

# CHILD HOPE



A Quarterly Newsletter on Child Labour

Vol. 2, No. 8, July - September, 2012

## CONTENTS

- From the Director General's Desk .... 1
- Child Labour Programmes conducted by the National Resource Centre on Child Labour (NRCCCL) ..... 2
- Events of ILO-IPEC Convergence Child Labour Project ..... 3-4
- Events from National Child Labour Project Districts ..... 5-7
- Review of Article on Child Labour .... 8
- Success Stories of National Child Labour Project ..... 9
- लीड स्कूलों में कम्प्यूटर प्रशिक्षण, बाल श्रम को रोकने की ओर एक सफल कदम ..... 10
- एक हकीकत ..... 11
- Convergence Against Child Labour in States ..... 12
- Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict ..... 13-15
- Events on Child Labour at Ministry of Labour & Employment, Government of India ..... 16

### EDITOR-IN-CHIEF

**Shri Ved Prakash Yajurvedi**  
Director General

### EDITOR

**Dr. Helen R. Sekar**  
Senior Fellow

### PRINTED AND PUBLISHED BY

**V.V.Giri National Labour Institute,**  
Sector-24, Noida-201301,  
Distt.-Gautam Budh Nagar, U.P., India

## From the Director General's Desk

Children are the inheritance of past and the bridge to the future of a nation as the human society perpetuates through its children. The prosperity, future and stability of any country thus lie to a considerable extent upon the number, location, physical growth and intellectual development of its children.

India's child population ranks second only to China. Indian children to a large extent participate in education, in the family work learning and growing up under the care and affection of the parents. However, there are other situations where children work in exploitative situations deprived of the opportunities and joys of childhood. Prevalence of child labour in India is geographically wide-spread and the incidence is much greater in the villages and the slums of metropolitan cities. The environment of poverty in these rural and urban settings leaves parents too weary to pay as much attention to the individual children and as a result children have very little prospect of staying in school or of preparing for a better life for themselves.

In such situations, the institutions and mechanisms concerned with the physical, social and psychological well being of children have a great responsibility of moulding mind and character of children. The National Child Labour Project, which has been the single largest action-based programme aimed at eradicating child labour in general and child labour in hazardous occupations in particular, should continuously take into account all aspects of the child's well-being so that the child is not deprived of any phase of her/his development for reasons of poverty.

Legislative prescriptions are one of the instruments to safeguard the interests of children. The phenomenon of child labour being widespread, the limitations in realizing the legislative protection is mainly because of the fact that the child labour laws share the special difficulty in their enforcement with social and welfare legislations in all other spheres on account of the complicity of different social actors.

The approval of Union Cabinet on the proposal, to ban the employment of children below 14 years in any form of industry, and it shall be an offence to employ children under that definition not only in any industry but also in homes and farms if their work serves a commercial interest, will pave way for addressing this complicity towards eradicating child labour in the country.

## Child Labour Programmes conducted by the National Resource Centre on Child Labour (NRCCL)

**Orientation Training Workshop on Conducting Child Labour Survey and Research** was conducted during 23<sup>rd</sup> and 24<sup>th</sup> August 2012. The objective of the programme was to orient the participants on conducting Research Studies, Surveys and Documenting Success Stories. The objective was also to encourage the teaching community to explore the possibility of introducing issues relating to child labour in the curriculum and further to encourage students to take up such issues for their research pursuits. Sponsored by the UNICEF through the Labour Department, Government of Uttar Pradesh, This



Training Workshop was attended by the teaching community from different Universities of Uttar Pradesh namely V.B.S. Purvanchal University, C.S.J.M. University, Shakuntla Misra University, R.M.L. Avadh University, Teerthanker Mahaveer University, Bundelkhand University, Lucknow University, University of Allahabad, Amity University, Aligarh Muslim University and MJP Rohilkhand University. **Dr. Helen R. Sekar** was the Course Director.

