

NCPCR POLICY DIALOGUE SERIES

Abolition of Child Labour, Social Exclusion and the Girl Child



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National Commission for the Protection of Child Rights

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The Abolition of Child Labour, Social Exclusion and the Girl Child

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“Where the mind is without fear
and the head is held high,
Where knowledge is free;
Where the world has not been broken
up into fragments by narrow domestic
walls;
Where words come out from the
depth of truth;
Where tireless striving
stretches its arms towards
perfection;
Where the clear stream of reason
has not lost its way into the
dreary desert sand of dead habit;
Where the mind is led forward
by thee into ever-widening
thought and action—
into that heaven of freedom,
my Father,
Let my country awake.”

Rabindranath Tagore, 1929

**National Commission for the Protection of Child Rights,
New Delhi, Government of India**

**The Abolition of Child Labour, Social Exclusion and the Girl Child
National Commission for the Protection of Child Rights***

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*This report is part of the Policy Dialogue Series of the NCPCR. The views expressed in this series are of the authors and do not necessarily reflect views of the National Commission for Protection of Child Rights.

Photo Credit:

We thank MV Foundation for kindly providing the cover photograph of children learning and the Back Cover Photograph of children going to school.

Preface

This excellent report, “**Abolition of Child Labour, Social Exclusion and the Girl Child**” prepared by **Shobha Raghuram** and **Puja Jain** penned with force and substantiation is about taking sides for children and their right to education. It is against the market forces, explicit and indirect that entices children into the labour force. It is in support of the crying demand of poor parents for schools and stands by them to see them win their battle for schools.

It is against the kind of market that forces children to work for long hours without questioning and seeks child labor precisely because they can be exploited thus. It is for children to be released from drudgery and ignominy just so that they can go to school and continue to do so until they complete 18 years, just as children of the middle and upper classes do in our country. The authors underscore that the structural causes of poverty can be seriously altered if this inhuman exploitation is ended and all children need never again have to sell their labour for their survival and endure social exclusion, because they cannot join the more privileged in the classrooms across the country.

It is against the half- hearted commitments of the State through law, allocation of budgets and policies that condones child labour and finds excuses for the perpetuation of child labour. It is in favour of children both boys and girls, to be seen, heard and not shoved into dingy rooms and work places, their release from debt bondage and the total stopping of episodes of trafficking, increasing vulnerability and child abuse.

This report calls for a social outrage and moral indignation against all forms of child labour, binding the State to fulfill its obligation towards its children and in the process build a strong and democratic India. It is a courageous call for equity and social justice that can be attained only through the liberation of children which are indispensable for India’s democracy. It suggests in conclusion that compulsory education and the total abolition of child labour are central to human development and fundamental for enhanced citizenship.

NCPCR would certainly draw from the spirit and insights presented in the document, and also the abundance of qualitative and quantitative data compiled in making a strong case for the total abolition of child labour in the country, linking it to children's right to education.

Dr. Shantha Sinha

Chairperson,

National Commission for the Protection of Child Rights (NCPCR)

New Delhi, India

July 12, 2008



Foreword

Tagore in 1929 penned the well-known lines cited on the cover page of this report. He would have been saddened, if alive today, to see India broken and fragmented by the lines of poverty, the presence of child labour and the lack of freedom for the millions of children living in destitution, sleeping in makeshift corridors, and in open fields, condemned to remain outside the corridors of reason and freedom. Tagore was critical of the dulling of the mind and the repetitious manner in which the status quo is defended- 'Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit'... This report begs for the repeated arguments stemming from 'dead habit' to be thrown away decisively and for new beginnings to be made. This report is an effort by us to place for discussion a large number of issues that may be considered as significant for any discussion on Child Labour and Education. We suggest uncompromising action leading to its eradication.

There is a considerable amount of literature already available on this issue as evidenced in the References. The work of Sinha [1,2,7], Burra [119], Kothari [81], Tilak [94,19,34], Dreze and Sen[88], Aradhya [71], Wazir [15,16,17,18] all point to the fact that there is no dearth of serious literature on the subject clearly articulating fresh perspectives which challenge hitherto mainstream approaches to the subject. A distinguishing feature of what we would call as 'development alternatives literature' is the fact that they all subscribe to a politics of emancipatory social change suggesting that India's freedom cannot be complete unless and until there is a complete eradication of child labour and simultaneously that every child needs to be in school because they have a fundamental right to be there and not on the labouring fields of industry, agriculture, domestic work and the service sector. What unites these writers is the centrality of their focus-the young poor of India, boys and girls condemned to poverty, the children who live lives of the 'other half' of this country.

Almost 43 million children in the country are in the workforce [123] and not a trace of middle class'/elites'/political class' public guilt is expressed nationwide about the violation of all rights close to post birth for these children. India is a leader in the knowledge economy and also a leader in the denial of rights of education for her children, made invisible in the story of progress and development. A string of half-hearted and half-way solutions have been provided to working children during the last 60 years of independence. With one stroke the founding fathers of this country could have put in place, if they so wished, laws that would have ensured children's mandatory presence in schools, and the abolition of all child labour till the age of 18. If this had happened then we would today have had a more equitable and competent society, one without the clearly discernable stratification lesions of class, caste and gender. More than double the present work force would have been part of the constituencies of full-fledged citizens, having choices to be part of the knowledge economy or the other related service sectors, or a thriving rural economy and commons. Thus, the walls that keep citizens apart would have been reduced due to a heightened sense of social justice. That knowledge is power is well-known. Also well-known is that knowledge is a social integrator. Dr. Ambedkar repeatedly referred to the need for education to be a strong integral component in the struggle of the dalits and other oppressed classes for freedom.

It is indeed a fact that the industrial revolution in the West spelt the beginning of new forms of prosperity and also a development of liberal regimes of equality with the State playing the most prominent role in equalizing access to education and skills and employment without the barriers of social class and wealth (at least at the first tier of access and enjoyment of education, what is now called free and mandatory education). The development of the Indian nation-state laid, politically, insufficient focus on fulfilling the basic conditions for a system of long term development planning where growth with distributive justice could be encouraged to develop. The wider frameworks of a system guaranteeing progress with social justice needed to have been set in place in a country riven by caste. The eradication of child labour had to be central to this agenda given the magnitude of the problem and given the commitments to a socially inclusive society as enshrined in the Constitution. **The overall goal of the State has been the eradication of poverty.** According to a UN declaration that resulted from the World Summit on Social Development in Copenhagen, 1995, absolute poverty is "a condition characterised by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to services." David Gordon's paper, "Indicators of Poverty & Hunger", for the United Nations, further explains that **absolute poverty is the absence of any two of the following eight basic needs:**

“Food: Body Mass Index must be above 16. Safe drinking water: Water must not come from solely rivers and ponds, and must be available nearby (less than 15 minutes' walk each way). Sanitation facilities: Toilets or latrines must be accessible in or near the home. Health: Treatment must be received for serious illnesses and pregnancy. Shelter: Homes must have fewer than four people living in each room. Floors must not be made of dirt, mud, or clay. Education: Everyone must attend school or otherwise learn to read. Information: Everyone must have access to newspapers, radios, televisions, computers, or telephones at home. Access to services: This item is undefined by Gordon, but normally is used to indicate the complete panoply of education, health, legal, social, and financial (credit) services”. [91]

Most labouring children in India literally face the absence of not just two but the absence of all needs. We submit that this mission cannot be achieved unless and until the Governments take seriously the mission of the NCPCR for the complete abolition of all forms of child labour and the implementation of free and mandatory education for all children till the age of 18 years. We also suggest that given that poverty is income deprivation as well as various forms of vulnerability that stem from a lack of access thereby to education, health and other services and opportunities, special focus has to be provided for the girl child who is at present facing high degrees of serious risk in survival and in her fulfilment of her rightful attainment of citizenship. The feminisation of poverty and the attendant survival threats to the girl child because of pervasive patriarchy need to be specially taken into account in the framing of public policy by Government on both labour and on education.

The 11th Five Year Plan of the Government of India takes into account socially inclusive growth but leaves that mission to be achieved without attention to this class of problems. The situation has remained stagnant in terms of solutions because of the present loopholes in the legal provisioning for distinctions in types of labour and the lack of political will in state governments to increase the age of children till 18 years for mandatory education and for abolition of child labour.

Indeed it is becoming more acute because of the increase in rural poverty and growing immiserisation caused by the earlier policies of declining investments in agriculture. With informal sector employment increasing and the lack of enforceable labour regulations, thousands of small industries, away from public scrutiny employ children in the most inhuman of conditions, leaving them ill, malnourished and unable to enter adulthood as citizens of this country.

This report is dedicated to the labouring children of India who remain unfree. Tagore's vision for education was to perceive the search for knowledge as synonymous with the search for freedom.

"Just as darkness of the night had disappeared like a figment of our imagination as the day dawned a little while ago, may our minds become free from all false notions about our own place in the Universe. May we, like the rising Sun, fill the boundless sky of our universal consciousness. ..." Jyoti **Prakash Datta's** translation of Rabindranath's Santiniketan address.

We are well aware of the fact that if child labour had become an election issue in the country with the ability to make or break parties through the vote there would have been a sea change in the country long ago. Sen and Dreze in their work, 'India Development and Participation' wrote in 2006, "Ultimately the expansion of basic education in India depends a great deal on these political factors. There is no question that, even in a country as poor as India, means can be found to ensure universal attainment of literacy and other basic educational attainments. There are important strategic questions to consider in implementing that social commitment, but the primary challenge is to make it a more compelling political issue."[88]

While Indian industrialists and politicians invest in Chairs in the Ivy League universities in the US and in Great Britain guaranteeing the perpetuation of their interests in the West and with the hope that their children will be able to attend one day these schools, a debate simultaneously rages in the country on why child labour can only be resolved in stages and rules and laws are cited to justify that 60 years was not enough of a time to remove this denial of rights to children. (A recent survey by Assocham estimated that over Rs. 55,000 crores is repatriated every year from India for 4,50,000 Indian students who go overseas for their education!) If markets and citizens cannot be relied on entirely to campaign for these issues and make this a political issue it will be the responsibility of the State to emancipate child labourers who approximately consist of the population of Greece, Netherlands and Serbia put together. "Even liberalism that has often been harnessed in the defense of capitalism pays at least lip service to the "equality of opportunity". It seems self-evident that when children of the upper layers with little talent and even less interest in academics are schooled to age 21 if not 23 or even 25 while children of the underprivileged with much potential and desire are kept out of schools from age 16 or 14 if not 10 or even 6, there is a great injustice done that does not satisfy even the "equality of opportunity" notion of justice". [92]

This report is intended to be a socio- political document that seeks within the macro context of development to locate the issue of eradication of child labour and the right to the enjoyment of education for all as critical goals and essential indicators of national progress built on equality, liberty and fraternity. We provide

a canvas where the poor performance of state governments compellingly underscores the neglect of this crucial set of issues, and helps account for why India will not be able to achieve social equality despite its phenomenal economic growth. A traditional set of inequalities such as class, caste and gender become further exacerbated in the lack of progressive policies. Making abolition of child labour a major corner stone for India's human development is one clear way to achieve inclusive growth and ensure social justice. What requires political attention is the need to position child rights as central to development and the way out of poverty through the abolition of child labour in all its forms. Through universal education, food security, health care provisioning, adult employment opportunities to poor families and a complete sense of value accorded to the life and presence and citizenship development of the girl child it is possible to complete India's journey for freedom to all. "The basic argument is that child labour is detrimental to any 'development' of the human being. There are two issues which need to be properly investigated, one- what is the impact of 'child labour' on the child and the growth of the child and the other what is 'development'. One can say that 'child labour' stultifies, in other words militates against 'development'. The question is in what way it militates against development. As I understand it, it 'fragments' the child and cuts it off from participation in the joy of living which here implies play, love, security, learning and growth. But this fragmentation process is also an 'abstraction'; so one can say that there can be no growth in abstraction and therefore there can be no development. I do understand 'development' as allowing the human being to realise his or her full potentiality. In the context of human rights and democracy the function of society is to allow the individual complete freedom to be a 'human being' unlike the present consumerism and capitalism which wants 'professionals' and 'functionaries' and not human beings.' Child labour' to me is the most pernicious form of this fragmentation which is by far the most degraded and brutal approach to socio-economic conditions." [9]

What we present is not new, what we demonstrate is that despite thousands of pages and analysis done on the subject little will change if Governments do not place on a war footing this class of issues and ban altogether all child labour and open the world of knowledge to millions of children condemned to poverty and the attendant forms of bondage. Amartya Sen and Jean Dreze conclude their paper on 'Education as a Political Issue' by writing , "An illiterate person is significantly less equipped to defend herself in court, to obtain a bank loan, to enforce her inheritance rights, to take advantage of new technology, to compete for secure employment, to get on the right bus, to take part in political activity-in short, to participate successfully in the modern economy and society."(pg 143) [88]

So much is said about human agency and yet its application and accessibility is so limited. The National Commission for Protection of Child Rights must be given the powers to implement the non-negotiables and to serve as a body that monitors with the Ministry of Labour all matters regarding the statutory conditions of governance of labour pertaining to child labour, ensuring that child labour will become non-existent and all issues regarding rights violations. Education free and mandatory is the only goal that can be before us as a nation when we face our children and they demands their rights. Denial of this is social exclusion at its highest. There is no other route by which children living in poverty can escape that condition within one generation. There is no other route

by which their families can escape the wrath of poverty, the lack of citizenship and achieve access to the services of society in everyday life.

Acknowledgements

Towards Worldviews

"The true end of man, or that which is prescribed by the eternal and immutable dictates of reason, and not suggested by vague and transient desires, is the highest and most harmonious development of his powers to a complete and consistent whole.' p 10

"The grand, leading principle, towards which every argument hitherto unfolded in these pages directly converges, is the absolute and essential importance of human development in its richest diversity." p48

"Children must never be compelled to actions which extend in their consequences beyond this period of development, or even over their whole life.." p 128.

-The Limits of State Action Wilhelm von Humboldt. ed. J.W. Burrow. Libert Fund, Indianapolis. 1993

We thank Dr. Shantha Sinha, Chairperson, NCPCR for requesting us to prepare this report for the NCPCR. She is the source of the inspiration for the ideas presented here. This report has emerged out of the research we did for the Working group on Child labour of the Commission headed by Ms. Dipa Dixit, member, NCPCR. The findings were presented in the last working group meeting of the 21st April 2008 in New Delhi.

The journey through the available data and the search for unavailable data has been a very painful one- so much of improvement and yet stagnation and distress, especially for the poor of India and their children. We have submitted this report with only one wish- that it may be of use to activists and policy makers alike in bringing about a complete stop to child labour in all its forms and make education free and mandatory; that, it may be of use to the NCPCR in preparing a Bill to be placed in Parliament which will unequivocally abolish child labour. We do not believe in critique for the sake of it. We suggest that if these steps are taken, free and mandatory education can and will become an entry point for fulfilling India's unfinished tasks of the abolition of poverty and the promotion of equality in its fullest sense.

We would like to thank Mr. Ravi for his constant encouragement and for his assistance to us in more ways than one during the writing of this paper. Our special thanks to Dr. Reddy, the Editor, EPW, and Dr. Shetty, EPW Research Foundation who made available all their collections and archives for use in this work. We also express our sincere gratitude to Prof. J. Mohan Rao for his extensive discussions with us on the subject and his involvement in the debates as presented in this report. His observations and suggestions for the report remain invaluable. We also thank Dr. Satish Telegar for his recommended readings on the deeper implications of education and child development. We would also like to place on record our gratitude to many civil society organisations for their assistance and suggestions in the writing of this paper.

As mentioned earlier, the report is dedicated to all the children of India who deserve equal, fair futures. Without worldviews, political action will remain without the human potential and vision to do good. The millions of volunteers on the field engaged in constructive social change have given us the vision of the possible.

Puja Jain, Research Scholar
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CHAPTER ONE

INDIA: HUMAN DEVELOPMENT PROFILE: AN OVERVIEW

“The recent discussions on the State’s commitment to those excluded from the privileges of growth-led economies have highlighted the fundamental issue of democracy and the rights that should be guaranteed in democratic societies. Democracy in its present condition has been unable to guarantee education and health as integral aspects of freedom. Freedom from necessity should include not only classical definitions of human needs, but also the rights of development – access to education, health, etc. The dominant perspective of economic advancement as the only measures of success is responsible for denying large numbers of citizens the right to be educated and the right to be well. Many have argued that education is a right, but a right that may be deferred in cases of acute poverty when it must be accommodated alongside prohibitive labour conditions during the best part of the day. This is the reality for a large number of poor women and an even larger number of poor children. The “freedom to subsist” on the barest of material goods and the most minimum of wages has been unlimited and the State has contributed to this by detaching itself from its social commitments and further committing itself to the advancement of the private sector through further deregulation. Correspondingly, the freedom to be educated and to expand the base of skills and knowledge has been limited to the privileged classes, making the freedom to know, learn, and be an empowered human being an exclusive one.” (pg.1)[53]

We wrote the above in 2002. During several occasions we have drawn attention to the dual realities that reveal the contradictory paths of development residing in one country. In 2008, 17 years since the initiation of the reform policies, India has demonstrated some extraordinary advancements and yet these advancements have not been commensurate with the programme of development integration for the poor. An entire class of problems concerning the issues of disadvantages continue to torment all those who believe in an equal India. The rapid changes in the role of the state dictated by the conditionalities of deregulation and privatization have certainly proved a hindrance for accelerating social development. That hunger, child labour and violence against women (to name just a few) continue to impede the promotion of a society built on the principles of equality and dignity should be sufficient argument/justification to place on a war-footing the need for an explicit eradication of not just poverty but also social deprivations of the kind child labour signifies.

We had noted last year that since 1991, India has gradually opened up its markets through economic reforms and reduced government controls on foreign trade and investment. The Indian economy has grown steadily over the last two decades; however, its growth has been uneven when comparing different social groups, economic groups, geographic regions, and rural and urban areas. Although income inequality in India is relatively small (Gini coefficient: 32.5 in year 1999- 2000) it has started to depict an increase in trend. Despite significant economic progress, a quarter of the nation's population earns less than the government-specified poverty threshold of \$0.40/day. In addition, India has a higher rate of malnutrition among children under the age of three (46 per cent in year 2007) than any other country in the world. India has a labour force of 509.3 million, 60 per cent of which is employed in agriculture and related industries; 28

per cent in services and related industries; and 12 per cent in industry. The agricultural sector accounts for 28 per cent of GDP; the service and industrial sectors make up 54 per cent and 18 per cent respectively. [65] In this report, we suggest that the issue of child labour maybe located in the country's plans to abolish poverty and to increase human development to it highest potential. Indeed Prof Ashwani Saith, suggests that, "The strategy that poverty should be eradicated first to tackle child labour is also incorrect. It gets in the way of eliminating child labour as a whole. Lack of education is poverty. There are economic impacts of eliminating child labour, which need to be factored into policy making. There is a need to set up institutional arrangements to replace child labour with adult labour." [120]

The indicators for human development place India in a 'much room for improvement' category. The HDI value for India is 0.619, which gives the country a rank of 128th out of 177 countries with data (Table1). "The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and enrolment at the primary, secondary and tertiary level) and having a decent standard of living (measured by purchasing power parity, PPP, income). The index is not in any sense a comprehensive measure of human development. It does not, for example, include important indicators such as gender or income inequality and more difficult to measure indicators like respect for human rights and political freedoms. What it does provide is a broadened prism for viewing human progress and the complex relationship between income and well-being." [69] Some of the selected human development indicators are given below to depict the current situation of the country:

Table 1.1: Selected Human Development Indicators for India, 2005

1. Human development index	
Human development index (HDI) value, 2005	0.619
Life expectancy at birth (years) (HDI), 2005	63.7
Adult literacy rate (per cent ages 15 and older) (HDI), 2005	61.0
Combined gross enrolment ratio for primary, secondary and tertiary schools (per cent), 2005	63.8
GDP per capita (PPP US\$) (HDI), 2005	3,452
Life expectancy index	0.645
Education index	0.620
GDP index	0.591
GDP per capita (PPP US\$) rank minus HDI rank	-11
Combined gross enrolment ratio for primary, secondary and tertiary schools (per cent) (HDI), 2004	63.8
Under-five mortality rate (per 1,000 live births), 2005	74
Net primary enrolment ratio (per cent), 2005	89
HIV prevalence (per cent ages 15-49), 2005	0.9
People undernourished (per cent of total population), 2002-04	20
Population with sustainable access to an improved water source (per cent), 2004	86

Source: "Fighting Climatic Change: Human Solidarity in a divided World"; Human Development Report 2007/2008; United Nations Development Programme (UNDP); New York, November 2007.

Despite staggered improvement over the years there is a great lag in the overall human development conditions, especially with respect to child labour, education for all, development indicators and especially in the equitable status for women and the socially excluded in the society. The Census of 1901 noted 972 females for every 1000 men, which has drastically fallen to 933 females to every 1000 males in 2001 Census. This depicts the wide presence of female foeticide as well as female infanticide, along with increasing killing of women for dowry. "...the disparity between male and female Infant Mortality Rates (IMR) in India was at its all-time high of 6 per cent, according to the data presented by the Department of Family Welfare in 2002..." [56] On one hand, the male adult literacy rate of 2004 depicts that about 74 per cent of the adult males are literate, only 47.8 per cent of the adult women are literate. This disparity among the genders is also prevalent in the estimated earned income, where females get about US \$1,471 (Purchasing power parity) while males earn about US \$ 4,723 in 2004. [64]

Infant mortality rate has decreased from 127 per 1,000 live births in 1970 to 62 per 1,000 live births in 2004. Under-five mortality rate has also fallen drastically from 202 per 1,000 live births in 1970 to 85 per 1,000 live births in 2004. Adult literacy rate (for ages 15 years and above) stood at 61 per cent in 2004, while the youth literacy rate (for ages 15-24 years) was 76.4 per cent in the same year. [4] But, there has been a fall in the child sex ratio from 1991 to 2001, which points towards increasing discrimination against the girl child, in the form of female foeticide and infanticide. This is a major concern, as the "missing" girl [63] phenomenon is common to all the South Asian countries, which needs to be dealt with seriously, and demands a holistic approach by governments, in co-operation with civil society and citizens of the countries.

The UNDP Report 2007, which uses data of the year 2005, depicts the existing gender-related disparities. Some of the gender-related indicators from the Report are given below:

Table 1.2 Selected Gender-related indicators for India, 2005

1. Gender-related development index	
Gender-related development index (GDI) rank, 2005	112
Gender-related development index (GDI) value, 2005	0.60
Life expectancy at birth, female (years), 2005	65.3
Life expectancy at birth, male (years), 2005	62.3
Adult literacy rate, female (per cent ages 15 and older), 2005	47.8
Adult literacy rate, male (per cent ages 15 and older), 2005	73.4
Combined gross enrolment ratio for primary, secondary and tertiary schools, female (per cent) , 2005	60
Combined gross enrolment ratio for primary, secondary and tertiary schools, male (per cent) , 2005	68
Estimated earned income, female (PPP US\$), 2005	1,620
Estimated earned income, male (PPP US\$), 2005	5,194
2. Gender inequality in education	
Adult literacy rate (female rate per cent ages 15 and older), 2005	47.8
Adult literacy rate (female rate as per cent of male rate), 2005	0.65
Youth literacy rate (female rate per cent ages 15-24), 2005	67.7
Youth literacy rate (female rate as per cent of male rate), 2005	0.80
3. Gender inequality in economic activity	
Female economic activity rate (per cent ages 15 and older), 2005	34
Female economic activity (index, 1990=100, ages 15 and older), 2005	94
Female economic activity (as per cent of male rate, ages 15 and older), 2005	42
4. Women's political participation	
Year women received right to vote	1935, 1950
Year women received right to stand for election	1935, 1950
Year first woman elected (E) or appointed (A) to parliament	1952 E
Women in government at ministerial level (as per cent of total), 2005	3.4
Seats in lower house or single house held by women (as per cent of total), 1990	5.0
Seats in lower house or single house held by women (as per cent of total), 2007	8.3
Seats in upper house or senate held by women (as per cent of total), 2007	10.7

Source: "Fighting Climatic Change: Human Solidarity in a divided World"; Human Development Report 2007/2008; United Nations Development Programme (UNDP); New York, November 2007.

The Gender-related Development Index (GDI) depicted an upward movement, where the value reached almost 0.6, indicating improving status of women in the society. This also moved India's rank to 93 in 2004, with life expectancy for women at 65.3 years, higher than male life expectancy at birth, which stood at 62.1 years only. [64] Interestingly, the life expectancy at birth for females is higher than that for males, but the adult literacy rate for males is 73.4 per cent while that for females is 47.8 per cent. The

disparity in the adult literacy rates is about 40 percentage points. This is a wide gap as it indicates the conventional mindset of no-education for females. (It should be noted that literacy rate indicates the ability of a person to write her/his name only. It does not include even elementary education.) For an equitable society, it is important to perform a gender audit on issues relating to education among others so that we get a closer view of any incremental changes in the lives of women. Similarly, the disparity can be observed in the economic activity of women. The rate of economic activity for females, as a percentage of males is only 42 per cent. Some of the reasons could be unequal pay for women for similar work, (despite the Minimum Wages Act), and conventional ideas against working women where women as home-makers are treated as ‘non-economic’ actors. This is happening despite the extensively cited Platform for Action of the United Nations which states the contribution of women in home- based work to the GDP of nations.

