

# CHILD HOPE

Newsletter on Child Labour Vol. 2, No. 9, October - December, 2012

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## From the Director General's Desk

**L**inking child labour with education is one of the main features of the ILO Convention No. 138 of 1973. The ILO Minimum Age Convention No. 138 proclaimed that the basic principle that minimum age for admission to employment or work should not be less than the age for completing compulsory schooling and in no event less than the age of 15. It also provided that the minimum age should be progressively raised to a level consistent with the full physical, mental and spiritual development of young persons. It allows an element of flexibility for countries not sufficiently developed in economic and education facilities. Those countries can initially specify a general minimum age of 14 instead of 15. On the other hand, the convention sets a higher minimum age of 18 for hazardous work. To bring all the member countries into its ambit, this convention has allowed age flexibility depending on the existing age for compulsory education in the country and increasing the minimum age for entry into employment when compulsory school age becomes higher. This issue of the Newsletter gives the complete text of the ILO Convention 138 of 1973.

Complementing to the ILO Convention 138, the Recommendation 146, emphasizes raising the minimum age to 16 by the member states. The other ILO Conventions No. 5, 10, 33, 59, 60 and 123 also set the minimum age for employment thereby protecting entry of children into labour market at a tender age. These Conventions also endorse right of children to basic education. The Constitution of India, after the Constitution (Eighty-sixth Amendment) Act, 2002, guarantees the right to free and compulsory education to every child who is in the age of six to fourteen years. According to Article 24 of the Constitution, another fundamental right dealing with children, no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Provisions in different legislations such as Child Labour (Prohibition and Regulation) Act, 1986, Merchant Shipping Act 1958, Motor Transport Workers Act 1961, Apprentices Act 1961, Beedi and Cigar Workers Act, 1966, Plantation Labour Act 1951 and Factories Act, 1948, prohibit a person who has not completed the age of 14 to work. Thus, the age of compulsory education and the minimum age for entry into employment is harmonized.

It is a challenge before the labour law enforcement machinery to ensure that employers comply with the regulatory processes in the legal provisions relating to child labour in the existing labour laws. Elimination of child labour becomes all the more a challenge when parents or guardians in dereliction of their duty and unreasonable exercise of their parental authority negotiate with the employers for making children work against their basic rights of free and compulsory education. Income support and state assistance to families through welfare measures is another approach for effective realization of the strategy of right of children to education. Some cases are discussed in this issue of the Newsletter where the provision of socio-economic support by the State has ensured that the families are equipped to provide for children's education.

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

### *Workshop on “Fundamental Principles and Rights at Work (FPRW) and Informal economy in India”*

V.V. Giri National Labour Institute organized a one-day Workshop on “Fundamental Principles and Rights at Work (FPRW) and Informal economy in India” on 20<sup>th</sup> November 2012, in the Institute’s campus. This Workshop was organized as one of the activities of Converging against Child Labour: Support for India’s Model. The objective of the workshop was to examine the status of FPRW in the informal economy and the measures to be taken for ratifying **the Minimum Age Convention, 1973 (ILO Convention 138) and the Worst Forms of Child Labour Convention, 1999 (ILO Convention No. 182)** besides the Freedom of Association and the Effective Recognition of the Right to Collective Bargaining Convention (No 87 and 98). **Dr. Ashok Sahu, Secretary General of National Human Rights Commission, inaugurated the workshop.** The delegates of Workshop were Officials from MoLE, representatives of the ILO, Employers’ Organizations, Trade Unions, Academicians and Labour Activists.



Shri V. P. Yajurvedi, Director General, VVGNI, welcoming Dr. Ashok Sahu, Secretary General, NHRC

Labour Organization (ILO) in 1998 is an important step for the developing country like India since the informal sector represents large and an important part of the economy. ILO’s step on Declaration on FPRW in 1998 is a crucial step which stated the eight conventions as fundamental and core conventions for labour. He talked about the eight fundamental conventions which includes Freedom of Association, Convention No. 87, Right to Organize and the Right to Collective Bargaining Convention No. 98, Forced Labour Convention No. 29, the Elimination of all forms of Forced labour Convention No. 105, the Minimum Age Convention No.138, Worst Forms of Child Labour Convention No.182, Equal



