

COVID19 Pandemic Voices from Margins

Webinar series Webinar 14: Vulnerabilities of Child Labour

Date: May 22, 2020

Minutes

PANELLIST PROFILE

1. Ashish 17 years old. He hails from Gaya, Bihar. His family has poor economic conditions and being the eldest in the family, he has to take care of his three younger siblings. His father works in the Brick Klin. He is a child labour survivor and had been rescued from a bangle making establishment in Jaipur. At present, he is working along with the Centre Direct in their Leadership Group of Survivors and has been supporting in reaching out to children (Survivor) in his village. He is in the process of registering for Class 10th which has been stalled due to Lockdown.

2. Sheela Devi, 40 years is a housewife and mother of Ashish.

3. Subhash is 16 years old and has studied till class 3rd. He is second of the three siblings, his elder brother works as a painter in Maharashtra who has been stuck there due to lockdown and his father works as a Maison in Patna. Previously he has worked outside Bihar as a caretaker and within Bihar as support staff in a hotel due to economic constraints. The poor conditions of the work environment had forced him to flee. At present, he is a member of the Centre Direct Survivors Group and has been at home with his father post lockdown.

5. Ramesh Paliwal is the founder and the secretary of an NGO named TAABAR in Jaipur.

6. Ravi Prakash, is a consultant for the Freedom Fund's supported Child Labour Free Jaipur Programme. He is a child rights specialist with a passion and extensive experience working on issues like child protection and right to education. He has headed the child rights portfolio in the PACS (DFIC) program and at Oxfam India. He has also worked with organisations including TATA Trusts (SDTT0, Child Rights and You (CRY) and Human Rights Law Network (HRLN) in India. He holds Master's Degrees in Social Work and Human Rights.

7. Vimal, an apparel exporter and heads Goodwill Impex. He is also the President, Garment Exporters Association of Rajasthan

8. Shanta Sinha, is known for her pioneering work on child rights. She is also the founder-secretary of the M V Foundation, a rights based grass root level NGO operating out of Hyderabad, which has withdrawn over 10,00,000 children from work and put them into schools. She also served as Professor of political science at the University of Hyderabad. She was nominated as the first Chairperson of the National Commission for Child Rights (NCPDR) in the year 2007 and served two terms in that position until 2013.

Mr. Tom Thomas, Moderator, Praxis: For Praxis, one of the prime areas of work is listening to the voices of people and communities in the margins and this particular series also continues on that line of listening to communities particularly during this lock down. In over a dozen Webinar series we have been able to bring together voices of a variety communities on the margins, be it migrant workers, nomadic and de-notified tribes, entertainment sector workers, garment sector workers, students with special needs, people from northeast, people using drugs, LGBTQI Community and adolescent girls. This fourteenth addition will focus on child trafficking and child labour. As the country is on the verge of a deeper crunch into recession and economic emergency, we have already seen how labour bears the brunt of it. Though everyone would know that any production process, any production relationship is a combination of three things labour, capital and technology.

However, when the push comes labour is required to bear the brunt of all the hardships that are meant to be borne equally, if not otherwise by all these production forces, at least by the capital. What happens in most of these cases is that labour is called upon to reduce their rights, reduce their entitlements, in an attempt to revive these economies. Most governments, except those of banana republics would actually arbitrate in favour of the less privileged and make sure that in crisis like this their rights are not eroded and you have a basic equity in place. However, if you look at what is happening in the country, we know that states, are actually reducing labour rights, increasing the work hours of workers and even the Supreme Court has told the government, that they cannot force the companies to pay for wages of their employees during this lockdown period. With the eroding of labour rights, it is going that path of increasing casualization of labour, increasing labour of segments that are not usually organized. When it comes to children it is both a push and a pull factor. Parents need that extra rupee and therefore, there is a push factor. Companies need that cheap unorganized labour and therefore, there is also a pull factor. If the state looks the other way, the post COVID scenario will wipeout away the gains we have achieved through much of the 20th century and two decades of this century. And worst, it will be treated as the new normal, and hence it is extremely important for us to bring voices of children and begin these conversations to prevent a scenario where millions of children are victimized for regaining the lost GDPs and retaining a capitalist, neoliberal world order. Today we are fortunate to have on our panel survivors of child trafficking and few of their parents and people working to eradicate child labour. Today's webinar is brought together by Praxis and Child Labour free Jaipur, an initiative to make our cities child labour free.