The government is committed to providing citizens with better social infrastructure. In 2004, 33 per cent of the population had access to improved sanitation, as against only 14 per cent in 1990; whereas, 86 per cent of the population had access to improved water sources in 2004 as compared to only 70 per cent in 1990. About 43 per cent of the births were attended by skilled personnel in the period 1996-2004. Public expenditure on education was about 3.3 per cent of the GDP in 2002-04, while about 1.2 per cent of the GDP was spent on public health. [64] This can be depicted in the table compiled below from the UNDP Report 2007:

Table 1.3 Selected Indicators for Public Priorities in Spending

1. Commitment to health: resources, access and services	
Public health expenditure (per cent of GDP), 2004	0.9
Private health expenditure (per cent of GDP), 2004	4.1
Health expenditure per capita (PPP US\$), 2004	91
One-year-olds fully immunized against tuberculosis (per cent), 2005	75
One-year-olds fully immunized against measles (per cent), 2005	58
Children with diarrhoea receiving oral rehydration and continued feeding (per cent under age 5), 1996-2005	22
Contraceptive prevalence rate (per cent of married women ages 15-49), 1996-2005	47
Births attended by skilled health personnel (per cent), 1996-2005	43
Physicians (per 100,000 people), 1990-2004	60
2. Water, sanitation and nutritional status	
Population with sustainable access to improved sanitation (per cent), 1990	14
Population with sustainable access to improved sanitation (per cent), 2004	33
Population with sustainable access to an improved water source (per cent), 1990	70
Population with sustainable access to an improved water source (per cent), 2004	86
Population undernourished (per cent total), 1990-92	25
Population undernourished (per cent total), 2002-04	20
Children underweight for age (per cent under age 5), 1996-2005	47
Children under height for age (per cent under age 5), 1996-2005	51
Infants with low birthweight (per cent), 1996-2005	30
3. Commitment to education: public spending	
Public expenditure on education (as per cent of GDP), 1991	3.7
Public expenditure on education (as per cent of GDP), 2002-05	3.8
Public expenditure on education (as per cent of total government expenditure), 1991	12.2
Public expenditure on education (as per cent of total government expenditure), 2002-05	10.7
4. Priorities in public spending	
Public expenditure on health (per cent of GDP), 2004	0.9
Public expenditure on education (per cent of GDP), 1991	3.7
Public expenditure on education (per cent of GDP), 2002-05	3.8
Military expenditure (per cent of GDP), 1990	3.2
Military expenditure (per cent of GDP), 2005	2.8
Total debt service (per cent of GDP), 1990	2.6
Total debt service (per cent of GDP), 2005	3.0

Source: "Fighting Climatic Change: Human Solidarity in a divided World"; Human Development Report 2007/2008; United Nations Development Programme (UNDP); New York, November 2007.

Public spending on the most crucial development issues of education, health, water and sanitation has not increased in the last ten years. Public spending on health was less than one per cent of the GDP, whereas private investment on health was more

than four times the public expenditure. The disparity needs to be curbed for better health conditions of the citizens. The percentage of population with sustainable water source improved partially in the 14-year period of 1990-2004. For the same period, the percentage of population with improved sanitation facilities almost doubled, but still was below 50 per cent of the population. Public spending on another crucial issue, education, has increased only by one percentage point in the same period. This figure is quite depressing as the current education system is degenerating and according to the Kothari Commission in 1968, the government needs to spend at least 6 per cent of GDP in order to tackle the overall situation of the country. It can also be observed that there has been a decline in the public spending on education as a percentage of total government spending from 12.2 per cent in 1991 to 10.7 per cent in 2002-05. This indicates higher concentration on other sectors and the trade-off of human development for economic growth is starkly evident. This can also be demonstrated in the table below:

Table 1.4 Combined Social Sector Expenditure by Centre and State Government

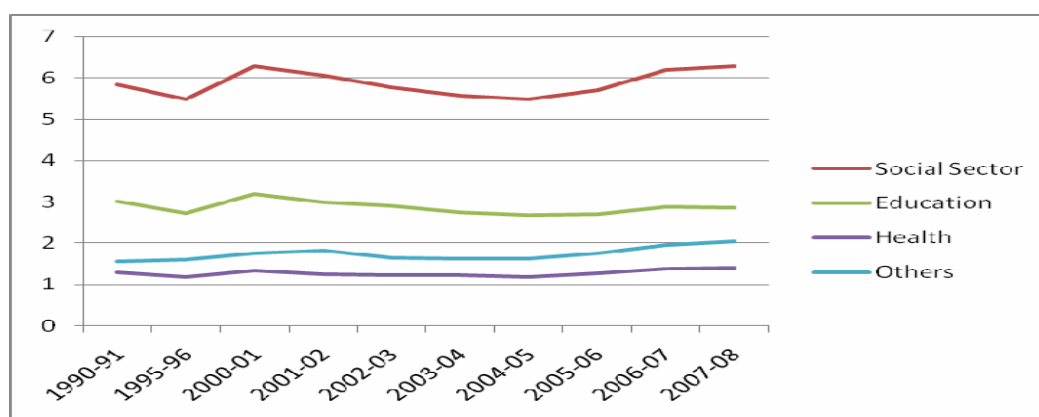
(per cent of GDP)

Expenditure Details	Years									
	1990-91	1995-96	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
Total Expenditure	28.73	25.47	28.13	28.29	28.32	28.54	27.29	26.81	27.71	27.72
Social Sector	5.84	5.50	6.27	6.05	5.77	5.57	5.49	5.70	6.19	6.27
Education	3.00	2.72	3.19	2.99	2.90	2.74	2.67	2.69	2.88	2.84
Health	1.28	1.19	1.33	1.25	1.23	1.22	1.19	1.27	1.36	1.39
Others	1.55	1.60	1.75	1.81	1.64	1.61	1.62	1.74	1.95	2.04

Source: Economic Survey 2007-08, and earlier Surveys. (EPW March 15, 2008)

The above table analyses the growth of public expenditure on social sector for the Centre and the States together, indicating the priority in public spending towards the overall social development of the country. Although the total public spending as a percentage of GDP has not fluctuated much in between 1990-91 and 2007-08, there has been a slight decline in the public spending. The overall spending for the social sector, involves issues like education, health, housing, improvement in the conditions of the backward classes, sustainable source of water and improved sanitation facilities. For the same period, there has been an increase in the public spending for the overall social sector but in between the period, there have been frequent fluctuations in government's commitment to social improvement. [122] This can also be graphically depicted with the help of following figure:

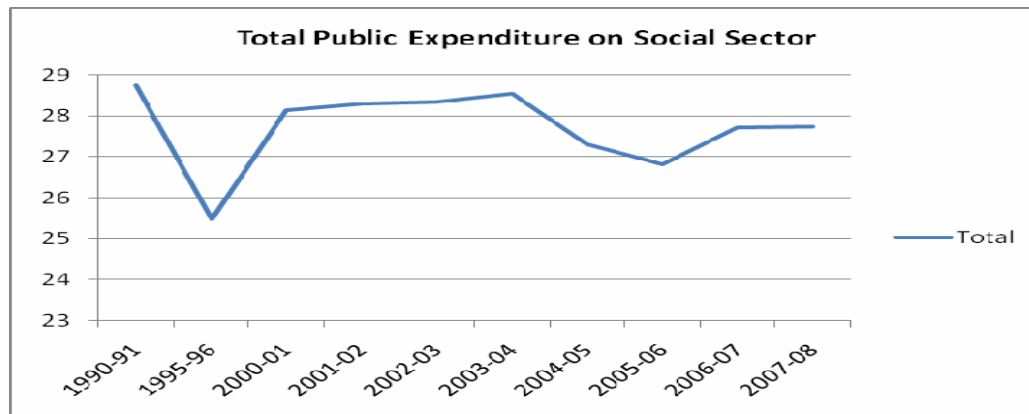
Figure 1.1 (a): Public Expenditure on Social Sector (per cent of GDP)



Source: Compiled from the above table

Education and health, two of the most crucial issues regarding the social sector, have been given less priority with respect to public spending over the specified period. Again, there has been an improvement in the expenditure on education as a percentage of GDP from 1990-91 to 2007-08, but there have been major fluctuations, whereas the contribution dipped considerably in the period between 2001-02 and 2004-05, before it rose again. The contribution towards health services has been almost stagnant in the given period. This is quite depressing as the private expenditure on health (as a percentage of GDP) has risen to about 4 per cent in 2005. [69]

Figure 1.1 (b): Total Expenditure on Social Sector (per cent of GDP)



Source: Compiled from the above table

It is crucial that the government budget allocates more funds to the comprehensive development of the human condition and social issues of the country. Apart from increase in allocation, accountability and efficiency in the resource-utilization is needed for the steady improvement of the social conditions. [122]

The inter-play of poverty, health conditions, education and child labour is crucial. Existing poverty levels strengthen the vicious circle of child labour, adverse health conditions and low literacy levels in the country. The breaking of this persistent and pernicious circle requires comprehensive public policy towards the simultaneous eradication of child labour and ensuring universal education for all. The following table identifies the poverty situation in the country, as per the UNDP Report 2007:

Table 1.5: Selected Poverty Indicators for India, 2005

1. Human and income poverty: developing countries	
Human poverty index (HPI-1) Rank	62
Human Poverty Index (HPI-1) Value (per cent)	31.3
Probability at birth of not surviving to age 40 (per cent of cohort), 2000-05	16.8
Adult illiteracy rate (per cent ages 15 and older), 2005	39
Population without sustainable access to an improved water source (per cent), 2005	14
Children underweight for age (per cent under age 5) (HPI..1), 1996-2005	47
Population living below \$1 a day (per cent), 1990-2005	34.3
Population living below \$2 a day (per cent), 1990-2005	80.4
Population living below the national poverty line (per cent), 1990-2004	28.6
HPI-1 rank minus income poverty rank	-13

Source: "Fighting Climatic Change: Human Solidarity in a divided World"; Human Development Report 2007/2008; United Nations Development Programme (UNDP); New York, November 2007.

As the above tables suggest, there have been some improvements in important indicators of human development like mortality rates, life expectancy at birth, access to sanitation and water resources, births under skilled personnel, literacy rates as well as economic indicators like per capita income, GDP and net exports. The Human Poverty Index value states that about 31.3 per cent of the people have not attained decent standard of living. The percentage of population living below US\$ 1 a day is about 34.3 per cent. Shockingly, more than 80 per cent of the population live below US\$ 2 a day! (Using the present conversion rates, that is less than Rs 100 a day!!) **It is also highly disturbing that about 47 per cent of children are under-weight for their age.** Thus, a decreasing public commitment towards education and health, in this present context of various forms of destitution is a matter of alarm.

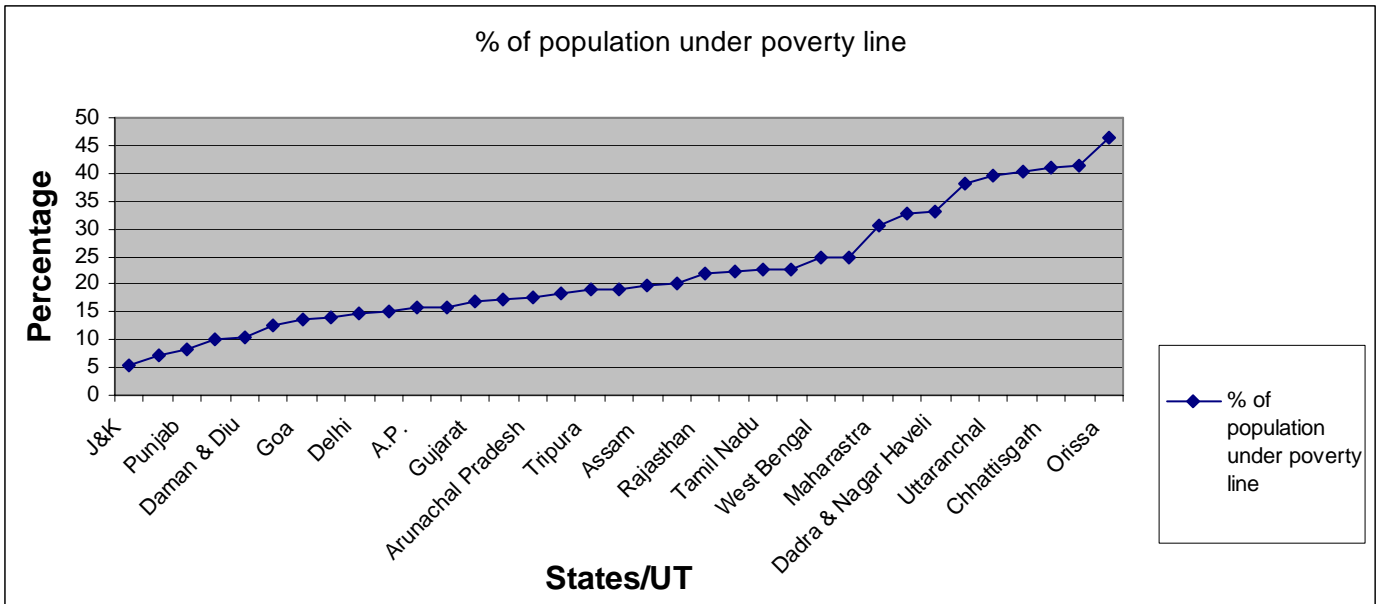
Another distressing factor is the extent of poverty across states, where five states have more than 40 per cent of its population living under the poverty line, as seen in the table below:

Table 1.6: State-wise extent of poverty, States ranked in ascending order

STATES/U.T.	HOUSELESS POPULATION (% of persons under poverty line)	Rank (ascending order)
J&K	5.4	1
Chandigarh	7.1	2
Punjab	8.4	3
H.P.	10	4
Daman & Diu	10.5	5
Mizoram	12.6	6
Goa	13.8	7
Haryana	14	8
Delhi	14.7	9
Kerala	15	10
A.P.	15.8	11
Lakshadweep	16	12
Gujarat	16.8	13
Manipur	17.3	14
Arunachal Pradesh	17.6	15
Meghalaya	18.5	16
Tripura	18.9	17
Nagaland	19	18
Assam	19.7	19
Sikkim	20.1	20
Rajasthan	22.1	21
Pondicherry	22.4	22
Tamil Nadu	22.5	23
Andaman & Nicobar	22.6	24
West Bengal	24.7	25
Karnataka	25	26
Maharashtra	30.7	27
Uttar Pradesh	32.8	28
Dadra & Nagar Haveli	33.2	29
M.P.	38.3	30
Uttaranchal	39.6	31
Jharkhand	40.3	32
Chhattisgarh	40.9	33
Bihar	41.4	34
Orissa	46.4	35
India	27.5	~

Source: Poverty Estimates for 2004-05, Press Information Bureau, Government of India, New Delhi, March 2007

Figure 1.2: State-wise percentage of population below poverty line (Ranked in ascending order)



Source: Compiled from above table

The above figure graphically represents Table 1.6 which depicts high levels of population below the poverty line in most states across the country, ranked in ascending order. Jammu and Kashmir depicts the least percentage of population below the poverty line, while Bihar and Orissa depict the worst scenario with respect to percentage of population below poverty line. It is indeed depressing that even after 60 years of independence, ten states have more than 25 per cent of the population living in absolute poverty. One of the old arguments for child labour is the poverty argument which states that due to extensive poverty, there exists child labour as the poor are not able to ‘make their ends meet’ and thus send their children to work as labourers.

“In underplaying the critical prevalence of child labour and the absence and denial of compulsory education, the State can indirectly permit quantifiable and intangible violations of the rights of children. The acceptance of child labour is built on the myth that the survival of the poor is an unavoidable deterrent to compulsory school education. Poverty is cyclical; a single episode of ill-health in a family can result in a loss of income and push the family back into a state of heightened vulnerability. The lack of school education perpetuates the cycle and adds to the history of deprivation for those outside the privileges of growth-led economics. Access to education and health are fundamental rights of democracy and development. The need to adequately provide for people living in poverty in the future remains to be acknowledged.”[53]

As above, this argument has been further debated in the recent years, where it is underscored that because children are not sent to school and are deprived of basic elementary education, they are unable to expand their choices and expect an increase in the opportunities available to them. They are maintained in the stagnation of menial lower-end tasking thus perpetuating present inequalities on which profit margins have been maintained. [1] [2] [3] Thus, they are restricted to menial labour work and the vicious circle of poverty continues to exist, as lack of education converts into lower income and inaccessibility to e.g., white-collar jobs.

An enduring concern in educational studies is the relationship between educational and social inequalities, and with how this can be explained by attention to differences between and among learners. The capability approach foregrounds the basic heterogeneity of human beings as a fundamental aspect of educational equality, and connects individual biographies and social arrangements through the concept of conversion. Sen argues that each individual counts but he also argues for the relationship and interconnections of the individual, the institutional and the social in enabling opportunities and valued choices. A learners' opportunities may be significantly helped by the choices of others – good teachers, family support, equity policies, and so on. The issue is that capabilities do not develop in isolation but relationally. We need suitable external conditions, including suitably designed educational institutions, to enable the exercise of valued beings and their actions. For example, a learner might value the capability for voice, but finds herself silenced in a classroom through particular social arrangements of power and privilege. [93]

In conclusion, we can say that post-1990, there has been a dramatic improvement in the economic conditions of the country. The country has become self-sufficient, with a heavy inflow of foreign exchange in the form of direct as well as indirect investment in the Indian markets. But, a comprehensive development of the country is indicated not only by its economic growth but also by its social and human development, wherein India lies in the bracket of “ample room for improvement”. Stark dualities reside simultaneously in the country. Life expectancy at birth has improved but it is still behind economically less-developed countries like Pakistan and Comoros; literacy rates have crossed 65 per cent but there is a major disparity in the literacy rates of men and women. Literacy rates of Sub-African countries like Malawi and Rwanda are better than that of India! The contribution of the State has declined over the years and the era of privatisation of essential public services has led to the inaccessibility of the services for the masses. This has also restricted the utilisation of good health care and competitive education to the minor percentage of population with high purchasing power. This can be demonstrated for health care services as well as education. Privatisation of education has led to disparities within society, further fragmenting an already divided social life. Thus, it is extremely essential that the State take up the cause of universal education as one of the highest priorities of the Eleventh Five Year Plan period.

Poverty and social divides are difficult and very pervasive conditions that are not easy to eradicate- child labour is a crippling condition for children and highly contributive to these children never being part of mainstream society. Their agency is circumscribed by unfair work and an illegal condition of not being able to access education and grow up like all children world over. There is no evidence of people outside of income deprivation not sending their children to school. In the Netherlands Dutch labour laws permit children above 16 years to work for only four hours per week. This is the extent of regulation regarding child labour. Our work shows that the human development indicators for India need a great deal of improvement with special focus on gender development index, education and health. Figure 1.1 shows stagnation in State expenditures on health and education. The promotion and the protection of the poor is insufficient in the period of liberalisation of the last 17 years causing deeper poverty in parts of the country as shown by us. We suggest that free and mandatory education is one clear trajectory by which to ensure that future generations of children will never know this curse and that they will have in this period of India's history the privilege of education and equal opportunities in their adulthood.

CHAPTER TWO

KEY ISSUES REGARDING CHILD LABOUR

2.1 Introduction

Child labour involves the employment of children under the age specified by law or custom. Child labour was utilized throughout the history of most developed and developing countries, but it was involved in the public dispute with the argument for universal schooling, changes in working conditions during industrialization, and with the emergence of the concepts of children's rights. In November 1989, the United Nations declared the Convention on the Rights of the Child, stressing on that child labour is exploitative in the Article 32 of the Convention. [42] According to the International Labour Organization, there are an estimated 218 million children aged 5 to 17 years worldwide, excluding child domestic labour. [43] Thus ILO has also stressed on the abolition of child labour in the Worst Form of Child Labour Recommendations, 1999.

One of the difficulties faced by all those who are dealing with this social problem is the variations in quantitative data of the total number of children in child labour. This stems from the definitional differences between different agencies, government and civil society regarding child labour. (Please see [123] where in one document we see large differences in quantitative data –from government, to ILO to NGOs, to the US State Dept., and Labour Ministry.) We therefore elucidate on this problem at some length. The 2001 Population Census states that there were 360 million children in the 0-14 age group; they accounted for 35.3 per cent of the total population. Among these, 251 million children were in the 5-14 age-group (24.6 per cent of the population). Though the absolute number of children has increased, their fraction (of the total population) has been declining: in the 0–14 age group it is estimated to have become 32.1 percent by 2006; and children at the elementary-school level (5-14 age group) were estimated to be 21.7 per cent of the total population in 2006. Unfortunately, in data available on the website of the Census of India, the next age group is 15-59 years; thus it is not possible to find easily the number of children in the 15-18 group. (In the concluding chapter we have suggested that the NCPCR recommend that all members of the population in the 0-18 age group be classified as children; for this it would be useful to obtain the percentage of the total population that lies in this age group.)

Furthermore, it is hard to get reliable estimates of the number of child labourers because the definition of labour is not the same in different studies. In some Government documents child labourers are taken to be those doing paid or unpaid work in factories, workshops, establishments, mines, and in the service sector, e.g., in domestic labour.

This definition does not include, *inter alia*, street children (living on streets, e.g., shoeshine boys, rag-pickers, etc.), bonded children (pledged by parents for money or those working to repay debts), children working as part of family labour in agriculture and home-based work, children used for sexual exploitation, migrant children (put to work at sites), children engaged in household activities (especially girls taking care of younger siblings, cooking, etc.).

However, there is no doubt that India continues to host the largest number of child labourers: According to the Census 2001, there were 12.7 million economically active children in the age-group of 5-14 years; the corresponding number was 11.3 million in 1991, i.e., there was an increase in the number of child labourers.

The census distinguishes between main and marginal workers: There was a decline in the absolute number, and the percentage, of children, in the 5-14 age group and classified as main workers, from 4.3 percent (9.08 million) in 1991 to 2.3 percent (5.78 million) in 2001. However, there was a substantial increase in marginal workers so the total number of children in the work force increased. Marginal workers increased from 2.2 million in 1991 to 6.89 million in 2001. If main and marginal workers are put together, the work participation rate (WPR) of children in the 5-14 age group has declined from 5.4 percent in 1991 to 5 per cent in 2001.

Work is defined in the Census 2001 as 'participation in any economically productive activity with or without compensation, wages or profit.' Such participation can be physical and/or mental and can include supervisory work as well as direct participation in the work. The Census of India also includes part-time help or unpaid work on the farm, family enterprise or in any other economic activity, e.g., cultivation and milk production for domestic consumption, as work. All persons engaged in 'work' as defined in the Census are considered workers. Main workers are defined as those who have worked for the major part of the reference period, i.e., 6 months or more; and marginal workers are those who have not worked for the major part of the reference period. All those workers who are not cultivators or agricultural labourers or engaged in household industry are categorized as 'Other Workers'.

Though there is a declining trend in the WPR of children in the 5-14 age-group, it has not automatically resulted in bringing all children to school: There were 87 million children (5-14) who were out of school during 2001. NSSO (61st Round) estimates show that the magnitude of out of school children has declined to 43 million by 2004-05. "This could be probably because of the efforts of SSA and other initiatives to stop child labour. However, the NSSO estimates show that about one fifth of the girl children in the 5 to 14 age group are not in school. There seems to be a persisting gender gap and there is a wide variation across states." [122] The Census may need to further develop the differentiation as it is occurring for girl children in the next round.

The most significant challenges to the issues of child labour and the definitions have originated from the work of Dr. Shantha Sinha, Chairperson, NCPCR, New Delhi. She challenged every perception commonly held, which had perpetuated this cancerous form of exploitation and she deserves high mention for the debate launched in this country. We summarise below for the reader significant issues raised by Dr. Sinha and the world views generated by her through her public policy interventions which have been central for the founding of the NCPCR, for the sea change in attitudes regarding child labour and the role of compulsory schooling in eradicating child labour. The views reproduced below are gleaned from Dr. Sinha's writings and form the basis for this report itself.

2.1.1. “THE POVERTY ARGUMENT” [3]:

- Primary assumption that child labour exists is the existence of poverty and the additional income of the child helps the family in financial terms.
- Enrolment figures have shown that more than 95 per cent of children are enrolled into school at the age of 5-6 years, but this figure drops drastically once they reach the age of 8-9 years. Figures also depict that most children engaged in work come from economically lower families.
- Elaborate structures such as Non-Formal Education and Open Schools are a result of this perceived need to cater to working children without affecting their work schedule.
- “there is no evidence to show a direct correlation between the level of poverty and the tendency to send a child to work.”
- “What is found is that not only are literacy rates similar between groups having dissimilar income levels but also vary widely between groups with the same income levels.”
- “The critical level of income is quite low and that most families who put their children to work have incomes in excess of this. Clearly, therefore, there are factors other than the purely economic compulsions arising out of poverty, which dictate whether a child is sent to work or to school.”
- A survey was conducted by MVF of an area, which was not covered by either a Government programme or MVF, where they covered two types of families belonging to SC/ST-one with at least one child labour and the other with at least one child attending school. They found that there is not much difference in the economic positions of the families on the whole. Another finding was that if a family is accustomed to sending one child to school, it tends to send the other children to school as well.
- A second survey was conducted to establish a relationship between the work engaged in by the child and his withdrawal from work. They did not find any relationship between the two, contrary to the Poverty Argument postulated.
- “The project by MVF rejects the Poverty Argument and its implication of the inevitability of child labour. Consequently it also rejects the need to provide for education to working children outside the working hours and has adopted the formal school as the only means to universalize education and simultaneously eliminate child labour.”
- “.....filling up a big gap in the existing efforts to universalize education that completely neglect the basic task of getting a child to school. In fact conventional programs for universalizing education simply ignore this aspect because of the logic of the Poverty Argument which propels them”.
- “The inability on their part to articulate their desire to send their children to school is more a reflection of their incapacity to grapple with what has been fed to them as conventional ‘logic’ often propounded by those who would not think twice about sending their own children to schools.”
- Apart from motivating the parents, a mechanism for the smooth transition of the child from work to school is necessary.

2.1.2. “GETTING CHILDREN INTO SCHOOLS: FLEXIBILITY IS THE KEY” [2]:

- “All government interventions in education are based on the assumption that child labour cannot be abolished and that the poor do not wish to send their children to school. In fact, the poor make enormous sacrifices to do just that. It is time the administration responded with strategies that help children enrol and stay in school.”
- Children are entering the labour market-with no pay in the unorganized sector; girl child is forced into early marriage; physically and mentally challenged children are neglected and subject to insensitiveness towards their special needs.
- On the other hand, there has been a growing demand for education, as poor parents make huge sacrifices to get their children into schools.
- “Although the Indian education system is one of the largest in the world, it is wasteful and inefficient. Almost 54.6per cent of children (56.9 per cent are girls) drop out before they finish Class VIII, and 66 per cent (68.6per cent are girls) drop out before reaching Class X (GoI, MHRD website, provisional data for academic year 2001-02).
- Tribal areas depict a very depressing scenario. After five years of education, only 60 per cent of students can read, write and do basic calculations.
- Suggestions for improvement :
 1. Making institutional arrangements to cater to 100 million more children in the school system, preparing not just the education system but the welfare, labour, police, development and revenue bureaucracy to ensure that they coordinate to make it possible for every child to be take out of work and allowed to join school.
 2. Making arrangements for older children to join school and get into age-appropriate classes.
 3. Ensuring that first-generation learners and poor children are treated with respect and supported to overcome barriers in accessing and staying in school.
 4. Preparing all sections and classes of society to join the campaign for universalisation of school education, and ensuring that their areas are free of child labour. Simultaneously, the government must recognize such achievements and provide all the necessary infrastructural support.
 5. Investing in building a social norm that children must not work and should instead be in school, in places where social mobilization is weak and where there is no clear support for a child’s right to education. The role of gram panchayats and local bodies must be seen as indispensable to all government efforts.
- Schools must be prepared to accept students from the Residential Bridge Courses (RBC) without insisting on the standards of performance.
- “There are also anomalies in the out-of-school list, especially with regard to girls. Several names are missing and do not appear either in the school-going or non-school-going lists.”
- Students are often denied admission on the pretext that they are “over-age”.
- Students should be allowed to join school at any time during the year-especially for dropouts of higher classes.