Opening Remarks by Shri V.P. Yajurvedi, Director General, VVGNI

**Shri. V. P. Yajurvedi, Director General, VVGNI, highlighted the importance of FPRW in India in his opening remarks.** He also discussed the magnitude of unorganized workers in India and problems associated with such unorganized worker. He added the declaration on Fundamental Principles and Rights at Work (FPRW) by the International



Shri A. C. Pandey, Joint Secretary, MoLE, delivering Special Address



Ms. Tine Staermose, Director, ILO-DWT, delivering the keynote address

Remuneration Convention 100 and Discrimination (employment and occupation) Convention 111.

**In his special address, Shri A.C. Pandey, Joint Secretary, Ministry of Labour and Development, Government of India, gave brief history of ILO and said since 1998 India is moving towards universal declaration of FPRW.** In the 101<sup>st</sup> International Labour Conference (ILC), the importance of application of FPRW was pointed out especially in case of India where 93 percent of the workforce is in informal sector. FPRW is about basic minimum wages, salary, conditions of work, maternity benefits, etc. The formal sector has laws such as Factories Act, Social Security Act, Maternity Benefits Act etc., but what about informal sector where 93 percent of workforce are involved. In India, 46 per cent of the workforce is in agriculture where there is no employer, no trade union, no legislation, no minimum wages, no minimum hours of work, no maternity leave. Around 40 percent of



Glimpse of the participants at the Workshop

the workforce is self-employed which cannot be considered as entrepreneurs. There is no legislation for landless agricultural labourers. Some people though work in formal sector but they actually come under informal sector work such as contract labour. Though Schemes like MGNREGA and Janani Suraksha Yojna cover Informal sector workers, the coverage is not comprehensive. Most of them do not come under purview of Maternity Benefit Act. The coverage differs from State to State. ILO recognized the need to explore unorganized sector in India first and then to look at the existing schemes and the gaps thereof.

**While addressing the participants Shri S.K. Dev Verman, Capacity Development Advisor, UNDP Afghanistan, highlighted that the FPRW are the core rights for basic labour practices.** India has ratified four out of the eight core conventions. Other four conventions which are not ratified includes freedom of association and effective recognition of the right to collective bargaining Convention No. 87 and 98, and the minimum age and effective abolition of child labour Convention No. 138 and 182. In India a vast workforce is in the informal sector where they do not get decent work, they do not even have the least of rights which are necessary to work. He also compared the employment status of Afghanistan with India and highlighted problems that are common to both the countries.



Shri Dev Verman, Capacity Development Advisor, UNDP Afghanistan, addressing the participants

**Ms. Tine Staermose, Director, ILO DWT for South Asia and Country Office for India, delivered the keynote address.** In her address Ms. Tine Staermose situated Informal economy in India in the global



Dr. Ashok Sahu, Secretary General, National Human Rights Commission, inaugurating the workshop.

context and viewed that all the policies and programs should be universally respected, promoted, realized, accepted and enforced at the national level. She was of the view that all the ILO actions should be mobilized in support of them. She discussed the major problems that hamper the growth of economy such as unequal distribution of wealth, non-inclusiveness of economy, adult and child labour trapped in bondage,

gender inequality, issues of contract labour etc.

**In his inaugural address, Dr. Ashok Sahu explained that Human rights as it includes legal, social and cultural rights and according to Human Rights Act 1993, human rights mean the right relating to life, liberty, equality and dignity of individuals.** ILO emphasized on achieving universal rights of labour, creation of employment opportunities for both male and female, decent work, and also on existing social protection which are needed in the era of globalization where there is increasing informalization of the work. The second National Commission on Labour has also provided recommendations on rights to work, prohibition of child labour, right to social security, protection of labour, rights to collective bargaining, and rights to participate. He emphasized that workers such as child labour, women workers, migrant workers, informal workers etc., are more vulnerable and hence requires greater need to be protected.