PANELLISTS DISCUSSION

DHEERAJ (PRAXIS): We shall start by showing Digital Story Telling to introduce how children work in workshops in Jaipur to set the context. (video "Free Firdaus")

To set the context, a quick study conducted by Praxis along with Centre Direct and NAG DNT-NT, where we reached out to 15 randomly selected villages in Gaya and Araria to gauge the child labour scenario of children who are migrating outside villages.

Key Findings

- **First**, Out the fifteen villages, we can see all children going out for some kind of work and 12 cases we found only children are going alone for work and in other three villages we find both kind of scenario. Either they are going alone or going with family member. Children migrating alone to cities such as Jaipur, Hyderabad, Chennai, Delhi, Kolkata, Ludhiana and some cities in Haryana in Bangle making, construction, agriculture labour and garment sector. In 3 villages, they also go along with other family members or known people.
- **Second**, mostly boys are migrating when it comes to working outside, in all fifteen villages.
- **Third**, significantly still at this stage we found it out in 7 villages we still had children stranded outside, so they have gone out for work and unable to return to their respective villages amidst this lockdown.
- **Fourth**, another thing that is happening parallel and which is of critical nature is that household moneylending prevalence has increased for accessing food and other provisions. So all 15 villages had a scenario where there was high rate of moneylending happening at this stage which points towards the vulnerability that households will be facing. When we ask about probability whether this will lead to children migrating outside village for the post lockdown situation, out 15, 6 villages were very sure that this will lead to children moving out of their villages for work. While in 8 villages it was felt that it may decrease and 1 respondent felt it would remain same. But overall all respondents recognised that there will be pressure to repay loans. Moreover, there will be pressure on labour rate negotiation because if all the people are to return, negotiations are going to suffer like anything at village level.

Ashish: My name is Ashish Kumar. I am a resident of Gaya district, Bihar. I want to share my experience. In 2014, when I was 10/12 years old, we used to study in the school in our village. But we couldn't study because we were very poor. Other castes people could study well, but we couldn't study. My father was the only earning member and he couldn't earn enough to feed the whole family. Other castes in the village do not want the people from the manjhi caste to rise. We don't even have the right to live. We don't have any land or agricultural field. Because of poverty, we wanted some kind of work where we could study and also live with our family. A dalal approached us from a nearby village, and 6-7 boys from our village, were given an advance of Rs. 2000. We were promised all facilities and education. We went to Jaipur to work in bangle factory. We used to live in one room and light used to be off. We used to work from six o'clock in the morning till 12 o'clock at night. We used to get tea and breakfast in the morning and in the afternoon lunch. But if we wanted little extra portion to eat they would not give us. We were promised that we will be educated but it was all a lie. Six months we worked in that factory and then one day one boy went to the police station on the pretext of going out and buying tea and breakfast. He informed the police that were more boys who were stuck in the factory. Police rescued us and kept us in children's home. We lived there for one month and our medical check-up was done. Each one of us were reported with infections of dust. we had breathing problems. I had also developed breathing problem. We came to Gaya and lived in Child care home for a month. My parents came to take us from there. FIR was filed and I went as a witness to the court against the dalal. We were given security. There were other children too who were witness with their parents. Dalal kidnapped the witnesses. But somehow they were rescued. Dalal was convicted and given punishment. A survivor group was constituted, where I was made the leader. We plan to make sure what happened to us should not happen to other children and to create awareness we do monthly meetings. In the present context of lockdown, children will be more vulnerable to trafficking since most of our families will depend on borrowing in the absence of livelihood, increasing indebtedness.