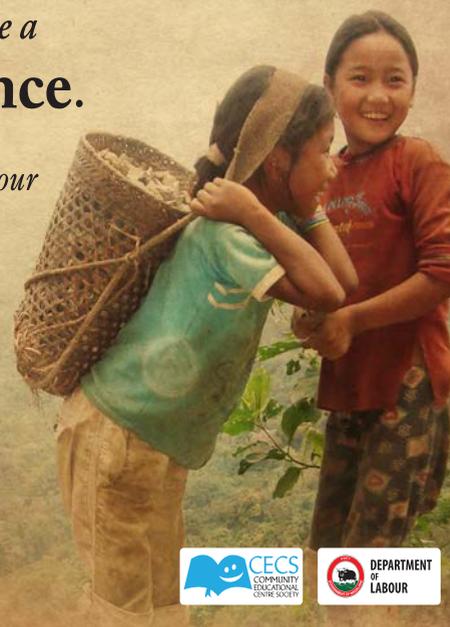
**Interaction with the participants from developing countries on the Issue of Child Labour** was held on 9th August 2012, participants from developing countries attending Eight Week International Training Programme on Human

Resource Planning and Development, at the Institute of Applied Manpower Research (IAMR) sponsored by Government of India under its technical and economic cooperation schemes i.e. ITEC/SCAAP visited the V.V. Giri National Labour Institute when a presentation was made on the topic “Child Labour Problem in Developing Countries.”

**Meeting of the Advisory Group** was conducted on 25th September 2012, by the National Resource Centre on Child Labour. The Advisory Group comprised of eminent Bureaucrats, Social Scientists and Trade Union Leaders. The objective of the meeting was to provide guidance for establishment of Knowledge Centre on Child Labour at the Institute under the Project Converging against Child Labour: Support for India’s Model.

Millions  
of children  
*don't get the*  
chance  
*to go to* school.  
*You can make a*  
difference.

*Stop Child Labour*



## Events of ILO-IPEC Convergence Child Labour Project

### *Jharkhand state action plan for elimination of child labour notified*

The State Action Plan for elimination of child labour in Jharkhand has been approved by the State Cabinet in August, 2012 and notified in September, 2012. The action plan will be formally released by the Hon'ble Chief Minister, Jharkhand at a State level event. The action plan envisions a child labour free state by the year 2016 and defines roles of different departments and stakeholders in eliminating child labour.

A three-day training of stakeholders was held at Jharkhand State Labour Institute, Ranchi on July 9-11, wherein all Ward Councillors from Ranchi, Panchayat Pramukh and Uppramukh and Mukhiyas from Ranchi and Sahebganj were sensitised on the issue of child labour. The training programme was held with support from the ILO Convergence Project was inaugurated by Sri Chandra Prakash Choudhary, Hon'ble Minister of Labour, Jharkhand. In his inaugural address the Minister said that, the department has organised several such state-level programmes and is implementing several welfare schemes and, hence, has been able

to bring down the incidence of child labour to a certain extent. However, more efforts need to be made to eliminate the problem completely. There is a need to create more awareness on the legal provisions. He also requested the PRI members to extend their support to make the state child labour free by ensuring the effective implementation of Govt. schemes and policies.



PRI members sensitised on the issue of child labour

### *Moving towards strengthening of enforcement of child labour laws in Jharkhand*

Labour Enforcement Officers of the state of Jharkhand were trained on the issue of child labour and related regulations on September 28-29, 2012 at Administrative Training Institute, Ranchi. Around 200 labour enforcement officials attended this training programme. Role and responsibilities of the enforcement machinery in child labour elimination were discussed in detail.

The Training was inaugurated by Sri. Sunil Kumar Barnwal, Labour Commissioner, Jharkhand. In his inaugural address, the Labour Commissioner said that, "Child Labour Elimination is one of our prime responsibilities. We need to eliminate it from its cause and for this we need to know the right numbers and types of child labour. The socio-

economic survey of child labourers and their families is also important in this context. He explained about



Labour Commissioner, Jharkhand addresses enforcement officials of the State

the Convergence Model initiative and said that the primary objective of this workshop was to sensitise enforcement officials on the issue of child labour

and to make them aware of this model which needs to be replicated across the entire state.

### ***Odisha: Training Programme for NCLP officials on Prevention and Elimination of Child Labour, 17-18th August, 2012***

A Two-Day training programme for NCLP Officials was organised by SRC-Odisha with the support from ILO on prevention of child labour in the State. Forty-two NCLP officials from 24 districts of Odisha participated in the training programme. The training programme was inaugurated by Dr. A.C. Padhiary, Labour Commissioner-cum-Director, State Labour Institute, Odisha. In his inaugural remarks Dr. Padhiary spoke on convergence initiatives undertaken by the state and mentioned that the convergence needs to happen at the grassroots level. He also stressed the need for statutory reforms for effective elimination of child labour.



