

Treat child workers under bonded labour law: child rights panel

Rescued child workers should be treated as bonded labour for better rehabilitation and a better tomorrow, says Shantha Sinha, chairperson of the National Commission for Protection of Child Rights (NCPCR) .

Calling the Child Labour (Prohibition and Regulation) Act 'weak' because it does not guarantee rehabilitation, Sinha said the Bonded Labour System (Abolition) Act, 1976, would provide a stronger framework.

'The Bonded Labour System (Abolition) Act, 1976, ensures statutory benefits; it provides rehabilitative benefits of Rs.20,000 to the family of the rescued labourer. Rescued child labourers should therefore be treated under this rather than under the Child Labour (Prohibition and Regulation) Act,' Sinha told IANS in an interview.

Although the government puts the number of child labourers in the country at 12.6 million, child rights activists estimate that the number is around 60 million. As against this, in the eight years between 1997-98 and 2005-06, there were just 670,000 violations of the law detected and only 22,588 convictions, according to the labour ministry's annual report 2007-08.

Agreeing that the low conviction rate under the child labour act had failed to be a deterrent for people who violate the law, Sinha said the NCPCR had urged the labour ministry for strong and continuous enforcement of the law until it started discouraging people.

Highlighting a major lacuna in the law, Sinha, who was awarded the Padma Shri in 1999 and the Ramon Magsaysay award in 2003, said the commission had written to the labour ministry to introduce agriculture under 'hazardous occupations'.

'The law says that children under the age of 14 should not be employed in any hazardous occupations. Agriculture, however, doesn't feature anywhere in the list of harmful occupations - despite the fact that 70-80 percent child labourers are in the agriculture sector.

'How can anyone think that a child walking kilometres with a cattle herd is not hazardous? We have written to the labour ministry asking them to introduce agriculture in the purview of the law.'

The commission has also suggested that salt making, its processing and packaging, aqua culture and occupations connected with the carrying of goods and head loads like LPG cylinders, be listed as occupations where children should not be employed.

In response to the numerous complaints of the deplorable conditions of the juvenile homes where rescued child labourers are sent to, Sinha said a working group had been formed to look into the functioning of the homes as well as of the Juvenile Justice Board.

Though gross human rights violations take place in some of the homes, there are others that serve as 'islands of hope'.

'In a home in Hatia near Ranchi, Jharkhand, the condition was so bad that the bare necessities were provided to keep the children alive. When this state was brought to the notice of the Jharkhand High

Court, awareness programmes were organised and civil society participated actively in changing things, slowly and successfully,' she said, stating an example.

She would also like to see government schemes like the Sarva Shiksha Abhiyan (SSA) being implemented in the juvenile homes. And if there is one subject closest to Sinha's heart, it is education for the rescued child labourers.

'Although it is still in the thinking process, I want that the Sarva Shiksha Abhiyan be implemented in the juvenile homes... a programme like this will ensure that they get their share of education no matter what the situation.'

For first convictions, the act prescribes imprisonment for three to 12 months or a fine of Rs.10,000-20,000 (\$250-500). Second offences are to be punished with a mandatory six months to two years in prison.

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