequality tightened their grip around these children and their families. Whilst legal environment became stricter, and society more aware about the evil of child labour, newer trends and modus operandi also emerged and thrived. Despite the Child Labour (Prohibition and Regulation) Act, 1986, child labour still widely exists all over the country. This has been made clearer in this, "The Labouring Childhood: A Study on Child Labour in West Bengal, Trends, Bottlenecks & Possibilities to End it". The study narrates the working children's situation in West Bengal and points to the existing gaps in the process of prevention, rescue and rehabilitation of children withdrawn from labour.

The issue of child labour can never be seen in isolation. It occurs due to a web of issues, such as lack of food security, poor availability and access to public education and health services; scarce and fragile livelihoods; and weak enforcement of legal frameworks etc. These issues combined with underlying causes of poverty and social inequality require a multi-pronged approach to banish child labour from the country. These require to be constantly taken up by direct engagement with parents, community leaders and children's collectives, where they are repeatedly conscientised about their child rights and illegality of child labour. However, the findings of the study warrant the urgency to create sustainable livelihood opportunities for the marginalised families. Concurrently, the need is to advocate and support the authorities in enforcing the policy, programmes and legal measures, together by raising children and youth leaders.

Caritas India's experience in working with children nationally, and in West Bengal, has proven that children's collectives have tremendous potential in voicing their opinions to decision makers. Child labour, is a multifaceted issue which is integral to concerns of child protection, right to education and social security. It calls for convergence of all stakeholders, the community, children, policy makers, the executive and the judiciary; law enforcement actors, civil society, media, CSR, and concerned citizens, to bring about a change in the situation, as demonstrated in the study.

I would like to especially acknowledge the cooperation from the Department of Labour, NCLP offices, Child Protection Officials in Darjeeling, Kolkata and Kalimpong districts; and members from the police and law enforcement agencies towards this study. Caritas India is grateful to the support and participation of NGOs to the study, namely, Edith Wilkins Street Child Trust, CONCERN, CINI, SPAN, Vikram Shila, CRY and World Vision.

Last but not the least, a hearty appreciation and acknowledgement to child rights programme implementing partners, ADDSSS and Bal Surakhsha Abhiyan, and all the team members including the researcher for their concerted efforts and hard work.

In the word of Mahatma Gandhi, "If we are to reach real peace in the world and if are to carry on a real war against war, we shall have to begin with Children." Sharing this vision, I hope that the study findings will enable multi-stakeholder collaborative actions and contribute to the common vision of child labour free India, while also guiding necessary advocacy initiatives in the State.



Fr. Paul Moonjely

# Executive Summary

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Child labour is a concrete manifestation of violations of a range of rights of children and is recognised as a serious and enormously complex social problem in India. Working children are denied their right to survival and development, education, leisure and play, and adequate standard of living, opportunity for developing personality, talents, mental and physical abilities, and protection from abuse and neglect.

Notwithstanding the increase in the enrolment of children in elementary schools and increase in literacy rates since 1980s, child labour continues to be a significant phenomenon in India. Irrespective of what is shown in the official statistics, the phenomenon of child labour is significant because the Child Labour (Prohibition and Regulation) Act, 1986, addresses hazardous industrial child labour in a limited way, as the purview of the legislation covers only the organized sectors of production.

As per Census 2011, the total child population in India in the age group (5-14) years is 259.6 million. Of these, 10.1 million (3.9% of total child population) are working, either as 'main worker' or as 'marginal worker'. In addition, more than 42.7 million children in India are out of school. However, what is encouraging is that the incidents of child labour have decreased nationally by 2.6 million between 2001 and 2011. But, the decline was more visible in rural areas, while the number of child workers has increased in urban areas, indicating the growing demand for child workers in menial jobs.

In the state of West Bengal, the distribution of working children suggests that in 1971, 4.75% of children aged 5-14 years were engaged in the workforce, and in 1981 4.43%, in 1991 6.3% and 2001 6.75% children were engaged in the workforce. There has been a decline in the percentage of working children in the state of West Bengal in the year 2011 to 5.38%. This could be for various reasons including the success of schemes like the Right to Education, MNREGA, and Mid-Day Meal. However, there is a shocking 337 per cent increase in the number of marginal girl children (aged 5-9 years) being engaged in work in urban areas.

Against this backdrop, Caritas India, has conducted this action research study in West Bengal to assess the status of various Government services for rescue and rehabilitation of Child Labourers. The study puts forth recommendations and remedial measures to contain child labour, building on the work of various civil society organisations and stakeholders in the state.

The methodology for the study encompassed a rapid assessment of ground situation through individual interviews, focussed group discussions (FGDs) and key informant discussions. Individual interviews and one-on-one conversations were conducted with 38 children, aged 6-18 years, across selected locations, while FGDs were conducted with 39 governmental and non-governmental stakeholders. Experiences and challenges faced by children engaged in labour or rescued from labour residing in residential homes run by Caritas India partner NGOs, and those attending NCLP schools in Siliguri, Darjeeling town, and Kalimpong district were gathered from children and concerned authorities. Interaction with a cross section of government stakeholders and CSOs in North Bengal and Kolkata helped in understanding commitment, attitude and barriers in curbing child labour across the state.

## Summary of Key Findings

- 55% of children were aged 10-14 years when they began to work.
- 83% of the girls were employed as domestic helps and 50% of the boys worked in shops and hotels.
- 75% of the parents, mainly fathers were illiterate, explaining also the additional factors making children vulnerable to child labour.

<sup>1</sup>Magnitude of Child Labour in India-An Analysis of Official Sources of Data <http://ncpcr.gov.in/showfile.php?lid=131>

<sup>2</sup>[http://planningcommission.nic.in/reports/sereport/ser/ser\\_nclp1709.pdf](http://planningcommission.nic.in/reports/sereport/ser/ser_nclp1709.pdf)

<sup>3</sup>Census of India 2001 and 2011

- 34 % of the respondents mentioned death or abandonment by a parent as a major reason to enter workforce to support and supplement family income. Of this, 8% mentioned parents' remarriage as the cause for school dropout and labour.
- 50% of the respondents reported parental alcoholic abuse within their families as a major trigger for children to leave home and begin working.
- 72% of the girls and 65% of the boys reported more than 8 hours work a day (48-50 hours a week) for their employers.
- 56% girls and 38% boys were denied any wages for their work by the employers.
- 44% girls reported that their guardians collected wages on their behalf, without their knowledge of the amount.
- 38% boys denied payment of wages; 40% received wages between Rs. 200-1500; and 22% reported wage collection by their guardians.
- 67% female respondents and 75% male respondents reported eating 3 meals a day, while 90% of them received left overs or stale food.
- 22% male reported higher incidents of verbal abuse at workplace than their female counterparts (6%).
- 67% girls reported experiencing physical abuse in the form of beatings, being tied and locked up in houses, as compared to 61% boys
- 71% of the total respondents were accessing government primary schools or ICDS prior to being employed.
- 74% of the total number of children reported dropping out due to low priority given to child's education by parents.
- Of the 97% of the children respondents attending educational institutions as part of the rehabilitation programme of the Government, viz. National Child Labour Project only 8% attended age appropriate classes.
- A majority of boys and girls did not access health facilities in their place of residence owing to many reasons viz. lack of available and accessible health facilities, poor quality of government., health service, insensitive health functionaries, and low awareness amongst children and their families regarding government health programmes and schemes.
- Perception about government public services among children was reportedly dismal in Darjeeling hills and Kalimpong districts, while in Siliguri intensive advocacy efforts improved the access, reception and quality and services at the civil hospital.





## About the Study

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### A. Categories of Child Labour

The study, for its specific purpose, covered working children, bonded children, street children, migrant children and children engaged in domestic chores.

- Working Children, are those 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.
- Bonded Children are those 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.
- Street Children are children those 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.
- Migrant children, face a huge challenge with “distress seasonal migration”. Millions of families are forced to leave their homes and villages for several months every year in search of livelihoods. These migrations mean that children are forced to drop out of schools, closing down the only available opportunity to break the vicious inter-generational cycle of poverty. At worksites, migrant children are inevitably put to work. All evidence indicates that migrations are large and growing.
- Children engaged in household activities, apart from children who are employed for wages (either bonded or otherwise) as domestic help, constitute many 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 domestic work, such activities need to be recognised as 'economic activity', given their contribution to household food and economic security, by saving up on hiring service providers to perform those daily works. Further, if these children are not sent to school, they are more vulnerable to eventually taking up wage labour as one of the above categories of child labour.

### B. Study Objectives, Design and Methodology

In a State level consultation to End Child Labour, in March 2018, Caritas India enabled a platform for Government, Children and NGOs to converge and share their good practices, and challenges. Conducted during August and September 2018, this action research is in pursuance of these consultative efforts to connect with local actors and community, to map and understand nature, trends and challenges in eliminating child labour in West Bengal. The objectives of the study are as follows:

- Reviewing the national techno-legal framework for arresting child labour, vis-à-vis international legal obligations.
- Understanding the push and pull factors resulting in child labour in the state.
- Analysing the impacts of child labour on children's all round wellbeing and development.
- Studying the government and non-government responses to address the issue.
- Capturing the best practices and processes of change demonstrated by CSOs in addressing the issue.

The methodology of a rapid assessment was followed through individual interviews with children engaged in commercial activity, or those rescued from it, FGDs with their older siblings and parents / guardians, and key informant interviews (KII) with community members and officials of panchayat, VLCPCs, primary school teachers, and with government and non-government functionaries at the block, district and state levels. Disaggregated data were gathered along gender, age, minority, caste, ethnic status and other key variables for analysis.

#### (a) Sampling Techniques

Sample technique applied to the study was qualitative in nature, and involved purposive homogeneous sampling with pre-decided criteria. A total of 38 children aged 9-18 years were interviewed during the study, who belonged primarily to projects of NGOs in North Bengal. The children engaged in economic activity either at home or in petty shops were interviewed. The interviews also covered the children rescued and rehabilitated through government and non-government machinery, including children placed in Open shelters/ residential homes. All ethical guidelines were adhered to while conducting the research study, including child and parental consents. Further, the information from sample surveys and studies conducted by NGOs like Society for People's Awareness (SPAN), World Vision and Kajla Jana Kalyan Samiti (JKKS) across districts in West Bengal helped enrich study findings, in addition to KIIs with several civil society actors, and literature review.

#### (c) Research Limitation

Besides the paucity of time, major challenges in data collection included the lack of disaggregated data on child labourers with the department of labour; limited access to children in NGOs operational areas; and availability of NGO personnel to participate in the study owing to respective organisational.

However, statistical information about the actual number of children engaged as child labourers, child labour prone areas/ zones, numbers of them attending NCLP schools, and numbers of children rescued and rehabilitated was gathered from the Department of Labour, and the District Child Labour Project Office in Darjeeling district. Information pertaining to government schemes for women, children and families was mobilised from the Block Development Officer and the District Social Welfare Officer (DSWO). Lastly, information regarding the rescued and rehabilitated children was galvanised from Child Welfare Committees (CWCs), and District Child Protection Office (DCPO) under the ICPS.

The primary data collected aimed at understanding perceptions and feelings of the primary respondents. The data shed light further on their the social, economic and cultural factors that pushed children into labour at an early age; the gender differentiated nature of employment; the living and working conditions; wage payment, and behaviour of the employers; the availability, access and attitude of public service providers towards child labourers.

#### (d) Sampling Bias

Sampling bias could be assumed to some extent since the respondents were selected based on pre-fixed criteria of age and gender at 9- 14 years and 15-18 years with an equal representation of girls and boys. Of the 38 respondents, 9 were engaged in labour, and attended NCLP schools, while the remaining 29 respondents were those withdrawn from child labour and rehabilitated through mainstream education and vocational training.

#### (e) Data collection and Analysis

##### Collection of background materials

Literature review was conducted for statistics on children's health, education, and working status across the state of West Bengal, with a special focus on Darjeeling, Kalimpong and Kolkata districts. Additionally, information on various organizations' works on child rights issues and child labour enabled the selection of key informants for interviews and focused group discussions from amongst NGO networks.

##### Primary Data Collection

Primary data collection was done through individual questionnaires for both male and female respondents from amongst four NGOs in Kolkata and North Bengal, in addition to interviews and FGDs with government and non-government stakeholders. A total of 38 primary respondents were interviewed in the age group of 9-18 years, while 17 Government stakeholders, 21 non-governmental representatives and an Assistant Manager of Tea garden were interviewed. Medium of interaction with the respondents and stakeholders was Hindi, English and Nepali.

## CHAPTER 1

# CHILD LABOUR IN INDIA AND WEST BENGAL: AN OVERVIEW

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### A. Magnitude and Trends of Child Labour

Employment of children has continued to be a problem since the early days of industrialization. Child labour, says Homer Folk, is “any work by children that interferes with their full physical and mental developments, their opportunities for a desirable minimum of education or their needed recreation.” Child labour does exist as an economic necessity and as a social evil. Children working for a pittance of wage under duress are deprived of love and care and remain under mental pressure. Circumstances that compel the children to work infringe on their basic rights. Child labour impedes children from gaining the skills and education they need to have, and opportunities of decent work as an adult. “Child labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful. It involves the use of labour at its point of lowest productivity and is therefore an inefficient utilization of labour power.” Child labour precludes the full unfolding of a child's potentialities. (Ref: S. K. Singh, *Bonded Labour and the Law* (New Delhi: Deep and Deep Publications, 1994)

The International Labour Organization (ILO) describes child labour as “work that deprives children of their childhood, potential and dignity, and that is harmful to physical and mental development”. This definition includes types of work that are mentally, physically, socially or morally harmful to children; or disrupts schooling. There are many inter-linked factors contributing to the prevalence of child labour. Child labour is both a cause and consequence of poverty. Household poverty forces children into the labour market to earn money. Some perform child labour to supplement family income while many also are in it for survival. They miss out on an opportunity to gain an education, further perpetuating household poverty across generations, slowing the economic growth and social development.