Training Programme for NCLP officials in Odisha, 17-18 August 2012

### ***NCLP Cuttack***

The NCLP society, Cuttack, organized a Training of Trainers Programme on Life Skill modules on 13-17 August 2012. Forty-one participants including teachers from NCLP Special schools and Lead School and DIET Officials participated in the training programme.

The NCLP society, Cuttack organized awareness camps through Participatory Rural Appraisal (PRA) to inform and encourage potential adolescent beneficiaries and their families in Athagarh, Baramba, Tigiria, Niali, Salepur, Kantapada, Cuttack Sadar, CMC and Choudwar Municipality areas to enrol in the skills trainings provided under SDI-MES scheme. The Society also conducted camps to break gender stereotypes that prevent adolescent girls from enrolling in skills trainings and/or enrol for training courses in non-traditional occupations/trades. The camps also worked to ensure equal participation of girls and boys in the skills training initiative.



Participants of life skill training, Cuttack

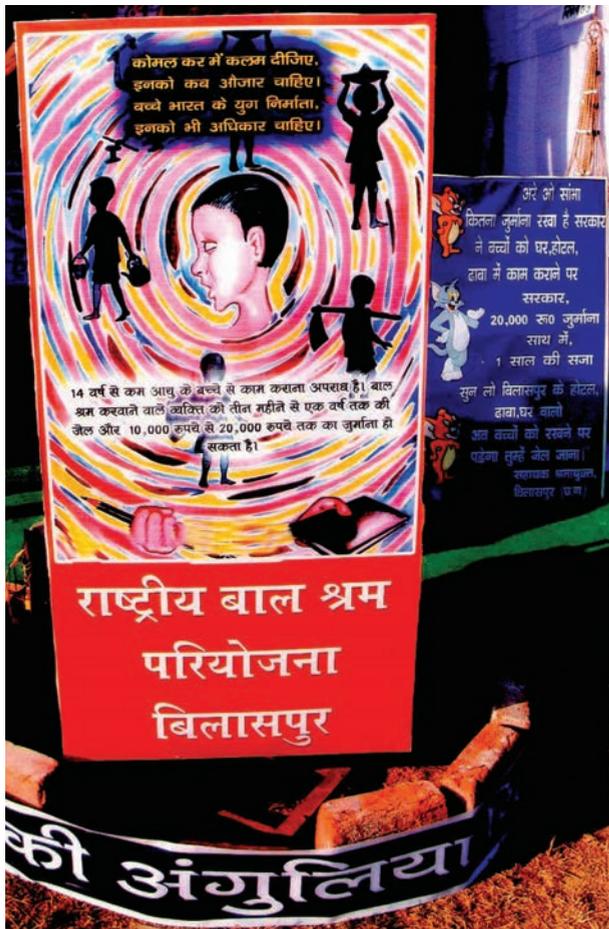


PRA exercise by the community members in Cuttack

## Events from National Child Labour Project Districts

# जिला- बाल श्रमिक परियोजना बिलासपुर (छ० ग०)

द्वारा आयोजित बाल श्रम उन्मूलन पखवाड़ा वर्ष 2012-13



## जिला-बाल श्रमिक परियोजना बिलासपुर (छ० ग०)

द्वारा आयोजित बाल श्रम उन्मूलन पखवाड़ा वर्ष 2012-13



**बाल श्रमिक विद्यालय चिंगराजपारा बिलासपुर (छ० ग०)**  
स्वास्थ्य परीक्षण वर्ष 2012-13



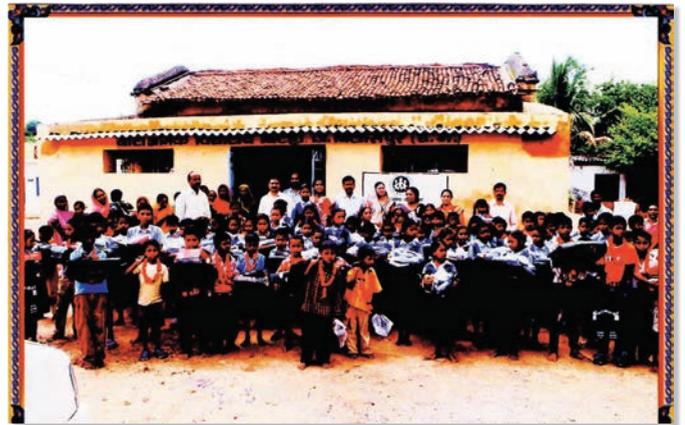
**बाल श्रमिक विद्यालय कोटा बिलासपुर (छ० ग०)**  
व्यवसायिक प्रशिक्षण वर्ष 2012-13



