

### Ensure Entitlements to Children- Say No to Domestic Child Labour

#### Report

The World Day against Child Labour was commemorated on 12<sup>th</sup> of June 2013 by NCPCR in collaboration with the ILO and UNICEF at Vigyan Bhawan, New Delhi.

Dr. Yogesh Dube, Member, NCPCR gave the welcome address and stressed on the need of having a child labour free society wherein the every child is given his/her entitlements and further steps are taken to ensure that they are protected and promoted. The practice deprives children of their childhood, and is harmful to their physical and mental development. Poverty, lack of good schools and growth of informal economy are considered as the important causes of child labour in India. There is an increasing practice of using children as domestic workers in urban areas. The conditions in which the children work in completely unregulated and they are often made to work without food and basic amenities with very low wages resembling situations of slavery. There are cases of physical, sexual and emotional abuse of child domestic workers.

Smt. Krishna Tirath, Hon'ble Minister for Women & Child Development {Independent Charge}, Govt. of India was the Chief Guest at the 'World Day against Child Labour' organized by National Commission for Protection of Child Rights (NCPCR) in collaboration with International Labour Organization (ILO) and United Nations Children's Fund (UNICEF). The World Day against Child Labour this year focusses on children engaged in domestic labour with the theme "Ensure Entitlements to Children- Say No to Domestic Child Labour"

Speaking at the occasion, Smt. Krishna Tirath said that healthy and educated children are the foundations of a country and they help in its progress. She said the Resident Welfare Associations, Non- Governmental Organisations (NGO), Police and all other Government Departments need to work together for support and protection of these children in the country. The Minister urged every citizen to be vigilant and ensure that no child below the age of 18 years is part of any economic activity. She said this is the time for collective efforts to counter the challenges posed by this social malaise of domestic child labour in the country.

Smt. Krishna Tirath said that the problem of Domestic Child Labour is gigantic and according to National Sample Survey Organization (NSSO) Report 2009-10 nearly 50 lakh children in the age group 5-14 years are engaged in economic activities. This is despite the fact that the Child Labour

(Prohibition & Regulation) Act prohibits employment of children as domestic workers in eateries, restaurants, hotels, motels, tea shops, resorts, spas or other recreational centers.

Smt. Krishna Tirath said that the Ministry has adopted the convergence model for linking up various departments at the District and Block levels to have a multi-pronged approach under the Integrated Child Protection Scheme (ICPS). She said that Ministry has also put in place institutional mechanism to ensure the security of children particularly in urban context where Domestic Child Labour is prevalent. Naming some of these mechanisms like a dedicated CHILDLINE, MIS and Child Tracking System, she said that the Ministry has also enacted the Protection of Children from Sexual Offences (POCSO) Act, 2012 which is historic and unique as it defines child as a person below the age-group of 18 and provides stringent punishment against all types of sexual offences and abuses.

Speaking on the occasion Ms. Kushal Singh, Chairperson, NCPCR highlighted two important aspects of child Labour in the country. She said that today need of the hour is to destroy the myth that child labour is a necessary evil. Ms. Kushal Singh said Child Labour is an outright evil which should not be accepted in any form. The NCPCR Chairperson emphasized that missing or nowhere children who were either child labour or potential child labour need to be sent to schools.

On this occasion of World Day against Child Labour various children who fought and came out from clutches of child labour were felicitated.

The highlight of the WDACI-2013 was the testimony of Gangotri Kumari aged 14 years.

Last year the Delhi Police rescued a 13-year-old girl found locked up inside the house of her employers who had left the country on a holiday. The doctor couple in Delhi's Dwarka area allegedly abused this young girl by keeping her hungry and beat her up for minor mistakes. The girl had finally mustered the courage to call out to a neighbour when the couple was away leading to her rescue. Now, exactly a year later this young girl, who currently lives in a residential school in Jharkhand, spoke about her ordeal in the Capital and how life is now looking up for her at a function organized by the National Commission for Protection of Child Rights (NCPCR) on the occasion of World Day against Child Labour on Wednesday.

"I cannot forget Delhi and the abuse that I suffered at the hands of the couple. After I was rescued and sent back home, my mother just hugged me and cried," said the girl.