- Adequate flexibility is necessary to help children overcome all barriers and in order to participate in schools as children.
- Dropout rate, primary (Standard I-V): Boys: 38.4per cent; girls: 39.9per cent; total: 39per cent. Dropout rate, upper primary (Standard I-VIII): Boys: 52.9per cent; girls: 56.9per cent; total: 54.6per cent. Dropout rate from Standard I-X: Boys: 64.2per cent; girls: 68.6per cent; total: 66per cent (Source: DOEEL, MHRD, GoI website, provisional data for academic year 2001-02)
- A political will to eradicate child labour and ensure education for all is necessary to carry out any plan.

2.1.3. “THE BATTLE FOR SCHOOLS MUST BE WON” [1]:

- Schools insult and humiliate poor and tribal children, giving them transfer certificate, so that they are forced to quit their education.
- Schools also ask for excessive documentation, against government rules that children should not be denied admission for the lack of any documents.
- The cultural backgrounds along with family circumstances are considered unsophisticated.
- Even the school teachers act insensitive towards these children.
- Plans are based on assumption that only 10 per cent of the students that enroll in class I will reach class V. Hence, there is a constant shortage of teachers in the schools.
- The poor have realized that they can fight with poverty, marginalization and deprivation, only if their children receive school education. Hence, despite the lack of adequate facilities, they continue to send their children to school.
- School and education needs to be on the political agenda of political parties. The bureaucracy and the authorities need to be more sensitive towards the needs of these children.

As independent writers we underscore here the necessity for all those interested in contributing to this political campaign and the required set of social changes to thoroughly understand the work of Dr. Shantha Sinha and the MVF Foundation. If there is disagreement on any of their positions they need to be debated but we are of the opinion that if this foundational worldview is not adopted the social changes will be further delayed. The civil society forces will continue to be fragmented and the lack of a unified social movement in this country will add to the complete postponement of a sea change in this country. The non-negotiable that is provided by the MVF work clearly moots the following questions:-

Do we want an India where children attain their right to be in school till the age of 18 years irrespective of caste, class and gender? Do we want an India where all children will enjoy the rights of free and mandatory education till the age of 18 years and grow into becoming full citizens of the country-informed, aware of their rights and in a position to give voice and representation to their demands for an accountable state performance in abolishing poverty and its attendant violations? Field level strategies may differ but the ends must be common. If this is not the case the divisionary forces in the country will win as they have all these years by perpetuating a system of elite schools for the middle class and the wealthy, government schools for the lower income families, evening schools for working children, and finally, no schools for millions of poor working children. This report

hopefully is uncompromising in subscribing to the visionary role and leadership of the NCPCR in creating a sea change in the present divided state of affairs that is the fate of India's children.

2.2 History of Child Labour since 1947

The Constitution of India states that primary and elementary schooling are to be provided free of cost to all citizens, indicating that neither school enrolment nor continuation rates should differ across states or socio-economic groups. Despite the Constitutional provisioning, the realization of these privileges of education did not get realised due to the persistence of labour exploitation and the need of the markets to exploit children through their labour.

Hence in India, child labour is essentially viewed as an economic problem. The newly independent India saw the impetus being placed on education with an ambitious investment of 7.9 per cent for education in the First Five Year Plan to 2.7 per cent in the Sixth Five year Plan [94] reducing over time because of the lack of political faith in this class of problems. Underinvestment by State has resulted in the resource base getting eroded and the problems increasing in the country where the lag is demonstrable. [94] Till the Sixth Five Year Plan, no major stress was given on the incidence of Child Labour practices in India. It was considered as a part of one of the side-effects of poverty and its vicious cycle. As long as the issue is treated from the economic point of view, there would be arguments supporting it, leading to a lack of policy framework that is required to tackle it. "Hence, the poverty school asks for rights at the workplace itself. These would include poverty alleviation programmes coupled with fair wages and working conditions, as also opportunities for skill development and learning." [45] "There is no evidence to show a direct correlation between the level of poverty and the tendency to send a child to work. What is found is that not only are literacy rates similar between groups having dissimilar income levels but also vary widely between groups with the same income levels. The critical level of income is quite low and that most families who put their children to work have incomes in excess of this. Clearly, therefore, there are factors other than the purely economic compulsions arising out of poverty, which dictate whether a child is sent to work or to school." [3] Like everything else in an economy, child labour also has a demand and a supply side to it. The demand is essentially by the small-scale enterprises, as there is no legislation for the same, and from export-oriented units, while the supply is from very poor families, who are either too poor to send their children to school or believe that on-the-job training is better than formal schooling. [35] Hence, although emphasis was placed on education (elementary and secondary) and anti-poverty schemes, no special attention was paid to the existence or/and abolition of child labour in the country.

The Sixth Five Year Plan 1980-85 states, "Total abolition of child labour with all its socio-economic ramifications does not seem to be a feasible proposition in the immediate future. According to 1971 Census, the estimated number of child workers below the age of 15 years was 10.74 million representing 4.66 per cent of the total child population and 5.95 per cent of the total labour force....The incidence of child labour is mostly in the unorganised, informal and unregulated sectors. This is to be expected since **there are statutory provisions regulating the engagement of child labour in factories, mines and plantations which are in the organised sector.** While this system is spread throughout the country, the State of Andhra Pradesh accounted for more than 15 per cent of the total child labour in the country. Abolition of this practice

has to be a long term goal based on minimizing the need for their earnings to supplement the family incomes and suitable statutory provisions for regulating their engagement in different occupations. However, immediate attention should be given to prevent their exploitation which when pursued in unhealthy environment causes permanent damage to the physical and mental development of children. Towards this end the tightening of the existing regulatory provisions and introduction of welfare measures to improve the nutritional level of the working children would be reflected in the appropriate programmes.” [41]

In 1986, the Child Labour (Prohibition and Regulation) Act [8] was passed and it enforced a fresh set of rules to be followed in the employment of children. It categorized the industries into hazardous and non-hazardous. It listed a set of 57 industries and processes, where the use of child labour was banned. Apart from that, it also laid emphasis on the regulation of working conditions for the child. It stressed on a maximum of 6 hours of work, with an hour of rest after 3 hours; no work during 7 pm and 8 am and a compulsory weekly holiday (Part III, Sec 7). It also laid down the working environment for the child to be healthy and clean, proper ventilation and free of dust, protection of eyes etc. (Part III, Sec 13). The Act also specified that any offender was liable for a punitive punishment up to one year or/and a fine of maximum twenty-thousand rupees. If an offender repeats the offence, he/she is liable for a punishment for a minimum of six months and a maximum of two years. (Part IV, Sec 14).

But the Act only segregated the hazardous and non-hazardous industries, making it still possible for the children to be employed in the latter. One of the shocking figures, to understand the magnitude of this clause is that according to the 2001 Census, a total of about 69 lakhs children in the age group of 0-14 years were working in the household, taking care of the younger sibling, cleaning, cooking while the parents went to work. More than 5 lakh children in the age group 0-4 years were entrusted with the responsibility of the household and deprived of a childhood that included free and mandatory education that is extremely crucial for the overall development of the mental and physical status of the child.

The 11th Five Year Plan intends to expand the allocation of funds to about 19 per cent of the entire layout, helping to combat child labour and education; while working on the lines of the 86th Amendment to the Constitution that included free and compulsory education up to the age of 14 years as a Fundamental Right to the citizens. It also proposes to amend the Abolition of Child Labour (Rules and Regulation) Act 1986, emphasizing the need to abolish the demarcation of hazardous and non-hazardous industries and increase the age limit to 18 years.

2.3 The Indivisibility of Child Labour and Education

With the onset of the 20th century, the issue of universal elementary education has become the focal point of many studies and researches.[46] Yet, after a decade, according to the 2001 Census [4] there are nearly 13 million children that are victims to child labour, whose childhood have been deprived of education, play and who are forced to enter the labour market with long hours of work, meager remunerations and degenerating working conditions. There is a school of thought that advocates that poverty is not the only cause for the existence of child labour. This could be called the “education school” of thought [45] which believes that reformation of the education

system along with compulsory primary education would contribute towards curbing the incidence of child labour.

The Tenth Five Year Plan 2002-07, in its Article 3.5.77 stresses that “the best solution to this (child labour) problem is compulsory primary education for all children.”[40] “Both the experts and the politicians in India are agreed upon the root cause of numerous afflictions that India chronically suffers from. It is the lack of educational facilities, particularly the lack of facilities for elementary education for the masses.” [44]

The Right to Education Bill 2005, [39] later passed by the Parliament leading to free and compulsory education for all in the age group 6-14 years, was one of the significant steps towards the twin purpose of tackling child labour and universalizing education. This Bill identified despite the Article 45 of the Directive Principles of the Constitution, which states that it is the duty of the State to provide free and compulsory education for all upto the age of 14 years (1960), that there are huge numbers of children out of school and engaged in labour, along with those that receive poor quality of education. The 86th Constitutional Amendment Act has provided for free and compulsory education for all in the age group 6-14 years as a Fundamental Right under the Section 21 A of the Constitution.

Below, the compiled Table 2.1 illustrates the top ten ranked states in terms of the level of literacy achieved, along with the corresponding number of child labour in the State. Also, presented is the calculated percentage of child labour for each state, on the basis of the total number of child labour in India, according to the 2001 census. State-wise analysis of incidence of child labour and literacy rates among the age group 0-14 years depict that Kerala, the state with the highest literacy rate of 90.92 per cent has one of the least incidences of child labour. **It depicts a mere 0.21 per cent of the total child labour in the country, as against Uttar Pradesh (15.22 per cent), Andhra Pradesh (10.76 per cent) and Rajasthan (9.96 per cent) that rank 31st, 28th and 29th respectively, in terms of literacy levels, among the 35 States/UT. [4] [32]. Bihar with the least literacy rate of 47.53 per cent has one of the highest child labour of the country.** {See below: Table 2.2 ‘State ranking of literacy levels and child labour (Bottom Ten)’} **On the other hand, states like Mizoram, Tamil Nadu and Himachal Pradesh with literacy rates above 70 per cent depict comparatively low figures of child labour within the State.** Hence, it can be easily established that one of the surest ways to curb child labour effectively is to provide a sound infrastructure of education, enforcing free and mandatory elementary education for all. States that have progressed steadily in achieving the highest literacy rates have also managed to keep a check on the incidence of child labour. This proves the education school of thought right.

Table 2.1 State ranking of literacy levels and child labour (Top Ten)

States	Literacy level (per cent)	Literacy Level Ranking (All India)	Child Labour (Total No.)	Child Labour (per cent of Total in the country)
Kerala	90.92	1	26156	0.21
Mizoram	88.49	2	26265	0.2
Lakshadweep	87.52	3	27	0.0002
Goa	82.32	4	4138	0.032
Delhi	81.82	5	41889	0.33
Chandigarh	81.76	6	3779	0.029
Pondicherry	81.49	7	1904	0.015
Andaman and Nicobar Is.	81.18	8	1960	0.015
Daman & Diu	81.09	9	729	0.006
Maharashtra	77.27	10	764075	6.03

Source: Census 2001, Punjab Human Development Report 2004, Government of Punjab, pg 95

The same argument can be extended illustrating the data for the states that are ranked as bottom ten states with respect to literacy levels. States like Andhra Pradesh, Uttar Pradesh and Bihar, which have low levels of literacy, also depict the highest incidence of child labour in the country at 10.7 per cent, 15.2 per cent and 8.8 per cent respectively. This helps in reinforcing the education argument that an aggressive education drive in the State can help in countering the problem of child labour. Thus, there is a definite direct correlation between the two variables, which can be used as an effective tool to curb child labour in the country.

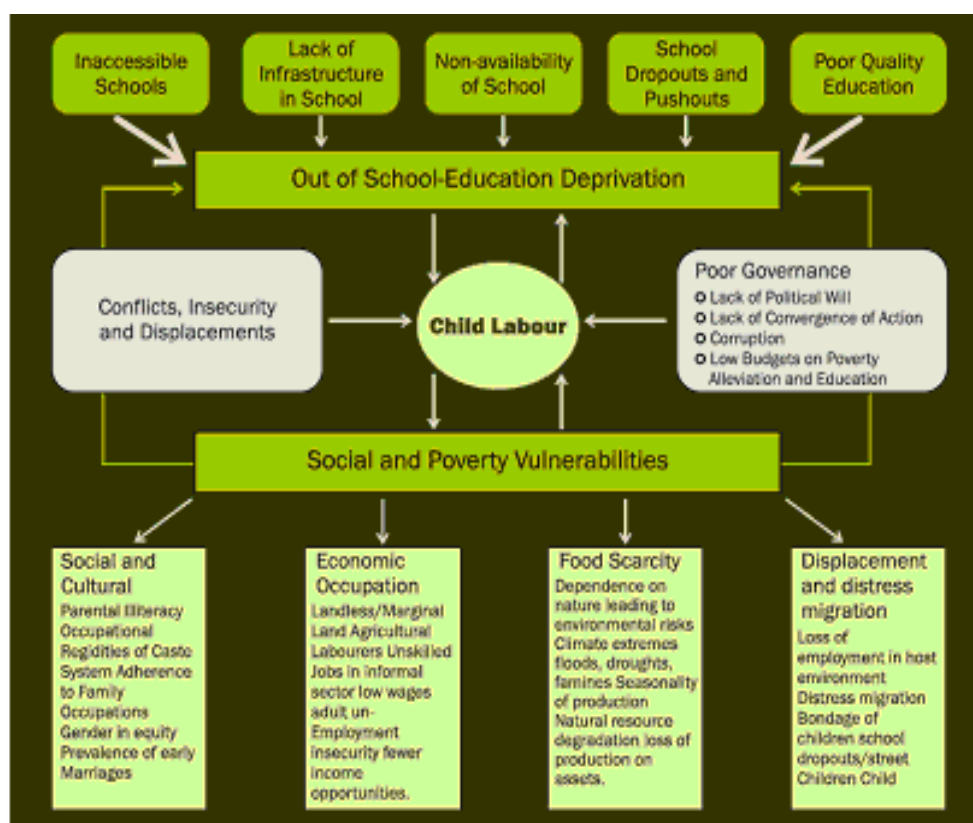
Table 2.2 State ranking of literacy levels and child labour (Bottom Ten)

States	Literacy Level (per cent)	Literacy Level Ranking (All India)	Child Labour (Total No.)	Child Labour (per cent of Total in the country)
Orissa	63.61	26	377594	2.98
Meghalaya	63.31	27	53940	0.4
Andhra Pradesh	61.11	28	1363339	10.76
Rajasthan	61.03	29	1262570	9.96
Dadra & Nagar Haveli	60.03	30	4274	0.033
Uttar Pradesh	57.36	31	1927997	15.22
Arunachal Pradesh	54.74	32	18482	0.14
Jammu & Kashmir	54.46	33	175630	1.38
Jharkhand	54.13	34	407200	3.21
Bihar	47.53	35	1117500	8.82

Source: Census 2001, Punjab Human Development Report 2004, Government of Punjab, pg 95

The “school argument” can also be illustrated with the help of the figure given below, which analyses the inter-dependence of poverty, child labour and education. The conclusion drawn from the figure also coincides with the above conclusions that a rise in the education levels of the poor helps in tackling the dual problem of child labour and poverty.

Figure 2.1: Interplay of Education, Poverty and Child Labour



Source: Kulkarni, Suryakant; “Myth of the Poverty Argument for Child Labour”; January 5, 2008.

The above diagram also counter attacks the poverty argument for the incidence of child labour and categorically specifies that one of the most crucial determinants for child labour is the non-functional education system, which leaves the children with no choice but to work. Eighty three percent of the poor are concentrated in Uttar Pradesh, Bihar, Madhya Pradesh, West Bengal, Orissa, Andhra Pradesh, Rajasthan and Assam. Significantly 84 percent of Out-of-school children (6-11 years-NSSO 55th Round) and 72 per cent of child workers aged 5-14 years (Official Census data-2001) are also concentrated in these eight states. The real problem is poor access to education and lack of affordable quality education.

2.4 Inclusion of the Socially Excluded---Status of Dalits, Tribals and Girl Children

The International Labour Organisation defines Social Exclusion as being “a state of poverty in which individuals cannot access the living conditions which would enable them both to satisfy theory essential needs (food, education, health etc) and participate in the development of the society in which they live in.” [47] The European Union adopted the term, but widened the definition stressing that social exclusion occurs when people cannot fully participate or contribute to society because of "the denial of civil, political, social, economic and cultural rights." It is indicated in the definitions that exclusion results from "a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, bad health and family breakdown." [48]

According to the European Foundation, social exclusion represents the other end of the spectrum to ‘full participation’. It is a process through which individuals or groups are wholly or partially excluded from full participation in the society in which they live. After

the Social Summit 1994, there was an increased attention paid to the concepts of poverty, inequality and social justice in the developing world and the resulting forms of social exclusion..

“Economic theories have focused primarily on resource-based paradigms as advantage, generally taking the individual, or the individual household, as their unit of analysis. This, for instance, was the approach which influenced earlier conceptualizations of poverty within development studies which equated it with income or expenditure shortfalls. Even now, when poverty has come to be increasingly recognized to be a multi-dimensional phenomenon, encompassing income, assets, education, health, dignity and voice, it nevertheless continues to be causally understood in economic terms. The poor within this paradigm are believed to have little or no voice in determining resource allocations and institutional arrangements within a society because they are poor; they are rarely seen to be poor because they have little or no voice in determining resource allocations and social arrangements.” [108]

A social exclusion perspective brings attention to the experience of those individuals or groups, who, along with their poverty, face discrimination by virtue of their identity. The 11th Five Year Plan focuses on achieving a more inclusive growth and insists that disparities and divides need to be bridged in the country and that they will receive an ‘overarching priority’. Therefore, here we suggest that education (mandatory and free) is a critical entry point by way of which a socially inclusive India maybe forged. The data presented below also suggest that the socially excluded groups form the major constituency for people living in poverty, child labour and for the attendant lack of access to education.

Naila Kabeer writes that data from the 2000 National Sample Survey in India suggests that the ‘untouchable’ or Scheduled Castes (as they are classified by the Constitution) constituted 20 per cent of the rural population, but 38 per cent of the poor while Scheduled Tribes made up 11 per cent of the rural population but 48 per cent of the poor (NSS 2000). In urban areas, figures were 14 per cent and 37 per cent respectively for SC groups and 3 per cent and 35 per cent for ST groups. [108]

2.4.1 Status of Dalits, Tribals and the Girl Child

Kabeer cogently writes that the greater poverty of socially excluded groups translates into poorer levels of health, particularly when their poverty is combined with locational disadvantages of remoteness and lack of infrastructure and social services. She draws attention to the fact that often when it comes to gender, socially excluded groups tend to show far better performance. “However, one unexpected finding from the Indian context relates to gender inequalities in mortality rates among socially excluded groups. Several studies have shown that gender inequalities are lower among ST groups across India and in some areas, also lower for SC group. Some recent evidence of this comes from Agnihotri (2000), using district level data from the 1981 and 1991 census. He reports low, ‘sometimes alarmingly low’, and female-to-male ratios in the 5-9 age groups among upper and middle castes in the northern regions of India. Using a more finely-grained analysis than had hitherto been carried out, he found that the highly masculine sex ratios were concentrated in the north-western region. More favourable ratios prevailed in the northern mountainous states of India (Himachal Pradesh and Manipur) and in its south-eastern states. The pattern for the scheduled castes was similarly differentiated by region, with evidence of gender discrimination greater among scheduled

castes in northern India. By contrast, ratios for the scheduled tribes, the poorest social groups in India, were the most balanced. Murthi et al found that the higher the proportion of ST in a district, the lower the anti-female bias. However, while gender inequalities in child survival rates may be lower for STs, they are disadvantaged in other aspects of health outcomes. Maternal mortality rates in India are highest in tribal areas. Infant and child mortality is around 83 and 126.6 per 1000 births when compared to 62 and 83 for the general population. About 80 per cent of tribal children are anaemic, 50 per cent are underweight and only 26 per cent receive all vaccines. 65 per cent of women are anaemic compared to 48 per cent for the general population. 43 per cent do not receive any ante-natal check-up compared to 28 per cent for the general population. 17 per cent of mothers have institutional deliveries and 15 per cent are assisted by doctors compared to 40 per cent and 37 per cent in the general population. Other studies suggest that 54 per cent of children aged 3 or less were underweight for their age among SC groups and 56 per cent among ST groups compared to 44 per cent for the rest of the population 47 per cent of SC children and 34 per cent of ST children had measles immunisation compared to 54 per cent of the rest of the population; IMRs were 83, 84 and 68 per 1000 live births respectively while under child mortality was 119, 126 and 92. 36 per cent of births to SC groups and 23 per cent to ST groups were assisted compared to 47 per cent for the rest of the population. In Orissa, 37 per cent of scheduled caste women receive no ante-natal check up compared to 15 per cent of women from non-deprived groups and rates of immunisation for scheduled tribe children are about half of that of non-deprived groups (Orissa HDR, cited in de Haan 2004).” [108]

The Constitution of India goes well beyond the UN’s primary education mandate (defined as completing fifth standard). Article 45 of the Constitution states that:

“the State shall endeavour to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.” The next article certifies that “the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”

In the Indian context, the socially excluded includes the Dalits, Tribals Scheduled Castes and the Scheduled Tribes (SC/STs) and especially Girl Children form a major part of the socially excluded population of the country They have been traditionally confined to the backward areas of the country, secluded within their communities and aloof from the rest of the country. Post-independence, special attention was paid to the communities classified under SC/ST. Reservation was provided to the communities, for education, government jobs and financial benefits were provided, and are still provided. In 60 years of independence, the SC/STs have progressed marginally in education and financial status, yet given the magnitude of opportunities guaranteed by the Constitution, success has been at a tardy pace, and dismal.

Table 2.3 Total Population and Literacy Level of SC/STs

	Total Population	Per cent of Total Population of India	Total no. of Literates	Literacy Rate (per cent)
Scheduled Castes	166635700	16.2	75318285	45.19
Scheduled Tribes	84326240	8.2	32386821	38.40

Source: Census 2001

The above table depicts the literacy rates of the SC/STs as of 2001 Census. Although the literacy rate among the SCs is better than that of the STs, their figures, when compared to the rest of the country are at the lowest, lower than the State with the worst literacy rate (Bihar: 47.53 per cent). This clearly shows that despite the existence of the various financial and non-financial benefits provided, the impact of these benefits have somehow not penetrated through the communities. Due to this reason, the communities project a high incidence of child labour, where more than 8.9 lakh children from the Scheduled Castes and more than 5.3 lakh children from the Scheduled Tribes in the age-group 5-14 years have been integrated into the labour force. Hence, it is extremely important for the 2008-2012 Eleventh Five Year Plan to focus on a social growth pattern that is genuinely inclusive in nature.

The Dalits and the Tribals, like the SC/ST have been socially excluded within rural communities, confined to backward areas and hilly regions, historically involved with the “lowly” professions. Post-independence, they were given special status in the Constitution, being granted special financial and non-financial benefits. Yet, the traditional outlook of the society was difficult to change and this led to mass-conversion of the Dalits into other communities, only to be able to demand a better social image. Like the Dalits, the tribals also have been neglected in the process of development. Some of the areas, occupied by the tribal communities have been secluded to preserve the sanctity of their community, but this has also led to the social exclusion of these communities. “Dalit children, being disproportionately poor, most heavily suffer the ills of an inequitable and ineffective education system in India. The Indian constitution pledges to provide free and compulsory education for all children up to age fourteen. However, in 1993 only 16.2 per cent of primary school age Dalit children were enrolled in school as compared to 83.8 per cent of primary aged children from non-scheduled castes. **According to the India Education Report, school attendance in rural areas in 1993-94 was 64.3 per cent for Dalit boys and 46.2 per cent for Dalit girls, compared to 74.9 per cent among boys and 61 per cent girls from other social groups. Dalits lagged behind the general population by as many as 15 percentage points in literacy, and according to the 1991 Census, barely 24 per cent of Dalit women were literate.** Statistics also show that Dalit children are more likely to drop out than their non-Dalit counterparts, particularly in the early elementary stages.” [101]

Education represents one way of breaking out of the persistent cycles of poverty and distress, but it is also closely dependant on economic conditions. Even when Dalits are allowed access to school, Dalit students face substandard conditions. Ninety-nine percent of Dalit students come from government schools that lack basic infrastructure, classrooms, teachers and teaching aid.[101]

BOX 2.1: Case Study of the Violation of the Right to Primary Education in Gujarat

Like civil and political rights, Economic, Social, Cultural (ESC) rights can be broken when inadequate protection is taken. In this section, we address the issue of the violation of ESC rights, defined in the following international agreements to which India is a party:

- The Universal Declaration of Human Rights (UDHR);
- The International Covenant on Economic, Social and Cultural Rights (ICESCR);
and
- The Convention on the Rights of the Child (CRC).

From these texts, we have found four main themes of direct relevance to the condition of Dalit school children in Gujarat, (1) namely de facto discrimination, (2) failure to promote human dignity,(3) hindrances to the enjoyment of education and (4) failure to foster the full development of children. We offer illustrations of the violations of ESC rights as told to us by children, parents, teachers and organizers on our field visits throughout rural Gujarat.

De Facto Discrimination

Practices at local levels intended to keep castes separate or reinforce caste distinctions result in instances of discrimination. The informational report from Article 13, point 37 of the ICESCR states that “parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination.”

De facto discrimination in rural Gujarat occurs in myriad ways. From our visits to villages, we heard stories regarding the explicit discrimination of Dalits in the arenas of classroom seating, permission to participate in class activities and the receipt of lower marks for high quality work. Similar issues in discrimination are addressed in later categories.

Classroom Seating

Perhaps the most widely discussed violation regarding children is the requirement of some non-Dalit teachers for Dalit students to sit exclusively in the back of classrooms. This was a common complaint in many of the villages we visited. In each instance of violation, the teacher was a non-Dalit who was either the only teacher for the village or among a non-Dalit teacher majority.

Source: [101]

But the worst situation in this country is that of the girl child, whose very existence is threatened even before she is born. The 2001 Census details some of the most depressing facts, which are a cause for serious concern. Although there has been an overall improvement on the sex ratio from 927 females per 1000 males in 1991 to 933 females per 1000 males; the death rates of the females have become lower than male death rates. But, what is alarming is the decline in the child sex ratio from 945 females per 1000 males in 1991 to 927 females per 1000 males in the age group 0-6 years. On the other hand, the sex ratio for the age group 7+ have shown a positive trend, in favour of the female, improving from 923 females per 1000 males to 935 females per 1000 males.