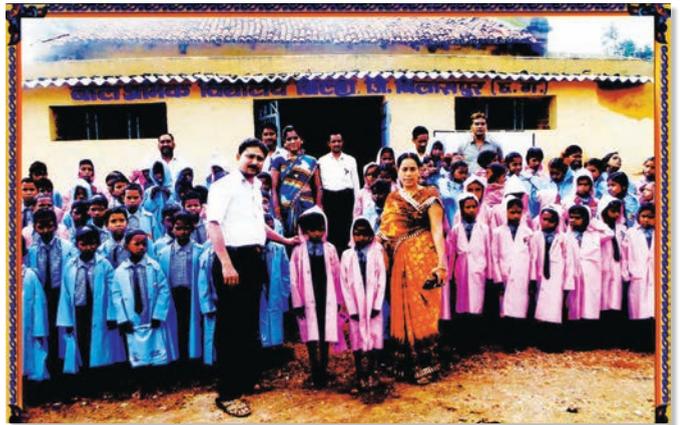
**बाल श्रमिक विद्यालय भोजपुर चांपा (छ० ग०)**  
द्वारा आयोजित जनजागरण रैली वर्ष 2012-13



**बाल श्रमिक विद्यालय बिल्हा बिलासपुर (छ० ग०)**  
छात्र/छात्राओं को गणवेश वितरण वर्ष 2012-13



**बाल श्रमिक विद्यालय बिल्हा बिलासपुर (छ० ग०)**  
छात्र/छात्राओं को गणवेश, रेनकोट, जूता इत्यादि वितरण वर्ष 2012-13



*Health Awareness Programme conducted in the NCLP Special School  
Sitamani, Korba District, Chhattisgarh:  
A View*



*Campaigning Against Child Labour :  
Glimpses from NCLP Dharmapuri District, Tamil Nadu*



## Review of Article on Child Labour

Phillips, Nicola et al. (2011): 'Child labour in Global Production Networks: Poverty, Vulnerability and 'adverse incorporation' in the Delhi Garments Sector', Chronic Poverty, Research Center, June 2011, No.177, Available at, <http://www.environmentportal.in/files/child%20labour%20in%20delhi%20garment%20factory.pdf>.\*

Due to pro-active policies and other initiatives of government there has been a substantial reduction in the magnitude of child labour in the formal sector. Incidence of child labour in the informal sector India is associated with the contracting and subcontracting nature of informal economy. The open market economy of India, which linked the household sector with global market, has increased the role of outsourcing of work. Violation of labour norms by some of the sectors that are associated with Global Production Networks (GPNs), also lead to the incidence of child labour in the country. A study conducted by Phillips et al. on garment sector of Delhi explores the evolving relationship between the nature and functioning of GPNs and the incidence of highly exploitative social and labour relations including child labour and poverty.

The contracting and subcontracting work has made the production process complex in this sector. The study argues that the process of production has been divided into different segments in which the first two segments are engaged in exports for national and international brands. The third segment is scattered where various processes involved in garment-making including designing, cutting, stitching, adding beads and other work for producing garments, which is exclusively for domestic market. The fourth segment is dependent on outsourcing to small units and the fifth is household sector, where these households mostly dependent on the garment sector for earning their livelihood. This is more so due to lack of alternate livelihood options which make them solely dependent on textile sector. The last two segments of the garment sectors are mostly unregistered where the work is outsourced. Deprived of social security, the informal workers in these segments are mostly migrants who are unorganized and unprotected and are therefore vulnerable for exploitation at work.

The complex system of organization of production also makes the last two segments unregulated and workers involved in these processes invisible. As many of these units are unregistered they do not come under the purview of labour legislations. The existing child labour law prohibits employment of children in hazardous industries but exempts children working as a part of family labour. The home-based units take protection under this proviso and continue to engage children.

In the unregistered units the Contractor plays the key role both in hiring the workers and distributing the work. The wages are paid in piece rate which is much less than the minimum wages. In the household sector children are hired to work for supplementing the family income as a helper or at times they work unpaid family worker. Poverty plays the key role in pushing the children to work. Inability to hire adult workers with higher wages coupled with the mounting pressure to complete the work, forces these household units to make the children to carry out the work.