Despite the reported decline in child labour globally from 1995 to 2000, it remains a major concern. In 2016, it was estimated that ~150 million children under the age of 14 were engaged in labour worldwide, with most of them working under circumstances that deny them a playful childhood and jeopardize their health. Most working children are 11–14 years, but around 60 million are 5–11 years old. There are no exact numbers of the distribution of child labour globally; however, available statistics show that 96% of child workers are concentrated in Africa, Asia and Latin America.<sup>4</sup>

Inequality, lack of educational opportunities, slow demographic transition, traditions and cultural expectations all contribute to the persistence of child labour in India. Age, sex, ethnicity, caste and deprivation affect the type and intensity of work that children perform. Agriculture and informal sector employment continue to be sectors where children end up working.

As per Census 2011, the total child population in India in the age group of 5-14 years is 259.6 million. Of this, 3.9%, which is 10.1 million, are working either as 'main worker' (for 6 months or more) or as 'marginal worker' (with less than 6 months' work). In addition, more than 42.7 million children in India are out of school. However, what is encouraging is that the incidence of child labour has decreased in India by 2.6 million between 2001 and 2011. This decline was more visible in rural areas, while the number of child workers increased in urban areas, indicating the growing demand for child workers in menial jobs (Fact Sheet- ILO, 2017). Data compiled from 2001 and 2011 Census, showed that in urban areas of the country, the number of working girls rose by 240 per cent, and by 154 per cent for working boys. Overall, there has been a 53 per cent increase in child labour in urban area, while there has been a drop of about 29 per cent in rural areas.

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<sup>4</sup>Parker DL Child labour. The impact of economic exploitation on the health and welfare of children Minn Med 1997; <https://academic.oup.com/jpubhealth/advance-article/doi/10.1093/pubmed/fdy018/4835667>

## B. Status of Working Children in India and in West Bengal

Child Labour is prominent in rural India. 80% of working children live in India's villages, where most of them work in agriculture. Some of them also work in household industries and are employed in home-based businesses. Children between 14-17 years engaged in hazardous work account for 62.8% of the India's child labour workforce, 10% of whom are hired in family enterprises. Over half of working adolescents do not study. This number is higher for adolescents engaged in hazardous workplaces, especially adolescent boys vis-à-vis adolescent girls (38.7 million vs. 8.8 million).

### Changes in Work Participation Rate of Children (Main and Marginal) in different age groups in India

All India	2001			2011		
	Boys	Girls	All Children	Boys	Girls	All Children
Age						
5 to 9	0.9	0.9	0.9	1.5	1.4	1.4
10 to 14	10.9	9.9	10.4	8.8	8.5	8.7
5 to 14	5.7	5.1	5.4	5.1	4.9	5.0

The Work Participation Rate (WPR) for children in 5 to 9 age group has marginally increased from less than 1 percent during 2001 to 1.4 percent during 2011. In the case of 10-14 years of children, the decline is only from 10.4 percent during 2001 to 8.7 percent during 2011. This indicates that a substantial number of children in the 10-14 age group are in the labour force despite the decline in the proportion of children in the total population.

As per the estimates on WPR of children from the 66th Round of National Sample Survey Office (NSSO) 2010-11, child labour in the age group of 5-9 years is negligible. For children in the age group of 10-14 years, it reflects that the WPR in females remains at 3 per cent, while in males it's 2.9 per cent, which continues to be significant, though declining. NSSO data being based on a sample survey, reflects the current economic situation about general employment in the country. Decline in child labour needs to be seen in the context of a general decline in the employment growth. The WPR of children in the age group of 10-14 years continues to be significant in the states of Andhra Pradesh, Chhattisgarh, Karnataka, Maharashtra, Orissa, Rajasthan, Uttar Pradesh and West Bengal.

In West Bengal, the WPR in children aged 10-14 years was 6.45% higher than the national average of 6.38%. (NSSO, 68th Round, July 2011 - June 2012). Experiences from non-governmental organisations (NGOs) like CRY India suggests that districts of South 24 Parganas, North 24 Parganas, Bardhaman and West Medinipur are high child labour prone districts and would require a targeted response to address the issue.

### Year-wise Distribution of Working Children in the Age group of 5-14 years, West Bengal (Census 2011)

Name of the State	1971	1981	1991	2001	2011
West Bengal	511443	605263	711691	857087	234275
Total (India)	10753985	13640870	11285349	12666377	4353247
Percentage of Child Labour in West Bengal vis-à-vis India	4.75%	4.43%	6.3%	6.7%	5.38%

### Magnitude of Child Labour and Number of Out-of-School children (6-13 years)-India

Census Year	Total Child Population (6-13 years)	Children not attending school	Percentage
2001	203616088	58024565	28.4%
2011	208324939	38106334	18.2%
Total	411941027	96130899	23.3%

<sup>5</sup>Report on Child Labour, 2015 The Hindu

The above Census data show a decline in the number of out-of-school children aged 6-13 years. While the situation has certainly improved since Census 2001, in 2011 there still were 38 million children aged 6 -13 years not attending any educational institution. This included 7.1 million Scheduled Caste and 4.6 million Scheduled Tribe children. Alarming, more than 80 per cent of these children have never attended any educational institution.

According to the National Survey on Estimation of Out-of-school children in West Bengal, in the year 2014, 2.45% were children in the age group of 6-13 years. Amongst this age group, the percentage of dropouts was as high as 53.92%. The out-of-school or drop out children are more likely to be engaged in labour and exposed to risks and exploitation.

### C. Trends in Child Labour

The high demand of children engaged in domestic work and seasonal migration are major contributory factors for raising the number child workers in urban areas. In the context of West Bengal, "While many children assist their parents on the farm land, the real estate boom is forcing many children to work at brick kilns," expressed Ashokendu Sengupta, the former Chairperson of the West Bengal State Commission of Protection of Child Rights."

There has been a shift in the type of child labour in recent years due to enforcement of legislation, awareness among service and commodity buyers about child exploitation, and international pressure. Despite these, child labour has become more invisible owing to the shift in location of the work from a more formal setting of factories, to business owners' homes. This de-visibility is also likely to gain impetus under the garb of amendment to the Child Labour (Prohibition and Regulation) 2016, as expressed by social activists. The amended legislation permits children to work only to help family, in family enterprise or as child artist after school hours or during vacations. There has also been an increasing involvement of children in the home-based and informal sectors.

Children are engaged in manual work; in domestic work in family homes; in rural labour in the agricultural sector including cotton growing; at glass, match box and brass and lock-making factories; in embroidery, rag-picking, beedi-rolling, carpet-making industry; in mining and stone quarrying, brick kilns and tea gardens amongst others.

Work is often gender-specific, with girls performing more domestic and home-based work, while boys are more often employed in wage labour. In general, the workload and duration of the working hours increase as children grow older. Getting accurate, detailed information about children working in different sectors is a major challenge as in many cases, children work in informal sectors, such as agriculture, and in urban settings in restaurants, motor repair workshops and in home-based industries. (Child Labour in India, UNICEF)

### D. Factors resulting in Child Labour

Abject poverty, turns out to be the underlying cause for pushing children to economic activity in order to ensure basic survival of self and the family. The study found out that many families had indebted themselves for reasons like unemployment, bad debts and alcoholism, thereby, forcing their children to pay these off. Bonded labour being the worst form of child labour, continues and large family size contributed to the early onset of children in domestic work, engaged in family enterprises and being coerced into child labour.

Another contributing factor to child labour is the inadequacies that plague the national educational systems. In the government, primary schools, education is usually found and perceived by children and families to be of inferior quality, and irrelevant to the local needs and circumstances. In the state of West Bengal, besides the low quality of education for children, the availability and access to government primary schools remains low, with about 847 villages yet not having a government primary school (U-DISE, 2015-16). Though the state continues to report high enrolment rates (>90%), retention and regularity of children is low, with drop outs amongst the Scheduled Castes and Scheduled Tribes having doubled from earlier estimates as per the West Bengal Sarva Shiksha Mission.

Local traditions and patriarchy too influence child labour, where families believe that girl children are less in need of an education than boys. Consequently, girls are taken out from schools at an early age to assist with household chores, or even sold into domestic labour. Further, the families believe that children should follow in the footsteps of their parents and continue in specific trades. This has been observed with tribal families that work in tea gardens, with generations being trained in tea picking, with little or no education at all.

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<sup>6</sup>ILO, World Report on Child Labour, 2015

#### D. Data deficit on Child Labour

The decennial population census and the NSSO are the two major official sources of data on child employment. However, these two sources have no specific definition of child labour. The figures for 'child labour' are derived from using age-wise distribution of workers. Workers are defined as, "those who engage in economic activities"; and 'economic activity' is defined as "any activity resulting in production of goods and services that add value to national product". Production of primary goods for 'own consumption' are restricted to only the agriculture sector and do not include mining and quarrying activities.

Further, activities like prostitution, begging, smuggling etc., which though fetch earnings, are by convention, not considered as economic activities. Thus, working children are counted as workers only if they contribute towards the national product based on economic accounting model. This may not include all work-related activities performed by children that hinder their protection and development as defined in the United Nations Convention on the Rights of the Child (UNCRC).

Thus, the statistical data covered by two primary sources could omit children being engaged in hidden forms of labour like domestic and child care work, and work in small hotels and family businesses, owing to the nature of census data being collected through a door to door survey. This will impact the total proportion of child labour within the country and subsequent service delivery by government agencies.

#### E. The Constitutional Provisions Against Child Labour

Several Constitutional provisions have entrusted the States with the primary responsibility of ensuring that all needs of the children are met, and that their basic human rights are fully protected. Children enjoy equal rights as adults as per Article 14 of the Constitution. Article 15(3) empowers the State to make special provisions for children. Article 21(A) of the Constitution directs the State to provide free and compulsory education to all children within the ages of 6 and 14 years. Article 23 prohibits trafficking of human beings and forced labour. Article 24 explicitly prevents under 14 children from being employed at the factories, mine or any other hazardous form of employment. Article 39 (C) directs the State to protect health and strength of workers, men and women, and that the tender age of children is not abused; and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

Article 39 (F) directs the State to ensure that children are given equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, guaranteeing protection against moral and material abandonment. Article 45 specifies provision of early childhood care and education for all children until they complete the age of 6 years. Article 47 states the duty of the State to raise the level of nutrition and the standard of living and to improve public health. Article 51(A) Clause (k) lays down a duty that parents or guardians provide opportunities for education to their child/ward from 6 and 14 years.

Article 243G read with Schedule 11 - provide for institutionalization of child care by seeking to entrust programmes of Women and Child Development to the Panchayat (Item 25 of Schedule 11), apart from education (item 17), family welfare (item 25), health and sanitation (item 23) and other items with a bearing on the welfare of children.

Article 45 of Constitution of India states that - 'the State shall endeavour to provide free and compulsory education for all children till they complete the age of fourteen years ...'.
Different Acts under Labour Laws declare different age criteria:
1) The Apprentices Act (1961): 'A person is qualified to be engaged as an apprentice only if he is not less than fourteen years of age ....'
2) The Factories Act (1948): 'a child below 14 years of age is not allowed to work in any factory. An adolescent between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorized medical doctor....'.
3) The Child Labour Prohibition and Regulation Act (1986), Amendment 2016 - Child means a person who has not completed his fourteenth year of age.'

<sup>7</sup>Census 2001, 2011; <https://www.thehindubusinessline.com/opinion/still-too-many-children-out-of-school/article7814794.ece>

<sup>8</sup>"Child Labour Always in Front of You but Why Constantly hidden from your view", Study Report by Planning Commission of India 2011-12

However, contradictory to commitments made under the UNCRC, laws on children in India prescribed different ages defining childhood, and 14 years of age as fixed by the Constitution, is upheld by the Child Labour (Prohibition and Regulation) Act and Right to Education Act.

#### Age of Child- A Matter of Contradictions

The inconsistencies around the age of child has always been a contentious one in the country. The age at which a person ceases to be a child varies under different laws in India. Under the Child Labour Prohibition and Regulation Act, 1986, a child is a person who has not completed 14 years of age. For the purposes of fixing criminal responsibility, the age limit is 7 (not punishable) and above 7 years to 12 years punishable on the proof that the child understands the consequences of the act, under the Indian Penal Code. For purposes of protection against kidnapping, abduction and related offences, it's 16 years for boys and 18 for girls.

For special treatment under the Juvenile Justice (Care and Protection of Children) Act 2011, the legal age of children is up to 18 years for both boys and girls. However, the amendment that became effective from 15 January 2016, allowed for juveniles in conflict with law in the age group of 16–18, involved in heinous offences, to be tried as adults. This move attracted great criticism from human rights groups. The uncertainty behind the age criteria of children being engaged in work, as per the constitutional provisions and legislations, remains a gap in targeting the issue of child labour in the country.

#### G. The Legal Instruments

A comprehensive legal regime exists in India to protect the rights of children as encompassed in the Constitution, and the UNCRC. In July 2016, the Parliament passed the Child Labour (Prohibition and Regulation) Amendment Bill, 2016. This amends the Child Labour (Prohibition and Regulation) Act, 1986 by widening its scope against child labour and provides for stricter punishments for violations. The act has completely banned employment of children below 14 in all occupations and enterprises, except those runs by his or her own family, provided that education is not hampered as compared to the Act of 1986 which banned work in 83 hazardous occupations. A new category of persons called “adolescent” has been included in new law. It defines children between 14 to 18 years as adolescents and bars their employment in any hazardous occupations.

The amended Act continues to view child labour up to the age group of 14 years, which contradicts with the UNCRC to which India is a signatory and has pledged its supports to all children till the age of 18. The amended Act permits children to work in their family enterprises which would lead to more children working in unregulated conditions. Section 3 of the amended Act does not specify the hours of work a child can spend in domestic work, and simply states that children can help after school hours or during vacations. This may restrict the development of children, especially the children belonging to backward classes and marginalised communities, to traditional caste-based occupations for generations. Besides, engaging them in home based work denies them a normal childhood entitled to recreational activities. Statistics compiled by UNICEF suggests that nearly 10% of adolescents working in hazardous conditions are currently employed in family enterprises.

While analysing the list of 'Hazardous Occupations', the amended Act has reduced the list from 83 to 3 (mining, explosives and occupations mentioned in the Factory Act). This means that work in chemical mixing units, cotton farms, battery recycling units, and brick kilns, among others, have been dropped. Thus, paving way for children to be employed in various other forms of hazardous and non-hazardous occupation ultimately impacting their development.