**The Workshop was coordinated by Dr. Helen R. Sekar and Dr. Dhanya, M.B.**

### *Training Programme on Making National Child Labour Project Effective*

Training Programme on **Making National Child Labour Project Effective** was conducted during October 29-31, 2012. The programme was designed for Project Directors and Accountants of NCLPs. The aim of the programme was to make the Project Directors and Accountants of NCLP

understand the objectives of the National Child Labour Policy so that they are sensitive to the issue of child labour and understand the importance of implementing the project effectively in their respective Districts for ending the practice of employment of children. The programme was attended by the Project Directors and Accountants of NCLP from the districts of Gajapati and Deogarh of Orissa; Darbhanga, Madhubani, Bhagalpur and Begusarai of Bihar; Balrampur, Allahabad and Bareilly of Uttar Pradesh; Nasik, Jalgaon and Solapur of Maharashtra; Kolar, Lavanagre, Bellary, Haveri, Raichur and Dharwad of Karnataka; Jabalpur, Madhya Pradesh; Rajkot, Banaskantha and Kutch of Gujarat and from Sarguja District in Chhattisgarh. Besides, the Faculty Members of VVGNI, Officials from the Ministry of Labour and Employment, Shri Goutam Roy, Shri. H.K. Jethi, Mr. G. A. Raghuvanshi, Mr. Arun Biswas and Ms. Kuhali Choudhary, interacted with the participants.



Participants, Course Director and Resource Persons of the NCLP Training Programme

## Events of ILO-IPEC Convergence Child Labour Project

### *Jharkhand State Action Plan for Elimination of Child Labour Released*

The Jharkhand State Action Plan (SAP) for Elimination of Child Labour (2012-2016) was drafted and developed in conjunction with all concerned Ministries/Departments and in coordination with the ILO Convergence Project and it was released by the Hon'ble Chief Minister, Sri Arjun Munda at the State-level workshop held in Ranchi on November 9, 2012. The Workshop was attended by representatives from different Government Departments, ILO, UNICEF, Civil Society, Employers' organizations and Trade Unions. While inaugurating the workshop the

Chief Minister said, "Now that we have an action plan specifically for child labourers in the state our prime focus should be to ensure its effective implementation". In his address the Hon'ble Minister, Labour, Mr. Chandra Prakash Choudhary said, "It is very important that the department has come up with this plan which outlines roles and responsibilities of different departments and stakeholders in child labour elimination. Along with the implementation of this plan it also vital to enforce various relevant legislations so that this malpractice can be curbed effectively."

### *Stakeholder workshop on 26 November 2012 organized by Labour Department, M.P.*

With an objective to enhance the capacities of the enforcement officials on issues of Child Labour and Convergence, a one-day Workshop was organized in Indore, Madhya Pradesh on 26th November 2012. The workshop was attended by 44 Officers including Labour Inspectors, Assistant Labour Officers, Labour Officers and Assistant Labour Commissioners etc., from various districts in Madhya Pradesh. While addressing the participants Mr. Sanjay Dubey, Labour Commissioner, M.P. emphasized that a change in perception and mindset and strong determination is required to tackle the issue of Child Labour. He emphasized the need for stringent action in respect of violations and the role that officials dealing with enforcement can play. He also emphasized convenient action including Labour Officials educating the employers

and establishing a fear of law. He instructed the Enforcement Officials to organize joint campaigns and ensure identification and eradication of child labour system in their respective jurisdiction.



### *Training and Capacity Building of Judicial Magistrates on Child Labour in Gujarat*

The Labour Department, Gujarat, conducted Four Sensitization Training Programmes for Judicial Magistrates (JMFCs) on the issue of child labour between September and November 2012 at

the Judicial Academy, High Court of Gujarat, Ahmedabad. Discussion on the Convergence Model derived from the ILO Convergence Project formed an important aspect of these training programmes.



THE TIMES OF INDIA, HYDERABAD  
SATURDAY, NOVEMBER 24, 2012

## Labour dept books 14 lime kilns for hiring child workers

TIMES NEWS NETWORK

**Piduguralla:** Cracking the whip on the hazardous lime kiln units, the labour department booked cases against the managements for engaging child labourers.

Special teams headed by deputy commissioner (labour) Esuf Shaikh conducted surprise raids on industrial units in Piduguralla on Friday and rescued nearly 27 child workers. The special teams, which reached the industrial units in the early hours, camped in the area and identified 27 child workers, including 11 girls in 14 lime kiln units by 10 am.