The study argues that most of the children migrate with their family members or relatives to join this work. Sometime the contractors give advance money to the parents of migrant children. The study noted that those child workers for whom the advance money has already been paid, the advance money gets deducted by the contractors. Very often, the children get paid less than what is due to them and at times they do not get their payment at all because the adult members of the family take the money from the contractors directly in exchange of their children's labour.

The working children are deprived of basic education and other opportunities of childhood. Their physical and mental development is also hampered. The study noted that most of the

respondent from the age group of 5-11 years are either dropouts or attended school less regularly. In the study all the Male Migrant Child workers in the age group of 12-14 years, reported never to have enrolled in school. Girls from the similar age groups are mostly engaged in garment work along with their household in addition to their domestic chores. The study further highlighted that most of the respondents reported to have discontinued schooling in order to work and to take care of their siblings.

The author viewed that the GPNs while on the one hand has opened the livelihood avenues for many household workers, on the other channels have been opened for children's entering the labour market. In international market, some of the brand companies promote child labour free products and some other multinational companies outsource their work to developing countries in order to cut their cost of production.

*\*Article Reviewed by Feroz Khan, Research Associate, V.V.Giri National Labour Institute*

## Success Stories of National Child Labour Project

### *Success story of Child Labourer turned Engineer*

M. Karupasamy of Kovilpatti in Thoothukudi district of Tamilnadu comes from a poor family. His father Mr. Murugesan is still a Washer man. Due to poverty Karupasamy was forced to work in a Match Factory along with his mother Mariammal. He was a child labourer working in this Hazardous occupation. He was rescued by NCLP authorities and enrolled in NCLP School. He passed 5th standard in NCLP School and was mainstreamed in Nadar Higher Secondary School, Kovilpatti. He studied there upto 12th standard and scored 1098 Marks (92%) in the Public Examination. He was the District-level Topper 12th standard and his achievement was honoured by Hon'ble Labour Minister on 12th June 2010 at Chennai. He was encouraged by the District Administration and he is now studying B.E. (E.E.E.) third Year at Chandy College of Engineering, Thoothukudi. Mr. Karupasamy is now getting scholarship from the College. Some banks also have come forward to grant him financial assistance. The State Government of Tamilnadu is also sanctioning Rs. 500/- every month for his higher studies. Mr. Karupasamy and his parents are very thankful for National Child Labour Project and for the help received from the State and District Administration.



Dr. A. Ashok, IAS, District Collector, Adilabad (A.P.)  
Distributing the Reading materials  
to NCLP School



District Collector, Adilabad (A.P.)  
Dr. A. Ashok, IAS, with NCLP School Children

## लीड स्कूलों में कम्प्यूटर प्रशिक्षण, बाल श्रम को रोकने की ओर एक सफल कदम

बाल श्रम से मुक्त कराये गये बच्चों को कम्प्यूटर प्रशिक्षण देने व उनकी उपस्थिति मुख्य धारा के विद्यालयों में बनाये रखने के उद्देश्य से लीड स्कूलों (मुख्य धारा के ऐसे स्कूल जहाँ बाल श्रम से मुक्त कराये गये बाल श्रमिक बच्चों का नामांकन कराया जाता है) में कम्प्यूटर प्रशिक्षण का कार्य "अंतर्राष्ट्रीय श्रम संगठन, नई दिल्ली" के पायलेट प्रोजेक्ट "कन्वर्जेन्स चाइल्ड लेबर प्रोजेक्ट" के सहयोग से "राष्ट्रीय बाल श्रमिक परियोजना समिति, कटिहार" के द्वारा कराया गया।

इस कार्य का संपादन जिला पदाधिकारी-सह-अध्यक्ष "राष्ट्रीय बाल श्रमिक परियोजना समिति, कटिहार" के आदेशानुसार जिला आई0टी0 प्रबंधक तथा कार्यपालक सहायकों के पैनल में प्रतिक्षारत उम्मीदवारों की सहायता से किया गया।

इस प्रशिक्षण में जहाँ एक ओर बाल श्रम से मुक्त बच्चों के साथ-साथ अन्य बच्चों को कम्प्यूटर का आधारभूत ज्ञान प्राप्त हुआ, वहीं दूसरी ओर विद्यालय में उनकी उपस्थिति में भी इजाफा हुआ।