Subhash: I am Subhash Kumar from Bihar, I want to share my experience with you. When I was 14 years old I was sent to Himachal Pradesh by a dalal, against my will. We were told that we will be made to work in a garment shop and that we will be educated. For two days we didn't find work. Dalal took us to man who kept us in a house. Dalal took the money and didn't even tell us how much money he had taken. We didn't feel like working there. I told this to the master that I don't want to work here. He got very angry, abused us and told us that he has paid for us for three years to the thekedar. He told us that we can't go before the end of three years. We were also adamant to go back home. He abused my father also. When my father approached he was told that extra money has been paid to the thekedar to keep his son for work. We were two of us and he said until he finds someone else to work for him, he can't let us go. He used to take us to the Chandigarh to work, for three months and in summers we sued to come back. He didn't give us leave. We ran from Kullu. Somehow, met my father and came back in April 2019. We feel that what has happened to us should not happen with anyone. There are many boys from my village who want to go out to Bhutan for work. They don't listen to even to their parents. There is an agent who takes them. Because of lockdown they are not able to go. Despite my telling them, still they want to go. If we don't earn what will we eat? I am scared of moving out.

Ashish's mother: Because of lockdown there are a lot of problems. I would support the family as temporary agricultural labor. Now due to the lockdown, we do not have any sources of income and have ended up taking loans to make ends meet. There is no livelihood in our village. We are somehow managing. Lockdown has increased the livelihood problems. There is no relief from any side.

Ramesh, TABAAR Organisation: I am based in Jaipur which is destination. Three contexts reflect most vulnerable situation for the children, bonded labour children and how covid is affecting them. First, children living in shelter home in Jaipur. Right now there are 115 children. They came to shelter home in November. They should have been at their home state in the month of March. They were ready to go then lockdown happened. Nobody knew that lockdown will happen. All the the process was complete as per the bonded labour act and child labour process. Now, we don't know when they will be able to go back and there is a lot of stress. Government is also struggling with transportation. Some of the employers who came to know that the lockdown will happen soon they ran away. Still there are children in the workshops and in the areas where there are workshops. Children are waiting for an opportunity to go back. They want to just run away. They are still working there in this situation or they are begging because the landlord or the employer has just thrown them out. Situation after covid is also worrisome. What will happen to them, how will they go back? Traffickers will catch them again because these children come from very poor families. Since 2011, I have observed all the process involving judiciary, police, civil society takes time. Now, it will take more time. How will statement of the child and other things happen? I am just worried about how system will respond to the needs of these children. Lot of children are going to the trains and the administration is also not responding. Where to keep all these children, how to process FIR 's and medical and ensure social distancing and quarantine? All these are challenges during this time. These bangle factories will come up again in three to four months in other places. The system has to be sensitized to thinking and design policies for these kind of communities. Because traffickers use their vulnerabilities to further their needs and exploit them.

Vimal, Goodwill Impex Ltd. and Vice President Rajasthan Garment Exporters' Association: I will tak about challenges that the business side is facing. Good number of labour has moved and some industries demand labour like the atta factory, dal mill, among others. They need a lot of people right now. There is a possibility that children are being employed because of shortage of labour. Second, there are industries where work has considerably decreased. There is a possibility that the contractors will accept orders even at low cost. Even labour working from their homes maybe pressurized. They might even pressurize children from these families to work. There is a need to be alert that the incidence of child labour should not increase because whatever hard work that has gone in the past so many years to prevent child labour will go waste. Secondly, labour is also coming back to Rajasthan that was working in other states. In garment industries, Pradhan Mantri Kaushal Yojana was started by the government. Many NGO's trained ladies since past one and a half years. Before that, 99.9% tailors were men. Now, even in factories women tailors have started being employed. All those people who are coming back to Rajasthan need work. Gradually business and industries will also start and we will also need labour. During this time, some kind of skill training can be done for such people, like our garment industry, gem and jewellery industry, so that they are able to get jobs. They will find support and their children might find better life. Third, the government should ensure some attraction to customers to bring them to market, such as GST 50%, so the consumer might start purchasing. And once if this starts, there will be an increase in demand in factories and production will start. Job insecurity may reduce. Government should also start linking MNREGA with industry. With this, industry will also benefit and industries will start paying minimum wages to the labour. This will be helpful for both labour and industries.