Finally, present classification of hazardous occupation is liable to be removed by the Government authorities on their own discretion, as empowered by Section 4 of the Act, wherein parliament's interference isn't required. All this indicates that the current amendment to the Child Labour Prohibition Act, which was meant to be progressive, would more likely continue to perpetuate child labour in the country. Therefore, not only do the new amendments reverse the gains of the 1986 Act, but also contradict the Juvenile Justice (Care and Protection of Children) Act of 2000, that makes it punishable for anyone to procure or employ a child in a hazardous occupation. They also contravene the International Labour Organisation's (ILO) Minimum Age Convention and on the Worst Forms of Child Labour of 1999 (ILO Convention 182).

<sup>9</sup>Children in India 2012, Statistical appraisal, Ministry of statistics and Programme Implementation Gol



## International Legal Child Rights Obligation

India has been privy to various international commitments to the world community with regards to protecting rights of children. It signed and ratified the Convention on the Rights of the Child, 1989. The Convention affirms that the child rights requires special protection, and aims at continuous improvement in the situation of children world over, as well as their development and education in conditions of peace and security. Thus, the Convention not only protects the child's civil and political right, but also extends protection to child's economic, social, cultural and humanitarian rights. (Ref: M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699). More specifically India has pledged to Article 32 of the CRC, which recognises the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or harm child's health or physical, mental, spiritual, moral or social development. Towards this, India is legally obligated to take legislative, administrative, social and educational measures for the fulfilment of the commitment.

On 4 May 2017 at the Universal Periodic Review (UPR), the peer-based scrutiny of a nation's human rights situation, at the UN Human Rights Council, Government of India received recommendation from Bulgaria to introduce a child-rights-based approach in all its policies. Having been acknowledged for measures advanced to protect and ensure child rights in conformity with UNCRC, concerns were raised and recommendations made on issues of child labour, child marriage and (sexual) violence against children by the member states at the 27th Plenary Session of the UN Human Rights Council. A total of 73 recommendations were made on various issues concerning children's rights. This was the first time where children's rights received such prime attention of the international community at the UPR. 53 member States gave recommendations to India on 14 specific thematic issues concerning child rights (Shailabh, 2017).

The International Labour Organisation (ILO) has been playing an important role in the process of gradual elimination of child labour and to protect child from industrial exploitation. It has focussed five main issues:

1. Prohibition of children labour.
2. Protecting child labour at work.
3. Attacking the basic causes of child labour.
4. Helping children to adjust future work
5. Protecting the children of working parents;

The ILO Conventions on the Minimum Age for Admission to Employment of 1973 (ILO Convention138) and on the Worst Forms of Child Labour of 1999 (ILO Convention182), are yet to be ratified by India. Besides, India has made a reservation to Article 32 of the UNCRC, which it intended to apply in a progressive manner, especially in relation to the minimum age. The ILO has mentioned systemic failures as main reason for the lack of progress.

In the context of India, the absence of national legislations, that gives effect to global conventions on the employment of children in hazardous industries as well as the minimum age of work, is of serious concern. Given that both these international laws have been widely ratified and accepted, this does suggest a lack of harmony between global commitments and domestic priorities. A case in point is the lack of coherence between laws that prescribe a minimum age for employment (CLPRA) and those for completion of compulsory elementary education under the Right to Education (RTE) Act. It also means that the expansion of quality universal basic education has to extend beyond the fulfilment of statutory provisions. Lack of effective labour inspections in the informal economy. Around 71% of working children are concentrated in the agriculture sector, with 69% of them undertaking unpaid work in family units .

To sum up, despite various constitutional provisions and international commitments, child labour continues to be a burning issue within the country. Many studies and researches attribute a variety of reasons for this though the primary cause being poverty which compels parents of child to engage them in labour and work, and lack of social welfare schemes to link up poor families. (Ref: "Indian Child Labour" by Dr. J. C. Kulshreshtra).





# CHAPTER 2

## THE STUDY FINDINGS

### 2. a) Demographical Characteristics of Child Labour

The age of entry into labour is a key parameter to measure the trends of child labour. Figure 1 reveals that 55% of children began working at the age of 10-14 years; 40% at the age of 6-9 years and only 5% were > 14 years of age when they entered workforce. This does corroborate with the work participation rate (WPR) seen nationally. According to Census 2011, though overall WPR has declined, it is the highest in the age group of children aged 10-14 yrs. There is a need for the education programmes within the country under the Right to Education Act (RTE) to ensure greater enrolment and retention of these children at the primary level. The RTE Act encompasses elementary education, but it needs to include free and compulsory –pre-primary and secondary education as well to enable schooling for all children aged up to 18 years of age.

Figure 1: Age at the onset of work

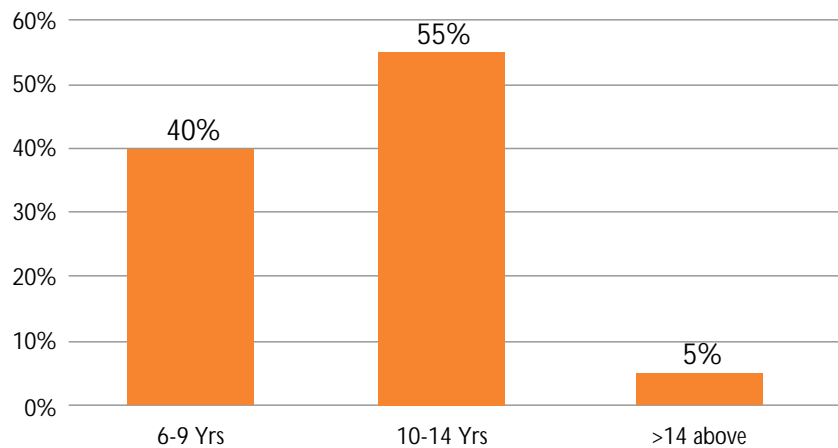
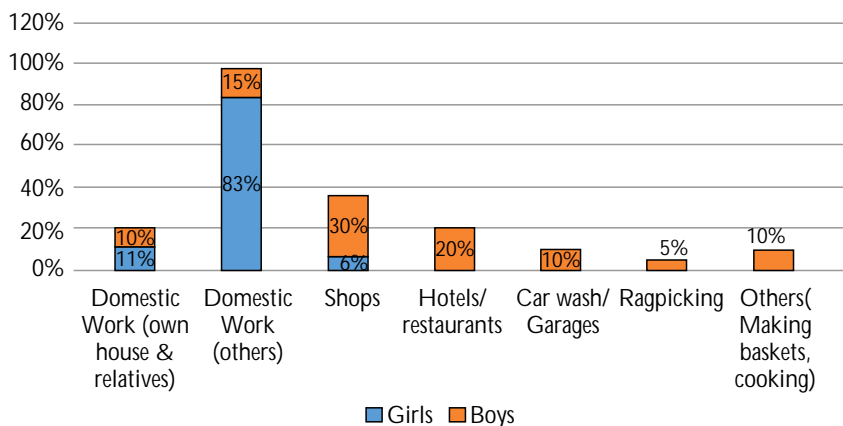


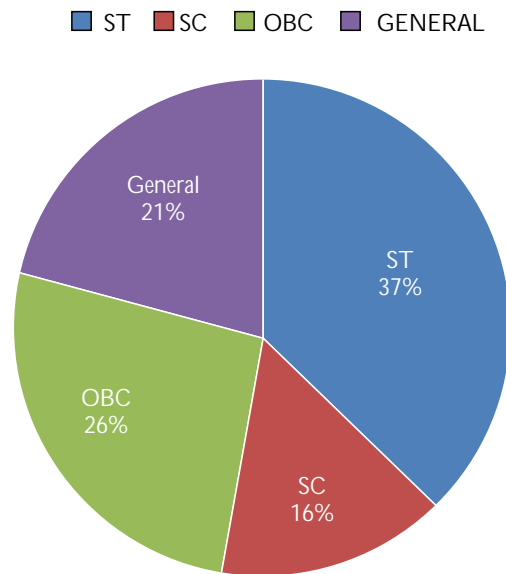
Figure 2: Age at the onset of work



Gender has a strong influence on the occupations in which children participate. Figure 2 illustrates the gender wise distribution of male and female respondents engaged in child labour. The trend suggests that 83% of girls were employed in domestic work, namely, washing dishes, clothes and sweeping and swabbing in homes. 6 % worked in grocery shops run by some relatives and about 11% worked in their own homes or homes of close relatives. In the case of boys, 15% were engaged in household chores including looking after younger siblings; 10% in domestic work; 30% in shops including grocery and sweet shops, 20% served as waiters, washing dishes in hotels and restaurants; 10% washed cars; 5% were engaged in rag picking; and another in 10% assisted their guardians in basket making and catering for small functions.

It is interesting to note that amongst respondents currently engaged in work, there seemed to be a kingship model of domestic work, especially in places like Siliguri, where children were being engaged to work in relatives' homes and family establishments. While interviewing the children, many were conditioned to think that they were supporting their family members and not working for them, though many of them reported working between 4-8 hours a day in these households with no monetary compensation. The nature of child labour and occupations are becomingly seemingly more invisible by the shift in workplace from visible commercial establishments to households. "Reaching out to these children through government surveys and programmes is a challenge. It is difficult to access people's homes and hence these children remain largely uncovered," expressed a member of the Darjeeling District Labour Office. This de-visualisation of child labour calls for the government surveys to identify child labour in homes and residential colonies. More stringent penalties and enforcement of these measures is required to be placed on employers who flout the law, especially in the unregulated sectors in the state.

Figure 3: Social category of Child Labourers



As depicted in Figure 3, majority of child labourers belong to Scheduled Tribe (37%), followed by Other Backward Classes (26%) and General categories (21%) and Scheduled Caste (16%). A baseline survey by Rural Aid, a NGO operating out of Alipurduar district, suggests that out of 822 children who had dropped out of school, 197 were child labourers (Males-110, Females-87), across six gram panchayats, namely Jaigaon-I, Jaigaon-II, Dalsingpara, Satali, Chuapara, Rajabhatkhawa of Kalchini block for the period 2014- 2017. These gram panchayats are in tea garden that are privately owned, hiring contract labourers, which in turn, reduces their wages and social security cover. These tea gardens have over 90% of SC, ST and OBC population. This points to the poor socio-economic conditions and lack of employment opportunities in the region of North Bengal and the Doars.

Figure 4: Child Work and Gender of household heads

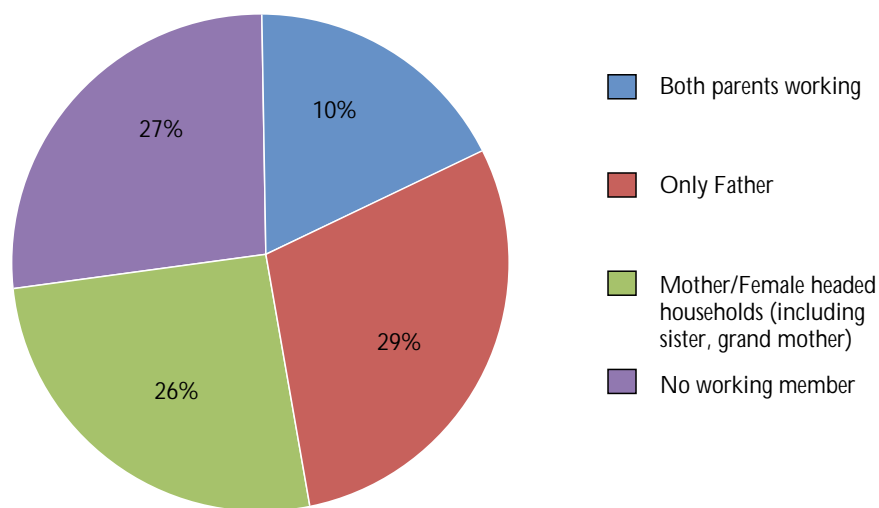
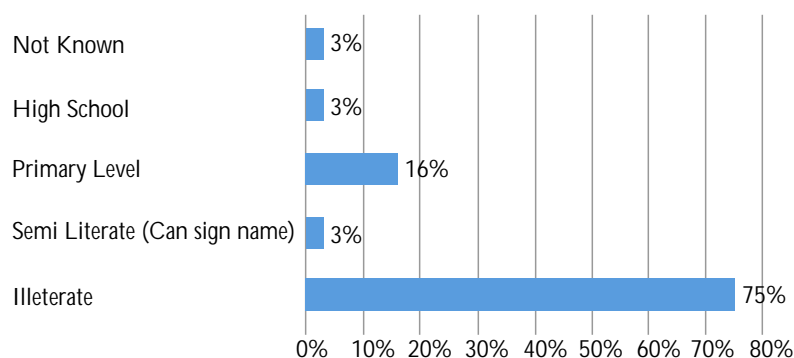


Figure 4 shows that 18% of households with working children had had both parents working, while households headed by fathers/ male members working had 29% working children. It is noteworthy to mention that 26% families were headed by women including headed by women including single mothers and grandmothers. This signals towards the poverty levels and vulnerability of the children of women headed households, being disproportionately affected and afflicted by an inter-generational transmission of disadvantage.<sup>10</sup> The remaining 27% of respondents mentioned about the absence of the earning members as heads of households, since the major source of family survival was agriculture.

The findings highlight the sense of urgency to ensure alternative sources of livelihood for women headed households. Empowerment of women through micro finance programmes and self-help groups could help improve household income and keep children from working in distress. NGOs like ADDSSS have, through their small Christian Community Groups begun to form Self-Help Groups for women members, coupled with alternative forms of livelihood. Further, governmental and non-governmental response could be focussed on supporting children of women headed households with scholarship funds, so that children could continue with their education, without financial strains. Given the context and community needs, these simple yet diligent measures present contextualised and promising practices of protecting children from child labour by boosting the family income, with special focus on women headed households.

