

EDUCATION WORKS

Child labour schools project in India

By Bob Whyburn

In 2000 a group of Australians from a wide cross-section of the community – unions, employers, the legal and accounting professions, politicians, and others – set up the Child Labour Schools Company Limited. It was formed for the primary purpose of raising funds to develop the infrastructure for schools in areas of India where child labour is known to be a serious problem and to build or improve buildings at each of those locations.

CHILD LABOUR IN INDIA

The exact number of children being exploited by child labour in India is not known, but what is known is that in the Asia-Pacific region there are approximately 127 million children between the ages of 5 and 14 years who are described as 'economically active' (out of a global total of 246 million children so described).¹

Estimates of the number of children in child labour in India vary between 9 million and 80 million, but we do know that the great majority (about 70%) of these children work in non-urban areas and in the poorer states, where access to education is limited and sometimes non-existent; among these states are Uttar Pradesh, Bihar and Punjab. Many of these children work in hazardous occupations – in brick pits, stone quarries and timber yards, for example – often for long hours, seven days a week, in extremes of temperature and exposed to toxic chemicals, harmful fumes and dust. Anecdotal evidence suggests that some of the children are exposed to

such an extent that they have an average life expectancy of 14 years.

The Constitution of India specifically guarantees all citizens a number of basic rights, including justice; social and economic security; freedom in relation to politics, belief and worship; and equality of status and of opportunity. It specifically prohibits forced or bonded labour (Article 23) and the employment of children in factories, mines and other forms of hazardous work (Article 24).

The Indian Government ratified International Labour Organisation (ILO) Convention No. 29³ in November 1954 and in 1976 passed legislation – the *Bonded Labour System (Abolition) Act* – abolishing the bonded labour system. Two years after this Act was passed, a survey was conducted. Its findings, published in May 1981, included an estimate of 2.6 million bonded labourers in 11 states of India. Many of these bonded labourers would have been children, although reliable figures are unavailable.

In 1986 the Indian Government passed the *Child Labour (Prohibition and Regulation) Act*, a law 'to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments'. 'Child' was defined in the Act as a person under the age of 14 years.

The Act applied to the whole of India and prohibited the employment of children in certain occupations (as set forth in Schedule A to the Act) and in certain 'processes', including the building and construction industry, manufacturing processes using toxic metals, and 'hazardous processes', as defined in the *Factories Act* of 1948. But it does not cover the kind of work being done by the majority of child labourers working in rural and agricultural areas.

Although the Government of India has, since 1992, been a 'participating country' by virtue of signing the Memorandum of Understanding with IPEC – the International Program on the Elimination of Child Labour (initiated by the ILO) – and has taken steps to widen the scope of the 1986 Act, it has not ratified the ILO Convention on the Worst Forms of Child Labour (No. 182 of 1999).

Nor has the Government of Australia, which in this regard stands alongside the governments of countries such as Cambodia and Afghanistan. The Convention has been ratified by the majority of countries in the Asia-Pacific region, including New Zealand, New

Guinea, Indonesia, Singapore, Malaysia, Vietnam and Thailand, and by many other countries elsewhere in the world.

EDUCATION IS THE KEY

The International Conference on Child Labour in Oslo in October 1997 reaffirmed the position taken earlier – that basic education is a primary means of preventing and eliminating child labour. The conference called for initiatives that would increase social awareness by informing and educating parents, children, teachers, communities and society in general about the rights of children, especially their rights to basic education and to protection from economic exploitation.

In India, education is not a matter for central government: it is the responsibility of the governments and administrations of the states and territories, and this is where the problem of financing educational facilities looms large.

Many more children under the age of 14 are trapped in child labour in rural than in urban areas, and it is in these areas that educational facilities are least likely to be found. Vast financial resources must be committed by the state governments to provide education in rural areas for these children, and steps taken to ensure that schooling up to at least middle-school level is compulsory. Without adequate funds, making education a fundamental right or compulsory by legislation will fail to achieve any substantive results.

THE CHILD LABOUR SCHOOLS COMPANY

In 1995 the ILO established six schools in India in a pilot project, which aimed to teach illiterate and semi-literate children from disadvantaged families basic literacy and numeracy skills. The purpose was to determine whether such education programs, enabling children to enter the mainstream education system, could be an effective means of combating child labour. The pilot demonstrated that the likelihood of education successfully breaking the child labour cycle was good – provided there was long-term national and international commitment to the project.