Though the managements met the official teams and assured that they would not employ children in the future, the officials did not heed their requests and booked cases against them.

In addition, the managements were also

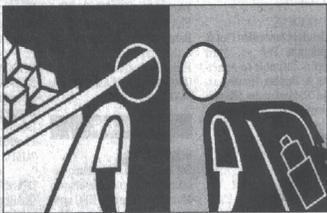
directed to deposit Rs 20,000 in the name of each child worker to secure their future. The children were taken to a local NGO-Assist where they were provided lunch before being handed over to their parents.

Addressing a meeting of parents and managements, deputy commissioner Esuf warned that stringent action would be taken against those engaging children as workers.

He said that Rs 1 lakh would be imposed as fine in addition to a jail term of three months for committing such a crime in future.

He said commissioner (labour) B Ramanjaneyulu had given strict orders not to spare errant managements.

He urged the parents not to send their children to work as the government was committed to providing them free education and free clothing till the completion of their studies.



Participants, Course Director and Resource Persons of the ILO-Convergence Training of Master Trainers Programme

## Converging Against Child Labour Success Stories of NCLP, Surat and ILO-SRC, Gujarat

### *Family Linkage to Government Welfare Schemes*



Nine-year old Mitesh Naginbhai Rathod, lives in Tasniwadi, A.K.Road, Surat. His father died when Mitesh was very small. To bring up her children, Mitesh's mother worked as a Domestic where she earned Rs.3000 per month. With the increasing cost of living in the city she found

it very difficult to run the family with this meager income. She was pondering with the idea of sending Mitesh to work to supplement her income.

On understanding her situation, the project team of

the ILO Convergence against Child Labour Project, Surat, took initiative and helped Mitesh's mother to get benefit under the Family Linkage Scheme of ILO Project by enrolling her in "Manav Kalyan Yojna", a unique economic – income generation scheme of the Gujarat State Government. She was provided with a 'Hand cart' under the scheme. After making a very small investment she has started selling vegetables and earned up to Rs. 4,000 per month in the first quarter, an increase of 1000 rupees to her monthly earnings and there has been a gradual increase in her earnings day by day since then. By targeting her as a beneficiary under the Government welfare scheme the risk of Mitesh becoming a child labour has been addressed. At present Mitesh is continuing his education and studying in Nagar Prathmik School, No. 92, run by Surat Municipal Corporation.

### *Income Generation Activity for Parents of the Child Labour*

Eight-year old Talat Afroz Ansari, lives in Om Nagar, Mitthikhadi area, Surat with his parents, 5 brothers and a sister. He was studying in 2<sup>nd</sup> standard in Nagar Prathmik School, No.269, run by Surat Municipal Corporation. Talat was brilliant in studies and very active in sports. When his parents found it difficult to meet the daily expenditures of household maintenance and food and education of their children, they have decided to send Talat to work in order to economically support his family.

On knowing Talat's prolonged absent from the school, Principal of the School where Talat Ansari studied approached the NCLP Society to intervene so that Talat does not drop out of school to continue to be a child labour. The NCLP society enrolled Talat Ansari's family for an economic rehabilitation under the Convergence against child labour project. ILO project team took initiative and enrolled Talat's

mother for benefitting from the appropriate schemes under Gujarat Unorganized Labour Welfare Board (Except Agriculture Labour) Surat. Personal Identity Card was issued to her thereby enabling her to get benefits from the Board's welfare schemes. Thereafter Talat's mother was imparted 6 days sewing-training organised by the Board and on successful completion of the training she was provided with a Certificate. At present, by doing sewing work domestically at home she earns sufficient money to support her family. Supporting her in Dhaga-Work (Thread) cutting of Sarees, Talat's father also does Zardozi Work and earning up to Rs. 6,000 per month. Talat's family is economically raised now and he is out of the risk of dropping out from school to become child labour work. With the efforts of the team of NCLP, Surat and ILO-SRC, Gujarat, Talat Afroz Ansari is now going to school regularly and wants to pursue higher education.