Figure 5: Child Work by the Literacy level of Household Head



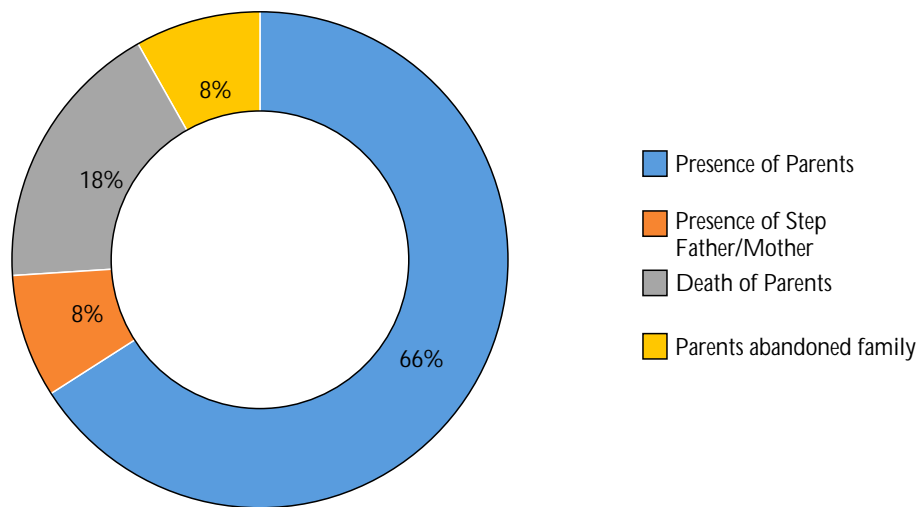
<sup>9</sup><https://pubs.niaaa.nih.gov/publications/arh25-1/52-57.htm>

Figure 5 depicts the literacy level of the household head, which in majority of cases was of the fathers of the respondents. 75% of respondents mentioned that their parents were illiterate, 16% reported primary level of educational attainment; 3 % mentioned their parent could sign their names, 3 % were unaware of their parents' literacy status and another 3% had studied up to high school. The data corroborate with the hypothesis that the lesser the literacy levels of the head of the household, greater are the chances of their children entering to child labour.

#### Reasons for engaging in child labour

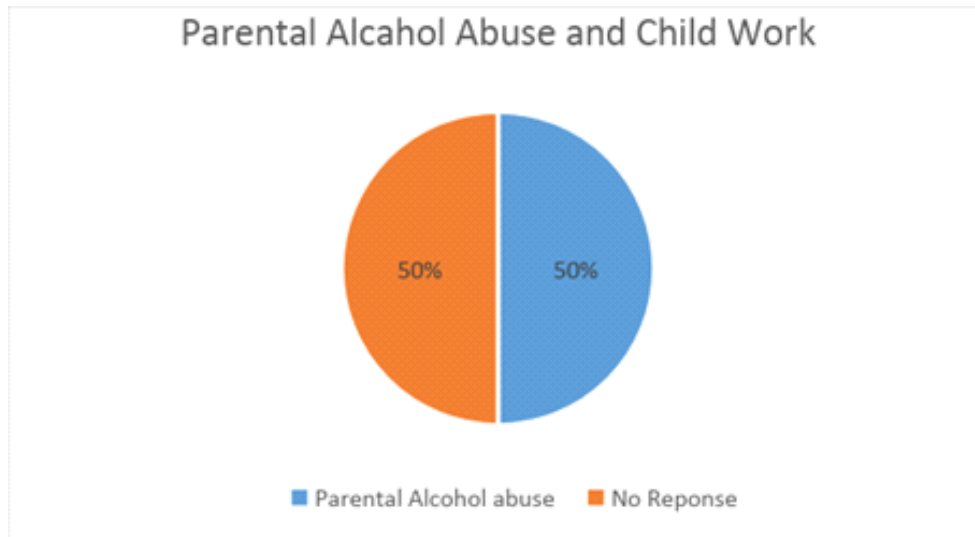
Main reasons for children getting involved in commercial activities for both male and female respondents were found to be family indebtedness, death of a guardian and the underlying poverty of the family. In Darjeeling primary source of livelihood is tea-gardens, which fetches a paltry income. Many of these tea estates are either sick or on the verge of closure. This has resulted in many tribal families losing their livelihood, that has triggered problems like child labour, child trafficking and unsafe migration. In the plantation industry, casual tea garden workers are mostly seasonal workers who do the same amount of work as permanent worker but with no job security, less pay, much less benefits, as contractual workers with 3 to 6 months' work during the harvest season, i.e. April to September (Radical Socialist, 2015). Majority of the workers in the tea gardens in Dooars region in Jalpaigudi, are casual labourers, who are exploited at the hands of the owners of tea gardens, by virtue of being partially covered in the Plantation Labour Act 1951. All stakeholders mentioned the urgent need to put in place alternative livelihood options as well as linking families to governmental welfare programmes and schemes.

Figure 6: Death or Absence of Parents



Death and absence of parents did have a direct correlation with child labour and the need for children to supplement family income by engaging in in domestic work and child care. From the total number of respondents, a majority (66%) reported both parents being present, while 18 % mentioned sudden death of parents as a major reason to drop-out of school to fend for themselves. 8 per cent mentioned that a parent, predominantly the father abandoning the family, and another 8% mentioned the presence of a step parent s reason to join work for pay.

Figure 7



Several factors contribute to the relationship between Parental Alcohol Abuse and child labour, including reduced coping skills, antisocial behaviours and psychological problems, such as post-traumatic stress disorder.<sup>11</sup> Figure 7 shows that 50 per cent of the respondents reported parental alcohol abuse within their families, while the remaining 50 per cent chose not to respond to the query. Those who reported parental abuse expressed how it led to physical and psychological abuse, a major trigger for children to either run away or agree to leave home for purpose of work. About 89% of the respondents who mentioned parental alcohol abuse, either ran away or left readily with agents.

In Upper Fagu tea estate in Gorubathan block of Darjeeling district, many of the parents, both fathers and mothers who work in the tea gardens were found addicted to alcohol and country liquor popularly called Rakshi and Jhar. This has contributed to domestic violence and abuse creating an unsafe environment for children. According to personnel of ADDSSS, both Tribal and non-tribal families brew country liquor from rice and millets, but mainly for their own consumption.

A study by SPAN suggests that 22.87% of the households surveyed in the tea gardens in Dooars had an alcoholic parent. Children of alcoholic parents often dropout of school by class five or six and look for petty work in the garden area to supplement the family income. A majority of them choose to migrate with agents and hence land themselves in extremely vulnerable situations. The study also reported that constant exposure to alcoholic parents induced the children to take up drinking, thus negatively affecting their health.

In the case of tribal families, raw rice received from Public Distribution System is used to make Rakshi. This suggest a strain on household food intake and hence compromised food and nutrition availability in the households. ADDSSS reported 3 cases of severely malnourished children from tribal families in Fagu, who were referred to Nutrition Rehabilitation Centre in Siliguri from their project area. Malnutrition is the indication of lack of nutritionally balanced diet, owing to chronic poverty and local food habits.

“I like attending the NCLP school, run by CONCERN even if it's only for a few hours.” Rajan a ten-year-old boy views his school as the only safe space he knows within his locality. “My father drinks all day and has borrowed money from many people. My mother works as a domestic maid in people's homes to pay off his debt. I too have to wash cars to help my mother with monthly expenditures.” Rajan recounts the horrifying experiences of being beaten up trying to protect his mother from his alcoholic father, and wishes that one day he could earn enough to take his mother away.

<sup>11</sup><https://pubs.niaaa.nih.gov/publications/arh25-1/52-57.htm>

Alcoholism has a definite correlation to unemployment of household heads and domestic unrest. Cases documented during the study reveal that the children, especially boys were unable to cope with physical and psychological abuse of an alcoholic father, thus forced to run away and enter work to fend for their basic needs. In the case of girls, many of them agreed to go away with relatives and agents in search of a 'better life' which in most cases ended up in greater physical and verbal abuse. The physical and psychological trauma faced in the confines of their homes with an alcoholic parent simply extended to the place of employment.

There is a need to address the issue of alcohol consumption within tribal families, through awareness on the health hazards and family counselling programmes. Additionally, nutritional levels of households especially of the children in Tea gardens would need to be studied for relevant interventions to enhance availability of nutritional food in the house.

Figure 8: Hotspots of Child Labour

A study by BSA identified the following hotspots of child labour in Darjeeling.

Darjeeling town – 5 sites including small shops and restaurants
Kalimpong (Kalimpong, town, Kpedong, Pedong, Alagaraha)- 16 sites including sweet shops, hotels, and residential homes
Siliguri (Ward No 4,5,11 and 28)- 12 sites mainly shops and hotels
Pashupati , Nepal- 1site
Out of the State (Gujarat)- Had migrated to work in a factory

High vulnerability zones as mapped by CINI in Siliguri sub-division of North Bengal, by CINI, North Bengal Unit, are Ward No-1,4,7, 19, 20, 35, 37, 40 and 43. It is evident that most children worked in small shops, hotels and as domestic helps. In the case of working parents or in their absence, children had to take on house chores and child care even if they were pursuing schooling. This affected the ability of the child to balance both domestic chores and his/her education, resulting in irregular attendance if not dropouts.

According to World Vision India, located between two railway lines (Katihar and Alipurduar), Ratan Lal Busty, a colony of Ward no. 1 of Siliguri Municipal Corporation, has a large number of child labourers, engaged mostly in rag picking. According to its survey report, the environment within these communities has induced drop-outs and increased incidents of substance abuse, gambling and petty theft. As part of its Kopila project, World Vision has mainstreamed several children into regular schools, since 2015, and has intervened in over 14 Child Protection Committees with the help of its Child Protection Units and Child Clubs.

Kolkata Mary Ward Social Centre, the social development wing of the Institute of Blessed Virgin Mary (IBVM) order has been working with migrant children in brick kilns since 2008. The organisation has mapped out 57 brick kilns across North, South 24 (Parganas), Hooghly and Nadia districts. Here, the children are engaged in various processes of brick making, and accessing services through their trunk schools. Currently, 40% of children and families seasonally migrate from 17 villages across four blocks of Nawada district viz. Akbarpur, Nawada, Pakribarwan and Hisua blocks that have a high concentration of child migrants within the state. A smaller percentage of children and migrant families, are from Bangladesh and concentrated primarily in Basirhaat, while the rest have migrated from other districts within the state. Of the total 3000 children aged 0-18 years registered with the project, approximately 30% are 12 years and above, supporting their parents by working in brick kilns and helping in domestic chores.

The table below shows the sites with highest concentration of Child Labour as per Kolkata Mary Ward Social Centre Survey 2017-18.

District	Name of Site
Hooghly	Kaikala and Uttarpara
24 Parganas (South)	Pujali, Akra and Tona
Nadia	Kalyani
24 Parganas (North)	Basirhat

223 child labourers were identified by Rural AID, in the Kalchini block of Alipurduar Sub-division, across Jaigaon-I, Jaigaon-II, Dalsingpara, Satali, Chuapara, Rajabhatkhawa gram panchayats (Project Report National Education Programme- legacy, 2017). These panchayats are primarily located in sick and abandoned tea gardens, run by private owners in the border areas of India and Bhutan. According to the NGO's official, children here work in shops, hotels and restaurants in Jaigoan town and Hashimara. By some estimate, a significant percentage of children get trafficked by agents and contractors to Delhi and Mumbai on the pretext of job placements. There have been incidents where the district administration has rescued several of these children, while unfortunately, many went untraced. Sikkim turns out to be another destination where children are taken in large numbers to work, reported the NGO.

SPAN's baseline study revealed 338 children were trafficked for labour purposes in the year 2016. SPAN works across twenty-five tea gardens in three blocks of Jalpaiguri district, namely, Metali, Nagrakata and Mal. The list of tea gardens that were covered under SPAN's baseline study are as follows:

Block	Tea Garden (TG)
Metali	Aibhel, Baradighi, Danjee, Chaulani, Indong, Jhuranti, Kolkote, Meetali, Nagursree, Nakhti, Samsing, Sathkaya, Songachi, Moortee
Nagrakhata	Nysylee, Hope, Hilla, Thalyhora, Nagrakhata
Mal	Tunbari, Gujanghola, Dalingkote, Meenglass, Rungamati

## 2.b) Nature of Child Labour

Figure 9: Hours and Duration of Work

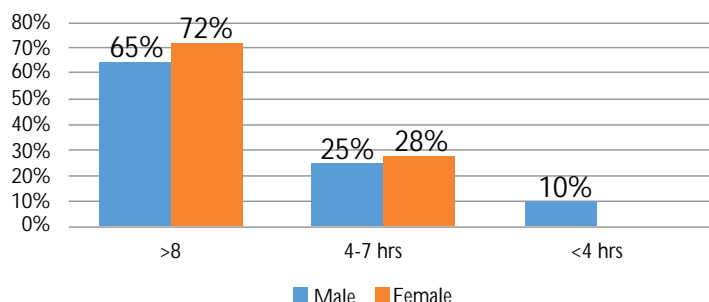


Figure 9 depicts the gender wise distribution of child work hours per day viz. >8 hours, 4-7 hours and <4 hours a day. The percentage of female children spending time >8 hours a day/48 hours a week was higher at 72% vis-à-vis male children at 65%. Similarly, 28% female children and 25% male children reported working between 4-7 hours a day, while 10% male children reported working <4 hours a day. It is significant to note that not a single female respondent reported working <4 hours a day, including those attending NCLP schools. This poses a challenge for girls who would need to balance education and work, thereby creates conditions leading to school dropout and/or irregular attendance, resultantly. The findings also revealed that children attending NCLP schools, that function for a few hours, continue to work, which has kept the attendance and learning outcomes extremely low. The findings make a clear case for revamping NCLP and the interventions by the concerned Government department. The strategies and initiatives have to be tailored to addressing the root causes of child labour. The remedial approach of the NCLP is unlikely to change the scenario if children are to continue working in compelling circumstances. And this requires a life-cycle approach to ensuring sustainable livelihood options to adult members of the family, and quality education and skilling of children and youth.

Figure 10: Earnings and Compensation

A significant variable that would shed light on the challenges faced by children in work would be the wages paid by the employer in return for the proportion of work extracted.

Variables	Male Child	Female Child
Wages paid to child	40%	0 %
Wages paid to guardian/ agent	22%	44 %
No wages paid	38%	56%

The table illustrates gender wise distribution and discrimination in wages paid to girl and boys in exchange of work performed by them. 40 % male children received wages between Rs. 200- Rs.1500 per month as compensation for their work, while the guardians of 22 % of them collected wages from the employers on their behalf, reportedly. 38 % male children were not paid wages. A startling contrast suggests that none of the female respondents was paid wages directly. The guardians of 44% of them collected the wages on their behalf. 30% of the boys and 25% of the girl children were provided with a set of clothes once a year, during the festival of Diwali. It is significant to note that >50% of the female children reported working for no monetary compensation, which amounts to bonded labour, thus, impacting female autonomy in decision making. In cases where the guardians collected wages on behalf of the working children, the respondents were unaware of the amount being collected, and were not provided with any money for their daily living expense.