This clearly depicts that the declining sex ratio in the age group 0-6 years is due to high female infant mortality rate (29.23 deaths for every 1000 live male births) (Census 2001). Although, the test for the determination of the sex of the foetus is banned in India, it is conducted, under-cover, by many for the sheer want of a male child. In case of success in determining the sex of the foetuses, female foeticide is conducted; else the female infant is killed. "Thus, while there has been an improvement in overall female mortality over time, the discrimination against the girl child has continued in the Indian society. There is no clear pattern in the difference between the female-male infant mortality rates or age-specific death rates. Hence, part of the decline in the sex ratio seems to be (a) result of this discrimination." [49]

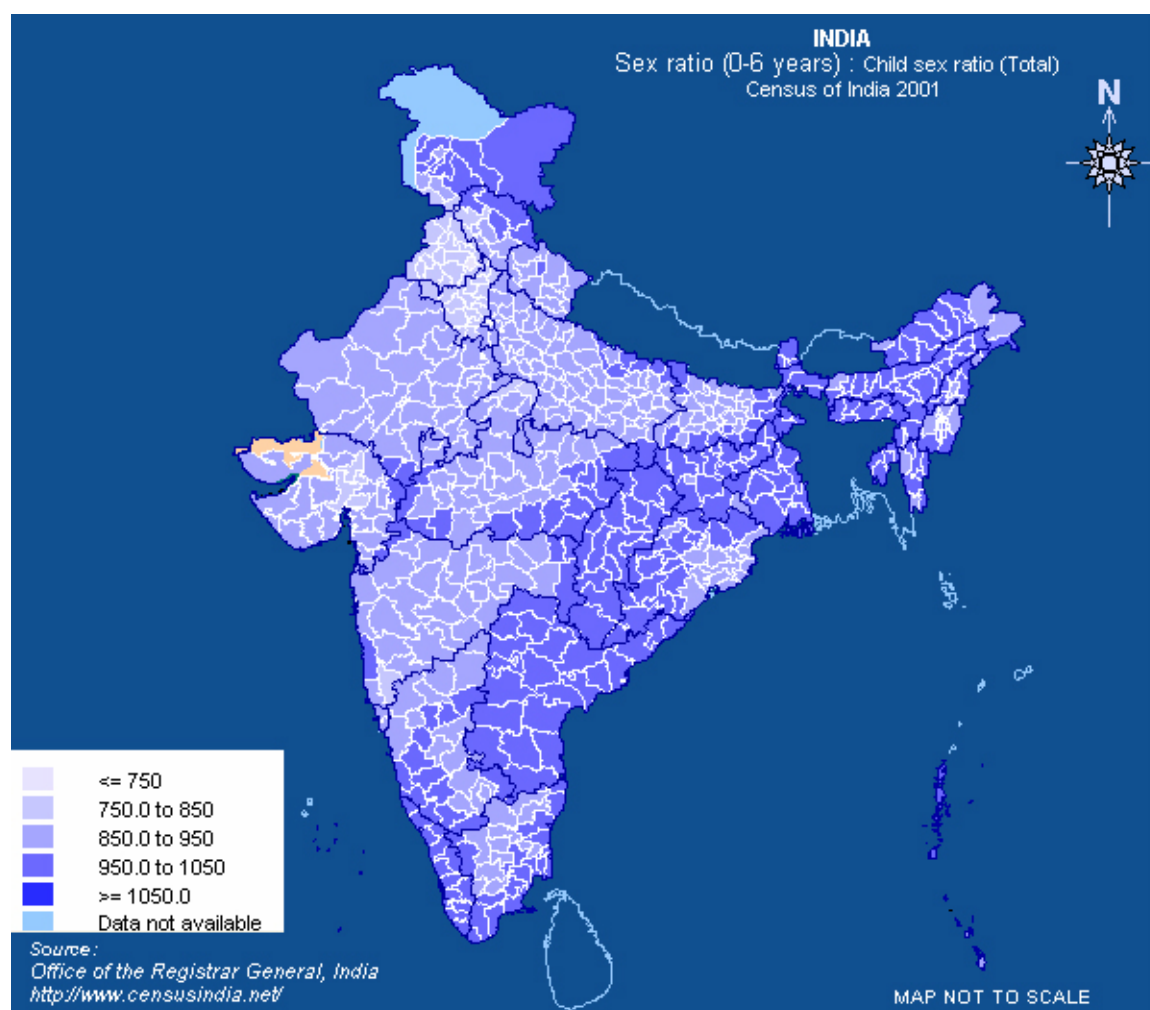
Table 2.4 Child Labour: Male and Female; SC/ST

	Total No. of Labouring Children	Total No. of Labouring Children (male)	Male (Per cent of Total)	Total No. of Labouring Children (female)	Female (Per cent of Total)
India	12666377	6804336	53.71	5862044	46.29
SC	894,661	501,907	56.1	392,754	43.9
ST	526,489	262,807	49.9	263,682	50.1

Source: Compiled from Census 2001

The above table depicts the overall as well as specific data on the incidence of child labour, with special reference to the segregation on the basis of gender. Although the overall data depicts that there is a higher incidence of child labour among the males, the state-wise segregation projects a different story. **16 states have more female child labour than male child workers. Thus, the burden of taking care of the household, along with working as labour, coupled with discrimination, child marriage and early pregnancy leads to the physical and mental deterioration of the girl child. A strong country-wide movement is essential to guarantee girl children compulsory education till the age of 18years.**

Figure 2.2 Sex Ratio (0-6 years): Child Sex Ratio (Total); Census 2001



The above diagram represents the child sex ratio in the country, as of Census 2001. The map clearly indicates that most states in India have a child sex ratio ranging between 750-850 female children for every 1000 male children. This is a serious concern, as the declining sex ratio indicates towards a high female feticide and infanticide, a clear indication of the still-prominent discrimination against the girl child.

2.5 Breaking the Poverty Cycle with Education

According to a UN declaration that resulted from the World Summit on Social Development in Copenhagen in 1995, absolute poverty is "a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to services." [51] A study conducted by the ILO Bureau of Statistics found that "children's work was considered essential to maintaining the economic level of households, either in the form of work for wages, or as help in household enterprises or for household chores in order to free adult household members for economic activity elsewhere" [50] The 2006 ILO Report categorizes the incidence of child labour in the various fields. It states that as of 2004, 69 per cent of children working across the globe

are involved in agriculture, whereas 22 per cent and 9 per cent are involved in services and industry respectively. [52]

“High levels of child labour can be self-reinforcing. For example, in a situation of mass poverty, child labour is part of the survival strategy of poor families. This in turn increases the pool of workers, which in turn drives wage rates down, further convincing families that their children should work rather than go to school. The economic value placed on children helps keep fertility rates high, also leading to an increased labour supply. Mass child labour also acts as a disincentive to employers to invest in new technology. Moreover, in a society where child labour is the norm the demand for education will be low, and it will be difficult to enforce laws on minimum age and compulsory education. Finally, as child labourers become adults, it is increasingly likely that they in turn will send their children to work rather than school. In a society marked by a high child labour equilibrium, families and whole societies can thus be trapped in a vicious cycle of poverty.” [52]

Poverty is a multidimensional phenomenon. In the Indian context it is extremely complex, as the caste system is entrenched with patriarchy and there are sharp differences in class within each caste. [54] Low incomes mean low education, leading to low income, thus completing the vicious circle of poverty. A comparison of the poorest 20 per cent and the richest 20 per cent of households show startling results. In rural households, 44 per cent of the poor men were non-literate as compared to 15 per cent of men from wealthy rural households. About 73 per cent of the rural women from poor households were non-literate while only 43 per cent of wealthy rural women were non-literate. In urban households, the poorest and richest illiteracy rates were 22 per cent and 3 per cent for men and 44 per cent and 8 per cent for women. [53]

Table 2.5 State-wise Slum Population 1991 (in lakhs)

State	Urban Population	Estimated Slum Population	per cent
India	2176.107	462.608	21.3
Low Human Development			
West Bengal	187.076	51.949	27.8
Andhra Pradesh	178.871	43.133	24.1
Medium Human Development			
Karnataka	139.078	12.934	9.3
Gujarat	142.461	25.841	18.1
High Human Development			
Kerala	76.803	12.218	15.9

Source: Compendium of Environment Statistics 2000, Central Statistical Organization

The above table tries to analyze the extent of poverty across various states, using the percentage of slum population across various states. It can be inferred that about 21.3 per cent of the total urban population in India live in slums. This indicates low level of incomes, which may lead to low level of education. Again, low level of incomes for the families also implies that they would be compelled to send their children to work, leading to a high incidence of child labour among the urban population. Among the four metropolitan cities, Mumbai (34.3 per cent) has the highest percentage of population living in slums, followed by Kolkata (32.9 per cent) and Chennai (28.1 per cent). According to the 1991 Census, 9.98 per cent of children were child workers in Andhra Pradesh, a state with a high level of slum population (24.1 per cent), whereas Kerala, with a comparatively low urban slum population has only 0.58 per cent of children as child

labour. About 34 per cent of the population live below \$1 a day while about 80 per cent of the population live below \$2 a day in India [64]. This speaks volumes about the extent of poverty in the country that is yet to be tackled after more than 60 years of independence.[95]

Worst is the situation of the socially excluded communities of Scheduled Castes and Scheduled Tribes, where most of the population is denied access to education and the low levels of income force children into labour force. A comparison of the status of the Scheduled Castes across States can be done with the help of the table given below:

Table 2.6 Percentage of SC Population and labouring SC children (5-14 years)

STATES/U.T.	% of SC Population in the State	% of SC Child Labour
A.P.	16.2	5.0
Arunachal Pradesh	0.56	0.2
Assam	6.8	4.3
Bihar	15.7	4.9
Chandigarh	17.4	18.8
Chhattisgarh	11.6	2.04
Dadra & Nagar Haveli	1.9	0.2
Daman & Diu	3.1	0.54
Delhi	16.9	15.4
Goa	1.7	2.4
Gujarat	7.1	2.9
Haryana	19.3	6.3
H.P.	24.7	2.7
J&K	7.5	2.4
Jharkhand	11.8	3.9
Karnataka	16.2	4.3
Kerala	9.8	52.6
M.P.	15.2	3.5
Maharashtra	10.2	3.3
Manipur	2.6	1.06
Meghalaya	0.48	0.1
Orissa	0.42	11.8
Pondicherry	16.2	36.8
Punjab	28.8	19.4
Rajasthan	17.2	3.7
Sikkim	5.02	0.65
Tamil Nadu	19	10.9
Tripura	17.4	25.4
Uttar Pradesh	21.2	7.4
Uttaranchal	17.8	6.2
West Bengal	23.01	28.9
India		7.1

Source: Census 2001

It can be inferred from the above table that Kerala, the state with high human development indicators and the highest literacy rate in the country, has the highest percentage of SC labouring children in the State. Although, only 16.2 per cent of the population in Kerala belong to the SC community, about 53 per cent of the child labour in the State comprises of children from Scheduled Castes. This indicates towards a traditional society, where the socially excluded communities are still side-lined from education and subjected to poverty and child labour. Pondicherry, which also ranks high on literacy levels, projects a high SC involvement in child labour. These are followed by West Bengal and Tripura respectively.

The situation of the Scheduled Tribes is similar to the Scheduled Castes in the country, where they are excluded from access to education, compelling children to enter the labour market at a young age with no other alternatives in sight. 37 per cent of Tripura's population belongs to ST community yet about 41 per cent of its child labour comes from this community. Tripura is followed by the other North-Eastern States of Nagaland, Meghalaya and Arunachal Pradesh, which has 38.6 per cent, 23.2 per cent and 21.4 per cent of their child labour belonging to the ST community. On the contrary, Mizoram has 94.4 per cent ST population in the State and yet only 9.3 per cent of its child labour belongs to this community.

Table 2.7 Percentage of ST Population and labouring SC children (5-14 years)

STATES/U.T.	% of ST Population	% of ST Child Labour
Andaman & Nicobar	8.2	3.7
A.P.	6.5	2.9
Arunachal Pradesh	64.2	21.4
Assam	12.4	4.9
Bihar	0.91	0.28
Chandigarh	0	~
Chhattisgarh	31.7	5.8
Dadra & Nagar Haveli	62.2	12.7
Daman & Diu	8.8	5.6
Delhi	0	~
Goa	0.041	0.12
Gujarat	14.7	8.7
Haryana	0	~
H.P.	4.02	0.47
J&K	10.9	5.4
Jharkhand	26.3	7.2
Karnataka	6.5	1.7
Kerala	1.1	9
Lakshadweep	94.5	~
M.P.	20.27	6.9
Maharashtra	8.8	4
Manipur	32.2	18.4
Meghalaya	85.9	23.2
Mizoram	94.4	9.3
Nagaland	89.1	38.6
Orissa	22.1	18.9
Pondicherry	0	~
Punjab	0	~
Rajasthan	12.5	3.6
Sikkim	20.5	2.3
Tamil Nadu	1.04	0.7
Tripura	31.05	40.6
Uttar Pradesh	0.06	0.04
Uttaranchal	3.01	0.9
West Bengal	5.49	7.6
India	8.2	4.2

Source: Census 2001

The excludability of ST leads to lower performance of these States in the overall human development of the State. The two main challenges in education of the tribal (SC/ST) children is the physical access to schooling at upper primary level and diverse socio-cultural backgrounds. In 2001, there were 14 million tribal children enrolled in elementary schools as against 20.24 million in the 6-14 years age group. Thus 6.24 million were still out of school in 2001. The cohort drop out rates among tribal children was as high as 52.3per cent for primary and 69.5per cent for upper primary. For 20 per cent of the habitations at the primary stage and 33per cent at the upper primary stage, access was still an issue in 2002. [66]

The 2005-2006 National Family Health Survey (NFHS-3) provides information on population, health and nutrition in India and each of its 29 states. Some decisively tragic data is provided to us under the key indicators from NFHS-3. The status of children in poverty reveals that the percentage of children under three years who are stunted is 38.4 per cent, with rural poor children having very high rates of under-development at 40.7 per cent. Children under 3 years who are wasted show an overall of 19.1 per cent of the children of India, with a similar percentage of 19.8 per cent in rural India. Children under 3 years who are underweight form the bulk of India's children at 45.9 per cent with a high 49 per cent of these children being in rural India and 36.4 per cent in urban India. Children between the ages of 6-35 months, who are anaemic, stand at 79.2 per cent with rural children being at 81.2 per cent. Almost 58.2 per cent of rural women are anaemic as compared to men in the same age group (15-49 years) which is at 27.7 per cent. It is interesting that the survey also carries a column on women's empowerment and there is data on married women who have experienced spousal violence. The reported violence itself totals to 40.2 per cent of rural women experiencing domestic violence.

Given the absence of affirmative State action for Compulsory Education, the situation gets compounded. Thus, it can be established that the lower levels of education is triggered by the high incidence of poverty, which in turn, hinders education for children compelling them to enter the labour market at an extremely young age. [96]

In conclusion, we state that the poverty argument for the existence of child labour has been severely encountered in the recent times by the education argument, which states that child labour is not only an effect of poverty but one of the important causes as well. The 'Poverty Argument' has propagated that the cause of child labour is the existence of poverty and its cyclical effects. A more contemporary approach is the 'Education Argument' that states that poverty, apart from being the cause of child labour is also one of its persistent after-effects. This school of thought believes that due to poverty, children are compelled to work, and while they work as labourers, the wages are low and their value in the job market remains stagnant. Thus, they do not have the accessibility for better paying jobs or informed livelihoods. Education is one of the most important tools that help in breaking the poverty cycle, empowering children to compete with equality for jobs, hence improving their standard of living. Thus, complete abolition of child labour and free and compulsory education for all would give the poor, the power to change their standard of living and empower them to have a higher role in the decision-making process in the country. The universalisation of education needs to be achieved by the Government, ensuring that each and every child is in school till the age of 18. This should rank as the highest priority on the agenda of the Government. Until and unless this is done, the economic growth rate as well as the social development of the country would not remain as equally important and socially compatible. An accountable government can and must enforce free and mandatory education reaching to the most remote corners of India and to its last child.

We also underscore that another important aspect of child labour is the status of the socially excluded communities and the position of the girl child in society. There has been a marked relation between the literacy level of the State, the percentage of child labour and the composition of child labour in the State. For instance, Andhra Pradesh has lower literacy rate than the national average, accounts for almost 11 per cent of the entire child labour in the country and more than 53 per cent of its child labour are girl children. A comprehensive policy aiming at equity in educational opportunities, the provision of adequate infrastructure and involvement of citizens in order to ensure high

quality public education is essential for the comprehensive development of the education system and to reach out to the poorest of the poor, so that they are empowered to improve their standard of living. We have also demonstrated that the condition of Dalits, Scheduled Castes and Tribes is one of the most tragic in the country. Their literacy rates are the lowest in the country. Thus, a socially inclusive growth, with a focus of uplifting the current status of the communities, is extremely crucial for the social development of the country.

Indeed the situation is even more acute when viewed from the position of the girl child. The data heavily indicts patriarchy and the pervasive discriminatory attitudes towards girl children. Her very existence is threatened. The overall sex ratio of the country has become better in the last ten years, but shockingly the declining child sex ratio in the same period indicates the still prevalent social bias against the girl child. Laws have been enacted banning the sex-selection test but the same still continues. One of the classic examples is Kerala. It has the highest overall sex ratio along with the highest literacy rates in the country. Yet, there is a discrepancy of about 10 percentage points between the child sex ratio and the overall sex ratio, whereas the child sex ratio is far below the overall sex ratio. This is an indication that despite high literacy levels, the society still discriminates towards the girl child. Thus, a country-wide awareness programme with a powerful coalition between all political parties to make this a major issue during the coming elections and strong and clear manifestos by parties on their intentions to change this present tide, aimed at the diminishing rates of female foeticide and female infanticide is one of the only ways for curbing the declining child sex ratios and making it favourable for girl children. The medical profession which is gaining a profitable livelihood by indulging in sex selection amniocentesis needs to be brought to book and local bodies need to be alerted and provided with power to regulate and monitor the continued practice of this crime. The treatment of girl children in economic terms as financial liabilities because of the issues of dowry and poor wages for female labour has resulted in a crime against humanity which will have long lasting implications of the kind that China is already experiencing. Abolition of child labour, increased and guaranteed adult employment, equal wages to men and women, free and mandatory education to all children till the age of 18 will certainly have a bearing upon creating a more equitable society and altering the very perceptions that are responsible for destroying our unborn and born daughters.

CHAPTER THREE

SOCIO-ECONOMIC PROFILE ON CHILD LABOUR

3.1 Introduction

The use of child labour in the hand-knotted carpet industry in Uttar Pradesh and the lock industry in Aligarh are just some of the examples of the extent of child labour across various industries, socio-economic backgrounds and states. The V.V. Giri National Labour Institute has conducted various studies and surveys, locating child labour across various industries in India. The Diamond Industry in Surat has more than five hundred labouring children, where 95 per cent of children are males. 96 per cent of the children working in the Diamond Industry belong to the age-group 13-14 years. More than 51 per cent of children in Tirupur are employed in the Knitwear Industry, where the majority of children belong to the age-group 12-14 years. Children in the age-group of 6-14 years constitute 45.7 per cent of the workforce in the Aligarh Lock Industry. Of the total children aged 6-14 years, only 8.43 per cent are in school full-time whereas 97 per cent are employed. The Slate Industry of Markapur has 43 per cent of its labour force belonging to 6-18 age group, majority of whom belong to the age-group 12-14 years. 57 per cent of the workers in the Gem-Polishing Industry in Jaipur are under 18 years of age. The Bangle Industry of Firozabad has about 48 per cent of the labourers are under 18 years of age. Some of the other industries, where the children are 'locked' and leading a life of inhuman and extensive labour are in the Carpet Industry in Mirzapur, in the Match Industry in Sivasaki (Tamil Nadu) and in the Brassware Industry in Moradabad, to name just a few.

The economic aspect of child labour caters to the dispersion of child labour in various occupations, namely agriculture, industries and household, while the social aspect caters to the condition of the child in the labour force. In this chapter, we will continue to underscore the position of the girl child in both the aspects. A total of 5, 79,841 children in the age group of 0-4 years are currently employed (Census 2001), whereas about 62, 92,780 children are employed that belong to the age group 5-14 years. Together, we get more than 12 million children, deprived of education and forced into labour. This amounts to about 3 per cent of the total working population in the country as child labour. Categorizing children in the labour market, it is devastating to know that about 5.8 lakh children, under the age of five, are working in their own households, in order to free their parents for labour. On the other hand, about 63 lakh children in the age group 5-14 years forgo formal schooling to take care of their younger siblings and manage the household. About 9 lakh children, belonging to the Scheduled Castes while about 5.3 lakh children, belonging to the Scheduled Tribes, in the age group 5-14 years are currently employed in the labour market. That indicates a massive 7.5 per cent of children in labour markets belong to Scheduled Castes while 4.4 per cent of children working belong to Scheduled Tribes.

3.2 Categorization of Child Labour

India is still primarily an agrarian economy and hence it is not surprising that the cultivators and agricultural labourers account for the largest share of child labour in the country. Child labour is also a prominent feature in most of the hazardous as well as non-hazardous industries, although employment of children in the former is a legal offence. This is mainly due to ineffective implementation on the part of the government and lack of punitive action.

Table 3.1 Child Labour by Sub-Sectors, 1991
[5-14 years age-group; per cent of all]

	Boys	Girls
Cultivators	37.9	30.8
Agricultural Labourers	39.6	51.9
Manufacturing in Household Industries	20.4	12.7
Others	2.1	4.6
	100	100

Source: Census 1991, [55]

The above data depicts the sectoral distribution of child labour in the country. Since agriculture is still one of the most prominent occupations of the economy, it is not surprising that the highest incidence of labour is in the sub-sectors of cultivation and agriculture. It accounts for more than 50 per cent of child labour in agriculture and allied activities, 19 per cent in household industries and 16 per cent in construction. (Table 2.3) What is interesting to observe that about half the female child labour is involved in agriculture. One of the main reasons for this pattern could be disguised unemployment of female children in the self-owned agricultural lands.

According to the National Human Development Report 2001, there has been an improvement in the Gender-Equality Index (GEI), measuring the development indicators for women as a proportion to that of males, has marginally improved from the 1980s to 1990s, from about 62 per cent to 67.6 per cent respectively. “In general, women were better off in the Southern India than in the Indo-gangetic plains comprising mainly the States of Bihar and Uttar Pradesh. States like Tamil Nadu and Andhra Pradesh in the south and Haryana and Jammu & Kashmir in the north have made considerable progress in improving the status of women vis-à-vis men on the human development indicators. States that have done well in improving their female literacy levels are also the ones that have substantially improved their gender equality. On the whole, gender disparities across the States have declined over the period.” [57] This improvement, however, fails to convert itself to an improved status of the girl child as there has been a decline in the child sex ratio from 945 females per 1000 males in 1991 to 927 females per 1000 males in 2001 Census, despite an improvement in the overall sex ratio of the country.

3.3 State-wise performance on child labour, compulsory education and the position of the girl child

“All government interventions in education are based on the assumption that child labour cannot be abolished and that the poor do not wish to send their children to school. In fact, the poor make enormous sacrifices to do just that. It is time the administration responded with strategies that help children enrol and stay in school.” [2]

It is extremely important that the State-wise performance of child labour is computed, in order to realize the extent of child labour in different states, categorizing them as high, medium and low incidence of child labour. Comparing the literary levels in these states, along with the incidence of child labour would also add a significant dimension to the

analysis, helping to establish that high literacy levels helps greatly in curbing child labour. Thus, education for all would reflect in curbing child employment, leading to a fall in the adult unemployment and tackling the multi-dimensional issues of low income, low employment and low standard of living. The comparison amongst the States can be done with the help of the following table:

Table 3.2 State-wise Literacy Levels and Child Labour

STATES/U.T.	LITERACY RATE (per cent)	TOTAL (per cent of Total No. of Child Labour in India)	Per cent of Female Child Labour in the State
Andaman & Nicobar	81.18	0.015	39.6
A.P.	61.11	10.76	53.2
Arunachal Pradesh	54.74	0.14	55.9
Assam	64.28	2.77	39.0
Bihar	47.53	8.82	36.4
Chandigarh	81.76	0.029	29.2
Chhattisgarh	65.18	2.87	54.4
Dadra & Nagar Haveli	60.03	0.033	59.9
Daman & Diu	81.09	0.006	37.4
Delhi	81.82	0.33	21.4
Goa	82.32	0.032	47.7
Gujarat	69.97	3.83	50.8
Haryana	68.59	2.001	46.8
H.P.	77.13	0.85	51.2
J&K	54.46	1.38	48.8
Jharkhand	54.13	3.21	48.8
Karnataka	67.04	6.49	46.6
Kerala	90.92	0.21	37.2
Lakshadweep	87.52	0.0002	14.8
M.P.	61	8.41	49.9
Maharashtra	77.27	6.03	47.8
Manipur	68.87	0.23	50.6
Meghalaya	63.31	0.4	46.8
Mizoram	88.49	0.2	51.0
Nagaland	67.11	0.36	49.4
Orissa	63.61	2.98	51.5
Pondicherry	81.49	0.015	37.3
Punjab	69.95	1.39	34.4
Rajasthan	61.03	9.96	55.6
Sikkim	69.68	0.12	49.9
Tamil Nadu	73.47	3.30	4.7
Tripura	73.66	0.17	47.7
Uttar Pradesh	57.36	15.22	37.9
Uttaranchal	72.28	0.55	49.9
West Bengal	69.22	6.76	41.9
India	65.38	100	46.3

Source: Compiled from 2001 Census

The above table depicts the state-wise incidence of child labour as a percentage of the total child labour in the country, the degree of female child labour in the states as a percentage of the total child labour and their respective literacy levels. It is indeed shocking to realize that about 11 states have more than 50 per cent of their child labour who are girl children. These figures also indicate the level of discrimination towards the girl child, where she is expected to forgo education as it is considered 'inappropriate' and either work as labour or take care of the household. The most critical statistics are those of Andhra Pradesh and Rajasthan. While Andhra Pradesh has the highest degree of child labour in the country, it has a comparatively lower literacy rate while about 53 per cent of its child labour in the state comprises of the girl child. Next, is Rajasthan, which projects a low literacy rate of 61 per cent, has the second highest incidence of child labour in the country while about 55 per cent of the child labour consists of the girl child.

A simultaneous study of the three variables depict a macro aspect of the cause and effect of child labour, whereas education emerges as one of the surest ways of tackling child labour across socio-economic categories and throughout the various states. Two of the most successful examples in this aspect are Kerala and Tamil Nadu. While Kerala has the highest literacy rate, it has barely 0.21 per cent of child labour of the country whereas merely 38 per cent of child labour comprises of female workers. Tamil Nadu, on the other hand, has a comparatively higher literacy rate of 73 per cent, incidence of child labour being about 3.3 per cent while only 4.7 per cent of child labour is females. Similar patterns can be observed in the states of Maharashtra, Delhi, Daman & Diu and Chandigarh.