“She had always wanted me to go to school, get an education and become a teacher. But I wanted to help my parents and younger siblings and earn money for the family and that is why I came to Delhi through a ‘tout’,” she said.

“Today I want to appeal to all those parents who are pushing their children into labour to stop and think. When I was working I would go without food for days and for months after I was rescued there were injury marks from the beating I received at the hands of the couple. Today I am in school and dream of becoming a science teacher. I know I have a good future ahead if I stay in school and do well. Every child should have that right in India,” said the girl.

Dr. L D Mishra, former Secretary {Labour}, Govt. of India, in his keynote address stressed upon the need of the hour that all of us should purge ourselves of all our mind sets and adopt an attitude & approach which is totally child friendly and is in the best interest of children. If this opportunity which we have converted to a challenge is availed of in right time & right manner we would be able to save our succeeding generation. If that generation is saved humanity at large will be saved & the world will be a happier place to live in.

Ms. Nita Chowdhary, Secretary WCD talked about various schemes and initiatives undertaken by the Ministry of Women & Child Development.

Shri V K Tikoo, Ms Dipa Dixit and Ms Nina Nayak, Members, NCPCR along with Senior officers of WCD ministry and Mr. Louis- Georges Arsenault, Representative-UNICEF and Ms. Punudda Boonpala, Representative, ILO Country Office graced the occasion.

Chairpersons of various SCPCRs and their officers, Media personal, Senior Government Functionaries from various Govt. Departments including Labour, Education, Social Welfare, Police etc. were also present on the occasion. Representatives from various Resident Welfare Associations also participated in the program.

In the Joint statement of the NCPCR, International Labour Organization and UNICEF, Ms Kushal Singh called the world’s attention to the plight of millions of children around the world who are exploited as child labour, including in domestic work. “Children in domestic work are especially vulnerable to exploitation. Their work is often hidden from the public eye, they are isolated and very often, work far away from their home. Children migrating alone and with their families are also at increased risks, including child trafficking. Taking advantage of their vulnerability, the children are trafficked from their villages in rural/ tribal areas and taken to the metro cities for work. Stories of the abuse of children in domestic work are too common,” the statement noted.

Shri Asheem Srivastav, Member Secretary, NCPCR concluded the program with a Vote of thanks.

Cultural Programs were also presented by children from NGO's Asha Deep Foundation and Chetna Foundation.

Draft Speech of Smt. Krishna Tirath, Hon'ble Minister (WCD) on the occasion of World Day Against Child Labour on 12<sup>th</sup> June, 2013 at 10.30 AM, Vigyan Bhawan, New Delhi.

As we gather here today, there is a sense of relief and achievement for various measures we have taken to ensure safety and security of children. A large percentage of children are safe and happily engaged in pursuits of their choice. Unfortunately, there are still millions of children in India and across the globe who are not so fortunate. They are compelled to labour every day to survive and more than half of these are exposed to the worst forms of child labour, including domestic labor and involvement in armed conflict.

This year, the focus of the World Day Against Child Labour is on children in domestic work. This is an important step to focus attention on the plight of domestic child labourers and the action and efforts needed to eliminate it. Even today, large numbers of children are engaged in paid or unpaid domestic work in

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the home of a third party or employer. These children often work far away from their families and are particularly vulnerable to exploitation and basic rights and entitlements. Invariably hidden from public eye, these innocent lives are unwillingly embroiled in the vicious cycle of poverty, survival and exploitation.

The problem of Domestic Child Labour is gigantic and according to National Sample Survey Organisation NSSO report 2009-10 nearly 50 lakh children in the age group of 5-14 years are engaged in economic activities. This is despite the fact that the Child Labour (Prohibition & Regulation) Act, 1986 and its notification of 2006 prohibits employment of children as domestic workers in eateries, restaurants, hotels,

motels, tea shops, resorts, spas or other recreational centers.

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The official statistics for Domestic Child Labour are difficult to obtain since most of these children are hidden behind closed doors with little evidence of their age.