Figure 11: Nutrition and Health Services provided by Employers

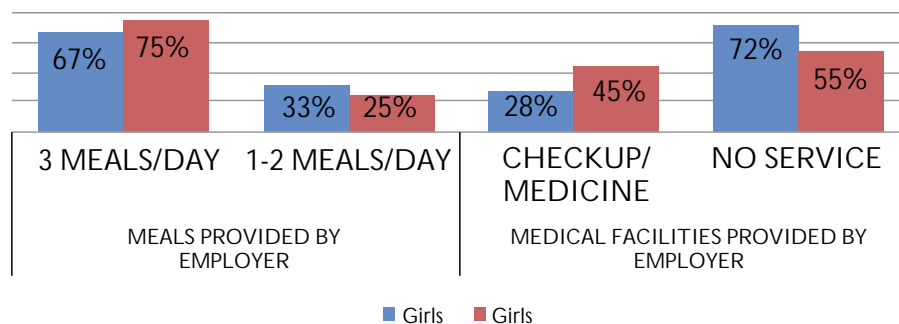


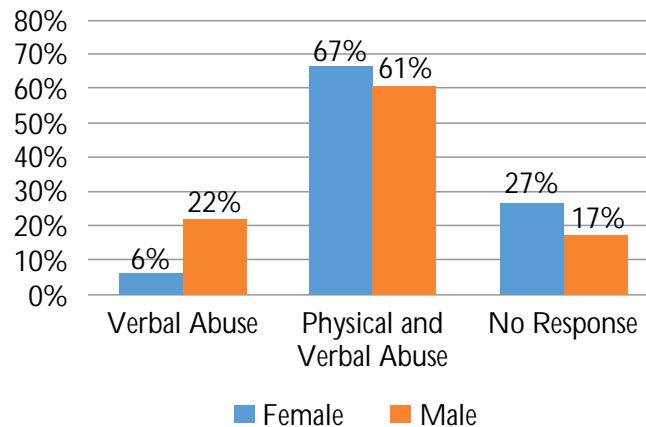
Figure 11 shows the status of nutrition intake and health and medical facilities provided to working children at their work places. 67% girls and 75 % boys reported eating 3 meals a day. 90% of the total respondents reported the food provided to them was stale and left overs, comprising mainly rice, pulse and a few vegetables. Only 28 % of girls mentioned that they received medical facilities including rest when sick, while the remaining 72% denied the same. Moreover, they were compelled to work even when they were not well enough.

Female respondents mainly reported health related problems with regards to their menstrual cycles besides general ailments and weakness. In comparison, 45% boys mentioned they received some form of medical benefit, though many of them reported these were usually in cases of very severe physical injuries like fractures and falls that occurred in the workplace. 55% reported that they worked even when they were unwell. It was unclear from their responses if falls and fractures were due to physical beating from the employer or other reasons. This could be attributed to the social conditioning and gender stereotypes, which hinder males from sharing their grief and sorrows, often perceived as signs of weaknesses, and thereby prevents the real diagnosis of the issues.



Figure 12: Abuses Suffered by Child Labourers at Workplace

Types of Abuse faced by  
Male and Female Children in Workplace



The trauma experienced by children into early onset into labour does negatively affect their physical and psychological development. Children who become involved in different labour-related works at an early age have no opportunity to develop their natural psycho-social health; about 40% of child labourers are affected by abnormal psychological growth (Jordan, 2012).

Figure 12, presents the status and extent of abuse faced by children at the work places. 22% boys reported higher incidents of verbal abuse experienced at workplace than their female counterparts (6%). However, in case of physical and verbal abuses, 67 % girls and 61% boys reported more physical abuse in the form of beatings, being tied and locked up in houses. While discussing the issue with all the respondents, more than 50% of them reported greater physical harm from male employers if the task or chores was not completed.

**A Ray of Hope**

Mariam (name changed) is a 15-year-old girl, who was coerced into domestic labour, at an early age by her uncle and aunt. She recalls the horrifying years spent, being verbally and physically abused by her employer. When Mariam's parents, both Government employees passed away due to illness, her paternal uncle and aunt assumed the responsibility of both Mariam and her younger brother. However, after some time, Mariam was taken by her uncle and made to work for a family in Bijanbari. Her younger brother, however, was kept back with them. Mariam couldn't understand why the only living relatives she knew would abandon her in this way, and she felt betrayed! Soon, Mariam found herself spending hours scrubbing floors, washing utensils and collecting water. She would be beaten on the smallest pretext of breaking a utensil and not completing the tasks. She was given left overs to eat and made to work for over 10 hours in a day, with little or no free time. "My mistress use to tie me up with ropes and lock me in a room when she went out, so that I didn't run away." While being asked about the male head in the family, Mariam paused for a while, before mentioning he was an alcoholic and abusive. She chooses not to talk about her abusers any further, though her scars and the marks on her body bear witness to the horrifying experience she had to live through.

While interacting with the case worker of Edith Wilkins Street Child Trust (EWSCT), the NGO that rescued Mariam, the researcher was informed about the real reason for separating the siblings. Apparently, since the children's deceased parents were government employees, they were entitled to receiving a government pension, which Mariam's little brother was made a nominee to by their parents, but not Mariam. The uncle and aunt had

found this out and hence adopted Mariam's younger brother, only to collect the pension on behalf of the minor. After a thorough investigation, the NGO took stern action against Mariam's relatives and much to Mariam's relief, took custody of her younger brother too. "I wish parents and relatives don't send children to work in strangers' homes. I would never have wanted the horrors I suffered to be experienced by any other child. I am happy to be reunited with my brother and I feel the residential home has provided me and my brother a safe space to live in. I would like to complete my education and help other children like me who may be undergoing similar experiences." Mariam smiles as she realizes there still exists a ray of hope for herself and her younger brother.

## Violence Mapping in Communities and at Home

Part of the primary data collection was a violence mapping exercise conducted. A group of boys aged 9-14 years attending the NCLP school, functioning in Ward No. 4, run by a NGO, CONCERN, had undertaken the task of mapping the nature of violence against working children. The boys were asked to draw pictures of their community and home, and then mark areas where they felt unsafe or had faced any kind of abuse. The researcher observed that the children marked specific entry points into the slum community as unsafe. While probing into the issue, it was found out that younger children in the community were being exploited by the youth who were taking up contracts for car washing with garage owners. The younger children would be made to clean over 5-7 cars and be paid Rs. 30 per car while, the larger chunk of the payment was pocketed by the older children. The younger children mentioned they were taunted, bullied and even beaten up if they disobeyed their older dasas (brother in local language). A cycle of abuse between younger and older children in the community was at play in some of these slum communities.

Further, this group of children viewed their homes as being unsafe owing to parental alcoholism, intoxication induced abuse and related physical and psychological trauma faced. Many of them wanted to escape the violence faced at home, and would look forward to working in homes of more affluent family members. Unfortunately, many of these children were being made to work 4- 8 hours a day, performing domestic chores at relatives' homes without any wage payment. Since the children were not being physically beaten or verbally abused like at home, they felt working for a relative/ family member was 'safer' despite the exploitation being suffered. This kingship form of child labour within families seems to exist within the region, which appears to be more insidious in nature vis-à-vis other domestic labour. However, this reality also calls for stopping violence at home, and creating safe spaces for children in the community. It also warrants a sustained dialogue with parents, children and youth, taxi unions and other respected elders in the community.

## 2.c) Effectiveness of Institutional Mechanisms & Programmes to Eliminate Child Labour

### 2.c.i. National Commission for Protection of Child Rights (NCPCR)

Instituted in March 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005, the mandate of the National Commission for Protection of Child Rights (NCPCR) is to ensure that all laws, policies, programmes, and administrative mechanisms are in consonance with the child rights perspective as enshrined in the Constitution of India and the UNCRC. For the Commission, the child is defined as a person in the age group of 0-18 years. Its focus entails regions that are backward or communities or children under vulnerable circumstance. The NCPCR and its state counterparts performs oversight functions in ensuring needs of children in want of care and protection and those in conflict with law are met. It is mandated to undertake periodical review of existing policies, programmes and other activities on child rights and make recommendation for their effective implementation. By the virtue of its nature, NCPCR with its state counterparts is obligated to ensure Government programmes for children work effectively, such as the following programmes.

### 2.c.ii. National Child Labour Project (NCLP): Kolkata and Darjeeling

Forty years, post-independence, Government of India in 1987 adopted a holistic and multipronged programme to eliminate child labour from the country in a phased manner. The programme, viz. National Child Labour Project (NCLP) based on the National Policy on Child Labour, 1987, was launched in 1988, entrusted to the Ministry of Labour and Employment. The objectives were to rehabilitate the working children after identifying them from the child labour endemic districts of India. The NCLP primarily aims at identifying children through surveys, withdrawing them from labour and placing them into government educational institutions. In the NCLP schools, students are provided with a host of services including education, nutrition, vocational training and health check-up

facilities (Ministry of Labour and Employment, Government of India, 2006)

In West Bengal, the NCLP first started functioning in the year 1995. About 869 schools were in operation in the state in May 2008. Most of the special schools were in the rural areas. During the first NCLP Evaluation Survey, 2001, it was observed that most of the sample schools of West Bengal were partially successful, though physical infrastructure, provision of educational kits, existence of vocational training instructor and health check-up facilities for students were inadequate

According to an article titled “West Bengal lagged in Child Welfare”, reported by the Times of India, between 2010 and 2013, West Bengal rehabilitated the least number of child labourers. In 2010-11, it could bring only 2215 child labourers to the mainstream, which increased marginally to 7456 children in 2011-12. The figure declined to 3117 children in 2013-14, where a major reason cited by the GoWB was the inadequate number of residential homes (N=9) to house rescued children mainly attributed to the dearth of funding by the Central Government. All these problems do affect the efficacy of the programme while addressing the issue of rehabilitating child labourers .

The status of NCLP initiatives in Kolkata, as per the Labour Survey of Child and Adolescents (2016), conducted by the Department of Labour, stands at 3336 in 40 NCLP schools, a fall from the previous survey in 2013, at approximately 5000. Though the survey does show a decline, the trends in child labour suggests a shift from big shops and establishments to smaller processing units and domestic work across Kolkata. Further, Kolkata has sanctioned about 40 NCLP schools that extend education and skills development services to children. This was, however, attributed to two major reasons, by the Assistant Labour Commissioner, Kolkata.

One, in the declining number of child labourers, were that those working in homes of people, which were difficult to cover in government surveys. This de-visualisation of child labourers employed at home only under-estimated the actual number of child labourers in the city. Secondly, the heavy under-presence of CWC in the entire state, and in Kolkata, as a case in point, has further compounded the problem. Many of the rescued children are returned to the parental custody, without any guarantee for not placing the children back to work. In fact, the labour department reported close to 100% restoration of 3000 children to their families. But, the want of continued access to education, and re-engagement into previous or new job remained a gap within the project.

Thirdly, the lack of residential / institutional facilities, namely open shelters, child care institutions and Government children homes to house children once rescued, especially those belonging to districts outside Kolkata or from other states, was another reason for reported decline in number of child labourers. The lack of facilities for rescued children, the quantum of funding from the Ministry of labour and the irregularity of fund flow within the state, has adversely affected the activities of the NCLP .

#### 2.c.iii. NCLP and Special Training Centre

Trends in child labour, according to the District Labour Office, suggests a decline in the number of child labourers in Darjeeling. In 2007-08, approximately 4000 child labourers were identified through government surveys, while in 2017-18, the number dropped by almost 50%. The NCLP project currently runs a total of 14 Special Training Centres (STCs) across the hills and plains of Darjeeling district, and extends educational and skills development supports to 611 children (District Labour Project Report January-March, 2018). The reasons attributed for the decline include increasing awareness on the issue by NGOs as well as recent police raids, which have made employers apprehensive, as shared by an official of the Labour Office. The increased inter-governmental convergence between the Labour Department, Police and NGOs resulted in the rescue of 5 child labourers and referral to a Children's Home, in Darjeeling, recalled Mr. Prakash Balmiki, Programme Manager, NCLP as per the JJ Act. However, he went on to echo the shortcoming of the NCLP in lacking educations and development guarantees to the child, and surety of protection against relapse into labour, post rescue. The lack of imagination for meaningful, development oriented rehabilitation of child labourers after being placed in institutional care or families, ensue in undoing the gains of collaborative GO-NGO actions and public resources invested thereof.

#### 2.c. iv) Status of Government Primary and Secondary Education in Tea Estates

The status of implementation of the RTE Act in tea gardens of Dooars region, presents a deplorable picture. The shortage of primary schools in Jalpaiguri district has affected the availability of quality education on account of inadequate teaching infrastructure and faculty. Long distances from residences continue to pull children out of school. According to a baseline study of 25 tea gardens in Jalpaigudi by SPAN, in 2016, children spent up to Rs. 20 per day on travelling to school. This financial burden often resulted in families' decision to stop child's education.

The situation was worse when children transitioned from primary to secondary and higher secondary education levels, according to the same study. Amongst the school going children, 25.5% had attended primary schools, 6.15% attended secondary schools and only 1.43% attended tertiary education. The attendance dropped drastically in higher levels of education. Figures reported through the study suggested that 66.92% children aged 6-18 years had not accessed any form of education, where the proportion of girls was higher than boys.

The tea gardens reported inadequate number of secondary and tertiary educational institutions in proximity to residence, further inducing drop outs. According to the Plantation Labour Act, 1951, transportation facilities have to be provided to the children of tea garden workers., These rules usually get flouted by the tea garden management. Further, quality of education is severely compromised with many Nepalese and local Tribal children not being taught in their native language, since the medium of instruction in schools remains either Bengali or Hindi.<sup>12</sup> A similar situation was reported by Rural Aid, a NGO working in the Kalchini block of Alipurduar. Annual surveys conducted suggested a total of 822 out-of-school children, of which 197<sup>13</sup> were child labourers in 2017.