**प्रशिक्षण ने बच्चों को स्कूल आने के लिए प्रेरित किया:-**

उत्क्रमित मध्य विद्यालय, जगरनाथपुर के प्रधानाध्यापक श्री आशुतोष कुमार भारती के अनुसार प्रशिक्षण अवधि में छात्रों की उपस्थिति औसत से अधिक पायी गयी। उन्होंने अनुभव किया कि कम्प्यूटर के प्रति बच्चों के जिज्ञासा के कारण बच्चों ने प्रशिक्षण में सहर्ष भाग लिया। बच्चों में स्कूल के प्रति उदासीनता में कमी आयी, वे प्रतिदिन साफ-सुथरे गणवेश में विद्यालय में उपस्थित होने लगे तथा पूरे विद्यालय अवधि में विद्यालय में उपस्थित रहे। मध्यावकाश के बाद विद्यालय से बच्चों के गायब होने की प्रवृत्ति में कमी आई।

**बच्चों ने प्रशिक्षण का भरपूर आनंद लिया:-**

बच्चों ने जमकर प्रशिक्षण का आनंद लिया। बच्चों को कम्प्यूटर प्रशिक्षण में काफी आनंद आया खासकर पेंटिंग्स बनाने, पावर पॉइन्ट प्रेजेंटेशन तैयार करने में तथा इंटरनेट का उपयोग करने में। मध्य विद्यालय, छिटाबारी की छात्रा आशु कुमारी कक्षा 8 को पावर पॉइन्ट स्लाइड को एनीमेट कराना सबसे अच्छा लगा। उसने कई स्लाइड्स बनाकर भी दिखाये। मध्य विद्यालय, छिटाबारी के छात्र नवीन कुमार कक्षा 8 को एक्सेल में गणना करना सबसे अच्छा लगा। उर्दू मध्य विद्यालय हाजीपुर दलनटोला, कटिहार की छात्रा मैमुना खातुन कक्षा 8 ने कई आकर्षक पेंटिंग्स बनाकर न केवल प्रशिक्षक व विद्यालय प्रधान को दिखाये बल्कि अपने



प्रशिक्षक श्री राजकुमार प्रसाद से आग्रह करके उन्हें प्रिंट करवा कर अपने कक्षा में भी लगाया।

**बाल श्रम से मुक्त एक छात्र भावुक हो उठा:-**

मध्य विद्यालय, छिटाबारी के छात्र चन्दा कुमार वर्ग 6 जिसे बाल श्रम से मुक्त कराकर मुख्य धारा के विद्यालय में विद्या अर्जन करने के लिए नामांकित कराया गया था, को जब प्रशिक्षण के दौरान प्रायोगिक कक्षा में लैपटॉप का प्रयोग करने के लिए दिया गया तब वह भावुक हो उठा और कारण पूछे जाने पर बताया कि उसने कभी सोचा भी नहीं था कि वह कभी बाल श्रम के दलदल से मुक्त होकर मुख्य धारा के विद्यालय में विद्या अर्जन कर पाएगा और उसे कभी कम्प्यूटर सीखने का भी मौका मिलेगा, परन्तु आज वह लैपटॉप का प्रयोग कर रहा है।



**अब मेरा भी ई-मेल एकाउन्ट है:-**

मध्य विद्यालय, छिटाबारी के छात्र उज्ज्वल कुमार वर्ग 8 जब निजी स्कूलों में पढ़नेवाली अपने दोस्तों से ई-चैटिंग या ई-मेल के बारे में सुनता था तो उसकी समझ में कुछ भी नहीं आता था, परन्तु अब उसका अपना ई-मेल आई0डी0 है और वह गर्व से कहता है कि अब मेरा भी ई-मेल एकाउन्ट है।



## एक हकीकत

मैंने देखे हैं ऐसे कई लड़की – लड़के।  
 बिन मुँह धोए निकल पड़ते थे तड़के।।  
 गन्दगी के ढेरों में ढूँढते हैं कुछ।  
 बीन-बीन रखते जाते हैं बोरी में कुछ।।  
 कुम्हलाते चेहरे, पहने गन्दे कपड़े।  
 बोरी कभी कन्धे पर, कभी हाथ में पकड़े।।  
 कन्धे पर पड़ी बोरी में, है इनके सपने।  
 दो जून की रोटी तक, सीमित इनके सपने।।  
 न कोई इनके अपने, न कोई बड़े सपने।।  
 गन्दगी के ढेरों पर संजोए ये सपने।।  
 सर्दी की ठिठुरन हो, या गर्मी की तपन।  
 गन्दगी के ढेरों पर आके, करते ये नित हवन।।