An interesting analysis of the performance of the States would be to compare the distribution of child labour across various sub-sectors. The data for India states that about 37 per cent of the male workers and 55 per cent of the female workers work in agriculture and allied activities. [55] This again is reflected in the rural-urban child labour data which depicts that about 88 per cent of the child workers belong to the rural areas: 46.7 per cent male child workers while 42.8 per cent female child workers. (Census 2001)

Education has been specified, time and again, as one of the most effective way to combat child labour in the country as well as the States. This can also be derived from that above table where States with high literacy rates are also the ones with lower child labour percentages. The Fiscal Responsibility and Budgetary Management (FRBM) Act was introduced in 2003, in order to eliminate the revenue deficit by 2005-06, which was later extended to 2008-09 in February 2004. This was mainly done to ensure a sense of responsibility towards the revenue collected and synergize the acceleration of GDP growth and fiscal consolidation. The Act was later extended to the States, wherein Karnataka was the first state to pass the Act. Although, this Act spoke about the elimination of revenue deficit, it did not levy any legal constraints on spending. Thus, a shift in the spending patterns of the States have been observed, wherein there has been a rise in the administrative and general expenditures of the State, while there has been a decline in the expenditure levels towards the development of social and economic overheads. This has also led to accumulation of cash surpluses with the States, which is not spent for the development of the State. [59] Thus, one of the reasons the States cite as not being able to meet the target growth rate of education is the existence of FRBM Act, whereas the Planning Commission condemns the lack of flexibility in the FRBM Act provisions and demands flexibility that is endorsed by international expectations, which in turn will lead to increased spending in the social sectors, the most crucial being, education and health.

The State Governments have granted various provisions within the existing schools to extend elementary education to all, regardless of economic capabilities and social backgrounds. But, schools have been neglecting the norms set by the State Governments, wherein they have been known to give transfer certificates to poor and tribal children, forcing them to quit education and enter the labour market. [1] Another major concern is the dearth of documentation that the schools require, against the government regulations, and deny admission on the basis of lack of documentation. “The consequences of discrimination on inequality are far more evident and therefore justification for reservation/affirmative action policy from equity consideration is clear. Denial of access to resources, employment, education and common facilities that others have, it impoverishes the lives of individuals from excluded groups and is a clear denial of certain basic human rights.” [58] So, as Dr. Shantha Sinha urges, “the battle for schools must be won.” [1]

Apart from “getting children to school” [2] and winning “the battle for schools” [1], what the State really needs to focus on, is also the retention of children in the schools. There has been an increasing trend in the enrolment rate in the schools, but simultaneously, there has been a sharp rise in the drop-out rates as well. The average drop out rate for Bihar, the State with the lowest literacy level, is about 65.53 per cent, whereas the drop out rate higher among girls (69.67 per cent) than boys (63.33 per cent). The overall drop out rate for SCs (82 per cent) is higher than the rest of the population (74.5 per cent). Over four-fifths of the SC boys discontinue their school before they reach the sixth standard (drop out rate 80.3 per cent). In Bihar only 26 per cent of the rural population has a primary school within the village. [23]

A similar pattern is observed in Orissa, where the overall dropout rate is 58 per cent, whereas there is disparity in the dropout rates of males and females, the rate being higher for the latter. (Males: 56.5per cent; Females: 59.8per cent) [60] This is against the backdrop where the State spends about 6 per cent of its Gross State Domestic Product (GSDP) on education. [27] According to the West Bengal Human Development Report 2004, gender gaps in literacy tend to be similar across social and economic categories, while children who have never been to school tend to be concentrated in lower income and SC/ST group. [24] Assam was one of the first states to pass the Primary Education Act in 1926, emphasizing free and compulsory education for all. It also set up School Boards to undertake extensive district level elementary education, which eventually led to lowering child labour to about 5.5 per cent, while there is a lower level of child labour among the girl child than the male child. [29] About 67.45 per cent of children enrolled are retained after Class V in Gujarat, while a significant per cent of children in Gujarat in the age group 6-14 years participate in economic activities, and spend on an average 22 hours per week, i.e. 3 hours a day on these activities. Even children in the age-group 6-9 years participate in economic activities and spend about 17 hours a week, i.e. 2.5 hours a day on these activities. [33]

“The poor have realized that they can fight with poverty, marginalization and deprivation, only if their children receive school education. Hence, despite the lack of adequate facilities, they continue to send their children to school. School and education needs to be on the political agenda of political parties. The bureaucracy and the authorities need to be more sensitive towards the needs of these children.” [1] The above observations from the various State Human Development Reports, spanning through different years, speak volumes about the extent

to which achievement in the free and compulsory education for all leads to the ultimate eradication of child labour. During a Special Session on State Human Development Reports at the Gender and Poverty Summit in New Delhi, November 2003, the note on Gender Issues in State HDRs suggested that one of the major constraints in gender analysis, and therefore in effective policymaking, there is non-availability of reliable sex-disaggregated data. The State HDR exercise has a significant effect both in instrumental terms of collation/ compilation of gender related data for purposes of index construction as also the normative value of sensitising the need for more reliable data at the district and local levels, including the training of data providers and users. [118]

“The SHDRs have highlighted low attainments and wide gender gaps in the education sector as the critical areas of concern. The analysis recognizes poverty as being the major deterrent for girl’s education. Poverty also leads to discriminatory hiring and wage practices that in turn are translated into lower expenditure levels on female education within families. Issues of distance from schools, availability of female teachers, separate schools, toilets for girls and flexible timings have been raised and addressed by the SHDRs. The Madhya Pradesh HDR (1995) highlighted the adverse impact of low female literacy rates on women’s access to employment and their empowerment. The Maharashtra HDR (2002) noted higher illiteracy rates among women belonging to poor households or those headed by women, female informal sector workers and women from Scheduled Castes and Scheduled Tribes (SC/ST). Tamil Nadu (2003) HDR stressed the need for gender sensitization of teachers. Himachal Pradesh HDR (2003) quoted parental motivation and State priority to education as the driving force for achieving gender parity in education.” [118] But, this is only possible when the States effectively spend their Gross State Domestic Product (GSDP) on elementary education, decentralizing the whole process, making the local governments responsible for each child in their district to be in school.

3.4. Social condition and position of the girl child

“The status of women and the unequal treatment they receive from the state, society, community and family remains one of the most vexed issues affecting South Asia. All states in the region perform poorly, according to the gender development index and indicators. Statistics reveal rampant discrimination, inequality and violence against women in the public and private spheres; yet, the stories behind the statistics are stories of women’s resistance, agency and mobilisation.” [56]

The status of women in any country is determined by the social, cultural, political and economical status of the country. Like all countries in South Asia, India also has granted equal rights to women, but strong patriarchal values still exists, leading to discriminatory practices against women, in various spheres of life. One of the most significant indicators of the discrimination against women is the declining sex ratio as well as child sex ratio, female feticide and infanticide, education and employment opportunities. Women from the marginalized communities suffer more. Hence, development of the country is incomplete, as long as there exists discrimination against women at various levels. It is interesting to note that increasingly poverty studies are focussing on not only income but also various forms of disempowerment.

“Vulnerability is the risk that a household or individual will experience an episode of income or health poverty over time. In addition, vulnerability also means the probability of being exposed to a number of other risks (violence, crime, natural

disasters, being pulled out of school). The indicators here focus on individual risks—informal sector employment, unemployment, female-headed household—as well as population groups that face income of health poverty over time—children, pregnant women and adolescents and unpaid family workers.”[67] The UN describes certain kinds of vulnerability that depict the status of women in the society. Some of these indicators are female-headed households, births with presence of skilled personnel, maternal mortality ratio, adolescent fertility rate, women at risk of unintended pregnancy, unpaid family workers and pregnant women receiving parental care. [49] “The Preamble to the Constitution ensures, inter alia, justice, equality of status and opportunity and dignity of the individual. The Fundamental Rights guarantee women's equality under the law. Articles 14 and 15 pronounce not only the rights of men and women to equality under law but prohibit discrimination on the basis of sex by the state. Article 15 goes as far as to forbid the state to subject any citizen to any disability on the basis of sex in access to, or use of public places or services. Article 16 states the Equality of opportunity in matters relating to employment under the state. The Directive Principles of State Policy include adequate means of livelihood for men and women, equal pay for equal work, protection of health and strength of workers, protection of men and women from abuse, just and humane conditions and maternity relief.

However, by the mid-70s the then newly appointed Committee on the Status of Women had noted in its seminal report women's decreasing work participation rate, increasing poverty, economic and social insecurity for women, and the disappearance of sources of livelihood. The National Crime Bureau had also noted an increase in reported violence against women - from 82,818 in 1994 to 113,000 in 1998 with 13,910 registered cases of rape. In Orissa between 1887-1992 there was a 305 per cent increase in dowry deaths, and a 55 per cent increase in rape cases. Just 12 per cent of those charged were convicted. Karnataka, a medium development indicator state has the highest rate of dowry deaths in the country. Female foeticide, dowry deaths, rape, caste violence, and maternal mortality are only a few of the overt forms of violence faced by women. Low social statuses, early marriage, too many children too closely spaced are still the realities faced by many rural poor women. What civilisational pride can we have in the face of such distorted demographic development? India's state response has been negative, superficial, and hypocritical - co-opting women when it is useful for the vote getting business.”[90]

The present appalling status and condition of the girl child needs to be located in the wider positioning of women in India. We have, therefore, profiled the position of women on the basis of the gender development indicators in the Human Development Reports since 1999. A comparative analysis of the gender-related indicators over the past few years helps us in assessing the achievements of the country in moving towards an equitable society. There has been a consistent rise in the Gender Development Index value but the ranking of India began to fall post-2000. This indicates that the improvement in the gender-related indicators for other countries was more than India, while India concentrated more on overall economic growth, neglecting comprehensive development of women and the girl child in public life.

Table 3.3 Selected Gender-related Indicators for India

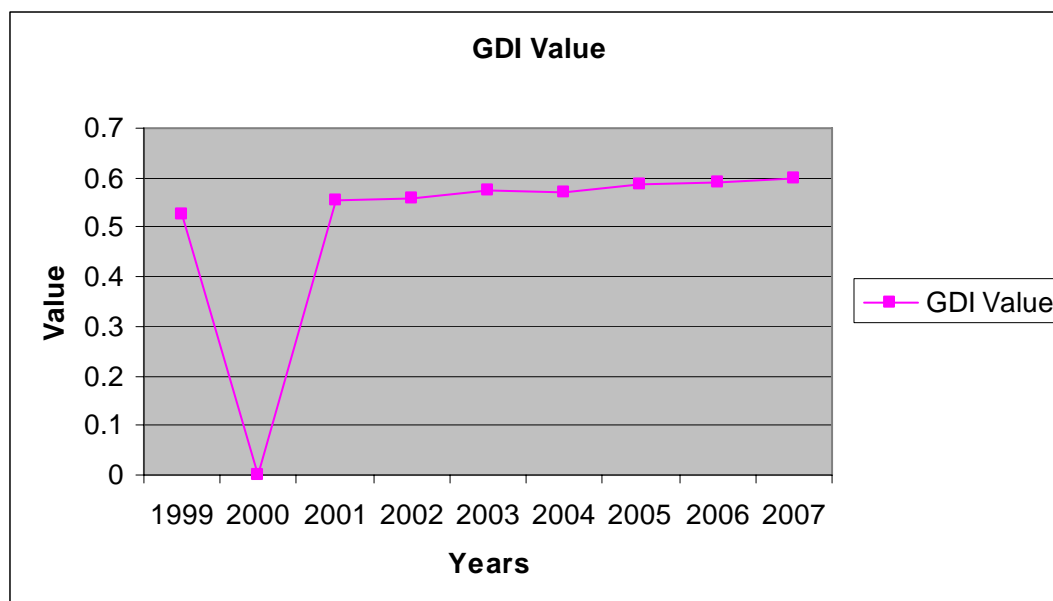
Selected Gender Indicators	Year of publication of Human Development Report								
	1999	2000	2001	2002	2003	2004	2005	2006	2007
[Year of Data]	[1997]	[1998]	[1999]	[2000]	[2001]	[2002]	[2003]	[2004]	[2005]
GDI Value	0.525	~	0.553	0.56	0.574	0.572	0.586	0.591	0.6
Life Expectancy at Birth (Females) (years)	62.9	~	63.3	63.8	64	64.4	65	65.3	65.3
Adult Literacy Ratio (ratio of female rate to male rate)	~	0.65	0.66	0.66	0.82	~	0.65	0.65	0.65
Combined gross enrolment ratio for primary, secondary and tertiary education; Females (per cent)	47	~	49	49	49	48	56	58	60
Estimated earned income, Female (PPP US\$)	902	~	1195	1267	1531	1442	1569	1471	1620
Economic Activity Rate (per cent 15 years and older)	~	41.8	42	42.1	46.4	42.4	42.5	34	34
Seats in Parliament (per cent held by women)	8.3	~	~	8.9	9.3	9.3	9.3	9.2	9

Source: UNDP, Human Development Reports

The above table compares the various gender-related indicators for India, over the last few years. This comparative analysis is essential to establish that although the country has been progressing economically, not much attention has been systematically provided towards a comprehensive development of the status of women. It indicates a subtle discrimination against women, which has been an age-old feature of Indian society. It is unfortunate to note that the participation of women and their contributions to Indian democracy has always been considered in the planning exercise and in budget allocations as an 'add-on' and a soft option. Hence, over time, the data reveals a decline in the material conditions of women's survival and stagnant development in their participation in higher decision-making levels. On all counts, such as literacy, political participation, economic activities and earned income, they demonstrate a declining status.

The value of the Gender-Development Index Value, as calculated by the UNDP for the Human Development Report, has been increasing but the percentage of increase has been quite low.

Figure 3.1 Gender-related Development Index Value for 1999-2007

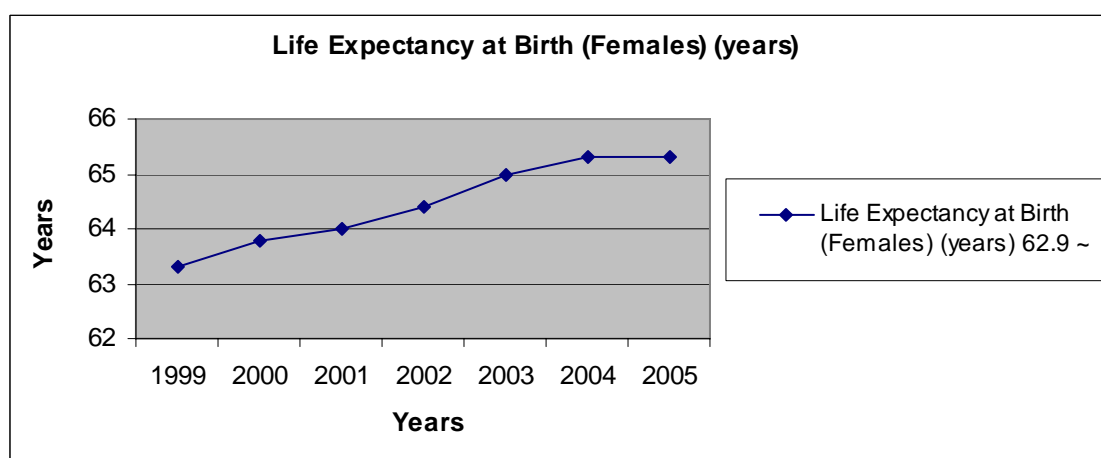


Source: Compiled from the above table

The value in 1999 was 0.525 while the value in 2007 is 0.6. Thus, the percentage of increase has been just 15 per cent in 9 years. This is a quite low percentage increase in the value as the country has almost doubled its economic growth within the same period. Most other developing countries have posted a far better performance over the same time-scale. There is every need for explicit focussing on gender in public policy.

Life Expectancy at Birth for females has shown a positive increase of about 3 years in the last nine years. But, again, like the GDI, the increase has been quite low compared to the improvement in the other developing countries, which are economically not as developed as India. This can be seen in the following graph as well. The graph is not very steep, depicting a gradual improvement and not a drastic one.

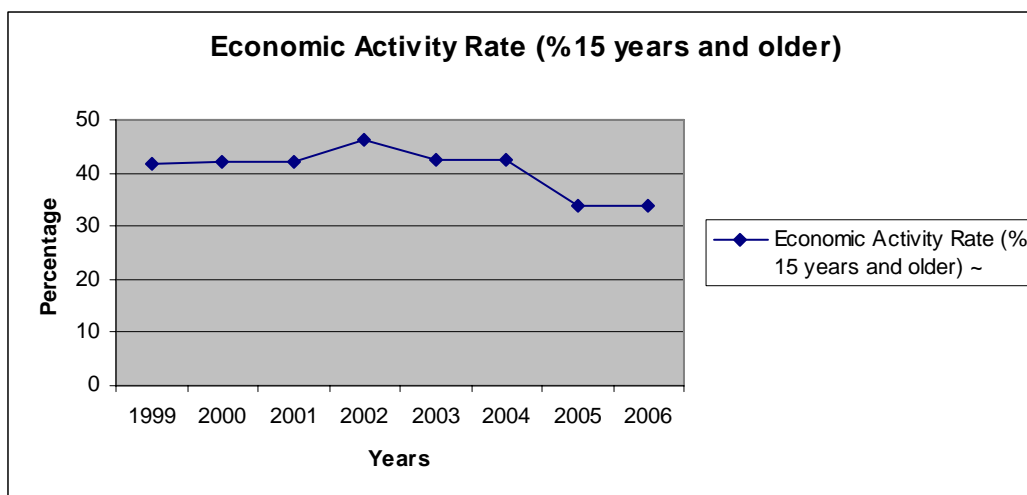
Figure 3.2 Life expectancy at birth for females (years)



Source: Compiled from the above table

The participation of women in economic activity depicts the non-acceptance of women beyond the traditional role of a home-maker (which is unfortunately considered as a non-economic activity). Although, in the end 1990s, the economic participation of women was almost 42 per cent, it fell over the years and is currently at 34 per cent. This could depict that the working conditions of women have depreciated, leading to unsafe working environments, unequal salaries/wages for the same work and discrimination against women at work.

Figure 3.3 Economic Activity Rate for Women (15 years and above)



Source: Compiled from the above table

The above figure is the graphical representation of the economic activity participation of women in the past few years. After a slight rise in the early 2000s, there has been a consistent fall in the activity rate. It is indeed important to understand this decline, as due to economic expansion, there has been an influx of job opportunities, but the preference for males in the job market highlights the existence of discrimination still persisting in the society.

This can also be depicted as a wide variation in the per capita income of males and females. While, in 2007, women earned about 1700 US\$, the estimated earnings of males in the same year was above 5,000 US\$. This disparity could be one of the reasons for the decline in the economic activity rate for women.

The enrolment of females in education has increased by 13 per cent in nine years. The enrolment rate does not depict the retainment of women in the education system. The drop-out rate for females has been observed to be higher than males in most States in the country. This reflects the social bias and preference of male education in case of financial restrictions in the family.

India has a 33 per cent reservation for women in all stages in the political participation, but not even 10 per cent of the seats in the Parliament are being occupied by women. The percentage of women occupying seats in the Parliament has marginally increased from 8.3 per cent in 1999 to 9.3 per cent in 2003-05 but fell again to 9 per cent in 2007.

The 2005-2006 National Family Health Survey (NFHS-3) provides information on population, health and nutrition in India and each of its 29 states. It is shocking to note that regarding education, in the calculation of percent distribution of respondents (15-49 years) by highest level of education, their findings show that 41 per cent of women have had no education as compared to 18 per cent men without education. 23 per cent women have had less than eight complete years of education as against 27 per cent of men. Only 14 per cent of women have completed 8-9 years of education as compared to 21 per cent of men. The extraordinary gap repeats itself in the category of ten years and above of complete education when for women it is 22 per cent and for men it is 35 per cent. [121]

3.5 Poverty, social exclusion and its compulsions, especially on the girl child

Thorat, in an important intervention, asks, “Why are governments in developing and developed countries concerned about exclusion and discrimination? Why do they develop policies against such practices? Is discrimination only an issue of equity or does it also involve economic costs to the society? Are the costs it imposes on the society more social and political than economic? The insights from mainstream economic theory indicate that economic, particularly market, discrimination has multiple consequences; it hampers economic growth, induces income inequality and creates potential for inter-group conflict by denying equal opportunity to discriminated groups” [58] Poverty, coupled with social exclusion is one of the major reasons for not just economic setbacks of millions across the country but also responsible for increasing social fragmentation and loss of social cohesiveness. That they are denied opportunities that they have a right to, and treated without dignity and respect, in a country which guarantees them the Right to Equality as a Fundamental Right points to State failure in establishing structurally a more horizontal society.

In an earlier paper in 2002 we wrote **on** the feminisation of poverty stating that “India has one third of the world's poorest people living here. The per capita income is one third of developing countries. Recent estimates of poverty of Scheduled Caste (SC), Scheduled Tribe (ST) and female headed households show that caste and poverty status seem to go hand in hand. It is an outcome of a history of discrimination that extends to the economic sphere. Poverty rates have declined over time for all communities. Today roughly half of SC and ST households in the rural areas are poor. The discrimination along caste and gender lines for the distribution of public goods is alive and kicking. SC and ST and female headed households have much higher impoverishment. Public intervention is urgently needed. Like shock absorbers, women not only largely bear the burden of poverty, food insecurity, problems of housing, clothing, education, and disease, but also all forms of social suffering stemming from caste bias and patriarchal prejudices. In fact women in the public work sphere in India face enormous difficulties. India can lay claim to being one of the largest informal sectors in the world – 90 per cent of the labour force are employed here. E.g., the figures for unregulated labour presence are high - in agriculture 99 per cent, trade 98 per cent, construction 82 per cent, manufacturing 80 per cent, transport 58 per cent, mining 50 per cent, finance and public administration 60 per cent. In the organised sector, women form 8 per cent of scientists and engineers, and 2.3 per cent of administration managers. Women in the hazardous industries and in the leather tanneries in particular, endure long-term injuries, high morbidity rates, unequal wages, and a social life silenced by both public and domestic threats.” [90] In many ways little has changed despite the progress posted by India in the global development map.

Evaluating the situation of the girl child, amidst poverty and socially excluded communities, is a depressing one. One of the indicators, the child sex ratio, shows a favourable situation for the male child in the patriarchal society, which cuts across castes, class and States. In most states, the overall sex ratio depicts a better figure than the 0-6 Sex Ratio, which indicates towards the prevalent practices of female foeticide and female infanticide in the States. The table below compares the states based on the sex ratios:

Table 3.4 Comparing the Sex Ratios across various States (Census 2001)

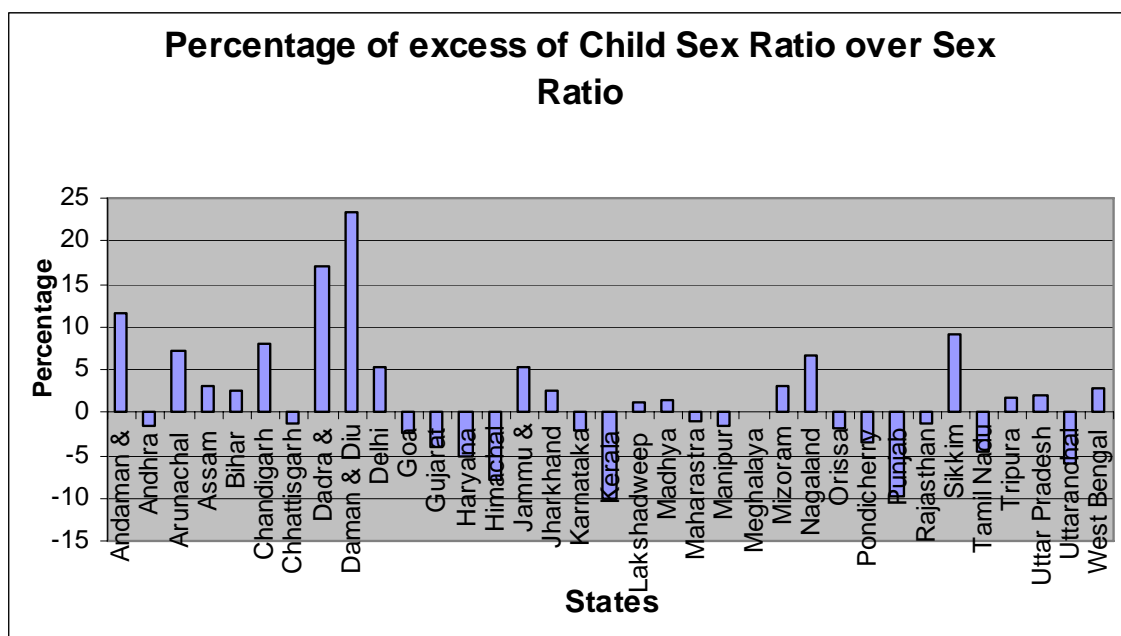
State (1)	Sex ratio (for all ages) (2)	Sex ratio (0-6 years) (3)	Percentage excess of (3) over (2)
Andaman & Nicobar Islands	846	957	11.6
Andhra Pradesh	978	961	-1.7
Arunachal Pradesh	893	964	7.3
Assam	935	965	3.1
Bihar	919	942	2.4
Chandigarh	777	845	8.0
Chhattisgarh	989	975	-1.4
Dadra & Nagar Haveli	812	979	17.0
Daman & Diu	710	926	23.3
Delhi	821	868	5.4
Goa	961	938	-2.4
Gujarat	920	883	-4.1
Haryana	861	819	-5.1
Himachal Pradesh	968	896	-8.0
Jammu & Kashmir	892	941	5.2
Jharkhand	941	965	2.5
Karnataka	965	946	-2.0
Kerala	1,058	960	-10.2
Lakshadweep	948	959	1.2
Madhya Pradesh	919	932	1.4
Maharashtra	922	913	-0.9
Manipur	974	957	-1.7
Meghalaya	972	973	0.10
Mizoram	935	964	3.0
Nagaland	900	964	6.6
Orissa	972	953	-1.9
Pondicherry	1,001	967	-3.5
Punjab	876	798	-9.7
Rajasthan	921	909	-1.3
Sikkim	875	963	9.1
Tamil Nadu	987	942	-4.7
Tripura	948	966	1.8
Uttar Pradesh	898	916	1.9
Uttaranchal	962	908	-5.9
West Bengal	934	960	2.7

Source: Calculated using Census 2001

The above table and diagram depicts the state-wise sex ratios, comparing the overall sex ratio with the child sex ratio for ages 0-6 years, bringing put the conditions of the girl child in the respective state. Kerala, the state with the highest literacy rate as well as one of the two states to have an overall sex ratio of more than 1000 has the highest discrepancy in the overall sex ratio and 0-6 years sex ratio in the State. This indicates the level of social exclusion towards the girl child and a high rate of female foeticide and infanticide. Like Kerala, data for Pondicherry depict a deplorable state of the girl child as the child sex 967 girl children as against 1000 male children. Although, this is a much lower figure than their overall sex ratios, it is indeed much better than states like Andhra Pradesh, Uttaranchal, Rajasthan, Tamil Nadu and Karnataka where the child sex ratio is

way below the overall sex ratio, indicated by negative percentage difference between the two sets of data, which in turn is below 1000 mark. The worst is the condition of Punjab and Himachal Pradesh where the difference between the overall sex ratio and child sex ratio is more than 8 percentage points. This can also be depicted with the help of the figure given below:

Figure 3.4: Sex Ratios for States: Overall Sex ratio with 0-6 years Sex Ratio



Source: Compiled from the above table

The difference between the male-female expectancy has been rising since the 1980s. It is also noteworthy that according to the Census of 2001, the four southern states have a higher female life expectancy at birth than male expectancy birth. Even states like Maharashtra and Gujarat, that are considered low on human development, have shown significant improvement in the life expectancy at birth for females. The mortality rate as well as the crude death rate has been in favour of females in the 1990s. Despite the improvement in the life expectancy at birth and mortality rates for females, there has been a significant decline in the child sex ratio, indicating an increase in the discrimination against the girl child in the society. “In examining child sex ratio one should, however, concentrate on infant and child mortality since they affect the child survival the most. It is sad that while the overall mortality differential has become favourable to females as pointed above, the available data suggest that the girl child has continued to suffer more in this regard.” [49][89]

3.5.1 Patriarchal perceptions, practice and the position of the girl child

“...as long as the birth of a girl does not receive the same welcome as that of a boy, so long we should know that India is suffering from partial paralysis...” (Mahatma Gandhi)

According to the United Nations Population Fund (UNFPA), about 2,000 girls go “missing” everyday in India. This is a result of age-old patriarchal society, where the birth of a girl child is considered a ‘degenerating event’, and thus, leading to female feticide (even though the sex-determination test is banned in the country) and female infanticide. This, in the wake of the era, where there has been an improvement in the overall sex

ratio, mortality rate and life expectancy at birth for females dislocates the contextualisation of inequality and progress. This poses a serious question about how society, even the 'educated' urban population, perceives the presence of women with patriarchal lens and eventually meets the birth of a girl child with the violence of engendered violence.