#### 2.c.v. Integrated Child Protection Scheme (ICPS): Status in Darjeeling, Kalimpong and Kolkata districts

The Integrated Child Protection Scheme (ICPS) was launched in 2009 by the Ministry of Women and Child Development. This was also propelled by the Government's own study on child abuse in 2007 that reported 81.16% of the girl child labourers worked in domestic households, while 84% of the boys worked in tea stalls or kiosks. The study goes on to state that 48.82% children from West Bengal in the 5 – 12 years' category reported facing some form of physical abuse. The situation of socially excluded children (viz. children of migratory workers; street children, working children, children in conflict with law, etc.) is worse with minimal parental involvement in their well-being. These children often remained outside the reach of rights and entitlements. The ICPS, was thus, initiated to focus on preventing, caring and rehabilitating children in need of care and protection and in conflict with law, respectively.

Under the ICPS programme, the CWC decided in the best interest of the child found in want of care or protection, including child labourers. Institutional support provided to child labourers and other in care and protection are through Open Shelters and Child Care Institutes (CCIs). The Darjeeling district currently has only two Open shelters, one each for boys and girls, and 20 CCIs. The district yet lacks a government home; the closest being the KOROK Home in Jalpaiguri district, which houses both children in need of care and protection (CNCP) and children in conflict with law (CCL).

Moreover, the state of West Bengal lacks the required number of functional CWCs, and in fact, consist only 3 functional CWCs covering 23 districts (at Alipurduar, Uttar Dinajpur and North 24 Parganas- Birbhum), thereby contravening the provisions of Juvenile Justice Act, which provides for a CWC in every district. For instance, the cases of Darjeeling are handled by the Jalpaiguri CWC, to assumed additional charge of five districts. This shortage of CWCs and Government run/funded child care homes, not just delays the proceedings in CNCP cases, but also compromises the procedures, placing an unjustifiable burden and trauma on the children. As a matter of fact, many of the children were being placed in the child care homes with a verbal rather than a written order, lamented an official of Darjeeling DCPU

In the case of Kolkata, children in need of care and protection are usually seen engaged in begging, working in dhabas, motor garages, living on streets and railway platforms. In order to reach out to these children, the GoWB has initiated residential schools in the state. Under the ICPS structure, in West Bengal Community Care Institutions (CCI), the Government run CCIs are 19, NGO run Juvenile Justice Homes are 46, and the total number of operational Open Shelters is 46, reported Satya Gopal Dey, Vikram Shila.

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<sup>12</sup> "Arresting Human Trafficking through Youth Movement in 25 tea Gardens of Jalpaiguri District", 2016, SPAN

<sup>13</sup> Annual Report Rural Aid, 2017

## Migration and the Impact on Child Labour

According to the state's census authorities, a large number of children immigrants have been coming to Kolkata from Bihar and Uttar Pradesh. The net immigration being to the tune of 0.9% annually.<sup>14</sup> 91.25% were reported to have migrated due to poverty, and the rest because of communal disturbances, large family size and deplorable social conditions. The NSSO data 2007, suggest that over 70% of the children migrated to accompany their parents or earning members. Absence of official data on migration, let alone child migrants, by the authorities has also resulted in speculations or isolated data gathering by different agencies. Briefing paper by UNICEF (UNICEF: 2013) noted that as per 2001 Census, nearly 8.57 lacs children in the age group of 5-14 years were child labourers, out of which, West Bengal accounted for 11.07% of child labour in India. By these old estimates, there were 69, 986 migrant children in Kolkata, which comprised 7% of the total child population of the city for that particular period. Almost half of this number belonged to the age group 10-14 years, with greater number of male children.

The major issue with floating population remains the hurdles in getting them covered under Government programmes, owing to their mobility and temporary nature of residence. Further, many of them lack the identity proof required to access a range of essential public services, thereby being systemically excluded from the purview of entitlements. An independent study by Right Track, a NGO working in two squatter colonies of Maheshtala, in Kolkata, revealed that 48.3% migrants did not have Voter I-cards, 43.4% lacked ration cards, while 67.8% children did not have the proofs necessary to get immunization benefits (Right Track: 2007)

The issue of the rights of migrants both children and adults is yet to be addressed by government programmes and policies. There is no migration policy introduced by the GoI, as reported by both the Urban Poverty Report-UNESCO and UNICEF, which has obstructed the mainstreaming of migrants into developmental strategies of the country.<sup>15</sup>

Kalimpong was declared West Bengal's 21st district on the February 14, 2017. Since the district is newly formed, Government systems and programme are yet to be instituted, including the ICPS structures. The district largely depends on the services of NGOs like the BSA, working on the issue of child labour among other child rights issues. The Child Line Project implemented by BSA, suggests a total of 421 children in need of care and protection were registered for the period 2015-18. Of these, 116 were children engaged in various forms of labour across the districts of Darjeeling and Kalimpong. The gender break up suggests that 55% were males 45% female child labourers. Further, 50% of all children rescued belonged to Schedule Tribe and Schedule caste, 15% to OBC and the remaining 35% to General category. It is encouraging to note that all 116 were rehabilitated in BSA's residential home, where 60 of them continue to receive institutional services and 56 have been successfully mainstreamed in their families and communities.

The study does corroborate with above findings with a maximum number of children (53%) belonging to the SC and ST categories. However, caste disaggregated data on child labourers was found to be unreliable at the NGOs' level, wherein some children were found to be classified as General and OBC categories who actually belonged to ST or SC communities. This was also because of the lack of identity/caste certificates with rescued children, in which case, the caste status was assigned on assumptions. In fact, lack of identify proof, and caste certificates have prevented ST and SC children from claiming monthly stipends, having no bank accounts, as shared by NGO personnel running NCLP school in Siliguri. Furthermore, that the GoWB had passed a circular in the year 2017, directing the issuance of Aadhar Cards to child, which is yet to be implemented.

In the tea gardens of Jalpaiguri, high migration rates and trafficking amongst children has been reported. According to a joint study by UNICEF, Save the Children and Burdwan University, titled, "Highlighting the vulnerability of children living near the defunct tea gardens of Dooars", an estimated 3500 children migrated from 12 tea gardens of Dooars, Jalpaiguri in the year 2010. Poverty and lack of alternative livelihood options are found to be the major reasons behind the rising level of migration and trafficking.

<sup>14</sup><http://www.economicdiscussion.net/essays/child-labour/essay-on-child-labour-in-west-bengal-economic-problems-india/27086>

<sup>15</sup>Children of Migrant Poor in Kolkata. A Study on Human Development Perspective, UNICEF, 2014

## 2.c.vi) Child Labour: ICDS and Right to Education

Interaction with the District Social Welfare Officers (DSWO), Darjeeling and Kalimpong revealed the status of the flagship Integrated Child development Services (ICDS) scheme being implemented across both districts. In Kalimpong, a total of 282 ICDS centres exist and in Darjeeling 324. Children under 6 years of age are provided with food, pre-school education and primary health care at these centres, popularly known as Anganwadi centres. According to the status report of ICDS Project in Darjeeling, June 2018, the total number of children weighed in the age group of 0-6 years was 77,752, across 18 ICDS hubs, with a maximum of severely and moderately underweight children from mainly 9 blocks viz. Siliguri I and II, Matigara ( I and II), Phansidewa I & II, Khoribari, Naxalbari and Matigara (N=4973). Phansidewa and Khoribabri house close to 50% of the total moderate to severely underweight children. One of the major reasons for this is likely to be the closure of tea gardens like Gangaram, taken over by private contractors, that resulted in the withdrawal of welfare benefits for families, and creating situations for school dropout and child labour.

Other welfare schemes such as Kanyashree Prakalpa, a scholarship scheme for enabling adolescent girls from the excluded communities pursue higher studies is also extended by the State Government. Under the Financial Assistance to the Workers in Locked Out Industrial Units (FAWLOI), the GoWB agreed to pay an assured allowance to jobless workers of the North Bengal tea gardens in addition to the NREGA work entitlements. However, the target population lacked awareness and knowledge regarding these schemes and ways to access them. This situation necessitates the Government government to run awareness campaigns to popularise the its schemes at local levels to have them benefit the intended people, expressed the DSWOs.

Status of children attending school prior to work engagement	Reasons for Dropout
<p>71%of the total respondents were accessing government primary schools or ICDS prior to being employed</p> <p>29 % were not accessing any educational institution</p>	<p>Out of 71%respondents who were attending educational institutions: -</p> <ul style="list-style-type: none"> <li>- 74 % reported dropping out due to low priority given to their education by parents.</li> <li>- 10 % reported death of a guardian or abandonment by parent/ guardian as the reason.</li> <li>- 8% reported migration by family and inability to pay fees as a primary reason for drop out. According to the West Bengal RTE Forum, the state school education department notified levying an annual development fee of Rs. 240. In many schools, the fee is charged against official receipts, but many schools charge higher fees with the of receipt.</li> <li>- The Scheduled caste children mentioned about being teased due to the colour of their skin and physical appearances, while the Scheduled tribe children reported name calling</li> <li>- 5 % respondents chose not to respond to the query on discriminatory practices in school.</li> </ul>

Figure 13: Post rehabilitation Status of Education of Child Labourers

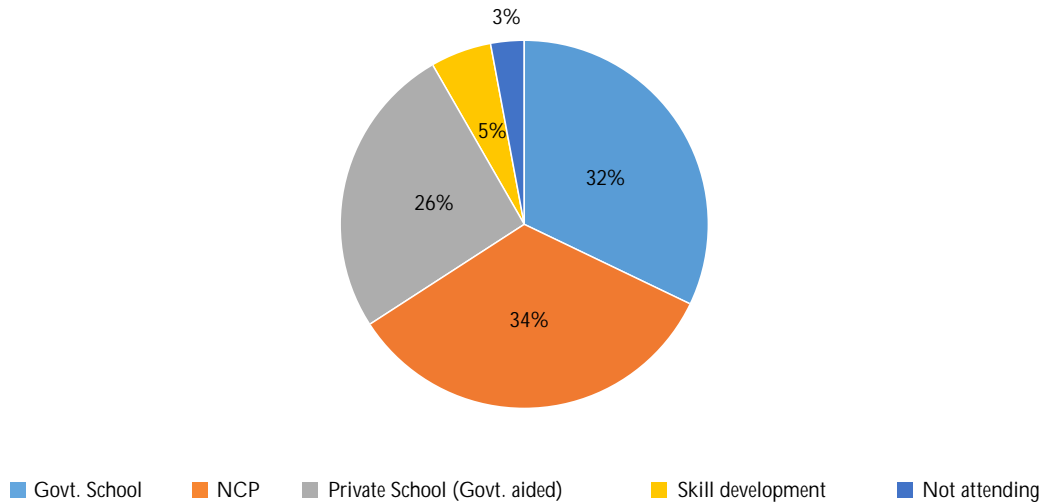
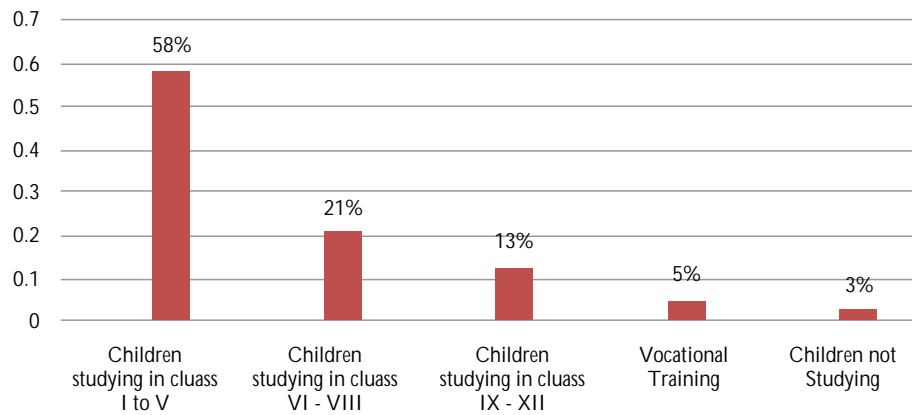


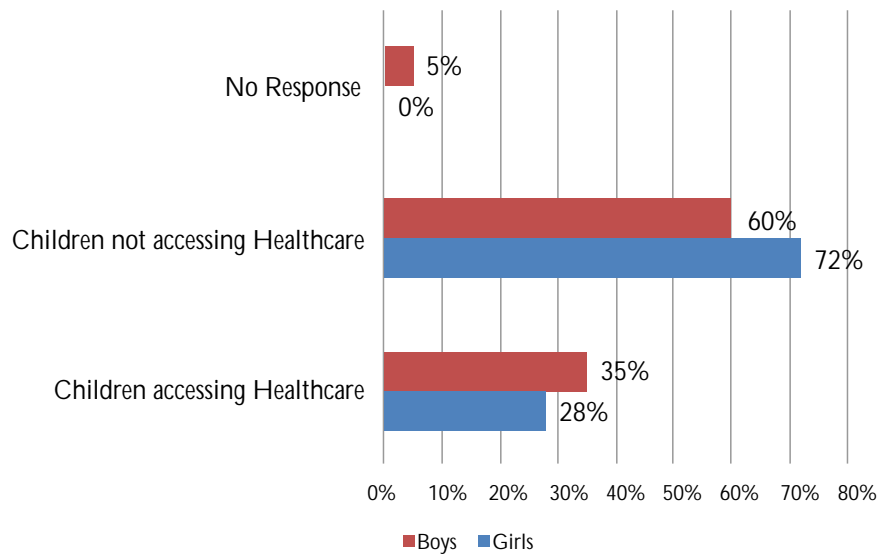
Figure 13 depicts the status of children accessing education once mainstreamed or rehabilitated in Darjeeling and Kalimpong districts. 32% of children accessed government primary and secondary schooling, 34% accessed NCLP programmes, 26% were placed in private schools but resided in residential homes run by NGOs, 5% were placed in skill development institute and 3% did not continue with education. A majority of children continued to access government schools/ government aided schools vis-à-vis the number of private schools that have mushroomed within the district as part of the rehabilitation plan.