## Events of National Child Labour Projects from Different parts of the Country



Smt. N. Manjushree, Assistant Commissioner and Smt. Arati Anand, Assistant Commissioner (Prob.) **Raichur**, Karnataka visiting the Prakruthi Child Labour Special School, Gillesugur camp



Glimpse of Street Play with the message for Eradication of Child Labour, organised by NCLP **Dharwad District**, Karnataka



Child Parliament on 'Prevention of Abuse and Violence against Children' organised by NCLP, **Guntur District**, Andhra Pradesh



Awareness Generation organized by NCLP **Guntur District**, A.P. as a part of observation of Child Rights Week

*"When Child Labour we abolish  
A Nation Great we establish"*

## Glimpses from National Child Labour Projects in Assam



Shri Tarun Gogoi, Honourable Chief Minister of Assam, as the chief guest in the Awareness Rally organized by NCLP Kamrup (Metro)



Awareness Campaign by School Children by NCLP Kamrup Metro District, Assam



Health Camp Organised by Kamrup Metro District Child Welfare Samity



Children are imparted craft and pre-vocational training in NCLP Special School, Kamrup District, Assam

## बाल श्रम उन्मूलन में दमोह जिले की पहल

कन्वर्जेन्स प्रोजेक्ट टीम द्वारा दमोह नाका क्षेत्र में सर्वे किया गया तथा सबसे पहले कोर्ट लिस्ट के आधार पर चिन्हित बच्चे पवन की मॉनीटरिंग की गई। पवन के पिता श्री धर्मेन्द्र चौधरी, जो रिक्शा चालक हैं, ने बताया कि 4 साल पहले पवन की माँ का स्वर्गवास हो गया था। उनके घर से काम पर निकल जाने के बाद पवन कभी स्कूल जाता, तो कभी नहीं जाता था। दिनभर रिक्शा चलाने की वजह से वह थक जाते थे जिस कारण वह पवन पर ध्यान नहीं दे पाते थे। एक दिन ऐसा आया कि पवन ने स्कूल जाना बन्द कर दिया। तबसे वह मोहल्ले में ही कलारी (शराब) की दुकान में प्लेट धोने का काम करने लगा। वह दोपहर 2 बजे से रात के 12 बजे तक काम पर रहता है। उनकी आर्थिक स्थिति ठीक न होने के कारण उन्हें भी पवन द्वारा काम पर जाना अच्छा लगा।

जब कन्वर्जेन्स प्रोजेक्ट टीम द्वारा श्री धर्मेन्द्र चौधरी को शिक्षा का महत्व बताया गया तथा पवन को पुनः स्कूल में भर्ती करने की जिम्मेदारी टीम

ने ली, तो उन्होंने हामी भर दी। कन्वर्जेन्स टीम द्वारा पवन का, पास के स्थानीय शासकीय स्कूल, गोबिन्दगंज प्राथमिक शाला में कक्षा 4 में प्रवेश कराया गया।

पवन की समय-समय पर मानीटरिंग की गयी तथा पता चला कि वह रोज स्कूल जाता है, पढ़ाई में होशियार है, कई गतिविधियों में भाग लेता है तथा बच्चों का नेतृत्व भी करता है। श्री धर्मेन्द्र चौधरी ने कन्वर्जेन्स टीम का धन्यवाद करते हुए कहा कि अब पवन भी अन्य बच्चों की तरह बड़े सपने देखता है।