Ravi Prakash, Freedom Fund: Child Labour free Jaipur Programme, is a multi-stakeholder programme, where we partnership with business industry association CSO's local communities, government and their departments. We are working together for a system change that can address the issues of child labour in Jaipur. Jaipur is highlighted city across India which has a high number of child labour including trafficked children. It is one and a half years old programme and we started good results in terms of system change including inter- state collaborations. Most of the children are from Bihar so now we have very streamlined process between Bihar and Rajasthan governments.

Children started getting access to their entitlements. The most significant achievement was that there were some convictions from Jaipur court. These convictions are unique in India where traffickers were given life sentence. Jaipur high court judgement that children who are from other districts or states, before their repatriation, the departments and courts have to record their statement so that they need not come back to Jaipur. Because of the covid lockdown many things have halted. The children who were stuck in this local areas, who are from other states they are in a very difficult circumstances. Media also started highlighting it. For us it is immediate challenge to remove these children from there. They live in a small room 10/10 room, accommodating 8-12 children. This area Shastri Nagar in Jaipur, these are the most COVID affected areas. The immediate problem is to place them in a safe place and provide them food and protection. There are cases of employers who are not getting businesses, who are forcing children to go out. We are also tracking children and we are linking them to child welfare committees. Second, children who already repatriated or who are on the verge of being repatriated, their entitlements and compensation should be given immediately. Children and their families are struggling. They don't have wages or jobs and are dependent on loans. Local network in Bihar, Human Liberty network rescued 250 children from bonded labour condition, applications have been made for release of compensation. Release of this money is important. Post Covid will be a challenge because many families are taking small loans, its burdening them. A kind of social protection is required. Children who are admitted in schools were discriminated against, this needs to be addressed. It needs to be ensured that the schemes of sponsorship should be given to children after proper identification.

Question & Answers:

PREVENTION

Question (Ankit Kumar): How do you see the role of prevention? Even survivors have said that they are prone to come back in the trap of child labour. Schemes like ICPS, since 2009 are important. How do we envision to have a permanent solution?

RESTORATION

Question (Krina Shah): Is any cash going to the family?

Response: (Ravi) Those children returning from Jaipur to Bihar since January 2019, we have list of all the children who have returned back. Through our partners we are tracking each child, what they are doing. Those who are able to attend school as per the RTE are being enrolled in schools, more than 60 percent have been enrolled. Still there are challenges to get the rest enrolled. There are village committees but within these areas there are partners who keep monitoring and in some cases where there are additional challenges field level outreach worker ensures that the children do not go to another destination. Re-trafficking has declined to around 2 percent. That is a huge success because of monitoring and because of the community participation in this programme. The ICPS programme, specifically sponsorship talks about continuous support of the programme and is vital. Children who are coming from Jaipur have certain entitlements, victim compensation and these need to be mobilized for children. This sponsorship can support them for long term. Schooling is important and we need to ensure retentions. This can be done under ICPS and school management committee can work within the community.

Questions:

Now that schools and anganwadis are closed are there any specific measures that could be taken for children?

In case of ICPS, what can be done to strengthen the already existing system?

What is being done by NGO's on the demand side to reduce child labour and quick response network source areas can be established?

Response: (Shanta Sinha) MV Foundation: We are looking at two ends of a spectrum. On one hand there are issues of children who are in Bhattabasti area from Bihar and the kind of intervention freedom fund has made into that area to see that the children are rescued and to take law suits to logical conclusions, leading to even convictions, which is very important. It is rare also that there are sentences on child labour issues. It is laborious to make sure that the law is implemented. In this way you have looked into the gaps in the law, in processes, protocols. It will be important if you record how systems can be rectified to ensure the implementation of Child Labour Act.

In case Jaipur what struck was children's agency. You created a whole atmosphere in the basti but children have never wanted to work there, what I heard from Ashish and Subhash. From the time they were in sweatshops, they were looking for escape routes. The kind of violence they faced is unbelievable. Children's agency has to be looked at as a very important aspect of rescue.