Figure 14: Age and class enrolment of children



As shown in Figure 14, only 8% of the respondents in primary, secondary and high school were attending age appropriate classes, while the rest 92% were enrolled in lower classes, where also they were grappling with the syllabus. The study found out that the children attending NCLP schools were irregular with their attendance and drop outs amongst them continued to be rampant. In comparison, children placed in schools with residential facilities tend to continue their education and have a greater chance of being employed once they attain the legal age of 18 years. Furthermore, the criteria for admitting children into skills development programme need to be reviewed keeping in mind that most of these children may not even complete class 8, given their reality of being engaged in labour during the formative years.

Figure 15: Access to Healthcare by Children before joining Workforce



As depicted in Figure 15, lesser percentage of girls (28%) accessed health facilities compared to the male counterparts (35%), thus reflecting the gender disparities amongst families and communities within the region. A majority of boys and girls did not access health facilities in their place of residence owing to reasons like lack of availability and accessibility to healthcare facilities, poor quality of public healthcare systems and service, insensitive healthcare service providers, and low awareness amongst children and their families regarding government healthcare programmes and schemes. The children belonging to Siliguri Sub-division of Darjeeling did mention about regular access to Siliguri Civil Hospital for the services and staff were good and respectable. According to CONCERN, constant advocacy with the hospital staff and health functionaries in Siliguri was the prime reason for improved and dignified healthcare service delivery. However, the same doesn't exist across all facilities in the district.

#### 2.d. Ground Challenges in Implementation of Programmes

Some NGOs like EWSCT and Lamp, operate NCLP schools within the Darjeeling district, have provisions for residential homes/ open shelters for rehabilitating child labourers who may not be able to return to their families. Quarterly NCLP data (2017- July 2018) from EWSCT suggested a total of 33 children were accessing two NCLP schools, and were accessing education, nutrition, health and vocational training services. The organization, till date has identified, rescued and rehabilitated 40 children out of whom, 23 have been mainstreamed back to their families by CWC orders. (Source: Annual project report 2017-18). The remaining children below 14 years continue to access services through the NCLP, while the older children aged 15-18 years have entered high school, and are receiving holistic supports in skills development programmes, and nutrition and health services through the organisation's child protection programmes.

Anugyalaya Darjeeling Dioceses Social Society (ADDSSS), a NGO and child rights programme implementing partner of Caritas India in North Bengal, operates in Upper and Lower Fagu Tea garden areas, in Gorubathan block of Darjeeling district. A survey conducted by the organization in the year 2013, in Allay Gram Panchayat, in Lower Fagu, reported 24 children and adolescents aged 6-17 years who had dropped out of school and/or were engaged in child labour. According to the organisation's project reports, 58% of these children were enrolled in school or parents were motivated to send them to school. 21% went to Sikkim, Kurseong and Kathmandu for further work engagement, and 8% were placed for care and protection in child care homes.

Nonetheless, the main challenge reported by the NGOs has been that of ensuring retention of re-enrolled children in schools after being rescued from the clutches of labour. The poor socio-economic conditions of the families working in tea gardens as contractual labourers have aggravated the problem. The approach of building community support groups with effective linkages with village, block and district administration, has helped rescue and rehabilitate some of these children through NGO efforts with collaborative action with administration and police.



These macro level issues have trickled down to aggravate the implementation of NCLP on the ground. The stipulated payment of stipends made to the children under NCLP has been non-functional for almost three years, mainly for lack of identity proofs to open their bank accounts. Further, since many of the children belonged to different districts and states, by the time the stipend amount is released by the authority, the child is restored to the family, with little or no follow up. As part of their rehabilitation, a list of children without ID proofs should be submitted to the Labour Department, who could facilitate issuance of the required documentation for identity. The stipend amounts that are accumulated could be re-allocated within budgets of NGOs running NCLP programmes to help with rehabilitation and mainstreaming of children.

The Government has converged successfully with NGOs in rescue and rehabilitation processes, and convergence for post rehabilitation measures could be an opportunity for dialogue and engagement. As per the Child Labour Prohibition Act, the Department of Labour is supposed to identify children aged 15-18 years engaged in hazardous situations and place them in vocational skill development programme, allowing them to access employable job opportunities. This has received minimal success, since the criteria for admission in skills programmes require minimum qualification of class 8. Further, the NCLP programme budgets lack financial provision within for placement of children aged 15-18 years within vocational skills training programmes.

However, the study findings have indicated that children usually dropped out when they transitioned from primary and upper primary level, ie. from class V to VI, after which they got into work at the age of 10-14 years. Besides the various reasons for this scenario, a principal reason is that many upper primary schools are distantly located. The distance plus the money for daily commutation impedes schooling, and induces dropout. Further, the demand for annual school development fee of Rs. 240 as reported by children, discouraged the families from sending children to school. This is despite the State's obligation to free and compulsory education to children under the Right of Children to (Free and Compulsory) Education Act 2009.

Likewise, Darjeeling has its own peculiarities and challenges with child labour. Darjeeling shares its international borders with Nepal and Bangladesh, and interstate border with Sikkim, reported to be a destination for women and children trafficked for labour and flesh trade. According to CINI project data (2012) based on tracking of missing children, Darjeeling reported 924 cases of missing children, almost doubling the number 430 in 2010. More than half of the missing children were girls, said the report which sourced its data from the District Crime Records Bureau (DCRB). CINI runs a full-fledged child protection programme in North Bengal. The trend analysis as per CINI's Open Shelter Project suggests that in 2015-16, out of 225 registered children, 8% were child labourers, in 2016-17 of the 317 registered children in need of care and 4% were child labourers. In 2017-18, out of 397 registered children, 7% were child labourers. The 3-year trend reveals that while initially the number of child labour halved in 2016-17, it spiked in a span of one year in 2017-18. It is significant to note that amongst the categories of child labour, being maintained, children engaged in begging both by families and organised networks is on the rise.



## CHAPTER 3

# GOOD PRACTICE MODELS – CIVIL SOCIETY INITIATIVES TO ADDRESS CHILD LABOUR

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Since the Government programmes are usually focussed on rescuing children engaged in labour, the responsibility of identifying, mainstreaming and rehabilitating these children is shouldered by NGOs and Civil Society Organisation. While several good practices and model interventions would exist in the state, the study covered some of these practices and interventions for analysis. Many of these models of intervention have been shared from districts of Darjeeling and Kalimpong.

- Children's Collectives for Change

Child Rights and You (CRY) works on rescue, repatriation and rehabilitation of children through child protection networks JJ Act and the ICPS, has been empowering children and communities through 'Children's Collectives'. These collectives create a platform for school-going children to play an important role in encouraging out-of-school children to get enrolled/re-enrolled in school. They are also instrumental in voicing their opinions to parents, panchayats, government bodies and decision makers on issues related to child labour and the need for education, thereby strengthening community actions against child labour.

- Child-labour free farms and Policy Actions

On the other hand, Save the Children has rescued and rehabilitated several child labourers from the bondage of labour, influencing thousands of farmers to pledge to make their farms child-labour free in Gujarat and Maharashtra. While working on various issues around child rights nationally through policy advocacy and lobby, for West Bengal, it partnered with the NCPCCR to develop the Standard Operating Procedures on Care and Protection of Children in Street Situations, in 2017.

- Monitoring of the National Development vis-à-vis UNCRC by Children

The Campaign against Child Labour, launched in 1992, presents an alliance approach to end child labour. A network of citizens, students, women's groups, trade unions, academic institutions, media agencies, child right and human right organizations, etc, the campaign worked by building public opinion, investigating incidents of abuse/exploitation, advocacy, lobbying and monitoring of national and international developments, to eradicate child labour. The Campaign has facilitated children in drafting the Alterative Report to UNCRC for West Bengal in 2008-09, for India's UNCRC review at the Human Rights Council. Besides, besides other child based activities. SPAN has been spearheading the CACL since the year 2001. However, in the recent years, CACL in West Bengal has lost momentum as compared to its initial phase, and warrants a revival.

- Brick Field Schools

The lack of systemic attention to the plight of migrant children got Kolkata Mary Ward Social Centre (KMWSC) to focus on their development, through its long-standing programme for children working in or accompanying their parents to brick kilns in the state. KMWSC's Brick Field Project began in the year 2008, and with time expanded to cover over 3000 migrant children through 57 Brick Kiln Schools across four districts of Howrah, South 24 Parganas, North 24 Parganas and Nadia. These schools provide access to early childhood care, elementary education and health facilities to migrant children across the age group of 0-18 years. Through their Brick Kiln Schools, KMWSC has been mainstreaming children into the Government primary schools.

- NGO- Local Government Collaborative Actions

Rural AID, focuses its interventions on children of tea garden workers, especially covering six gram panchayats. Incidentally, the major recipients of their services are children and young people belonging to SC, ST and OBC communities. The NGO stresses on securing education for these children, and their retention in schools. For this, Rural AID has been conducting surveys to identify children in bonded labour, and has collaborated with district police

and DCPU through Operation Muskaan, a joint initiative of Siliguri Metropolitan Police and NGOs. Awareness building and community mobilisation have ensued in effective linkages with and between the PRI, Village Level Child Protection Committees and community groups.

- Child Friendly Police Stations

Caritas India, working on child rights in North Bengal, through its network of NGO partners has initiated the Darjeeling Region Child Rights Network. The programme on child rights is implemented by BSA and ADDSSS. The organisation follows a stringent Child Protection Policy for all children up to the age of 18 years. This partnership has secured 15 Child Labour Free Zones under Kalimpong Municipality, 04 Child Friendly Police Stations in Kalimpong, and in Gorubathan block of Darjeeling, 4 Child Labour Free Gram Panchayats, Children's clubs and Community Vigilance Committees. It was with consistent dialogue and awareness, backed with strong community stakeholder and child mobilisation, that 4 police stations (PS), namely, Kalimpong PS, Darjeeling Mirik PS, Birpara PS and Jaldhaka PS allotted separate spaces/rooms to attend to children in need for care and protection as well as those in conflict with law. These child friendly spaces / corners serve as safe spaces for children to file complaints in a friendlier atmosphere and provide minor children, especially those subjected to sexual assaults, with women officers to interact with.

With regular campaigns, sessions with community and school children, civic police volunteers of West Bengal, a satisfying level of sensitisation and awareness has been created. The organization has converged with networks of NGOs, Department of Labour, ICPS, and Child Line to build the required ecosystem of support for children in need.

“We receive a great deal of cooperation from BSA, while identifying and rescuing children. The organisation, through surveys identifies shops, establishments and homes employing children, and we on our part conduct the raid. BSA runs residential homes for CNCP children which helps in their rehabilitation. We can proudly declare that child labour as a menace in Kalimpong town has reduced in the past few years. Thanks to the good work being carried forth by NGOs like BSA.” S. Nath, ASI, Kalimpong Police Station.

- Child Labour-Free Tea Gardens

The tea gardens of Upper Fagu were declared child labour free”, beams Mr. Gurung, the Assistant Manager of the Tea garden. This, however, was not the case five to seven years back, when children would be employed from neighbouring areas like Alipurduar during the tea picking season. Nevertheless, due to extensive awareness by NGOs, and formation of Vigilance Committees and Children's clubs, the tea gardens have stopped employing child workers anymore. Another important area of intervention has been, working with families and motivating them to send their children to school. The tea garden management continues to support its workers through maternal and child welfare entitlements, including six months paid maternity leave, milk for mothers and babies and running crèches for children <6 years of age. NREG scheme is implemented at the fag end of tea picking season. Tea picking season is over, to supplement family income of tribal families. Yet, what continues to be challenging is the low priority parents place on their children's education, and excessive parental alcoholism amongst tribal families that causes to children to drop out and be engaged in labour/ domestic chores.

- Community Based Mechanism for Child Protection

The Child Protection Committees (CPCs) have been constituted at village, block and district levels by ADDSSS and BSA. Many of the members of programme CPCs are also members of official Village Level Child Protection Committee formed under the ICPS. The voluntary CPCs formed by ADDSSS and BSA have complimented the role of official VLCPCs, which have been rendered weak owing to dual administration of North Bengal by the State and Gorkhaland Territorial Administration (GTA) respectively. Dual administrative hold prevented panchayats elections and proper financial devolutions for panchayats to work in full-fledged and effective manner. Therefore, the appointed members to panchayats are limited to executing development schemes in the villages..

In such cases, CPC members are trained on basic tenets of child rights, and laws viz. JJ Act, POCSO, RTE and Immoral Trafficking Act; with para-legal training and counselling inputs. The CPC is made responsible to monitor the

status of children dropping out of schools, those engaged in child labour, status of health amongst children, and linking facilitating their interface with PRI and other government departments, as a community based mechanism. "Our village committees are the eyes and ears of BSA" In the words of Sr. Subeshna, Director of BSA.

The outcome of these trainings with CPCs has been demonstrated by their members identifying and reporting child rights violations, helping families of missing children to file First Information Reports (FIR) and General Diary Entries (GDE) with the police, and initiating required linkages with block and district level police departments. In fact, until the child rights programme of Caritas India came to Darjeeling and Kalimpong areas, GDEs were not an instantaneous wilful action of the police. With lack of structural facilities, as explained in earlier sections, and general insensitivity to children's protection issues, GDEs were often seen as additional burden by the police. GDEs, essentially a log of day to day complaints and F.I.Rs chronologically, made the police accountable to subsequent actions. The organisations are now set for convergence of CPCs with official VLCPCs under the ICPS to functionalise systems at local governance levels.

- Gorubathan Teachers' Forum

ADDSSS and BSA have also formed the Gorubathan Teachers' Forum (GTF) is association with ten schools in the block, who pledged their commitment to make their schools child friendly. This model was replicated from Teachers' Forum for Child Rights in Hyderabad facilitated by the MV Foundation. The teachers, who are member of the GTF are trained on various Child Rights provisions and laws<sup>17</sup> which are shared and disseminated with schools across the block. The initiative has led to schools initiating regular educative and interactive sessions on a plethora of issue such as child labour, child trafficking, health and hygiene, child sexual abuse, early marriage, and life skills etc. Participation of students in various block level awareness programmes has increased, all of which indicate successful mobilization and support created on Child Rights within these communities.

- Child Labour Free Tea Gardens

The Upper Fagu Tea Garden was declared Child Labour Free on February 27, 2017 by the collaborative efforts of ADDSSS with Tea Garden Management; a first of its kind initiative in North Bengal, the land comprising 88 tea gardens. The journey began only when members of the Child Committees and CPCs got information about children, mainly young girls, being involved in tea picking seasons from neighbouring gardens of Alipurduar. The organisation pursued the matter with the Tea Garden Management, which admitted to the fact, and understanding the illegality of child labour, agreed to give up on engaging children in tea picking and manufacturing unit in the Upper Fagu.

