ONE DAY SOUTH INDIAN LEVEL CONSULTATION
ON THE ROLE OF RIGHT TO EDUCATION IN
ABOLITION OF CHILD LABOUR PRACTICE

Submittd by

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INTRODUCTION

The One Day South Indian Level Consultation on the Role of Right to Education in Abolition of Child Labour Practice, organised by People' Alliance for Fundamental Right to Education (PAFRF), facilitated by Centre for Child and the Law, National Law School of India University, in association with National Service Scheme, Bangalore University was held on 30th April 2019.

The program saw participation from all the 6 South- Indian States and also eminent personalities from different sectors and occupations. The objective of the program was to:

a) share the current situation of child labour and best practices invoked to eliminate it across all the six states,

b) collate tools and initiate a common open platform, and encourage all the States to work together towards eliminating the issue of child labour through the mode of providing them education,

c) encourage other similar organizations with similar visions and objectives to collaborate,

d) discuss the current drawbacks and what changes shall be brought in the RTE Act and other statutes.

The program was divided into three sessions: the Plenary Session, Technical Session and Concluding Session. The Plenary Session dealt with "The Role of Right to Education in Abolition of Child Labour Practices". The Technical Session discussed the "Strategies for Abolishing
PLENARY SESSION: THE ROLE OF RIGHT TO EDUCATION IN ABOLITION OF CHILD LABOUR PRACTICE

The Plenary Session started at 11:00 AM on 20th April 2019 and was chaired by Mr. Babu Mathew, Chairperson, Institute of Public Policy, NLSIU. The Session was effectuated by esteemed guests from the six Southern states of India, namely, Andhra Pradesh, Karnataka, Kerala, Pondicherry, Tamil Nadu, and Telangana.

1. MR. NIRANJANARADHYA V.P.

The welcoming speech was delivered by Mr. Niranjanaradhya V.P., Senior Fellow, CCL NLSIU. He took the pleasure to introduce all the esteemed guests and chairpersons. He gave a brief introduction about the burning issue of Child Labour and Right to Education as a Fundamental Right enshrined under Part III of the Indian Constitution, and the relation between the two. He further stated that child labour is a fundamental right violation. The State has the obligation to protect the right of the children to get education and child labour is a violation of the right to education. He informed all the members that the Karnataka High Court is now taking suo moto cases which deal with the issues of violation of the right to education. He also pointed out the responsibility of the schools under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009, where the school has the obligation to provide education to children belonging to weaker section and disadvantaged groups in the neighbourhood. He further states that the right to education is the strategic method which should be adopted to eliminate the practice of child labour.
2. MR. H. VISHWANATH
The first guest on the podium was Mr. H. Vishwanath, Renowned Legislator, Writer and Former Education Minister. He acknowledged that child labour is a serious issue which needs to be discussed. He pointed out that even the media is not very eager to make the public aware of the issue of child labour. He further pointed out the failure of the government over the years to acknowledge school education and child labour as a pressing issue of our society. He informed all the members and the guests present that Karnataka does not even have a School Education Minister and the government is never concerned about the 'quality' of education. He accused the legislature by stating that most of the legislatures in the legislative assembly played the role of the agents of the private schools. He further quoted Dr. A.P.J Abdul Kalam and stated that the child is the property of the State. He stated that the right to education is the solution for many problems of democratic India. He accused the present government to be ignorant of the issue of child labour and the right to education. He also compared the school education laws with the labour laws in India.

3. MR. BASAVARAJ GURIKAR
The second esteemed guest who enlightened the session regarding the issue of child labour was Mr. Basavaraj Gurikar, National Vice President, AIPTE, New Delhi, who again stated the current need to tackle the pressing issue of child labour in order to guarantee right to education to all the children and to ensure hundred percent enrolment and retention of children in schools.
4. **MR. JOSEPH VICTOR RAJ**

The session was then graced by Mr. Joseph Victor Raj, National Convenor, CACL. Firstly he introduced CACL as a vibrant organisation which follows the democratic means to elect the members. CACL has always advocated that child labour and education are two sides of the same coin. One of the demands of CACL which was granted by the Central Government of India was passing and implementing the Right to Education Act in 2009 and 2010, respectively. He recommended certain changes in the present RTE Act and stated that education shall be the prime political agenda of the government and that without eradicating child labour it is not possible to ensure education to all the children. He further stated that statutes like Right to Education Act, Sexual Harassment of Women at Workplace Act, etc. came into being because of the struggles of the civil societies, NGOs and other organisations. Hence, if any change has to be brought to the present statute of the Right to Education, the civil societies and other organisations need to work towards bringing that change. He recommended that the age of the child under the Act should be increased from 'six to fourteen' to 'zero to eighteen'.