In community perception, the place of the girl child is the family, where she is traditionally expected to be nurtured and protected. In most families, the girl child works from morning to night. Yet, her contribution is considered invisible, and her presence is considered, a 'burden'. Hence, it comes as no surprise that in these 'burdened' families, the girl child is denied formal education, adequate nourishment and health care. [61] The girl child is subjected to open discrimination against the male child and resorted to child marriage to get off the 'burden'. The first time the girl child received the much-awaited special attention was when SAARC declared the year 1990 as the Year of the Girl Child, drawing the attention of the world to the acute problems that girl children in this region face. The period up to the year 2000 was then declared as the Decade of the Girl Child. In the 2008 SAARC meeting, a special concern towards the eradication of all forms of discrimination against women has been expressed by the President of India. It is crucial that the political leadership of the country at all levels places women's rights at the highest levels of a nation's priorities.

An article, published in *The Economic and Political Weekly* in 1974 [97] drew attention for the first time, to the secular decline of the male-female sex ratio as well as male-to-female mortality rates as recorded in the Census of 1901 to 1971. Pranab Bardhan in 1974 [62] observed that neglect of the girl child was less prevalent in the eastern or southern India, and tentatively offered the hypothesis that in the paddy growing areas, female labour was valued and hence, the neglect of the female child was less acute. [61]

Sex-selection and sex-pre-selection tests have led to the decline in the sex ratio whereas about sixty lakh female infants and girls have been "missing" between 1991 and 2001. While female infanticide was being practiced widely among the selected communities, the use of new-reproductive techniques became a common phenomenon across communities, irrespective of caste, class, religion, educational and ethnic background. There has been a divide in the opinion poll of different groups regarding the gender implications of new reproductive techniques. [63] It is important to note that poor families are displaying an interest in middle-class and upper middleclass behaviour of sex determination and girl child elimination.

According to Sen, about 100 million women have been missing in South Asia due to "discrimination leading to death" experienced by them from womb to tomb in their life cycles. [127] So, the question is: where does a declining child sex ratio lead to? It leads to a society, which might have progressed economically to compete with the most developed nations of the world, but has still not developed the sensitivity to social and human development issues. It prompts us to ask as to the notions of inequality which have become a part of acceptable public discourse, directly and indirectly permitting the violence against women. Visaria in her recent publication [126] points out that according to the 2001 Census, there were 49 districts in the country, where for every 1,000 male children aged 0-6 years there were less than 850 female children. 38 of these districts were located in just three northern and western states of Punjab, Haryana and Gujarat [Census of India 2001]. She underscores that 'the decline of 60 to 83 points in the juvenile sex ratio between 1991 and 2001 or in a span of just one decade in these districts

cannot be explained solely by the discrimination against girls that has been practised in this region for several decades. Because at no other time, in the history of census taking, has the sex ratio of children declined so drastically.' She cautions that a major structural change is required in the role, status and economic value of women. However she points out that there are no simple linear solutions to the emancipation of women in society and that providing greater access to education is not a magic wand to improved social status. Empirical evidence needs to be generated as to whether this will prevent families from eliminating girl children. "While these are desirable goals in themselves, and also might make a difference in the long run, in the short-run their impact on tackling the issue of sex selection appears quite limited." [126]

In conclusion, it is critical that for both short term interventions and long term benefits, that there should be a unity of interventions taken by State. Sex ratio declines, falling indicators for women in economic activity, increasing violence against women, poor entry into education and retention of girl children in school all be treated as national priorities and that solutions are met major action by all concerned Ministries. The position of women is not a soft option issue. Women are citizens of India and it is appalling that we need to remind Governments at both State and Centre that long term poverty conditions can be solved without a serious attention as to how we may provide the entry and leadership for women in public life. Our focus on the declining sex-ratio is to suggest that issues of survival have as much to do with women's status in democracy as to also suggest that finally social exclusion is as significant as income poverty.

Agriculture and its allied activities have the highest incidence of child labour across the globe. The employment of children in the self-owned land for farming and cultivation leads to disguised child labour, wherein children are employed but since it is a self-owned land, the employment remains disguised. This also causes the underemployment as well as unemployment of adult labour. Again, children are employed in the fields as the adult labour is costlier. Thus, in order to reduce the costs, children are employed. One of the other reasons for mass employment of children in the agricultural sector is the non-accessibility of schools within the village and lack of awareness among the rural population regarding the importance of formal education. One of the most important steps that the Government needs to take is to categorize agriculture as one of the hazardous occupations, wherein child labour should be banned completely. Since most of agricultural activities form the unorganised sector, it is difficult to regulate the employment of children. Hence, apart from banning employment of children in agriculture and its allied activities, it is important that the Government ensures that there are schools within easy accessibility of the rural population. Quality as well quantity of schools is essential for higher human development. Free and mandatory education is the mantra based on which the Government should work on. Finally, it is important that awareness is created regarding the importance of education for boys as well as girls. In conclusion, we can state that the present condition of the girl child in the society is deplorable. In 15 States of India, the child sex ratio (0-6 years) is lower than the overall sex ratio. This indicates increasing female foeticide and infanticide. The banning of the gender determination tests has had little impact on the mindsets of the patriarchal society, which still 'mourns' the birth of a girl child. The condition and position of women needs to be placed high in the nation's priorities and the citizenship of women needs to be advanced through all ministries paying special attention to the education, health, employment, and the political participation and well-being of women from birth onwards throughout their life span to ensure their survival, their attainment of rights and their participation as citizens of India.

CHAPTER FOUR

TOWARDS ERADICATION OF CHILD LABOUR

4.1 Introduction

Child labour is one of the most neglected parts of the poverty trap, where poor people are forced to make a bargain in order to make immediate security. It is both a result of poverty and a way of perpetuating it. “It dehumanizes children, reducing them to an economic asset, which in turn fuels spiraling population growth among countries least able to cope.” [52] One in six children in the age group 5-14 years in the world or about 158 million children are involved in child labour. [68] Children living in the poorest households and those in rural areas are highly susceptible to child labour, especially girls, who are burdened with the household chores. Labour often interfaces with children’s education and thus child labour remains a central obstacle to realizing the right of all children to education and protection from violence, abuse and exploitation.

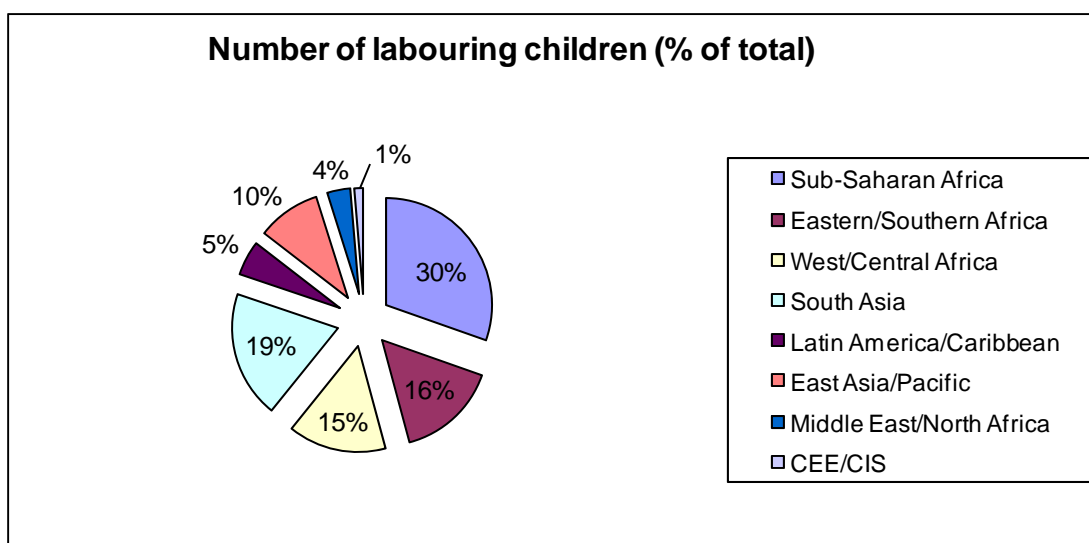
A cross analysis of the various regions across the world depict that the maximum number of labouring children are in Africa, while about 99 per cent of the labouring children live in the developing countries. These countries are still trying to stabilize their economy growth rates and hence, the usage of child labour adds to the cost effectiveness in the production process, yet studies have shown that over a long period of time, the producer using child labour tends to loose out as compared to the one using better technology, as over a long period of time, cost effectiveness of using child labour diminishes. The following tables analyses the composition of child labour according to the region across the world:

Table 4.1 Number of children aged 5-14 years engaged in labour, by region (2006)

Region	Number of labouring children (in million)	Percentage of children who labour (per cent of total children in the country)
Sub-Saharan Africa	69	35
Eastern/Southern Africa	35	36
West/Central Africa	34	34
South Asia	44	13
Latin America/Caribbean	12	11
East Asia/Pacific	22	7
Middle East/North Africa	8	9
CEE/CIS	3	5
Developing Countries	157	15
World	158	14

Source: UNICEF Global Databases, 2007, based on MICS and DHS, for 98 countries (1999-2006)

Figure 4.1 Number of labouring Children (as a Percentage of Total)



Source: Compiled from the above table

It is indeed shocking that more than 31 per cent of the labouring children dwell in the Sub-Saharan Africa while 19 per cent and 10 per cent dwell in South Asia and East Asia respectively. This, in an era of phenomenal economic growth for the Asian countries, often called the Asian Tigers by the media for record economic progress; there is a recession in the living conditions of children across these countries.

What is more depressing is that although India, which is economically more developed than some of the countries like Sri Lanka, Maldives, Occupied Palestinian Territories, to name a few, features below them in the Human Development Index Rankings, based on life expectancy at birth, adult literacy and combined gross enrolment in primary, secondary and tertiary level education, Gross Domestic Product (GDP) per capita Purchasing Power Parity (US \$). [69] India's ranking, on the basis of its Human Development Index Value, fell from 126 in 2006 to 128 in 2007, [64] [69] despite a slight improvement in the index value. This indicates that other countries, which maybe are still economically behind India, are diverting more resources and implementing aggressive action towards the development of living conditions in the country. A 10 per cent annual economic growth is quite exciting to look forward to, but there is always a trade-off in growth, and the trade-off at the expense of child labour and deprived education for children, endangers the future of the country itself.

4.2 The International Context---Free and Mandatory Education

At the World Education Forum in 2000, 164 governments, 35 international institutions and 127 non-government organizations adopted the Dakar Framework for Action, promising to commit the necessary resources and effort to achieve a comprehensive and inclusive system of quality education for all. [70] Some of the significant progress since the Conference is:

- a) Primary school enrolment rose from 647 million to 688 million worldwide between 1999 and 2005, increasing by 36 per cent in sub-Saharan Africa and 22

per cent in South and West Asia. As a result, the number of out-of-school children declined, with the pace of this decrease particularly marked after 2002. [70]

- b) Rapid progress towards universal enrolment and gender parity at the primary level for example in Burkina Faso, Ethiopia, India, Mozambique, the United Republic of Tanzania, Yemen and Zambia shows that national political will combined with international support can make a difference. [70]
- c) Illiteracy is receiving minimal political attention and remains a global disgrace, keeping one in five adults (one in four women) on the margins of society. [70]
- d) Attendance data based on household surveys shows that the number of children of primary school age who are out of school has declined markedly in recent years from 115 million in 2002 to 93 million in 2005-2006. [68]

Cross-analysis of countries that have successfully managed to curb child labour points towards education being a single major factor that helped in reducing poverty levels and child labour. The Republic of Korea, on its independence in 1945, had low levels of school enrolment. Compulsory education was introduced in 1948 for six years, and later extended to nine years. Special stress was given on primary education from 1955 to 1970 and about 99 per cent of the elementary age school children were enrolled. Stress was also given on the education of women at primary, secondary and higher secondary levels. This helped in accelerating the economic growth as it led to an educated generation of citizens. In Malaysia, nine-year compulsory education was introduced in 1960s and by 1980s universal primary education was achieved with gender parity. China has about 25 per cent of the world's children, and in the last 25 years, China has taken out more people out of poverty and enrolled more children in schools than any other country. There is thus a strong circumstantial evidence that this has also had a dramatic impact on child labour in China. Turkey had about 1 million economically active children in 1994, which came down drastically to half a million in 1999, a fall of 50 per cent in 5 years, mainly due to extension of compulsory education in 1997 from five to eight years, covering the age-group 6-14 years. [52] Another example could be of Sub-Saharan States like Namibia, Jordan, Rwanda, who are economically categorized as least developed countries, yet with respect to literacy levels are ranked higher than some of the developing countries like India, Sri Lanka and Pakistan. It is critical that child labour is considered and taken into account explicitly in the computation of HD indicators. States need to be ranked on their human development performance consistently for the global aim of eradication to be achieved.

In recent years, efforts have been diversified towards linking the global causes of education for all and the elimination of child labour. The education for all agenda rests on a belief that public policy can radically transform educational systems and their relationships to the society within a few years. "The number of child labourers globally fell by 11 per cent over the last four years, while that of children in hazardous work decreased by 26 per cent." [52] Political commitment, through the adoption of coherent policies in the areas of poverty reduction, basic education and human rights, is central to the progress, of both past and present, made by countries in combating child labour. It has become clearer that responding to child labour requires right policy choices and not only the existence of right technical tools.

4.3 Legal Provisions and Emancipatory Social Change

“Destiny of a nation is shaped in its classrooms,” stated the Kothari Commission, the first Commission set up for a comprehensive study of education system in India (except medical and legal studies) in 1964-66. This notion was derived from the major demands during the independence struggle for guaranteeing compulsory education for the masses, starting with the Hunter Commission on Education in 1882, where Dadabhai Naoroji and Jyothiba Phule demanded State-sponsored free education for all children for at least four years. These protests were followed by the recommendations of the Commission to open schools for all castes and classes. The Commission also suggested that “...3. That while every branch of education can justly claim the fostering care of the State, it is desirable, in the present circumstances of the county, to declare the elementary education of the masses, its provision, extension and improvement, to be that part of the educational system to which the strenuous efforts of the State should now be directed in a still larger measure than here-to fore.” [84]

Various states tried to introduce free and compulsory education for both girls and boys, some more successfully than others. The first law on compulsory education was being introduced by the State of Baroda in 1906, which provided for compulsory education for boys and girls of the age group 7-12 years and 7-10 years respectively. The Legislative Council of Bombay was the first Province to adopt a law on compulsory education. [85] Other Provinces followed as school education was transferred to the Indian Ministers under the Government of India Act, 1919. [86]

The idea of compulsory education resurfaced with aggressive persuasion in All India National Conference on Education at Wardha in 1937. One of the most crucial conclusion of the Conference was that “The present educational system of India has of recent years been condemned on the grounds that it has failed to adjust itself to changed conditions and is ‘uninspired by any lifegiving and creative ideal.’” [78] The Central Advisory Committee recommended that the course of primary education should be extended at least to seven years and should include the general knowledge gained up to the matriculation standard less English, and plus a substantial vocation. It also propagated that the scheme of ‘Basic’ education should first be introduced in the rural areas. It also fixed the minimum age of admission of children into these basic schools as 5 years. But, the Wardha Report, by the Central Advisory Committee, dealt only with compulsory primary education. The Wardha Conference appointed a Committee under Dr. Zakir Husain, which helped in clarifying majority of the criticisms, mostly implying education that focussed on vocational training led to child labour, which could be exploited for economic purposes. [78]

The Wardha Conference was followed by the Sargent Plan in 1944, developed by the Central Advisory Board of Education. The Plan of Post-War Educational Development, also known as Sargent Plan, was the “...first document prepared with the objective of visualising national system of education for India. It lays down the targets to be reached at each stage of education, indicates the manner in which the different stages and fields of education are to be integrated with one another, estimates the cost of implementing its recommendations and suggests a tentative programme spread over 40 years for the realisation of its objectives.” [78] It also recommended free and compulsory education for eight years (6-14 years), along with various recommendations for secondary and higher-secondary education, some of them being implemented in the Second Five Year Plan.

When the Constitution was being drafted, due to a lack of consensus in favour of fundamental right to education, the aspect of free and compulsory education for all children, irrespective of gender, caste, class and race, till the age of 14 was made a part of the Directive Principles of State Policies, to be achieved by 1960. It was the only directive that was time-bound, as the framers of the Constitution felt that should be achieved within the stipulated timeframe, for the progress of the country. [71] Surprisingly, there has been no major Parliamentary discussion for the achievement of this goal. The First Five Year Plan laid emphasis on the expansion of primary education, yet the allocation of resources for education in the subsequent Plans decreased, as economic growth took a higher priority.

The Indian Education Commission (Kothari Commission) (1964-68) was the first Commission set up for a comprehensive review of the status of the Indian education system, except legal and medical education. One of its main recommendations was the formulation of a common school system with a view to eliminating inequality in educational opportunities. It also propagated that at least 6 per cent of the Gross National Product (GNP) needs to be invested in education, in order to tackle the status of literacy in the country. The Kothari Commission Report was followed by the National Policy on Education in 1968, which echoed the recommendations given by the Kothari Commission. It also dealt with issues of equalization of educational opportunities for social justice as well as social transformation. Like the Kothari Commission, it also sought to adopt a common school system. Although it regarded free and compulsory education as a 'directive principle', it laid special emphasis on reducing the "prevailing wastages and stagnations in schools and to ensure that every child who is enrolled in schools successfully completes the prescribed course." [81] The Constitutional Amendment of 1976 included Education in the Concurrent List, which required a new sharing of responsibility between the Union Government and the State Governments. While the Union Government had the macro-responsibilities of reinforcing the national and integrated character of education, maintaining quality and standards, studying and monitoring the educational requirements of the country as a whole, catering to the needs of research and advanced study, looking after the international aspects of education, culture and Human Resource Development and, in general, to promote excellence at all levels of the educational pyramid throughout the country. [76]

"The Constitution of India in Article 39 of the Directive Principles of State Policy pledges that "the State shall, in particular, direct its policy towards securing ... that the health and strength of workers, men and women, and the tender age of children are not abused, and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength, that children are given opportunities and facilities to develop in a healthy manner, and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation, and against moral and material abandonment."

The 1968 National Policy on Education was later modified in 1986, which drew attention towards the disparities in education, special with respect to women, scheduled castes and scheduled tribes, educationally backwards areas, minorities and differently-abled. It re-organized the structure of the education system in India, categorizing it into different stages: Early childhood care and education; Elementary education giving stress on child-centred approach, school facilities and non-formal education; Secondary education

involving pace-setting schools; Vocalisation of education; Higher education; Open University and Distant Education and Rural University. [76]

India attended the World Conference on Education for All in Jomtien (Thailand), which marked a global quest to universalize education and eradicate illiteracy. A declaration and a framework were agreed upon, which encouraged action at global, regional and national level. [80] After the Conference, India ratified the United Nations Convention of Rights of the Child (UNCRC) in 1992. The UNCRC declared the maximum age of child be considered as 18 years, unless specified by law. It also emphasised that every child, irrespective of age, gender, caste, creed and race, is entitled to right to life, maximum extent possible development and right to education based on equal opportunity. It also emphasised on monitoring of regular attendance, secondary and higher education opportunities to be granted by the State. [42] The ratification of the UNCRC led to increased international focus on the initiatives of the State regarding education.

A Constitutional Amendment Bill for the inclusion of fundamental right to education was moved in Parliament, which proposed Article 21-A be introduced, deleting the Article 45 (former Directive Principles on free and compulsory education) and Article 51-A(k) (Fundamental Duty on parents to provide educational opportunities to their children in the age group of 6-14 years) to be introduced. Finally, the bill was re-numbered and Article 45 was amended to provide for early childhood care and education. The Bill was passed in 2002 as the 86th Amendment to the Constitution. [71] Currently, Article 21-A of the Constitution guarantees every child in the age-group 6-14 years the fundamental right to free and compulsory education, irrespective of caste, gender, class and race.

Tracing the history of the movement for free and compulsory education in the country, we come across various contradictions in the Constitution that has been evolved over the past 60 years of independence. First and foremost, the Article 45 of the Directive Principles of State Policy states that by the end of 1960, the State should provide for free and compulsory education for all children. Despite the existence of this provision, the insertion of Article 21-A by the 86th Amendment to the Constitution, made free and compulsory education for all children only in the age-group 6-14 years as a fundamental right guaranteed by the State. (The fundamental right has been implemented but has not been enforced as yet!) This insertion deteriorated the status of the Constitution when it was framed, by restricting the Fundamental Right to Education for the children in the age group 6-14 years only. In the light of the already existing provision, the insertion of such an age-bound clause is indeed questionable. It also raises the question that the concept of early childhood and elementary education has been completely neglected by the 86th Amendment. “Advocating compulsory school education stems out of a desire for a true democracy of the intellect, where people can realise their right to be educated. Freedom must not be eroded any further.” [53]

Another contradiction is the status of the Abolition of Child Labour (Rules and Regulations) Act 1986. The 1986 Act segregates the industries into hazardous and non-hazardous and abolishes the employment of children below 14 years in the ‘hazardous’ industries. It specifies various ‘non-punitive’ actions to be taken against any offender, which includes a short-term in jail or monetary fine or both. [8] Despite the presence of clauses of punishment, most offenders are often either not reported or get away with paying the fine only. [8] Thus, it comes as no surprise that there are still about 13 million

children still in the labour force, whereas only about 6 lakh of them are in the household sector. [4] Thus, the existence of the 1986 Act has not deterred the employment of children in the hazardous industries, mainly due to lack of effective implementation and political will. The existence of Article 45 (Directive Principles of State Policy) and Article 21-A (Fundamental Right to Education) is contradicted by the 1986 Act, which is still valid. The former makes it compulsory for all children up to the age of 14 years to be in school, while the Act allows the employment of children in non-hazardous occupations including households. We maintain that all labour is hazardous and that this is a dilution of the universalisation of education.

As per the United Nations Convention of the Rights of the Child ratified by the country, it is the duty of the State to ensure that there exists no child labour and all children are given the right to education and a life of dignity and respect. [42] “In underplaying the critical prevalence of child labour and the absence and denial of compulsory education, the State has contributed to both quantifiable and intangible violations of the rights of children. The acceptance of child labour is built on the myth that the survival of the poor is an unavoidable deterrent to compulsory school education. Empowerment of the child by providing compulsory education is the only long-term solution to ending the cycles and histories of deprivation.” [53]

After 60 years of independence, 10 per cent annual economic growth rate and India joining the Trillion Dollar Club, it is indeed shameful that the country has a literacy rate less than some of the Sub-Saharan countries like Rwanda, Namibia and Malawi. “Just as a public good like a highway confers positive externalities on other agents, literacy too, is something like a public good in that a literate agent confers a positive externality on illiterate agents in the households by sharing the benefits of his or her literacy. This could happen for reasons of conscious altruism, unwitting munificence, osmosis or socio-cultural dispositions arising from group affiliation. Literate members of the same region, community, caste, or family could be expected to positively affect the literacy status of their respective cohorts. The unit of aggregation within which such external effects of literacy might be expected to be most salient is that of the household.” [87]

The importance of involvement of the citizens in improving the education system of the country is crucial. When viewed at a macro level, it looks like an impossible task, but at micro level, the model of citizen-participation has actually been very successfully in states like Andhra Pradesh, Karnataka and Nagaland.

