



Foundation for Restoration of National Values

Newsletter

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Litany of Misery and Woes: Plight of the Little Sacrificial Slaves

“Oye Chotu, char chai laana aur saath mein teen plate samosa”, is often heard at every dhaba lining the road in Noida and other official hubs of Delhi and NCR. Offices of top MNCs are located here and behind these offices, the narrow and dusty lanes are cluttered with small dhabas and shops selling betels, cigarettes, tea, biscuits and samosas. The dhabas are abuzz with activity throughout the day, with office goers holding small meetings, buying their daily quota of cigarettes, discussing office politics and planning the next outing.

Chotu in his knickers and disheveled hair can be seen rushing in and out of the dhaba, sometimes with tea in his hand, at other times acting as a messenger - carrying papers to be delivered inside the office, his face stoic. He does not show any emotion. If he is tired, he does not show it. He quietly carries out the orders, without even feeling slightest of emotions.

Chotu lost his childhood, the day his mother died and his father handed him over to Banwari Lal, the dhaba owner. He is only ten but in the beginning of every month, he ensures that Banwari Lal money orders his salary to his father in their native village in Murad Nagar. After all his younger siblings have to be fed and clothed. Chotu himself does not get any money in hand. The dhaba owner, a kind-hearted soul, gives him lunch and dinner and if he is lucky on some days, he manages to have the morning tea.

If one were to accept Nelson Mandela's quote, "***There can be no keener revelation of a society's soul than the way in which it treats its children,***" what would one conclude of our society, where this is a common occurrence. Unfortunately, this is an everyday scenario that goes unnoticed and hence does not perturb anyone in any significant way.

Thousands of *Chotus* and Chotis work in the factories, homes, street shops, transport companies, mechanic shops and super markets; Most of them in the age group 5- 14. Most of the employers are fully aware that employing children below 14 years is illegal. Yet, people continue to employ them, thereby perpetuating this evil practice.

According to CRY more than half of Delhi's working children are forced to work more than 8 hours a day without a single day's rest. Studies suggest that children so employed are inflicted with several life threatening diseases by the time they reach their teens, as also a detrimental impact on their physiological and psychological levels is reported.

Newspapers are full of reports of domestic abuse. From the episode of the corporate executive at Vasant Kunj to that of a BSP MLA's wife having beaten up their maid to death, the lives of domestic workers is that of violence and apathy. They are locked inside houses for hours, made to work throughout the day, left with meager amount of food and half torn clothes' sometimes physically beaten up and at others sexually abused by their masters, child labors working at households, dhabas and restaurants, industries and construction sites lead a life unparalleled pain and unaccounted abuse. While there has been a litany of lapsed legislations, there is a certainly a lot that we as citizens of Delhi can do to reform the status quo for the better.



So what can we do to improve things: First and foremost, it is crucial to 'BE' a responsible citizen and ensure we do not employ child labour; 'ACT' as a responsible citizen and ensure that our society does not employ child labour; 'EDUCATE' and create awareness amongst people employing child labourers and the parents sending their children to work.

Secondly, we could approach RWAs who can work towards sensitizing people on the issue of child labour.

Thirdly, if you find under-aged children working, Contact the juvenile/child welfare officer in the local police station or Special Juvenile Police Unit. Also, contact child line on 1098, a 24x7 toll free helpline and provide details about the child, employer and place for child line to intervene.

One could consider contacting NGOs working on the issue of child labour and volunteer with them. In case of domestic child labour and other forms of child labour, FIR should be registered by the police (under Section 14 and 3, Child Labour (Prohibition and Regulation) Act 1986, Section 23, 26 of Juvenile Justice Act, 2000, Section 16,17,18 and 19 Bonded Labour Abolition Act 1976) as per circumstances.

Fourthly, as responsible citizens, we may also contact retail stores, manufacturers and importers and ask them questions about the origins of their products and thus opt for ethically made products.

Further, in ensuring supporting positive practices that don't involve child labor, look for certified fair trade labels such as [Fair Trade Certified](#), the [Fair trade Mark](#), and the [Good weave label](#).

In crux, if we have to build a nation where the next generation can live with dignity and fairness, where there is equal opportunity to prosper for all, then we have to ensure that we lay the very core of that society on a strong foundation i.e. our home. If there is a child labour happening in our home or in our vicinity, it is our moral right to raise our voice against it. If we don't, we would lose our moral right to look into our children's eyes and expect respect from them. We cannot raise one child's future while denying another one.

-Khushboo Srivastava, Program Associate, FRNV



Child Labor in India: A Legal Perspective

It is often argued that children in their formative years need special care and attention to realize their full potential and achieve adequate growth and development. However sadly, according International Labour Organization (ILO), about 5.7 million children in India and 168 million children globally aged between 5-17 years are deprived of this basic right due to the menace of child labor. This is because poor and neglected children are often forced to work in small scale industries, restaurants, domestic homes and agricultural fields to earn their living or to economically support their family. Infact some industries like power looms, bangle-making and beedi-making entirely depend on child labour to stay in business by paying lower wages to child workers as compared to adult workers. However this severely affects both physical and cognitive development of children as these industries mostly work with harmful toxic metals and substances which pose significant threat to their health and safety.