5. **MR. CH MURALI MANOHAR**

The podium was then honoured by Mr. Ch Murali Manohar, Convener, Right to Education Forum, Telangana. He had started his career a few decades back at MA Foundation and since then he has seen a lot of change in the area of child labour. He has brought around one lakh child labourers to schools and is still working upon it. He stated that the involvement of the government is very vague. He rightly pointed out the failure of the government to provide necessary financial assistance to the States and lower level bodies to ensure implementation of the statute. Only 0.3% of the GDP is allotted for education in India. He
informed the members that children can be seen as labourers in the sectors of agriculture, cotton industry, tea industry, match stick industries, etc. But even though so many children are being seen to be involved as child labourers, the government is not taking any stand for the same.

6. MR. K MURTHY
The next guest who graced the occasion with his presence was Mr. K Murthy, State Convener, Right to Education Forum, Tamil Nadu. He enlightened us with the current situation of school education and child labour in Tamil Nadu and the measures the state has taken to tackle the issue. He also raised the issue of bonded child labourers. He works with 'campaign against child labour Tamil Nadu, Pondicherry' and TAFRE. He works with these organisations to ensure the right to education to all children and to eliminate child labour. He stated that even though individually various organisations are working towards this cause, but the government is not showing much concern. He further stated that a landmark step was taken in 2002 when the right to education was made a fundamental right under Article 21A, but still, the implementation of the same is under question. He recommended that the RTE Act should be amended and penal provisions should be incorporated in it and, the age of the child should be increased to zero to eighteen, instead of six to fourteen. He further stated that the transformation can only come from powerful campaigns from civil societies and NGOs. He further enlightened all the members by telling that Tamil Nadu state is taking various measures to ensure enrolment and retention of children in school by providing them with mid-day meals, uniforms, educational supplies, etc.

7. MR. C.K. DINESHAN
Mr. C.K. Dineshan, Convener, CACL, Kerala, enlightened us by clarifying the current situation in Kerala with respect to child labour and school education. He stated that there is a perception that there are no child labourers in the state of Kerala but even though there is no Malayali child labourer, we can still witness child labourers in Kerala who belong to other states and have migrated to Kerala in search of employment and better living standards. In Wayanad, there are almost 1700 children who have dropped out of schools. Usually, the boys go for child labour and the girls get married. He stated that various schemes have been formulated to tackle this issue of dropout students. He further added that breakfast as well as lunch is served to the school going children. Moreover, the State is planning to even provide evening snacks. He pointed out that even after putting in so much effort, the dropout rate still
remains the same. This is because the situation of tribal children is very bad. They do not even have houses to live in. In order to tackle the issue of the tribal, last year the government appointed 240 tribal teachers to reduce the dropout rates from tribal areas.

He further stated that Kerala is also affected by the problem of bonded labourers and usually the police do not even acknowledge the complaints and cases regarding bonded labour in Kerala. He further informed that they have rescued 35 bonded labourers till now who were children. Before 2015-2016, the government did not even recognise the existence of bonded labourers in Kerala. He further informed that from 2010 onwards, there is a 110% increase in bonded labour in Kerala. He also proposed to start a common campaign to tackle this issue.

8. MR. KOMMU RAMANAMURTHY

The session was then preceded by Mr. Kommu Ramanamurthy, the Right to Education Forum, Andhra Pradesh. He stated that only if Right to Education Act is made stronger can child labour be eliminated. Dalits and adivasis face most of the problem as they are not able to pay the school fees. He further stated that even though various schemes have been made to ensure enrolment and retention, the quality of education is not up to the par. He proposed various measures which can be implemented in order to eradicate child labour and promote the enrolment of children in schools. Few of these measures were the formation of the Regular Review System, Teachers' Union and Panchayati Raj System. He also raised the issue of migration and stated that migration is a huge threat in the case of child labour. He furthered the example of fishermen community in Andhra Pradesh as they migrate often and it affects the children a lot. He also raised the importance of education of a girl child. He concluded by saying that out of school is automatically child labour and requested to take the child to the school when seen out of the school.