The Ministry of WCD has adopted a convergence model for linking various departments at the district and block levels to have a multi-pronged approach under the Integrated Child Protection Scheme (ICPCS). Institutional mechanisms have also been put in place to ensure the security of children, particularly in urban context where Domestic Child Labour is prevalent. These mechanisms include a dedicated CHILDLINE, a nationwide emergency helpline for the children in distress, which is functional in 255 cities/districts in 30 States / Union Territories through its network of 415 partner organisations across the country. Another conspicuous institutional mechanism of the Ministry under ICPS is the MIS and *Child Tracking System* in the country for effective implementation and monitoring of child protection services.

Eventually it envisages developing a

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comprehensive, integrated, live database for children in difficult circumstances and resources available for them. The process of developing a nationwide website for tracking missing children and their ultimate rehabilitation and repatriation is in process.

Ministry has also enacted the Protection of Children from Sexual Offences (POCSO) Act, 2012, which came into force on 14 November 2012. It is historic and unique in the sense it defines child as a person below the age-group of 18 and provides all types of sexual offences and abuses like sexual harassment, penetrative or non-penetrative sexual abuse, and pornography against children and, unlike provisions of IPC, it distinguishes between adult and child victims.



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The robust implementation of Right to Education Act, 2009 entitles children to have the right to education enforced as a fundamental right. The role and mandate of NCPCR to monitor its successful implementation by involving various stakeholders, such as civil society groups, students, teachers, artists, writers, government, legislators, judiciary, etc. in building a movement to ensure quality elementary education for every child would certainly be a step forward to end child labour.

Further the Ministry has announced the 'National Policy of Children 2012', given inputs to the Child Labour (Prohibition & Regulation) Amendment Act, 2013, made efforts to strengthen the ICDS, expanding schemes like Rajiv Gandhi Scheme for Adolescent Girls (SABLA) and undertaken the implementation of various programmes and schemes to address the needs of vulnerable children, particularly the girls, as a

prevention strategy to stop the children falling prey to domestic work and subjected to abuse and exploitation.

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This is time for collectively efforts to counter the challenges posed by this social malaise of domestic child labour. Last but not the least, I urge every one of you to be vigilant and ensure that no child below the age of 18 years is part of any economic activities and such perpetuation by any one is brought to the task.

*Thank You*

## **Speech of Ms Kushal Singh, Hon'ble Chairperson, NCPCR on the occasion of World Day against Child Labour-2013, 12<sup>th</sup> June, 2013 at Vigyan Bhawan**

The National Commission for Protection of Child Rights, the ILO and the UNICEF have prepared a Joint Declaration on the occasion of World Day against Child Labour-2013 which I will be presenting to you shortly. As most of the concerns relating to the child labour have been covered in the Joint Declaration, I do not want to waste the valuable time of this gathering in repeating the same issues. I would instead like to draw your attention to two important aspects of child labour.

Child Labour is the practice of engaging children in economic activity on a part time or full time basis. The employment of children has been tolerated and accepted for a long time under the mistaken belief that a working child adds to the resources of a poor family and helps to sustain them. The fact, however, remains that the child labour actually perpetuates poverty. It does not help to remove it. The children who go to work are deprived of education and the opportunity to improve their skills and qualification. A child labourer grows into an unskilled worker with little or no opportunity of enhancing his earning capacity. As a result, the vicious cycle of poverty remains and is passed down from generation to generation. The need of the hour is to destroy the myth that child labour is necessary evil in poverty-ridden circumstances. Child labour is not a necessary evil. It is an outright evil. It is evil to deprive a child of its inherent right to education and development and should not be accepted and tolerated in any form.

The second issue that I would like to highlight is the issue of what is often called the “missing” or the “nowhere children”. As per the census of 2001 {the figures of the latest census are not available} there were 12.66 million child labourers in this country. The number of children not going to school was reported as 85 million. The children who are not going to work and who are not going to school are the ones which the census does not cover- they are nowhere or the missing children. Obviously, such children are not idle and are involved in some form of work either at home or outside the home. These children are doing work, whether paid or unpaid. We in the NCPCR have consistently held that all children who are out of school have to be treated as child labour or as potential child labour. The rights of a child are interlinked and by linking child labour with out of school children, the task of elimination of child labour and universalization of education becomes synonymous. One cannot be achieved without the other.

I thank you all for the patient hearing and would request that you may now join me in endorsing the Joint Declaration prepared by NCPCR, ILO and UNICEF.