Taking note of these harsh realities, drafters of Indian Constitution provided various safeguards for protection of children under Fundamental Rights and Directive Principles of State Policy. For example Article 23 and Article 24 of Indian Constitution prohibited trafficking of human beings and banned children under age of 14 to work in hazardous employment. Article 39 (e) and (f) directed the state to ensure that children are not abused and are not forced to work out of economic necessity. Article 45 requires the state to provide free and compulsory education till the age of 14 while Article 21 A restates this by recognizing Right to Education as a fundamental right. In addition to this different statutory provisions and laws are also enacted to tackle the problem of child labour like Children Pledging of Labour Act 1933, Factories Act 1948, The Minimum Wages Act 1948, The Plantation of Labour Act 1951, The Mines Act 1952, The Motor Transport Workers Act 1961, The Apprentices Act 1961 and most importantly The Child Labour (Prohibition and Regulation) Act 1986. The latter specifically prohibited the employment of children under the age of 14 in eighteen hazardous industries as well as regulated working conditions in non-hazardous industries by prescribing rules of minimum working hours and prohibiting overtime and night shifts for children.

Judiciary also have taken a proactive stand on the issue and shown its commitment to end child labour. For example in *M.C. Mehta vs. State of Tamil Nadu and Others (1996)* the court directed the state to ensure that adult family member of a child laborer gets adequate employment in order to avoid this menace.



While in *Bandhua Mukti Morcha vs. Union of India (1983)* the court directed government to formulate strict policies for eradication of child labour below age of 14 as well as ensure educational and medical facilities for all. In *PUCL vs. Union of India (1982)* and *Salal Hydro Project v. State of Jammu and Kashmir (1993)* the court even held that employment of children in hazardous occupations like construction work violates Article 24 of Indian Constitution.

However despite these various constitutional safeguards, legislative measures and judicial pronouncements, the problem of child labour continues to persist. It is common knowledge that fireworks industry of Shivakasi, Tamil Nadu and carpet industry of Uttar Pradesh still employ child labour. In Mandsour, Madhya Pradesh thousands of children are working in the slate industry where they cut slate into small pieces with electric saws. If that's not all, glass industry in Firozabad employs more than 50,000 children and subjects them to work with iron rods in 700 to 1400 Celsius. In context of this, Bachpan Bachao Aandolan (BBA) argued that the actual figure of child labour in India is way more than what official statistics indicate. They interpreted the census data of 2011 and pointed out that there are about 11.7 million children in India that are engaged in child labour or are looking for work. ILO have even statistically drawn a correlation between child labour and education by stating that rate of school attendance drops from 93.5% among 7-14 year olds to 74.3 % for 15-17 year olds. This is important because both compulsory educations under Right to Education Act (2009) and, until recently, ban on child labour in hazardous occupation is only till 14 years of age.

Therefore due to such dismal situation, in May 2015, the Union Cabinet decided to amend the existing law and banned all kinds of child labour under the age of 14 years with the exception of those working in family enterprises and entertainment industry. It also prohibited employment of minors aged between 14 to 18 years in hazardous occupations.

Further it fixed stringent penalties on employers who employ child workers and parents who force their children to work.

While this new child labour amendment is a positive step in curbing this menace, it is hardly enough. This is because the law left out family enterprises from its ambit and most of the child labour industries work out of residential areas and therefore can easily claim to be family enterprises. According to a study done by BBA almost 1/5th of total children that are rescued from child labour are working in their families while 83% of children are rescued from residential areas. So we can say that in effect this clause of family enterprises give silent sanction to child labour. Another point to be note here is that the amendment argued that children are only allowed to help in their family occupation after school. However there is no way government can guarantee that these children will give priority to their studies over daily labour. Infact according to BBA, about 33.9 million children are already out of school and hence fully vulnerable to child labour in these family enterprises.

In the end, we must keep in mind that the problem with child labour in India has not been about lack of laws and statutory provisions. Rather it has always been about lack of implementation of these laws. So while an almost blanket ban on child labour is a welcome step towards curbing this menace, the fact that the government has left out family enterprises from its ambit is quite disappointing.

-Priya Mathur, Program Associate, FRNV

News:

- Ms Ayesha Sheriff and Ms Priya Mathur have joined FRNV to carry forward the vision of the organization. Both of them will work closely with the CEO, to advance the programs of the organization, to conduct research on various issues and do advocacy to influence government policies and programmes.
- FRNV will work for making Value Based Education more effective in Delhi Government schools. In a meeting with the representatives of FRNV, a senior Government official mentioned that Value Education was part of Delhi Government school curriculum, but it has to be made more effective so that good results become visible in the society.

Dear readers,

FRNV invites stories from its readers on deep-rooted values that have helped us in our everyday lives. Some of these stories will be featured in the next issue of our newsletter. So put your thinking caps on, recall the values integral to your life which you cherish and write to us at khushboo@valuefoundation.in

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