In 1996, the International Federation



Photo: International Labour Organisation (ILO)

of Building and Woodworkers continued the pilot project by making a commitment to maintain the schools for six years. Further, Australia's Construction, Forestry, Mining and Energy Union (CFMEU) and a trade union in Norway each committed to providing financial support for three schools involved in the ILO project, on the following basis:

- The objective of the project places an obligation on local communities, together with local, national and international unions, to raise awareness among communities, governments and industry about the need to seriously confront the problem of exploitation of child labour.

>>

Basic education is a primary means of preventing and eliminating child labour.

- Capacity should be developed for parents and local project partners to financially contribute to the schools' operation.
- State governments should be lobbied in order to gain recognition of and funding for the schools.
- Financial self-sustainability for each of the schools should be pursued.

The Child Labour Schools Company was set up to continue the work begun by the CFMEU with the three schools for which it had assumed responsibility. The Company gained registration as a charitable fund and was granted tax-deductible status for donations made. No fees or expenses are paid to the Company's directors and all administrative services are donated, ensuring that every dollar raised goes towards helping the children.

In 2001 the Company built its first school in Uttar Pradesh. (During the construction period, schooling was conducted in primitive shelters and in the open air.) The cost of building and furnishing the school, which provides both primary and middle-level facilities, plus training the teachers, was about A\$100,000. There are 322 students and 8 teachers. The school's construction and operation have generated considerable local interest in and support for the project, and for the concept of educating children in child labour. The Government of Uttar Pradesh recently formally recognised the school.

In 2002 the directors of the Child Labour Schools Company resolved to raise funds to build a residential school in Bihar. Once completed, this school will accommodate about 100 children,

most of whom are orphaned and belong to lower castes. Since these children have no parental care, the teachers will share the responsibility of being their guardians. There is currently a school in Bihar, but the buildings are primitive and totally inadequate, although the teachers report that they are making some progress. The Child Labour Schools Company recognises that it is essential to develop suitable accommodation and is consulting all the interested parties in India in relation to a design concept. The estimated cost of construction and furnishing is A\$250,000.

CONCLUSION

The problem of child labour in India is clearly very serious, and solutions, although identifiable, are difficult to achieve because of cultural and economic factors.

The need to provide accessible, high-quality education for children at least until the age of 14 years and preferably into middle-school level must be complemented by an orchestrated program to provide jobs or other sources of income for adult family members, to compensate for the removal of their children from labour.

Small-enterprise development and productivity improvements can help to increase family incomes and reduce the need for children to work. Ways must be found, however, to ensure that small businesses do not inadvertently increase the demand for child labour – directly, by drawing them into the production process, or indirectly, by increasing the need for children to do household work while their parents are away working. It is important that such programs are 'market-led' rather than 'welfare'-based.

And the need remains for the Indian Government and all other governments that have not done so to ratify and implement ILO Convention No. 182 and to maintain programs that ensure that the problem is tackled on a continuing basis.

Education is clearly vital in the struggle against child labour. As an individual, you can help in a number of ways:

- Lobby your government to ratify and apply the relevant ILO conventions.
- Pressure local authorities to enforce laws relating to education where there is evidence that that is not being done.
- Urge your trade union to take up the cause of the struggle against child labour – in your own country, where appropriate, or in solidarity with international federations of unions.
- Urge your employer's organisation to become involved in or initiate anti-child labour programs.
- Join or support national or international non-government organisations that are active in the field.
- Where appropriate, help with or run educational alternatives for working children. Talk to those children and their parents and encourage them to take advantage of the alternatives.
- If you are able to, urge local, national and international media to raise awareness of child labour.
- Distribute documentation on the International Program on the Elimination of Child Labour and other anti-child labour initiatives.
- Be an informed consumer and traveller, so that you do not inadvertently support people and organisations that benefit from child labour.

The problem at the international level might be daunting – involving almost 250 million children – but together, we can work to resolve it. I am pleased to have the opportunity, through my directorship of the Child Labour Schools Company, to help release a number of children – albeit small so far – from the horror of child labour and give them a chance to learn to live. ■

Notes: 1 ILO figures as at June 2003. 2 Ibid. 3 The Forced Labour Convention 1930.

Bob Whyburn is a principal of Maurice Blackburn Cashman, Director and President of the NSW branch of the Australian Lawyers Alliance and a director of the Child Labour Schools Company.

PHONE (02) 9261 1488 **EMAIL** Bwhyburn@mbc.aus.net.