## शिक्षा का वरदान

खेलेंगे कूदेंगे हम भी जनाब ।  
पढ़ेंगे लिखेंगे बनेंगे नवाब ॥

कागज बीनने ने किया दिमाग खराब ।  
तंबाकू बांधने में हुई सेहत खराब ॥

पेट भरने को है काम ज़रूरी ।  
पर नहीं करेंगे अब बाल मज़दूरी ॥

बंधुआ मज़दूर अब नहीं कहलाएंगे ।  
पढ़ लिखकर हम भी नाम कमाएंगे ॥

अब गुलामी नहीं हमें करनी पड़ेगी ।  
कर्ज की हम पर न मार पड़ेगी ॥

हालात ने हमें बना दिया था मजबूर ।  
अब तो हक के लिए लड़ेंगे जरूर ॥

शिक्षा का सरकार ने कानून बनाया ।  
गरीबों को पढ़ने का रास्ता सुझाया ॥

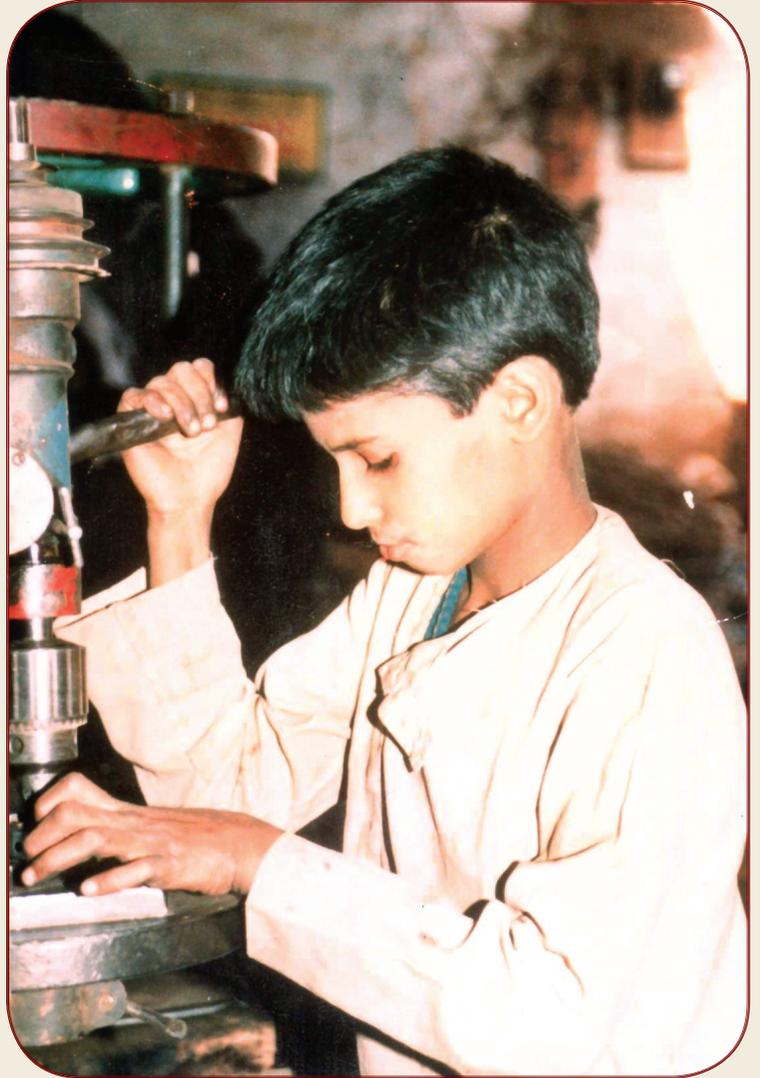
शिक्षा पर सबका है समान अधिकार ।  
फिर यूं ही क्यों करें जीवन बेकार ॥

शिक्षित हो समाज का करेंगे उद्धार ।  
देश को देंगे हम सेवा का उपहार ॥

फिर न कोई होगा अशिक्षित दुखी ।  
पढ़ लिखकर होंगे सभी सुखी ॥

हम सब तो हैं उनके आभारी ।  
जिनकी सोच ने हमारी ज़िंदगी सुधारी ॥

-ऊषा शर्मा  
वी.वी.गिरि राष्ट्रीय श्रम संस्थान



## ILO Convention No. 138 Minimum Age Convention, 1973

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International

Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum

age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international

Convention, adopts the twenty-sixth day of June of the year one thousand nine hundred and seventy-three, the following Convention, which may be cited as the Minimum Age Convention, 1973:

### Article 1

1. Each Member for which this Convention is in force undertakes to pursue a national policy

designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

### Article 2

2. (1) Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. (2) Each Member which has ratified this Convention may subsequently notify the Director General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

2. (3) The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

2. (4) Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

2. (5) Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the constitution of the International Labour Organisation, a statement--

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

### Article 3

3. (1) The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

3. (2) The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. (3) Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

### Article 4

4. (1) In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

4. (2) Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

4. (3) Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

### Article 5

5. (1) A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

5. (2) Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

5. (3) The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

5. (4) Any Member which has limited the scope of application of this Convention in pursuance of this Article:

- (a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
- (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

### Article 6

6. This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, and is an integral part of:

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

### Article 7

7. (1) National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

- (a) not likely to be harmful to their health or development; and
- (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

7. (2) National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

7. (3) The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article

and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

7. (4) Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

### Article 8

8. (1) After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

8. (2) Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

### Article 9

9. (1) All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

9. (2) National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

9. (3) National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

**Source:** ILO convention 138- [http://www.ilocarib.org.tt/projects/cariblex/pdfs/ILO\\_Convention\\_138.pdf](http://www.ilocarib.org.tt/projects/cariblex/pdfs/ILO_Convention_138.pdf)

## An Enslaved Child's Plea

I am a child of eight or nine,  
But still I loathe this life of mine  
I cry and plead to be set free  
Look what your greed has done to me

Your frolic.. fun.. a gift from me  
at cost of my own misery  
I don't complain, I let it be  
Look what your greed has done to me

You make me slave both night and day,  
I wash and wipe and never play  
But silently I just agree  
Look what your greed has done to me

But in my heart I do believe  
Someday...someone.. will set me free  
I may not live that day to see  
Let not your greed do that to me

-Philip Arnold Nath  
VVGnLI, Noida



### Child Labour Slogans

*"Children are like tender saplings  
Crush them not with Labour"*

*"Calls the Working Child  
When shall I See deliverance"*

*"Return my Childhood to me  
And Wipe out Child Labour Completely"*

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

The meeting of the Central Advisory Board on Child Labour was held on 21st December 2012 in the Ministry of Labour & Employment under the Chairmanship of Hon'ble Minister (Labour & Employment). The agenda for the meeting was to discuss on the issues related to child labour and task force to make the NCLP Scheme more child-friendly. Hon'ble Minister, Labour & Employment



Hon'ble Minister Labour & Employment Shri Mallikarjun Kharge, Chairing the CAB Meeting

Shri Mallikarjun Kharge, stated that prevalence of Child Labour is a matter of great concern and Government of India is committed to eliminate the menace of Child Labour in any form. In that direction, the Government had enacted the Child Labour (Prohibition & Regulation) Act, 1986 (CLPRA) and also framed National Policy on Child labour in 1987, wherein for elimination of Child Labour a multi-pronged strategy has been adopted. A Core Group on convergence of various welfare schemes of the Government has been constituted in the Ministry of Labour & Employment to ensure that the benefits of Government schemes reach the families of the Child Labour for their upliftment. Project-based Action Plans have been initiated for the welfare of working children in areas of high concentration of Child Labour.



Glimpse of the CAB Meeting in progress

He further informed that in pursuance of National Policy on Child Labour, the NCLP Scheme was started in 1988 to rehabilitate Child Labour. The scheme is being implemented in 271 districts and at presently operational in 266 districts in 20 States covering around 3.39 lakhs children through 7311 special schools. The Ministry is also operating Grant-in-Aid Scheme in the districts where NCLP is not feasible. He also stated that due to all out efforts of Government of India, there is a decline in trend of economically active children in the age group of 5-14 years in India. This has come down to 49.84 lakhs and as per NSSO survey 2009-10 survey there is a decline by 45 percent.



Hon'ble Minister of State for Labour & Employment Shri K. Suresh, addressing the CAB Meeting

Hon'ble Minister of State for Labour & Employment Shri K. Suresh, while welcoming the participants to the second meeting of CAB, stated that children still continue to form a sizeable section of the Labour force in the country in spite of lot of measures being taken by the Government to end the menace of Child Labour. These children are mostly children from the under-privileged segments of our society. He emphasized that the rightful place for the children is at school and in the playground and not at workplace. Therefore, there must be strict provisions under the Child Labour (Prohibition & Regulation) Act, 1986, to see that no child is engaged for labour. Accordingly, Ministry of Labour & Employment is seeking amendments to the Child Labour (Prohibition & Regulation) Act, 1986 to make this Act consistent with the societal and economic changes that that have occurred in the last 25 years. The amendments will also make the Act more in line with the Right to Free and Compulsory Education for Children Act, 2009. These amendments will also enable our country to ratify the ILO Conventions No.138 and 182.