## **Case Study of Gangotri Kumari from Jharkhand**

**Gangotri Kumari, a 13 years old girl from Hadha Toli village, Gumla District of Jharkhand. Her trauma goes back to the year 2011 when she was lured by a middleman named, Narayan Sahu, of the same village, on the pretext of a decent job. Narayan Sahu passed her to another person by the name of Krishna, who along with his aide-Mahadev sold her to a placement agency in Delhi. In September 2011, she was given as a domestic worker to a Doctor couple (Dr. Sanjay and Dr. Sunita Verma) in Delhi. She suffered torture at the hands of the couple and their daughter for months to come. On March 25, 2012, the couple went for an excursion to Thailand and locked her in their apartment. They left her nothing to eat! 3 days later, she somehow managed to break loose and reached the balcony of the apartment where her cries were heard by the local people. This incident was reported to the Police and with the help of some local people, Shakti Vahini & Child Line, Fire Brigade was called and the girl was rescued and taken to the hospital. By an order of CWC, Delhi, the girl was kept at Nirmal Chaya- a Shelter Home supported by Social Welfare, WCD Department, and GNCT of Delhi. She was thoroughly counseled in her language (Nagpuri) by the Counselors of Bhartiya Kisan Sangh and ATSEC Jharkhand at Nirmal Chaya. The Counselors also put her**

through her Uncle and Brother over the phone which made her feel better.

On 2nd April 2012, middleman Mahadev brought Gangotri's mother to New Delhi on the false pretext that Gangotri was in jail and he'd arrange their visit. She was in the police station for four days and was taken to the CWC on 7th April; the Investigating Officer facilitated her meeting with her daughter in the presence of members of CWC, NCPCR and Shakti Vahini. Enquiry revealed that Mahadev was not just a Middleman, but also a trafficker. He was subsequently arrested and jailed.

Gangotri's mother was kept at Nirmal Chhaya Home from 7th - 9th April and due to NCPCR's intervention. She was shifted to Jharkhand Government supported Short Stay Home at New Delhi run by Bhartiya Kisan Sangh on 10th April. In April 2012, she was brought to Jharkhand at the order of CWC and a compensation of Rs. 65,915/- (Sixty Five Thousand Nine Hundred and Fifteen Rupees) was claimed from the accused couple and transferred to Gangotri's Bank account.

Gangotri who is now the student of class VII in KGBV (Kasturba Gandhi Balika Vidyalaya, chanchi, Ranchi) and also the head girl of her class aspires to be a teacher. Being one of the top scorers of her class, there is now no looking back for her.

# **Bindeshwar –A Flight of Hope**

**Bindeshwar was not blessed with love of his parents as he was orphaned at an early age of 8. He was born in the village Sirsiya, Samastipur, Bihar, but was brought to Delhi by his uncle at the age of 12. Bindeshwar never received the needed support and guidance during his childhood and instead of going to school ended up working in a juice shop. Bindeshwar's childhood was nothing but a struggle, neither did he get to sleep nor eat well. Unable to find a single ray of hope he spent hours in an open park crying in his solitude. It was one of these days in the park that a social worker from Asha Deep Foundation noticed Bindeshwar and interacted with him. Initially he was hesitant but after a few meetings agreed to stay at Asha Niketan Boys Home run by Asha Deep Foundation.**

**This was a turning point in Bindeshwar's life as the organization filled his life with hope and support and motivated him to undertake non-formal education programme. Not only did he study but also received vocational training that included driving and electrician training. The support that Bindeshwar got from the organization led him to many opportunities which he may have never got. It has been twelve years since he has been working in the administration department of Asha Deep Foundation. He works as an electrician as well as a driver and has managed to save up for a secured future.**

**Bindeshwar has a family of his own now. In the year 2001 he got married and now is blessed with two daughters and a son. He is working hard to ensure a secured life for his family and educating his children. Bindeshwar, saved up to purchase not only a house of his own in Delhi but also a car.**

**This story is not about misfortune, misery or a dwindling fate but instead it is a story of diligence, inspiration and success.**

## **Case study of Shibu Sing from Murshidabad, West Bengal**

**This is a heart wrenching story of a Nine years old boy- Shibu Singh, currently a student of Don Bosco residential school in Murshidabad, West Bengal is leading a happy and normal life which every child is entitled to. However, he has survived a tough and miserable past.**