9. MR. P.B. SANKAR NARAYAN

The last guest was Mr. P.B. Sankar Narayan, Department of Social Work, Pondicherry. He presented the Scientific study conducted by Pondicherry in order to understand the causes and consequences of child labour and how it can be wiped out.
The study is funded by the Labour Department of Pondicherry. It deals with a lot of industries where child labour is involved. He gave various statistics of children who are involved in child labour district-vice, how many of these children have both the parents, one parent or are orphans, how many of these child labourers are working as well as studying, which sector involves most of these child labourers, etc. He further stated that the number of child labourers has reduced since the 2011 census even though not fully eradicated. He recommended a lot of changes that can be introduced by the states in order to reduce child labour and increase enrolment and retention of children in schools. Few of these recommendations were:

a) registry of migrating labourers  
b) sensitizing anganwadi teachers  
c) government should support one parent family, especially where only mother is their  
d) occasional training of dropout children  
e) parents should be given counselling regarding child labour  
f) undertakings should be taken from new shops and industries that they would not appoint child labourers  
g) head teacher should create a list of students who are absent for more than thirty days. The list has to be given to the Nodal officer and Nodal officer has to stake necessary measures, etc.

CONCLUDING REMARKS

Concluding remarks were given by Mr. Babu Mathew, who appreciated all the speakers for putting in an effort to make changes in the issue of child labour and school education. He spoke about the importance of the right to education in India and also raised the issues of migrant labourers. He summarized all the major points furthered by all the speakers and gave recommendations regarding the same.
TECHNICAL SESSION: STRATEGIES FOR ABOLISHING CHILD LABOUR PRACTICE IN KARNATAKA: INTERVENTION AND LEARNING FROM LINE DEPARTMENT

The Technical Session started after lunch at 02:15 PM and the Session was chaired by Mr. Anthony Sebastian, Chairperson, KSCPCR. The Session was reserved to discuss different strategies for the abolition of child labour practice in Karnataka. The session dealt with understanding child labour with respect to the Right to Education. The speakers belonged to various departments and occupations, and they presented their approach to tackling the issue of child labour. The speakers were Mr. S. Jayakumar, Director of Public Institution- Primary, Department of Education; Mr. Shripad S.B., Joint Labour Commissioner, Department of Labour; RDPR; Ms. Rovina Bastian, State Coordinator, Gender Sensation Police Project, KSP; Mr. Srinivasa coordinator, NSS Bangalore University.

Mr. Anthony Sebastian stated that eradicating child labour should be one of the major motives and without the support of all the persons who are involved in the area of child rights, the goal of eradicating child labour cannot be achieved. He further stated that it is the responsibility of the Labour Department to ensure that no child labour is present as labourers and should go to school.

SUMMARY AND WAY FORWARD

The Summary and Way Forward was presented by Mr. Babu Mathew where he again emphasised upon the importance of school education and how it is necessary for all the southern states to come together and fight for the cause. The end of the day was marked by presenting certificates to all the members who had been a part of the session.
RESOLUTIONS PASSED AT THE SOUTH INDIA LEVEL CONSULTATION

1. Extend the purview of RTE Act from birth to 18 years, in line with the internationally recognized definition of childhood, by including ECCE, Preschool and higher secondary education as legal entitlements.

2. Take urgent action to reverse declining expenditure on education as a share of the GDP and bring it to at least 6 percent of GDP in line with the global education financing benchmarks and Kothari Commission recommendations.

3. Ensure complete implementation of the RTE Act along with norms and standards in true letter and spirit and make the State accountable for its implementation.

4. The government must invest in strengthening SMCs and community participation in education.

5. Take steps to address inequality in education by moving from multi-layered education system and move towards the creation of a ‘common school system’.

6. Take stringent and closely monitored steps to ensure social inclusion and provision of safe and secure school environment in all schools and ECCE centers and address the specific barriers to education faced by Adivasi, Dalit, Muslim minority children and girls and children with disabilities and other vulnerable groups.

7. Ensure the total eradication of child labour up to the age of 18 years and remove the provision in Section 3 of the Child Labour (Prohibition and Regulation) Amendment Act 2016 which legalizes child labour in ‘family enterprise’.

8. Elected peoples’ representatives at all levels (Centre, state and PRIs) to take concrete steps to uphold their commitment to universal, quality, and equitable public education in safe and secure environment until 18 years of age.

9. Stop increase of commercialization and privatization of education and strengthen the accountability of private schools and ECCE Centers by drafting, implementing and enforcing a national regulatory framework including regulation of fees, compliance with quality norms and addressing social segregation through the growth of private provision.

10. Governments must commit to strengthening grievance redress mechanisms in instances of violations of educational rights of children.

11. Stop mass scale closure of government schools in the name of merger and re-open those that have been closed.
IMPACT

After our consultation, the whole state is discussing the issue of child labour and RTE in the last two days. Articles and letter to editors in the local newspapers. Success beyond expectations

Annexure – 1

News Paper clipping

Deccan Herald
Udayavani

Samyukta Karnataka
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News Paper

Clipping

https://kpepaper.asianetnews.com/