The MV Foundation’s report of a study in the Ranga Reddy district in Andhra Pradesh, which was marked with high levels of child labour and low literacy levels, stated that when girl children were put into schools, the additional responsibilities were taken over by the other members of the family. [10] The involvement of the family members has contradicted the common notion that the poor do not want to send their children to school, especially girls, in order to save labour and generate additional income. In fact, the survey depicted that the poor have realised the importance of education, despite the loopholes in the system, which could liberate them from the circle of poverty. [1]

In Karnataka, the Centre for the Child and Law (CCL) has been working at Gram Panchayat level, for improving the quality of the education system, by establishing the School Development and Monitoring Committee (SDMC). These committees are elected by the parents of the children attending school. “...in 2000, the interim report submitted by the Task Force on Education appointed by the State of Karnataka recommended the

constitution of School Development and Monitoring Committees in place of the then existing Village Education and School Betterment Committees.” [73] The draft legislation (enclosed in Appendix) compiled, for the first time in layman language, by the CCL has been accepted, in totality, by the State government on June 14, 2006. This legislation makes the SDMCs a part of Gram Panchayats and outlines their election, composition, functions, disciplinary action and other procedures. [73] The involvement of the citizens ensures quality control and enhances the school system at its most basic level. Interestingly, if this model of citizen-participation can be accepted by one of the States of the country, it can indeed be implemented by other States as well, especially the ones with low literacy rates and a great urban-rural literacy gap. The execution of this legislation across the length and breadth of the country would certainly raise the standard of the school system currently prevalent. It would make the Government, at all levels, more responsible for the infrastructure provided, resources allocated and check mis-utilization of funds, scrutiny of teacher-pupil ratio and regular upgradation of the curriculum. The SDMCs would also help in ensuring that each child is sent to school within their Gram Panchayat. This micro-level execution would have a great impact at the macro level.

Nagaland, due to its geographical location has certain economic disadvantages. Yet, it has managed to perform consistently in the education of its inhabitants. It has at least one school in each of its 1021 villages, reflecting an overreaching demand for education from rural communities. Most schools were initially started by the local communities and later taken up by the State government. In March 2002, Nagaland Communitisation of Public Institutions and Services Act, 2001 was implemented, followed by its application under different departments. “The Act seeks to break conventions and provide for the empowerment of the grassroots communities through delegation/devolution of powers and functions held by the state governments to the local authorities; this, by way of allowing participation of the community in matters connected with the management of public utilities, public services and the activities of the state government related to education, water supply, roads, forest, power, sanitation, health and other welfare and development schemes.” [73] The key features of communitisation includes devolution and transfer of powers and resources to the communities that were earlier strictly retained with the government; empowering local communities through orientation and training; and, creating appropriate systems that would allow the governmental structures to work with local communities with compatibility. The Village Education Committee (VEC) is considered as the primary instrument functioning along with the pre-existing statutory bodies and civil society institutions, village councils, church communities in order to ‘communitise’ education. Communitisation has ensured efficient distribution and utilisation of resources along with increased transparency. [73]

“The right to school education and the exercising of this right is fundamental to democracy. As this society moves through a very difficult period in history where the challenges of poverty and destitution continue to bear heavily on our conscience and where the brutal forms of communal hatred violate and destroy the intrinsic social bonding between citizens of varying backgrounds, education has a very critical role to play. **It has a role in healing and altering the distances that income and wealth create between people in a class and caste ridden society. It is vital to accelerating the secularisation of society and giving every citizen, especially our young children a sense of the ultimate dignity of every human being, irrespective of gender, caste, and religion.** The removal of social exclusion and the privileging of universal education are crucial to the overall objectives of social development.” [53]

Another critical issue pertains to the age that defines the limits for child labour. Despite the demand for increasing the age to 18 years there has been little success in forcing a change that will bring India to the same standards of governance on this issue as most other countries such as the US, and in Europe. The response by governments is representative of the lack of a serious commitment of various State Governments to supporting the raising of the minimum age for child labour to 18 years. Eg., The meetings of the Monitoring Committee and the decisions taken regarding the age of child labour being retained till 14 years. There is no country-wide public referendum on such a debate. It is a well-known fact that the maintenance of class-based privileges are being extended in the present system under the argument of the poverty claim being more dominant than the rights-based claims of citizens. While most middle-class and upper-middle families are able to not only have their children enjoy schooling till the age of 18 and then enjoy further University education, including technical training this letter baldly states that the entire system is based on the age of 14 years and that changing this would mean that the ITIs etc would be disturbed.

The Labour Ministry also risks the stature of Article 21- A in their determinations.[71] . The Labour Ministry strongly maintains a system which has long ago been abandoned in most countries. Niranjan's point that "any labour, hazardous or non-hazardous which is detrimental for the childhood goes against the fundamental – basic features of the Constitution" is the basis on which the issue has to be taken forward.

Every reputed medical journal, both Indian and global suggest that till the ages of 18/19 children have to be classified scientifically as children. The discipline of paediatrics classifies 'child' along similar lines. We are opportunistic when it comes to what we may accept from science and what we will not when it comes to exploitation and denial. While data on child labour is available there is little data available to evidence the issue of high morbidity among children between 14 till 18 years. Even if the list of hazardous occupations are extended it is well-known that there will be more hazardous occupations that escape the reach of law and even within the said list punitive action by law is often limited.

We have been witness to aluminum industries where large numbers of children and women have been partially or totally blinded by flying steel. None of these cases went to court. Gujarat's agate polishing industries are actually made up of home based units where the cyclical nature of employment for polishing is such that by the time an adult is 30 he or she is dying of silicosis and children and women are brought in to continue with the work. A child's life is determined by early onset of silicosis and an early impairment leading to premature death. Health insurance firms have supported employers by classifying their deaths as related to tuberculosis. Most laws in northern countries suggest that a worker has the right to demand redressal of position if he/she considers the labour conditions to be hazardous!

The issue of what is 'hazardous' and 'non-hazardous' is often on the lines of inexact science and given to malicious interpretation leading to loss of all rights for employees. In the absence of safety regulations being adhered to by most companies, expanding the list is simply 'appearing' progressive when the environment will not change even to arrive at half-way destination points. Most of the data available in the Census 2001 shows that the largest differentials between boys and girls remaining in school occur just after

completion of primary school. For a country that makes so many public statements of wishing to improve the lives of girl children which are at grave risk at the present time (see the differentials in life expectancy of girl children falling between the ages of 1-6 years as compared to boy children), opining that child labour is till the age of 14 and no more, places at high risk the safety and the possible advancement of poor girl children. If retained in school and prevented from working till the age of 18 years there is every guarantee that not only the literacy rate for women will meet with great strides but that the vulnerability of women's bodies and minds will be reduced. Poor girl children run the risk of being moved out of school, early marriage, poor conditions of compulsory labour that destroy and impede their physical growth and the danger of domestic violence.

"Education is a fundamental component of human development. The process of education pervades all aspects of social life. Through years of schooling, individual and ultimately community ideas, aspirations, behaviours and self-perception changes. Female autonomy, for example, is closely linked to the process of female education (Caldwell, 1986). The overwhelming importance of schooling is illustrated by the powerful relationship between maternal education and child mortality (Clelland and van Ginneken, 1988). Higher rates of child mortality are seen in uneducated mothers as compared to mothers who have been to school. Typically, the more years of schooling the lower is child mortality. The mechanisms through which the number of years of maternal schooling has such an effect on child mortality are still being investigated (Levine et al., 1990; Clelland and van Ginneken, 1988). It is important to note that the relationship is not between literacy and child mortality but years of schooling completed and child mortality." [98]

The issues under discussion is evidence of the unfortunate governance standards that prevail in an India that prides itself on its economic reforms and its deregulation standards in trade and commerce (including its burgeoning foreign exchange reserves) but will not further regulate its own systems to meet the commitments to its poor on whose labour this growth has been built. The system is geared to create exploitation and therefore the system will be maintained no matter what the costs. In the first place no work should be hazardous if all conditions of safety were met. Hence, to continue to maintain an exploitative system and then find sops within this is like saying that food security is important but if we can make slight changes we can at least convert farmers suicides from outright suicide to slow death by default. Poverty is not to be explained in terms of natural justice. It is created and perpetuated repeatedly by unfair systems of exploitation and an absence of a governmental system for distributive justice. When there is adequate and incontrovertible evidence of mass unemployment (especially in rural areas) it is inconceivable as to why children need to be working at all. Delaying the age for legal employment will give the country an opportunity to bring about full adult employment and to also fill the ITIs with adults above the age of 18 years and train them after school for the market entry. "This point shows that the "poverty claim" can be radically undercut if social justice is taken seriously enough. The fact that it is not is itself to be explained by prevailing beliefs and values, especially the opportunistic beliefs and values of the elites who benefit from the perpetuation of the system and its injustices." [92]

It is not only 'certain processes which are harmful' but the very fact that education is denied, social inclusion is discouraged, and that the poor of the country will always be condemned to never enjoy access to education and the hope of entering a classless society at a young age, which is the most harmful social outcome of such policies in the

long term. It is well-known that despite an independent judiciary in this country there is hardly any action by law to punish those who perpetuate hazardous labour conditions and who refuse to invest in fully safe technologies and adult employment.

The Finance Minister's recently proposed budget is ambitious about investments for education but much of this will remain without long-term resource wealth creation potential of a different kind based on equity. If the policies continue to maintain the present status-quo, the density of child labour presence in rural areas (almost 88 per cent of total number of child labourers) will not be seriously improved resulting in an absence of child labour and full and free access to all children till the age of 18 years with special affirmative action policies for girl children. All child labour is hazardous and all children till the age of 18 years need to receive the benefits of the present knowledge economy that India is a member of. The plans for the fulfilment of the budgetary allocations need to reflect a commitment to the world's largest demographic dividend "The far more important point is that child labor militates against children as ends by treating them as means. this is made worse when some children are so treated and others not. if there is an instrumental argument here of great importance, it is that child labor prevents people from becoming fully autonomous beings and have the opportunity to play fully participatory roles in society." [92]

"The window of opportunity provided by a relatively large and young workforce, a result of the demographic dividend, has opened for India. The policy environment, however, is not conducive for exploiting this advantage. .. More recently, however, a view has gained ground that what matters is not the size of the population, but its age structure. A population "bulge" in the working age groups, however large the total population, is an inevitable advantage. Thus, India, which is beginning to be characterised by such a bulge is seen as advantaged, despite its large population. This has provided one more argument to those who see it emerging as a regional (or even global) power in the not too distant future, even displacing China as potential world leader. This demographic advantage or dividend to be derived from the age structure of the population is traced to the fact that India is (and will remain for some time) one of the youngest countries in the world. A third of India's population was below 15 years of age in 2000. In 2020, the average Indian will be only 29 years old, compared with 37 in China and the United States, 45 in Western Europe, and 48 in Japan. The demographic process this implies would create a large and growing labour force, which is expected to deliver unexpected spin-offs in terms of growth and prosperity." [99]

In taking a policy line opposed to the recommendation of NCPCR, the government's position is not even consistent with the goal that it self-consciously promotes. However much neoliberal policies may be disguised in the rhetoric of inclusiveness, the government continues to see growth as its presiding deity. And if the deity can be propitiated only through generous amounts of exclusiveness, then, the current dispensation says "thathastu". But is abolishing child labor opposed to keeping the Growth God happy? Is it contrary to the "knowledge economy" and "demographic dividend" that are among the core mantras of Shining Economy Incantation? The demographic dividend is supposed to peak in the coming 2-3 decades. But the children who are to embody that dividend as workers are already here or will be here very soon. And if a great proportion of them are reared to be semi-skilled or unskilled, even illiterate workers (as they will be unless the sorts of policies that the NCPCR has recommended, are not just adopted but adopted in a hurry given the enormous amounts of time that are required to mobilize resources, organize agencies and deliver the

services), then, these knowledge and demographic dividends will peter out once they have done recruiting from the elites. The upshot will be two India-s ever more deeply divided (which our current rulers seem hardly perturbed about in the construction of their public policies for state action.).

4.4 Co-relating Child Labour, Poverty and Education

The ineffective implementation of progressive policies regarding the elimination of child labour and poverty through a uniform policy on education has often been reasoned out by dwelling on the vastness of the country, its geographical and cultural divides and the presence of a large unorganized sector and suggesting that there cannot be uniform non-negotiable in such diverse contexts. But, if we analyse the status of these issues and policy implementations, it is quite surprising that some of the States are doing much better than the others. Ironically, some of the 'economically backward' states have better human development conditions for their citizens than some of the 'economically developed' States. One of the most effective ways of erasing child labour and eventually breaking the poverty circle is education. This has been re-emphasised time and again by authors from various countries. In this section, we use the Census 2001 data to statistically prove that education is inversely proportionate to child labour and poverty. Thus, in States where the literacy levels are higher, poverty and child labour is lower as compared to the other States where literacy levels are lower.

Using the Table 3.2 from chapter three and Table 2.1 from chapter two, the States were ranked on the basis of total percentage of child labour in the State and literacy levels respectively. The percentage of population below poverty line as defined by the Census 2001 was used to rank the States according to the existing poverty levels within the State. The following table depicts the ranks as well as the percentage of the houseless population.

Table 4.2 Percentage of houseless population, Ranking of States on the basis of total percentage of labouring children, literacy levels and population below poverty line

STATES/U.T.	Houseless Population per cent	Ranks based on data available		
		Child Labour	Literacy	Poverty level
Andaman & Nicobar	22.6	2	10	24
A.P.	15.8	34	28	11
Arunachal Pradesh	17.6	9	32	15
Assam	19.7	22	24	19
Bihar	41.4	32	35	34
Chandigarh	7.1	5	6	2
Chhattisgarh	40.9	23	23	33
Dadra & Nagar Haveli	33.2	7	30	29
Daman & Diu	10.5	2	9	5
Delhi	14.7	14	5	9
Goa	13.8	7	4	7
Gujarat	16.8	27	15	13
Haryana	14	21	20	8
H.P.	10	18	11	4
J&K	5.4	20	33	1
Jharkhand	40.3	25	34	32
Karnataka	25	29	22	26
Kerala	15	13	1	10
Lakshadweep	16	1	3	12
M.P.	38.3	31	25	30
Maharashtra	30.7	28	8	27
Manipur	17.3	13	19	14
Meghalaya	18.5	16	27	16
Mizoram	12.6	11	2	6
Nagaland	19	15	21	18
Orissa	46.4	24	26	35
Pondicherry	22.4	2	7	22
Punjab	8.4	20	16	3
Rajasthan	22.1	33	29	21
Sikkim	20.1	8	17	20
Tamil Nadu	22.5	26	13	23
Tripura	18.9	10	12	17
Uttar Pradesh	32.8	35	31	28
Uttaranchal	39.6	17	14	31
West Bengal	24.7	30	18	25

Source: Houseless Population: Census 2001; Ranking based on data available in Census 2001

(Note: Since more than one State has similar values, they are ranked at par. Any State ranking below them is ranked taking into account total number of repeated ranks.)

Karl Pearson's Rank Co-relation helps in establishing positive or negative degree of relation between any two or more given variables, based on the available data. Positive correlation depicts that there exists a direct relationship between the variables while a

negative relation depicts inverse relationship. First, the data given is ranked, either in ascending or descending order, and then using the formula derived by Pearson, establishes whether there exists any relation between the variables and if yes, then the extent of the relation. The Pearson's Rank Correlation has been used to prove the argument presented in the earlier part of the text that higher level of literacy (signifying educational level of the State) leads to lower levels of child labour and poverty in the State.

The coefficient of rank correlation, after the statistical analysis, depicts a negative correlation between the variables percentage of child labour in the State and literacy level to the extent of (-0.43). Since the value is close to -0.5 (as coefficient can vary between -1 to +1 only), it can be inferred that there exists a relatively higher degree of relationship between the specified variables. Hence, the education argument of child labour is further strengthened.

Using the variables, percentage of child labour in the State and the percentage of population below the poverty line in the State, a positive relationship of coefficient 0.42 is established. Thus, it can be inferred that a rise in the child labour leads to rise in poverty levels. This observation is contrary to the poverty argument which states that child labour is due to existing poverty levels and it helps in increasing the income levels of the poor.

One of the most common reasons cited for the existence and continuance of child labour is the prevalence of poverty. A study conducted by V.V. Giri National Labour Institute, which has helped in locating child labour across various industries and States in India, states that 42.8 per cent of household's income comprises of 10-20 per cent of children's income, whereas another 27 per cent of the household's income comprises of 21-30 per cent of the income of children. Hence, it can be deduced that the income earned by children do not contribute greatly to the family income, shattering the 'Poverty Argument'.

Another variable on the basis of which the States are rated is the composition of the labouring children in the State. One of the categorises is based on gender while the other is based on the percentage of Scheduled Castes and Scheduled Tribes children as a part of the labour force in the State. The following table depicts the two categories:

Table 4.3 Composition of Child Labour in the States based on Gender and SC/ST

STATES/U.T.	Total Labouring Children (per cent)		Total Labouring Children (per cent)	
	Female	Male	SC	ST
Andaman & Nicobar	39.6	60.3	~	3.7
A.P.	53.2	46.7	5	2.9
Arunachal Pradesh	55.9	44	0.2	21.4
Assam	39	60.9	4.3	4.9
Bihar	36.3	63.6	4.9	0.28
Chandigarh	29.1	70.8	18.8	~
Chhattisgarh	54.4	45.5	2.04	5.8
Dadra & Nagar Haveli	59.8	40.1	0.2	12.7
Daman & Diu	37.4	62.5	0.54	5.6
Delhi	21.3	78.6	15.4	~
Goa	47.7	52.2	2.4	0.12
Gujarat	50.8	49.2	2.9	8.7
Haryana	46.8	53.2	6.3	~
H.P.	51.1	48.8	2.7	0.47
J&K	48.8	51.1	2.4	5.4
Jharkhand	48.8	51.2	3.9	7.2
Karnataka	46.5	53.4	4.3	1.7
Kerala	37.1	62.8	52.6	9
Lakshadweep	14.8	85.2	~	~
M.P.	49.8	50.1	3.5	6.9
Maharashtra	47.8	52.2	3.3	4
Manipur	50.5	49.4	1.06	18.4
Meghalaya	46.7	53.2	0.1	23.2
Mizoram	51	48.9	0	9.3
Nagaland	49.3	50.6	~	38.6
Orissa	51.4	48.5	11.8	18.9
Pondicherry	37.3	62.6	36.8	~
Punjab	34.3	65.6	19.4	~
Rajasthan	55.6	44.3	3.7	3.6
Sikkim	49.8	50.1	0.65	2.3
Tamil Nadu	46.2	53.7	10.9	0.7
Tripura	47.6	52.3	25.4	40.6
Uttar Pradesh	37.9	62	7.4	0.04
Uttaranchal	49.8	50.1	6.2	0.9
West Bengal	41.9	58	28.9	7.6
India	46.2	53.7	7.1	4.2

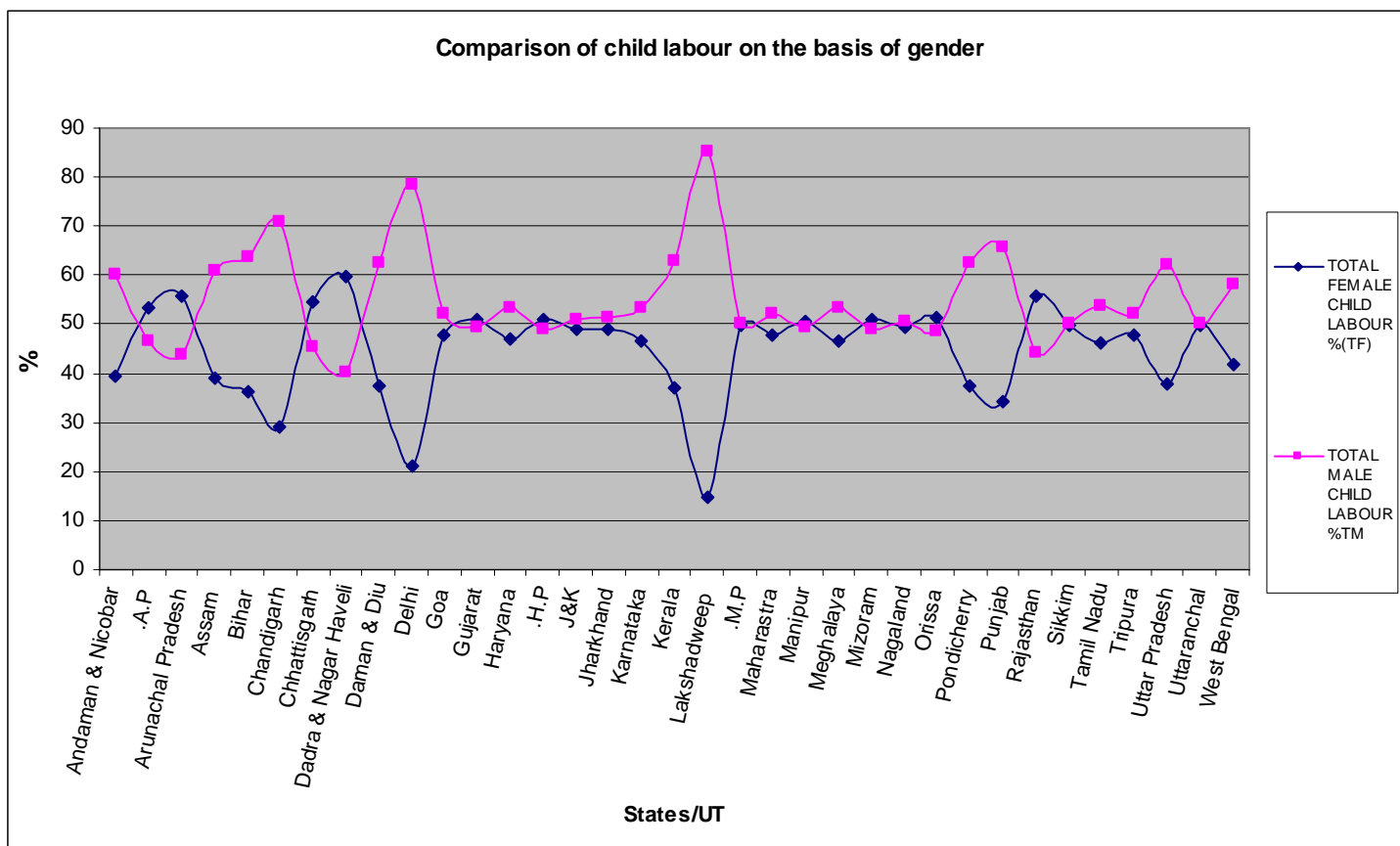
Source: Compiled from Census 2001

The above data depicts the composition of labouring children, based on gender and SC/ST. Overall, in India, there are more male labouring children than female, but in ten States, there are more girl children who work in the labour force. Some of these States that depict a deteriorating situation for the girl child include Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Dadra and Nagar Haveli, Himachal Pradesh and Gujarat. A higher incidence of girl children as labourers in these States also indicate towards the existing

patriarchy in the society which acts as an impediment to girl children being educated or remaining in school.

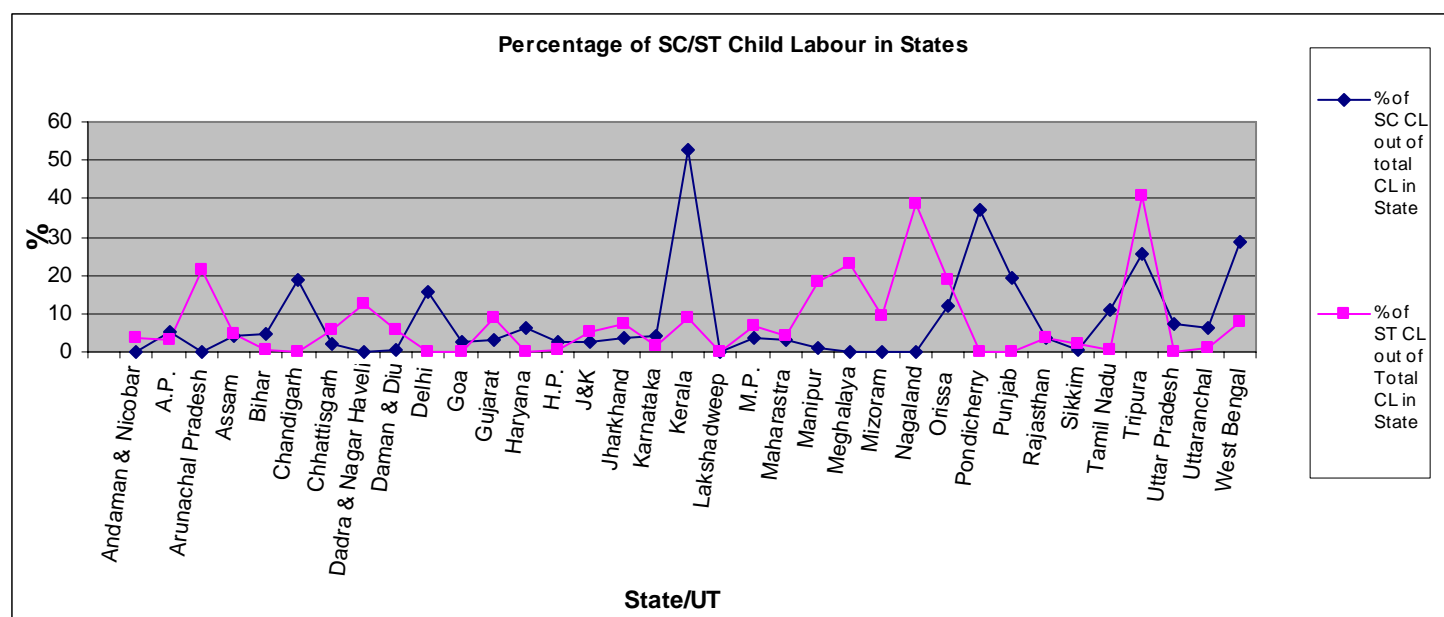
Kerala ranks at the top with respect to literacy rates. It also has the highest percentage of Scheduled Castes labouring children in the country, as more than fifty percent of the labouring children belong to the Scheduled Castes. Kerala is followed by Pondicherry and West Bengal which has 36.8 per cent and 28.9 per cent of SC children forming the entire child labour force in the respective States.

Figure 4.2 State-wise Composition of Child Labour based on Gender



Source: Compiled from the above table

The above table can be graphically represented with the help of the figure 5.2. Depicting from the figure, we can conclude that in many States, the composition of male and female labouring children is almost the same, while there exists wide disparities in many other States. For instance, States like Lakshadweep, which has a really high incidence of male child labour (85.2 per cent), has comparatively negligible female child labour (14.8 per cent). Similar patterns can be observed for Delhi, Bihar, Chandigarh and Punjab. One of the reasons for this wide disparity could be the unaccountability of unpaid household labour done by the girl child which forms a huge part of the unorganised sector.

Figure 4.3 State-wise distribution of Child Labour among SC/STs

Source: Compiled from above table; SC: Scheduled Caste; ST: Scheduled Tribe; CL: Child Labour

As observed from the above table, Kerala, Pondicherry and West Bengal have the highest percentage of SC population among the labouring children in the respective States. Most of the north-eastern states also have a high incidence of socially excluded children working as child labour. Kerala also has the second highest percentage of ST children working as labourers in the country, whereas Tripura has the highest percentage of ST labouring children. The case of Kerala in this context is quite ironical, as it has the highest literacy rate while the majority of the labouring children belong to the socially excluded classes. This indicates the repetitive nature of caste determinations on the social determinations of which class of citizens end up as child labour.