न कटने का भय, न चुभने का डर।  
 देखो कितने बहादुर, और कितने निडर।।

गन्दगी के ढेरों पर, ये पाते शिक्षा।  
 मेहनत करेंगे, पर न मांगें भिक्षा।।

झूठे पकड़े, फांसे जाते, भेजे जाते जेल।  
 जेल जा के शुरु होता, चोर सिपाही का खेल।।

गन्दगी के ढेरों में छिपी इनकी तकदीर।  
 दिखती है इनमें आज के भारत की तसवीर।।

& ; **like fl g**  
 उप श्रम आयुक्त, उत्तर प्रदेश

## Convergence Against Child Labour in States

*Gujarat: Stakeholders training programmes for effective coordination for elimination of child labour*

Two stakeholders training programmes on “Converging against Child Labour” were organized by the State Resource Cell (SRC), Gujarat, on 7 September 2012 in Ahmedabad and on 25 September in Vadodara. Around 140 participants including representatives of Trade Unions, Employers Organizations, NGOs and concerned Government departments participated in the training programme. The Training programmes were inaugurated by the Labour Commissioner Gujarat.

The SRC, Gujarat also organized two sensitization workshops for the Judiciary involving 110 Judicial Magistrates on child labour issues.



Stakeholders Training Workshop, Ahmedabad

*Bihar: District Action Plan for elimination of child labour in Katihar prepared*

One-day consultative Workshop was organized on 28 September 2012 in Katihar to prepare the draft district action plan for elimination of child labour. The State Resource Cell coordinated the workshop and presented a suggestive structure

of the action plan which was derived in line of the State Action Plan for elimination of child labour. The structure was further strengthened by incorporating inputs received from the local stakeholders.

THE HINDU - SUNDAY, AUGUST 26, 2012

# Below 18 years, it is child labour in Rajasthan

The decision comes as a major triumph for advocacy groups

Mohammed Iqbal

**JAIPUR:** In a far-reaching decision, the Rajasthan Government has announced that any person below 18 years will be considered a child labourer if he or she is employed.

Accepting the long-pending demand of child rights groups, the Government announced a comprehensive standard operating procedure (SOP) for identification, rescue, protection and rehabilitation of children employed in various occupations.

The decision has come as a major triumph for advocacy groups seeking abolition of all forms of child labour, with the demand for revision in the definition of working children, so as to bring uniformity in all legislations, to prohibit the engagement of children up to the age of 18 in both hazardous and non-hazardous works.

The State Government's Social Justice & Empowerment Department issued a notification earlier in the week clarifying that the subject of child labour will henceforth be dealt with under the provisions of the Juvenile Justice (Care & Protection of Chil-

dren) Act, 2000, coming up with an SOP for all departments concerned for handling the issue of child labour.

Chief Secretary C.K. Mathew and Additional Chief Secretary (Social Justice & Empowerment) Aditi Mehta have signed the notification.

Banswara-based non-governmental organisation Vaagdhara has been leading the combined efforts for bringing in uniformity in the “official approach” to the age of child labourers for quite some time. Vaagdhara also released a draft plan of action for elimination of child labour in February this year, after preparing it in collaboration with an aid agency, Plan India.

The draft document, along with a report on the child labour situation and region-specific strategies in the State, was given to three State Ministers at a function here in February. The two documents were prepared after painstaking efforts spread across the

past one year, involving a series of multi-stakeholder consultations.

Vaagdhara secretary Jayesh Joshi welcomed the government's decision, and said here on Saturday that it would provide a better future for all children, and make Rajasthan a child labour-free State in the near future. “We hope for many more such accomplishments as a result of our sustained campaign for protecting children's rights,” he said.

### Important remarks

The unusually long six-page notification has made some important remarks on the prevalence of labour among children below 18. It says a large number of children below 18 years are working in occupations such as gem polishing, ‘Aari Tari’, carpet manufacturing, brick kilns, domestic chores, begging, bidi industry, mines, agriculture, tea kiosks, dhabas, etc., and a

large number of them were being trafficked out of the State for labour in BT cotton fields, where they work for 10 to 16 hours a day.

Besides the local children, a large number of child labourers from Uttar Pradesh, Bihar, Jharkhand, Delhi and West Bengal are working under difficult circumstances in Rajasthan.

The notification said child labour was also hampering the government's efforts to provide free and compulsory education to every child. Though the Child Labour Prohibition and Regulation Act, 1986, is in force in the State, it treats work by children below 14 years in certain occupations as valid, and doesn't facilitate rehabilitation of rescued children. The notification holds the Juvenile Justice Act, which defines a child's age as 18, as the basis for taking action against child labour.