Is it some kind of secret that there are hundreds and thousands of children? Would the police not know would the labour department not know? Would it require an NGO to conduct raids to raise the issue? Cannot police take a take a suo moto cognizance and use the child labour law. Can we reach that stage where they take suo moto cognizance where things happen without intervention of civil society? We need to find out why it isn't even in the agenda of labour and police departments.

Issues of norms should be emphasized from the Bihar front. On the Jaipur front you are targeting children and getting them out and dealing with officials at every stage, which is very difficult. Bihar we are following up with children who have been rescued whether they on path of education or not. You have the Human Liberty Network. In Bihar the idea of child labour free zone should be rigorously implemented. There has to be a strategy of prevention. If you rescue, and more set of children keep going then we sort of keep repeating the cycle. How should we prevent children from getting into child labour force? For that we need to talk about child labour free zones in Bihar through an area based approach that we look at everyone. Talk to SHG, gram panchayats, child protection committees, school teachers to be brought on the same page that children also have rights.

Post covid, arguments of poverty and hunger will become more strong, perhaps this will help traffickers more. We need to have strong prevention strategies where you give confidence to the parents.

Why is it that they are working in Bihar or any other part of the country? It is because of state inaction. We need to emphasize the fact that there are no schools, there are not enough investments in ICPS system. No institution from the child has had full set of resources. They are not in the radar of the state that is merely doing things for tokenism. How do we get the governments to invest more? The Rs. 25000 sponsorships are important but then you will also have to ensure that there are strong institutions, there are schools that are run properly and do not discriminate children. You need to have area based approach, child labour free zones, you have to create a norm that children will not work in that area. Focus on prevention as we have done the rescue part of it in Jaipur. I consultations like these we can come with a joint statement that will bind the state to act and come up with a roadmap for what the state has to do otherwise we are putting a lot of burden on the civil society.

Suggestions/Observations:

(Tasha): A lot can be done at the village level itself in terms of prevention. Community led support mechanisms should be pushed to work alongside panchayat. They can play roles of ensuring entitlements, capturing real time data and providing the same to the district and block level administration for them to respond; creating awareness, also ensuring a smooth return of children to schools.

(Rohit Kumar): In Covid situation a lot of children are coming back from Jaipur to their homes. There is a possibility that post lockdown these children will go back to work. We need to ensure that this

does not happen and government schemes and benefit reach them. Guardians should also be made aware.

(Ankit Kumar): Possibility of re-entry of children into the similar trap of child labour. Hence it is essential to think about prevention through child protection committees.

(Manoranjan Pegu): One of the first things often cited is poverty is the reason for child labor. Poverty forces parents to force their kids to work. But it is not always so. Parents attitude towards education, thinking it serves no purpose, especially for girl child plays a role in sending kids to work. Also the lack of free education facilities within vicinities make them send their kids to work. Child labor definitely is the reason for poverty. Because it stops them from going to school and get the skills required for better employment thus trapping them in the same lowly paid job for ever. Also child labor decreases adult wages in workplace. So we have to stop saying poverty is a push factor. ILO studies have confirmed that the wage earned by child labor is enough to lift people out of poverty. And child labor happens everywhere, highest in agriculture sector. We tend to think they are mostly in factories. So we have to take 3 premises as a starting point. 1) Child Labor is not inevitable 2) Child Labor does not help families eradicate poverty and 3) It can be eliminated.

(Fahim): We are working on Child Labour and right now we can see so many children going back to thier home towns. But they are going without any paperwork and administration is willingly and knowingly sending them as migrants. The problem is that they will be back to their poor home states without any rehabilitation benefits. How can we as a group address this situation.

(Godsen Mohandoss) : It would have been apt to call dangers of marginalized children and labour than vulnerabilities. secondly, age group that should have been taken into account..eg 6-14 and between 14 and 18. thirdly, there is difference between child labour, bonded, child trafficking and migrant children and needs different approaches in strategies.

Dr. Helen R. Sekar : The MHA protocol requires proactive steps by police to rescue and raid in case of migrant and trafficked children . The protocol is in the Home Ministry's website in the CENTRE State Section.