The above observations and analysis help us to place the achievements of the States and rank them according to their successes and failures. This analysis is further used in the next section in order to suggest recommendations and policies to be implemented by the State and the Central Governments.

In conclusion, by cross-referencing the extensive International Reports, and by studying the nature of state composition of child labour, we underscore that child labour dehumanizes children, reducing them to an economic asset, which in turn fuels spiralling population growth in countries least able to cope. One in every six children in the world in the age-group 5-14 years is involved in child labour. The Convention for the Rights of the Child in 1989 to World Education Forum 2000; various reports of international organizations emphasise the crucial importance of free and compulsory education in order to eradicate child labour, break the poverty circle and uplift the standard of living of the poor. Another area of concern is the Centre's decreasing spending on public sectors, which is an important indicator of social sector development as it indicates the degree of priority of social issues and the existence of trade-off of social development over economic growth. A depressing situation is the zero contribution of the Centre for the social justice and empowerment of children after 2005-06. It has become completely

a State-subject. Therefore, it is extremely important that the social sector expenditures as a whole be increased in order to lead India to an equitable society.

An important relation between child labour, poverty and literacy rates has been derived from the Census 2001 data. Using Karl Pearson's Rank Co-relation, it was established that child labour is directly proportional to poverty levels in the State, while inversely proportional to the literacy rates. This indicates that States with better literacy rates have lower incidence of child labour in the State. Thus, it re-emphasizes that education is the most important tool to break the cyclical and persistent nature of poverty and child labour.

Currently, there are several provisions present in the Constitution regarding child labour and education. There are contradictions in some of these provisions. The Directive Principles of the State Policy state that the States are to provide free and compulsory education for all children up to the age of 14 within ten years of the enactment of the Constitution while the recently passed Fundamental Right to Education (Article 21A) contradicts the Directive Principle as it restricts the free education for the age-group 6-14 years. Again, the pre-existing Abolition of Child Labour Act (1986) allows the employment of children in the non-hazardous categories like household and agriculture. This again violates the Directive Principle as well as the Fundamental Rights. Thus, what is urgently required are clear laws in the country, that do not contradict each other and aim at the overall development of the citizens. We underscore that child labour if continued will undermine the overall development of the country where the poverty and the gender gaps remain large and unaccountable when compared to the economic progress of the country.

CHAPTER FIVE

THE ROAD AHEAD...TOWARDS FULL CITIZENSHIP

In this report we have tried to establish the following issues given below, while underscoring the importance of locating the abolition of child labour and the provision of free and mandatory education in the overall development plans of the country. We also provide recommendations after the main objectives given below for public policy changes to be effected.

- **To establish the abolition of Child Labour in all its forms as a major state-led action in the Country's overall Plans for the Abolition of Poverty and in the continuation of economic growth-led strategies for development.**
- **To establish a relationship between the existence of child labour and the absence of universal education rights in Human Development goals.**
- **To establish the cause-effect relationship between poverty and child labour in all the state human development reports.**
- **To underscore the vulnerability of the socially excluded classes in the absence of universal education and the presence of child labour.**
- **To locate the position of the girl child in the context of growing immiserisation and social violence.**
- **To demonstrate that investments in social sector expenditures for Education and Health have remained static since 1991 and therefore the need to increase dramatically current investments.**
- **To enhance the role of a responsible state-promotion and protection of the poor and the vulnerable.**
- **To Mainstream Abolition of Child Labour in State development action.**

Recommendations

1. India has been on a path of economic growth with an annual growth rate of 8 per cent and a target growth rate of 10 per cent per annum. It is now a part of the developing countries, but fast-approaching the league of the economically developed countries. But the overall development of the country, i.e., the human and social development demonstrates a serious lag and the indicators place India in a 'much room for improvement' category. Life expectancy at birth has improved but it is still behind economically less-developed countries like Pakistan and Comoros; literacy rates have crossed 65 per cent but there is a major disparity in the literacy rates of men and women. Literacy rates of Sub-African countries like Malawi and Rwanda are better than India! There are more than 70/13 (depending on census or non-census data) million labouring children and more than five out of thirty-five states have 40 per cent of their population living below the poverty line. All this indicate towards the trade-off of economic growth and social development. **A lop-sided economic growth may earn foreign exchange and lead the country to the path of developed countries but only an overall comprehensive development including social and human development at the core, with special emphasis on gender equality and children's welfare through compulsory education till the age of 18 years will get India to be at par with the developed countries.**

2. Child Labour is the employment of children under the age specified by law or custom. According to the International Labour Organization, there are 218 million children aged 5-17 years worldwide, excluding child domestic labour. The poverty argument that the poor send their children to work in order to access higher income for the household has been countered by the recent education argument. "All government interventions in education are based on the assumption that child labour cannot be abolished and that the poor do not wish to send their children to school. In fact, the poor make enormous sacrifices to do just that. It is time the administration responded with strategies that help children enrol and stay in school." [2] India has a long history of child labour and the age-old argument that it is for the poor to improve their income-status is now falling apart. As the Tenth Five Year Plan states, the best way/solution to child labour is compulsory primary education for all children. This can also be proved with the ranking of the States according to their respective literacy rates and the percentage of child labour within the State. Kerala which tops the literacy rank has only 0.21 per cent of the total child labour in the country. On the other hand, Bihar which has the least literacy rate in the country has about 9 per cent of the country's child labour. **Thus, what is required is a strong political will to enforce the current Right to Education and extend it to all children up to the age of 18 years, instead of restricting it to only 6-14 years with the final policy and operational understanding that child labour refers to all kinds of work, ie., all work.**
3. The condition of the Dalits, Scheduled Castes and Tribes is one of the worst in the country. The Literacy Rates are lower than the lowest rate in the country (Bihar). The reservation policy of the Government is one of the incentives but in most States, the socially excluded communities are the most backward, deprived of education and subject to extreme poverty and unable to utilise progressive government social security provisions. **We have shown that most States have a majority of their labouring children belonging to the socially excluded communities. Thus, a socially inclusive growth, with a focus of uplifting the current status of the communities, is extremely crucial for the social development of the country.**
4. In the same context of social exclusion, the very existence of the girl child is gravely threatened. The overall sex ratio of the country despite a marginal improvement during the last ten years shows the worsening child sex ratio in the same period in some states indicating the still prevalent extreme social bias against the girl child. Several states record highly dismal ratios of differences. Laws have been enacted banning the sex-selection test but the same still continues. So serious is the issue that several social movements and activists in India and elsewhere have alerted public attention to sex selective abortion. **The 2001 Census data showed conclusively not only declining sex ratios but also female infanticide in the case of sex ratio differentials for girl children till the age of 6. In several interventions activists have come together with demographers to draw public attention to this other side of progress-where middle class families have driven their women to repeated sex selective abortions, unsafe procedures that have added to rising maternal mortality and a societal devaluation of women's presence. This issue cuts across class and caste.** The medical profession is responsible for aiding this unrelenting

patriarchal demand for the elimination of girl children. We have examined records of women's testimonies where women who have been forced to destroy their girl children describe in detail the inhuman methods employed to do so. This is an India we see everyday but which finds no place in the story of the rapid economic progress. Many women's organisations and human rights organisations have taken up this issue. The flourishing trade in portable sonography machines tells the story of who profits. Despite wealth and high literacy levels, discrimination towards the girl child remains a growing phenomenon. **Thus, a country-wide awareness programme, aimed at diminishing rates of female foeticide and female infanticide is one of the only ways in curbing the declining child sex ratios and making it favourable for women. We have argued that girl children's compulsory attendance of school and withdrawal from all forms of child labour will contribute extensively to the improved and enhanced status of women in the long run and in the short term accelerate women's entry into the public spaces through the first public space of the school itself. The existing gender bias cannot be destroyed without multiple forms of state provisioning in capability building for the girl child.**

5. **The impact of child labour is even more serious when the socially excluded castes, Scheduled Castes and Scheduled Tribes and especially the girl child are subjected to child labour. India is primarily an agrarian economy and thus, most of the child labour happens in agriculture. More than 50 per cent of female child labour is involved in agriculture. One of the main reasons for this pattern could be disguised unemployment of female children in the self-owned agricultural lands.** Although the National Human Development Report 2001 states that on the whole, gender disparities across the States have declined over the period, this improvement has failed to convert itself to improving the status of the girl child as there has been a decline in the child sex ratio from 945 females per 1000 males in 1991 to 927 females per 1000 males in 2001, despite the improvement of the overall sex ratio in the country. **There has been a marked relation between the literacy level of the State, the percentage of child labour and the composition of child labour in the State. Andhra Pradesh has lower literacy rate than the national average, accounts for almost 11 per cent of the entire child labour in the country while more than 53 per cent of its child labour are made up of girl children. A comprehensive policy aiming at equity in educational opportunities; the provisioning of adequate infrastructure and the involvement of citizens in order to ensure high quality education is essential for the comprehensive development of the education system. The system must reach out to the poorest of the poor, so that they are empowered to improve their standard of living and achieve full citizenship.**
6. One of the chief indicators for evaluating the situation of the girl child amidst poverty and socially excluded communities is the child sex ratio. In 15 States of India, the child sex ratio (0-6 years) is lower than the overall sex ratio. This indicates the increasing female foeticide and infanticide. The banning of the gender determination tests has had little impact on the mindsets of the patriarchal society, which still mourns the birth of a girl child. As Mahatma Gandhi puts in, "...as long as the birth of a girl does not receive the same welcome as that of a boy, so long we should know that India is suffering from partial paralysis..." **No**

amount of laws passed and implemented can be effective in curbing the increasing incidence of female foeticide and infanticide until and unless punitive action is taken against those who threaten the very existence of the girl child. All trading of mobile sonography units need to be regulated. Sex-determination tests should be banned and those administering them culpable by law unless serious risks to mother's health is evident. Country-wide awareness programmes in media along with door-to-door campaigns, especially in the rural areas is essential. The medical profession needs to be held responsible for the spurt in sex- selective abortions performed in medical establishments.

7. The condition and position of women needs to be placed high in the nation's priorities and the citizenship of women needs to be advanced through all ministries paying special attention to the education, health, employment, political participation of women from birth onwards throughout their life span to ensure their survival, their attainment of rights and their participation. Their entry into education is as important as their democratic rights to remain in education at least till the age of 18. A Gender equality audit is essential for application to all Ministries' programmes.
8. The 'Poverty Argument' has propagated that the cause of child labour is lies in the existence of poverty and its cyclical effects. A more contemporary approach is the 'Education Argument' that states that poverty, apart from being the cause of child labour is also one of its after-effects. We argue that due to State negligence to this class of problems children are compelled to work, and while they work as labourers, the wages are low and their value in the job market remains stagnant. Thus, they do not have the accessibility for better paying jobs. We state that poverty is a condition that can be altered by several state interventions including education entry for all children from poorer families. **Education is one of the most important tools that help in breaking the poverty cycle, empowering children to opt for a wider set of jobs, hence improving their standard of living. Hence, it is mandatory that the universalisation of education is achieved by the Government, ensuring that each and every child is in school till the age of 18. This should rank the highest priority on the agenda of the Government. Until and unless this is done, the economic growth rate as well as the social development of the country would remain incomplete and less coherent.**
9. Along with social commitment, what is essential is the presence of laws and policies, based on which, child labour can be completely abolished and compulsory education for all can be ensured. One of the ways is uniformity of age and ensuring at least 18 years of age for ANY kind of work. The Goa Act of Education (2003) can be used as a model Act for formulating nation-wide policies. Along with that, effective implementation of the Juvenile Justice Act (2000) and the National Rural Employment Guarantee Act (NREGA) can also help in curbing child labour to a great extent, leading to the generation of adult employment. A National Policy for Adolescents is also required to specify at what stage skill development or integration of work for all children should be introduced.

10. Agriculture and its allied activities have the highest incidence of child labour across the globe. The employment of children in the self-owned land for farming and cultivation leads to disguised child labour, wherein children are employed but since it is a self-owned lands, the employment remains disguised. This also causes the underemployment as well as unemployment of adult labour. Again, children are employed in the fields as adult labour is costlier. Thus, in order to reduce the costs, children are employed. One of the other reasons for mass employment of children in the agricultural sector is the non-accessibility of schools within the village and lack of awareness among the rural population regarding the importance of formal education. **One of the most important steps that the Government needs to take is categorizing agriculture as one of the hazardous occupations, wherein child labour should be banned completely. Since most of agricultural activities form the unorganised sector, it is difficult to regulate the employment of children. Hence, apart from banning employment of children in agriculture and its allied activities, it is important that the Government ensures that there is a school within easy accessibility of the rural population. Upgrading quality as well increasing the quantity of schools is essential for higher human development. Free and mandatory education is the foundation on which the Government should work. Finally, it is important that national awareness in media and in political fora is created regarding the importance of education for boys as well as girls.**
11. Child labour dehumanizes children, reducing them to an economic asset, which in turn fuels spiralling population growth among countries least able to cope. One in every six children in the world in the age-group 5-14 years is involved in child labour. Time and again, through various conventions, conferences and forums, it has been emphasised consistently that the sure way of eradicating child labour is free and compulsory education for all children, up to the age of 18 years, irrespective of caste, class, creed, race and gender. The Convention for the Rights of the Child in 1989 to World Education Forum 2000; various reports of international organizations—The Education for All by 2015 Report, 2006; The End of Child Labour (ILO 2006); A World fit for Children (UNICEF 2006) among others emphasise the crucial importance of free and compulsory education in order to eradicate child labour, break the poverty circle and uplift the standard of living of the poor.
12. **An important relation between child labour, poverty and literacy rates has been derived using the Census 2001 data. Using Karl Pearson's Rank Co-relation, it was established that child labour is directly proportional to poverty levels in the State, while inversely proportional to the literacy rates. This indicates that States with better literacy rates have lower incidence of child labour in the State. Thus, it re-emphasizes that education is the most important tool to break the cyclical feature of poverty and child labour.**
13. Currently, there are several provisions present in the Constitution regarding child labour and education. There exist contradictions in some of these provisions. The Directive Principles of the State Policy state that the States are to provide free and compulsory education for all children up to the age of 14 within ten years of the enactment of the Constitution while the recently passed Fundamental Right

to Education (Article 21A) contradicts the Directive Principle as it restricts free education for the age-group 6-14 years. **Again, the pre-existing Abolition of Child Labour Act (1986) allows the employment of children in the 'non-hazardous' categories like household and agriculture. We maintain that all child work is hazardous as it prevents children from learning like other more privileged children and having to work for their survival. This again violates the Directive Principle as well as the Fundamental Rights. Thus, what is urgently required are clear laws in the country, which do not contradict each other and aim at the overall development of the citizens.** "In 1978 there was the Gurupad Swami Committee report. That is where the evil of recognising work and labour as distinct categories originated. It originated in the encyclopaedia of social sciences. And that translated into the Indian law. The law, which is a contradiction in terms, has prohibition and regulation in the same legal frame. If we want to send one message, it has to be that you can't talk of both these things. You can't say all children have a fundamental right to be in school, and at the same time say some children can continue to work. That is one way of addressing the question. **We must demand that Chapter Three of the Child Labour Prohibition and Regulation Act must be repealed. The Juvenile Justice Act has been amended. It has been rewritten. Why not repeal at least one chapter in the Child Labour Prohibition and Regulation Act and talk only about prohibition. Then along with that we must give full force to Unnikrishnan's judgement. Whatever the Supreme Court declares is the law of the land. And therefore 21A will have to yield to the Supreme Court judgement. The wording of 21A facilitates such an interpretation.**" [131]

14. In chapter one, we have dealt, at length, with the issue of declining expenditures by State on education and health. India has already achieved consistent and steady economic growth rate and one of the major obstacles barring the country to achieve the status of a developed country is an equitable society, with a high level of social sector development. The Centre's spending on public sectors is an important indicator of social sector development as it indicates the degree of priority of social issues and the existence of trade-off of social development over economic growth. A depressing situation is the zero contribution of the Centre for the social justice and empowerment of children after 2005-06. It has become completely a State-subject. **Therefore, it is strongly recommended that the social sector expenditures as a whole be increased about five times that of the current rate to bring it in line with developed countries.**
15. Education and Health: it is critical that state governments evolve a social security plan that will combine the free access to both these social sectors for families below the poverty line, female headed households, and for all those families with seasonal employment, and migrant labour. **"Reverse the current trend of decreased spending on education and work towards meeting international spending norms. In 1990, India's public expenditure on education was 3.9 per cent of its GNP. In 1997 this proportion had dropped to 3.3per cent. India must not continue to cut spending on social welfare. Instead it should increase spending on education to at least 5per cent of its GNP, which would bring it within the range of the world average. It could do so by prioritizing spending and shifting obligations within the federal budget. For instance, India currently spends a large amount of tax revenue**

on the government sector, but a small amount on education. By increasing spending, the government will be able to improve the quality of education by providing more schools and teachers (thus, reducing class size), higher salaries for teachers, better teacher training and increased availability of school materials.”[101]

16. **Decentralization of the education system is needed for both the issue of responsibility bearing and for rule of law—wherein the local government should be made responsible for every child to be in school. If any child is not in school, the local government should be penalised. Punitive action against the offenders, who either make children work in hazardous/non-hazardous industries and deprive them of education, is essential.**
17. State governments should allocate funds to the local governments based on performance evaluation and heavy penalty should be imposed on the local governments in case of low performance. Centre may also monitor State Govt performance. **Role of panchayats in ensuring school attendance by all children, provision of safe and quality mid day meals, attendance of school teachers is necessary.**
18. **Apart from getting children in schools, what is also required is to ensure that a good quality of education imparted, which can be reflected through the quality of textbooks, the qualification of the teachers, teacher-student ratios and the content of the text-books. It is indeed difficult to get a child into school, but what is even more difficult is to ensure that there is productivity with the education imparted. In most rural or even urban slum areas, the common complaint are that the education received by the children is partially redundant for them and poorly taught. This notion needs to be tackled with better standard of education especially for the Government schools. Public education is not to be synonymous with poor quality education. We have drawn attention to the declining investments in government schools. It is strongly underscored that the 700,000 government schools in the country are given adequate attention for becoming the best schools with quality education. Why not? “When we talk of the public and the private in the education system, there is this huge difficulty in India today. In a climate of neo-liberalism, in the climate of privatisation, many of our leaders do not believe that the government schools can be made to function. Here we must take note of the fact that we have sainik schools in India. Incidentally sainik schools are run by the government. How is it that they function? How is it that the ISRO functions? How is it that the CEDOT functions? How is it that the Reserve Bank of India functions? How is it that the SBI and the LIC function? This idea that something public cannot function must be challenged lock, stock and barrel. We must take note of the fact that if you have the necessary political will, then you can make the 700,000 schools function. And that is all the more important during this period of growth.” [131]**
19. **The quality of education available to children in government schools is a major issue. It is crucial that targets are set for the schools to reach. In the absence of such targets which need to be achievable it will be impossible for the government and citizens’ groups to monitor progress and to place for correction work that does not proceed on a timely basis. We reproduce**

below the US legislation which provides some useful ideas that may be implemented with adaptation. E.g.: “**The No Child Left Behind Act** requires each state to set a series of annual targets to ensure that all students make adequate yearly progress in achieving proficiency in reading and mathematics by 2013/14. Schools must monitor annual progress toward proficiency goals for each of several subgroups, including students with disabilities, as well as for the entire student population. Each state sets a minimum group size (N-size) to determine whether a subgroup is sufficiently large to produce a statistically reliable participation rate for calculating its adequate yearly progress. If the number of students in a subgroup is lower than the minimum N-size, adequate yearly progress is not reported. This report focuses on the performance of the students with disabilities subgroup within the Mid-Atlantic Region. It describes for education leaders and policymakers how adequate yearly progress standards and targets are being set for this subgroup of students, provides data on its achievements, and offers evidence of how this subgroup’s performance influences adequate yearly progress determinations in schools in the region. Besides providing a more comprehensive picture of this subgroup’s performance, identifying differences in the achievements of students with disabilities may help to determine where important educational progress is being made and where it remains to be made. This report addresses four questions for the region:

- What percentage of students enrolled in each state have been identified as members of the students with disabilities subgroup?
- What percentage of schools in each state reported adequate yearly progress for the students with disabilities subgroup?
- What percentage of schools in each state missed their adequate yearly progress targets for the students with disabilities subgroup?
- What percentage of schools in each state that missed their adequate yearly progress targets missed them solely because of the performance of the students with disabilities subgroup.”[128]

It may be useful to note here the extent of advancement in making the schooling system not only accountable for tracking progress but also inclusive in ensuring that children with impairment have a place there like all other children.

20. An incentive should be provided for the poor families in order to send their children to school. Some kind of opportunity cost should be paid to the families who remove their children from the labour force and send them to school. An important strategy suggested by Binod Khadria in his article “Child Labour: Reform through a Fiscal Instrument” in EPW (July 27, 1996) [36] is a fiscal instrument on the lines of the National Saving Certificate. A special bonus for the education of girl children has also been recommended. Although the strategy provided has certain loopholes, if it can be tightened, it can effectively be used to curb child labour and ensure education for all. It certainly requires discussion. **Reservation action is very important. If there is no universalisation of education, the marginalised communities will be unable to utilise the reservation policies of the Government. Affirmative action does not happen in the isolation of rights of all. If there is no environment for getting access to education, then no reservation policy can be of use.**

“Universality of rights, in most contexts, is necessary and one needs social/political concern”. (Dr. Shantha Sinha, Chairperson, NCPCR).

21. **We have shown in this report that there is stasis in states’ investments in compulsory education within government schools. We urge that the NCPCR be involved with the Planning Commission in the articulation of the next Five Year Plan so that long-term development planning includes the mission of the NCPCR in the universalisation of education as an integral part of poverty eradication.**
22. **We suggest in addition that all state governments work actively in drawing up with the NCPCR a Platform for Action on the eradication of child labour and the implementation of compulsory education. Without time-bound targets this cannot be achieved and the goals of NCPCR cannot materialise. We recommend that the NCPCR document State performance and make this available each year so that citizens can access the performance of their state governments and demand accountability.**
23. **The quality-of-education debate, completely relevant and required, needs to be prioritised in a manner that will not deflect state attention and public demand from the main and urgent objective of ending child labour. NCPCR needs to build a resource centre on the lines of a Compulsory Education Commons where all commissioned studies on child labour and education and reports of state governments and international agencies can be made available. Along with a system for tracking state performance on meeting goals, which are tangible and easy for citizens to understand and monitor, there needs to be a public platform cell for tracking the culture of schools and the dignity of the child. It is evident that child labour is without a shred of dignity; but large numbers of schools (both government and private) have been known to abuse their authority over vulnerable children, thus diluting in children’s and families’ perceptions and faith that a school is better than a work-site.**
24. **Mandatory standards for goods regarding the prevention of the use of child labour need to be developed by Government. Local and global rejection of child labour is necessary through Government standards setting. However, on this issue we add that it is of prime importance for the sovereignty of the country that the country does not wait for foreign trade companies to enforce standards. It is for India to forge the rules of democratic governance in all trade related activities.**

Epilogue:

The end of Child Labour, the beginning of a socially inclusive society

Child labour, in any form, dehumanizes children, affecting the overall development of the child and the social fabric of the country. Thus, laws should be passed to modify the present 1986 Act; and child labour, in all forms, should be banned. The majority of child labour takes place in the unorganised sector, in the poor households and in self-owned agricultural lands. The regulation of existing child labour should be effectively done by

the State, in partnership with dedicated civil society organizations. Dr. Shantha Sinha said in an interview provided to the authors of this report- “Public Private Partnership ultimately enables children for the Right to Education. Rights are an accountability of the States. If PPP weakens the accountability of the State, then it is contradictory to the position of the State. There is a “Bankruptcy of Vision” and not lack of funds from the Government. There is also a lack of looking at inter-generational planning. If society has the primacy of children’s well-being as central to development, then funds will be found. We need to get agents.”

Our work here with the NCPCR has revealed to us the extent of the problems encountered by families and children who are not fortunate enough to be able to access the world of the written word and become part of a society that is increasingly knowledge driven. Is this by accident or design? Neither probably. It is certainly the result of gross neglect and a growing decline in both social awareness and concern for declining equality standards. Unless and until we can see ourselves as part of the problem of development, where class, caste and gender determinants have led to a coalescence of elite interests and reproduced a society that is not as inclusive as we would like it to be, we will not be able to make large shifts in the development paradigm in which India becomes inclusive of all its citizens. The first step towards this goal is ensuring that every child is in school and that children need never be reminded that their lives are condemned by poverty, child labour and the long-term consequences of social exclusion. We have underscored the status of girl children and the serious threats to their existence. We have suggested that compulsory, primary education will force young girl children to become part of the wider public fold instead of remaining in the domestic fold, where private violence is likely, including early marriage and predatory sexual violence by elders. We have also underlined the precondition of commitment by the government for investments in compulsory education and simultaneously punitive action against those who contribute to the risk of gender-based violence (e.g., female foeticide and infanticide).

There has been extensive debate in post-colonial societies about democracy and the essential condition of poverty eradication. Although there has been an improvement in leveraging more people into the middle-income bracket, globalisation has contributed to the formation of severe gaps in society, deflecting attention from active state-led social-sector investments and reforms in the area of health, education and adult employment. The role of markets appears enhanced and privatisation is being touted as the answer to poor implementation of programmes by the state. However, this is misconceived, as has been demonstrated several times; so unless the State takes firm steps (with a congruence of approaches between state and centre) to eradicate poverty by ensuring state-led protection for the poor and state-led promotion of the welfare of people living in poverty, there will be little hope of bringing about social changes that meet the constitutional goals. In this report we have underscored, therefore, the critical role of compulsory education, till the age of 18 years, in ensuring a progressive future for the millions of people living today with little hope otherwise of stepping out of their existence, built on conditions of scarcity. Democracy is not only about the realm of rights but also about the realm of equity in access and control of material goods. Child labour is not only a violation of human rights, but also a condition that puts serious obstacles in the path of the poor who would like to be a part of a socially inclusive society, where access to the written word is part of citizenship.

The nature of market profiteering still remains a serious impediment to the abolition of child labour. The demeaning and risk-ridden status of the girl child has its roots in a society that is deeply patriarchal; and it is also part of a culture of the dispensability of the vulnerable that is replacing a value-driven polity. Integral to a democracy is equality and freedom - an equality that is tangible and a freedom that fosters in every child the notion of belonging to a country and being valued as a citizen. Citizenship as agency has no discriminatory place for social lines that divide on the basis of caste, class and gender. Thus we locate compulsory education as fundamental for enhanced citizenship.

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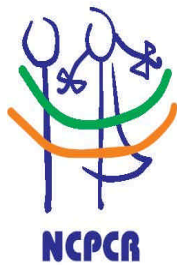
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