“Under no circumstances can the jurisdiction of the Child Welfare Committee be ignored. The subject of child labour has to be viewed in the context of child protection,” stated the notification.

## Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals,

Noting the adoption of the Statute of the International Criminal Court and, in particular, its inclusion as a war crime of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-inter-national armed conflicts,

Considering, therefore, that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention raising the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth international Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties

to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that this Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in the implementation of this Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol, Have agreed as follows:

### **Article 1**

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

### **Article 2**

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

### **Article 3**

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under 18 are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that:

(a) Such recruitment is genuinely voluntary;

(b) Such recruitment is done with the informed consent of the person's parents or legal guardians;

(c) Such persons are fully informed of the duties involved in such military service;

(d) Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

### **Article 4**

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

### **Article 5**

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

### **Article 6**

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.

2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.

3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

### **Article 7**

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes, or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

## Article 8

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

## Article 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 13.

## Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

## Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the

Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee prior to the date on which the denunciation becomes effective.

## Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

## Article 13

The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

**Source:** <http://www.ohchr.org/english/law/pdf/crc-conflict.pdf>

Volume: 2173, A-27531, Page 236-241

## Events on Child Labour at Ministry of Labour & Employment, Government of India

1. The meetings of the Task Force held on 16th July and 9th August, 2012 in the Ministry of Labour & Employment, to review the existing National Child Labour Project (NCLP) scheme and for making suggestions towards making the Scheme more child-friendly, child-supportive and sensitive for rehabilitation of rescued child labour and to consider the suggestions and recommendations of the Working Group of National Advisory Council on Social Protection on Abolition of Child Labour.
2. On 3rd August, 2012, Inter-ministerial meeting was held in the Ministry of Labour & Employment on the discussions at ILO, Geneva in the International Labour Conference (June 2012) on promotion of ILO Labour Standards and Labour Rights. The meeting also discussed on the Ratification of ILO Convention 138 of 1973 (Minimum Age Convention) and Ratification of ILO Convention 182 of 1999 (Worst Forms of Child Labour).
3. Review Meetings of National Child Labour Projects (NCLP) were held in the Ministry of Labour & Employment during 11th and 27th September 2012. Project Directors from the NCLP Districts of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Assam, Orissa, Tamil Nadu, Gujarat, Rajasthan, Jammu & Kashmir, Karnataka, Uttar Pradesh, West Bengal and Andhra Pradesh attended these meetings.
4. On 27th September 2012 the 43rd State Labour Minister's Conference was held at Vigyan Bhawan, New Delhi. One of the Agenda Items of the Conference was "Upgradation of the National Child Labour Project (NCLP) scheme to make it more child-friendly".

### Mainstreamed Students of NCLP honoured by District Collectors in Tamil Nadu



11 July, 2012-The New Indian Express

## Once a Child Labourer, Now Student of Medicine

by Sruthisagar Yamunan

**Chennai:** Imprinted in R Nithya's memories are her days as a child labourer at a powerloom in Bhavani in Erode District. Forced to work eight hours a day after her family fell into a debt trap when she was in Class IV, she has now emerged a winner from the challenge.

On Tuesday, Nithya se-

cured an MBBS seat. In her second appearance for counselling, she got admission to the Tiruvarur Government Medical College.

Nithya's story is one of perseverance and fortitude. "While I was working at the powerloom for hours together with my mother and other elderly women, I kept yearning to go back to school. Every time I saw school children, I



R Nithya

used to break down," she recalls. Her father, S K Ramakrishnan, who was, at the time, a conductor in a private bus, approached SMILE, the Salem chapter of the National Child Labour Project, as he was unable to pay the fee to admit her to a school.

"I joined the Gandhipuram SMILE school in Class IV after which I moved to Andhiyur village for Class VI to

Class VIII," she recalls.

Beating odds, Nithya scored 1,134 in the Class XII examinations she wrote in Salem, where they had moved after her father got a government job. However, when she applied for MBBS counselling in 2011, she was unable to get a seat at a government medical college. "I was devastated as I had to give up the seat I got in a private college as the

fee was too high. I settled for the veterinary course at the government college in Chennai," she said. There was fresh hope for Nithya when she heard that the number of MBBS seats had been increased this year.

"I was thrilled when I got the seat. Now my life's mission is to help people in poverty, like me, especially children."