- Child Labour Free Villages

Child Labour Free Villages were a result of a survey by ADSSS in Mal busy village I and II and in Sombarey bazar. After the children were identified and rescued with permission from the CWC, and with the help of police, the following dialogues and close monitoring with the district magistrate and block development officer got the surveyed villages declared Child Labour Free, on February 27, 2016. This step helped in influencing and conscientising the administrative bodies of neighbouring villages as well as to ensure government accountability to continue monitoring the situation on child labour. Through periodic social audits and surprise surveys, ADDSSS continues to track and contain the issue on the ground.

- Networking with the SMC and Merchants Association

CINI- North Bengal, has been instrumental in advocating with Siliguri Municipal Corporation (SMC), which has resulted issuance of Trade Licences by the SMC bearing the seal, 'child labour strictly prohibited'. CINI was able to achieve this through a series of advocacy engagement with the Municipal Commissioner, Secretary and Mayor of Siliguri in the year 2016. The recommendation was placed before the in a bilatera meeting, and was adopted and sent to, which was passed and sent to all Ward Level Counsellors for adherence. Further mobilization efforts with Babsayee Samity/ Merchants association in Siliguri has led to a few commercial markets in Siliguri being declared Child Labour Free, wherein the shop keepers have pledged not to engage children below 14 years age. These efforts visibly reduced employment of children >14 years in shops, establishments and market places across Siliguri Town.

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<sup>17</sup>POCSO Act- The Protection of Children from Sexual Offence Act, 2012

- Community Vigilance Groups and Anti-Trafficking Network

World Vision India (WVI) through its Kopila Siliguri project has helped combat trafficking through prevention, protection and reintegration programmes. It has successfully impacted 11 slum communities through formation of 11 Child Protection Units and 30 Children's clubs. Members of these groups are trained on child rights issues and as well as on process to be followed when a child goes missing. The CPUs comprise social workers, school teachers and local leader who monitor on ground situation of drop outs, children being engaged in labour as well as those who are trafficked. Further at the advocacy level, WVI has formed a Siliguri Anti Trafficking Network (ATN) comprising of seven member NGOs that advocate closely with government officials. Under the Kopila Siliguri project, trainings on child rights and protection have been given to West Bengal Police, Border Security Force (BSF) and the Sashastra Seema Bal. The ATN has been a successful initiative of working with other NGOs on a specific, albeit complex issue. It has collectively helped in the repatriation and reunion of many trafficked children with their families, and providing safe shelter facility to at- risk and/or rescued children.

- Nabadisha – A joint project of the Kolkata Police, Vikramshila & CRY

The project is an example of a unique partnership between the Kolkata Police, and NGOs, way back in 1999, in an attempt to extend a helping hand to the city's street connected children. Together the partnership resulted in providing education and healthcare support to the children. Presently, there are over 15 centres conducting non-formal education programmes in various police stations of the city that take in children from the 5-14 years' age group. The older children are linked with the vocational training centres run by other organisations. So far, out of 700 children enrolled, 600 have been enrolled in government-assisted schools.<sup>18</sup>

As seen from some of the good practice models and interventions of civil society organisations, much attention is accorded to educational and family reintegration of child labourers; engagement with stakeholders, the duty bearers at all levels; community mobilisation and sensitisation to evolve community based mechanisms; convergence between government and NGOs, and dialogue and legal awareness of employers. In a nutshell, a multi-pronged approach has been applied in all practices, of which, advocacy engagements with employers and strategic moves of constructive bi-lateral dialogue with the concerned authorities did result in positive results in securing required actions from the authorities.



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<sup>18</sup><http://www.cry.org/whatwedo/storiesofhopen.html#nabadisha>

## CHAPTER 4

# RECOMMENDATIONS TO END CHILD LABOUR IN WEST BENGAL

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The study findings in conjunction with literature review have highlighted myriad issues that trigger and exacerbate the menace of child labour, compromising a holistic childhood, leading to inter-generational poverty trap. However, demonstrated practices of convergence and cooperation across levels and actors, together have given vulnerable children a new lease of life. These have also offered an encouraging insight into the possibilities that exist to end child labour, provided actions are taken at all levels of planning, programming, policy making and influencing, community and local governance. This section lists down the various recommendations for ending child labour in West Bengal, based on contextual challenges and established good practices.

### A. Recommendations to the National & State Governments

- Amendments to existing Legislation on Child Labour: Amendment to the Child Labour (Prohibition & Regulation) Act 1986, Amendment 2016, and the enforcement of the law is a key strategy. (a) The use of the term regulation should be revoked so that child labour of any form is considered a non-negotiable. (b) the provision allowing children under 14 years to 'work in family enterprises', must be revoked. (c) Further the amount of penalty paid by the employer post the rescue of the children, needs to be increased considering the trauma underwent in formative years and financial assistance required for rehabilitation. The disbursement to child's account should be enforced as per provision.
- Harmonising age across legislations as per UNCRC: The inconsistencies of legislation and policies affect the manner in which child labour is defined and addressed within the legal framework. Age should be made consistent with the UNCRC to which India is a signatory, which is also one of the legal requirements in the convention.
- Data collection, review and updation: India should act on the recommendations put forth by the UPR in the year and specifically on UNCRC previously, to review and update data collection mechanisms on child labour, develop effective monitoring mechanisms to keep a check on child labour violations in small and medium scale businesses, and update and review the list of hazardous occupations in regular intervals based on evolving employment / market analysis.
- Effective Implementation of the RTE Act: While implementation of the Act in different contexts, and more so for rescued child labourers remains tardy, (a) the Act should bring in its purview early childhood care and education (3-6 years) and secondary education (upto class 12th), to ensure children don't drop out due to economic poverty. (b) No Detention Policy should be revoked as it would cause children from marginalized communities and girls in particular to drop out. (c) Quality of teaching facility, faculty and infrastructure should be provisioned and monitored periodically in consultation with children and SMCs. (d) The authority must ensure formation and operationalisation of the School Management Committees (SMCs) mandated under RTE Act for Government and Government aided private schools. (e) Special facilities including bridge course programmes for drop out children as envisaged in the RTE Act should be provided by trained and specialized teachers. (f) Younger children aged 5-8 years, rescued from labour should be directly placed in SSA run schools, while the older children could be transitioned into secondary schools as part of their rehabilitation plans.
- Inter-departmental Convergence: (a) The concerned authority should form state/ and district level task forces under the leadership of District Magistrate and the Superintendent of Police, comprising District Superintendent of Education, District Programme Officer (Education), DSWO, Assistant/ Deputy labour Commissioner, District Panchayati Raj officer, District Labour, Representative of the CWC, DCPO, District Legal Service Authority and Child Line. (b) The Task Force should be empowered to review District Action Plan and specially focus on addressing poor economic conditions of families of child labourers and facilitating linkages with existing schemes and services. (c) Labour department should ensure required identification documents for every rescued child

labourer. (d) The penalty amount collected from the employer should be re-allocated by the department of labour for rehabilitation and mainstreaming of rescued children. (e) The status of child labourers rehabilitated and mainstreamed should be physically monitored periodically to ensure they are not re-engaged into conditions of labour; and (e)state and local level campaigns against child labour should be conducted and social messaging ensured through information, education and communication materials at all levels, in coordination with PRI members and schools.

- (Re) constitute Child Welfare Committee in every district: Presently only 3 CWCs are functional in West Bengal, aggravating trauma and inconvenience to children in need of care and protection. As mandated by JJ Act (Chapter III, Section 29 (1)) the Government should ensure r(e)constitution of district level CWCs in a time bound manner, without further delays.
- Periodic review and monitoring of State Plan of Action for Children (SPAC)- The impact outcomes from the current SPAC 2014-18, pending expiry in December 2018, should be reviewed by the GoWB in consultative manner with CSOs and NGOs, and (b) invite CSOs involvement preparation of the new State Plan and district plans, with monitorable indicators vis-à-vis National Plan of Action for Children 2016.
- Revamp Government programmes on Child Labour: (a) The NCLP schools should be converted to Supplementary Learning centres/ Transitional Education centres with residential facilities. (b)In order to encourage families and children to pursue education instead of employment, an equivalent subsidy should be provided to the child for foregoing his/her income while attending school
- Improve the quality of vocational skill training for children completing elementary education: The Government together with NGOs should conduct labour market surveys and map a list of vocational training institutes, local ITIs, NGO vocational training and private sector programmes and create awareness amongst families, communities and employers. (b) The Labour Department should ensure linkages of children/youth to relevant vocational training as per market analysis and facilitate job placements too., post class 8.
- Improve the Economic conditions of Families of Children withdrawn from child labour: (a) The Labour department should ensure that families of children withdrawn from labour are linked to poverty alleviation schemes; and provided soft loans and training in management of small- scale enterprises; (b) Introduce alternative form of livelihood and welfare schemes to sustain families dependent on tea gardens;(c) Issuance of job cards and work days should be ensured to all families with seasonal or fragile livelihood, like tea gardens, ensuring minimum wages in lean seasons; and (d) The Department for Welfare of SC/ST and Backward classes should conduct awareness campaigns and enrolment drives for children to avail off educational scholarship and benefit from programmes like such as Kasturba Gandhi Balika Vidyalaya (KGBV) scheme offering residential schools for adolescent girls from class VI to XII.
- Prevent child migration for work: (a) Initiate inter-state cooperation and inter-departmental linkage between panchayats, with department of rural development and labour department to register migrant families (through community based awareness drives) and allot registration cards to enable them to avail off the government services and facilities at destination points. (b) Ensure strict enforcement of the Plantation Labour (Amendment) Act 2010, should be ensured by the government, which prohibits employment of children in plantations. (section 24). Stringent penalties and regulations should be imposed and enforced on the tea garden administration.
- Panchayat level actions for combating Child Labour: (a) Panchayats should be mandated keep a mandatory a record of all out of school children and track school drop-outs, children irregular to schools, migrating with parents or working in villages; (b)the record of such children/families should be shared at the block, district and state levels CPUs periodically to develop programmes and strategies to prevent child labour; and(c) programmes to create awareness and train youth and children volunteers to act as watchdogs in the community to protect their peers from vulnerable situations be conducted on a mission (d) Activate/constitute VLPCs, Village Education Committees and Women and Child Committees to oversee situation in villages.

#### B. Recommendations to NGOs and CSOs

- Sensitization and strengthening initiatives of the Government: NGOs/CSOs should conduct regular training and awareness programmes at the panchayat and village levels, for village officials, school teachers, officers of labour department, police, civic police volunteers, government front line workers and community volunteers on the issue of Child Labour and specific roles played by individual groups to combat it. (b) Develop customized

training modules or SOPs in local languages that would disseminate all necessary information on child rights and their entitlements, the role of various departments, and government schemes and programmes meant for children withdrawn from labour.

- A dedicated Forum/ Network to advocate on Child Labour: Formation of district and state levels fora for focused and localised advocacy engagements on child labour, given the geographical diversity within the state. These fora should include the government, CSOs, Children, teachers, media and concerned citizens for joint action, connecting with state chapters on Right to Education, West Bengal Education Network, and Campaign Against Child Labour.
- Strengthen Community based Mechanism to Combat Child Labour: (a) Community Vigilance Groups and Children's Committees have been successful in raising awareness on child rights and curbing the menace of child labour. Therefore, design interventions raising community leaders and child ambassadors that will eventually strengthen accountability of local governance systems as well, and create a safety net for at-risk children. .
- Engage with Elected Representatives and Policy makers- CSOs and NGOs should facilitate community/children to sensitise and inform in sensitising and informing the elected leaders/policy makers/parliamentarians on the gravity of child labour in their electoral constituencies. This should include enabling children's and community's interface with the elected members, to raise their political commitment to end child labour in their operational areas.
- Effective Post-Rehabilitation Measures for Children withdrawn from Labour: (a) Together with the Government, initiate post rehabilitation follow up; (b) Advocate the enforcement of provision the provision of payment of penalty by the employers, and disbursement to child's account at the attainment of prescribed age; (c) Dialogue for setting up adequate CCIs and residential facilities for children in need of care and protection, (d) Advocate for greater resource allocation to NGOs running NCLP programmes, and (e) design innovative programmes for children withdrawn from labour, providing access to assured development opportunities.
- Strengthen advocacy to make laws (and child's age) consistent with UNCRC: Different laws on children prescribe different ages for childhood. (a) Collectively demand and advocate for making the age of childhood up to 18 years as per UNCRC to 18 years as per UNCRC across laws dealing with children; and (b) collectively demand pre-primary (early childhood care and education) and secondary education be brought under the purview of RTE Act.
- Strengthen local governance and committee formation under PRI/ICPS: The CSOs should work to activate and strengthen these committees to make the local governance, and community at large accountable to child protection. Under the ICPS, decentralized child protection system provides for Village Level Child Protection Committees. Other important committees include Village Education Committee, Village Health, Nutrition and Sanitation Committees, Women and Child Committees under PRI, are most relevant for curbing child labour.
- Scale up/design Child Led Advocacy Initiatives: (a) Scaling up, replicating and adapting to good practices captured in the study, (b) Enable interface of children with duty bearers across levels, and design child led advocacy initiatives, covering schools and communities. (c) Strengthen the responsiveness of the different departments, viz. women and child development, health, education, labour, and WBSCPCR by appraising the authorities on ground situation periodically.

## Conclusion

The study has thrown open the need for periodic mapping and survey of children engaged in different forms of labour, including the hidden forms of labour. Besides, reliable and compiled database on child labour (in organised and unorganised sectors) at the Government level emerged as fundamental gap, in tracking the vulnerable areas, communities and movements of children with their families or alone for space not needed.

While NGOs collaborate, and complement Government's efforts, there is also a need for more of such collaborative actions at the local levels, to make government systems and stakeholders responsive.

Formation of a coordinated platform for NGOs to collectively, under the aegis of labour department, or Inter-Agency CSO Group will enable stronger and effective community mobilisation, programme /scheme implementation, and policy engagement in the context of Child Labour, in the state. Besides, as seen, the cooperation between the



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