**Shibu was brought from his home at Midnapore to Behrampore after being handed over by his father to a businessman since he was unable to provide his family two square meals. Little did his father know that Shibu's miseries had just begun. The boy was employed at his home as a domestic worker. He was starved, made to sleep in an open balcony even in harsh weather conditions and beaten up regularly. Their neighbors, who also later complained, intervened often but to no avail.**

**However, things got out of hands when the little boy was not only beaten up for getting late in completion of some**

household chore but also burned by a hot spatula. Their neighbors then decided to take an action and complained of the incident to the Police. Shibu was then rescued by the District Child Welfare Committee from the clutches of his inhumane employers. He was then kept in an observation home ' Anand Ashram' where he expressed his desire to get educated during the visit of NCPCR team,he was not keen on going back home either. His wishes were respected. The commission was apprised of the situation by being sent a copy of the letter sent by the Deputy Labour Commissioner, Behrampore, Murshidabad addressed to District Social Welfare Officer, Murshidabad. The employer had been informed about the monetary relief to be given to the said child labour along with unpaid wages with interest as per the Hon'ble Supreme Court direction in the case of M.C.Mehta Vs UOI.

Shibu is now enjoying his primary education due to the support from the school he is getting educated at a concessional rate of Rs. 200/month which is being arranged from Social Welfare Department. Come to think of it, this cost is nothing when compared to the soaring dreams of Shibu ready to take a flight in the wings of aspiration.



# Joint Statement

National Commission for Protection of Child Rights, ILO and UNICEF

World Day against Child Labour  
June 12, 2013

## “Ensure Entitlements to Children- Say No to Domestic Child Labour”

Celebrated on 12<sup>th</sup> of June every year, the World Day Against Child labour calls the world's attention to the plight of millions of children, girls and boys around the world who are exploited as child labour, including in domestic work.

Children in domestic work are especially vulnerable to exploitation. Their work is often hidden from the public eye, they are isolated and very often, work far away from their home. Children migrating alone and with their families are also at increased risks, including child trafficking. Taking advantage of their vulnerability, the children are trafficked from their villages in rural/ tribal areas and taken to the metro cities for work. Stories of the abuse of children in domestic work are too common.

Today, June 12, the National Commission for Protection of Child Rights (NCPCR), ILO and UNICEF, reiterate and renew their commitment towards ensuring that ALL children are free from labour including domestic work.

We believe that the Child Labour is the cause and effect of poverty. Elimination of Child labour is essential for promoting children's right to education, protecting them from exploitation and ensuring their all-round physical, mental and social growth to realize their full potential.

Therefore, it is the responsibility of the Government, the civil society and parents to ensure that children are in schools and not at work. The decision of the Government culminating in the introduction of Child Labour (Prohibition and Regulation) Amendment Bill, 2012 with the approval of the Union Cabinet to ban child labour in all sectors up to 14 years of age is a welcome step. However, there must be a roadmap for achieving the ultimate goal of making the country child labour free up to 18 years of age through progressive legislative and policy reforms as well as program interventions. The revised National Policy for Children (2013) adopted by the Government heralds a policy shift from a welfare-based approach to a rights-based approach towards children, which is in line with India's commitments under the UN Convention on the Rights of the Child (UNCRC).

### On this WORLD DAY AGAINST CHILD LABOUR,

**WE call upon all Government, UN Agencies, Bilateral and Multilateral Organizations, Civil society groups & citizens:**

- i. To say **NO** to child labour, including in their homes;
- ii. To rescue & rehabilitate all children engaged in work and to provide them with care, support and protection;
- iii. To facilitate the realisation of the Right to Education for every child and ensure that all children complete at least secondary education;
- iv. To assist in strict enforcement of Child Labour (Prohibition and Regulation) Act, 1986 and take legal action against errant employers/perpetuators;
- v. To accord highest priority to combating child trafficking and to build support to awareness programs for prevention and elimination of the same through PPP mode;
- vi. To generate mass awareness and sensitise parents and society on the consequences of employing domestic child labour.

*To conclude let us as a society resolve to say **No to Domestic Child Labour.***









