

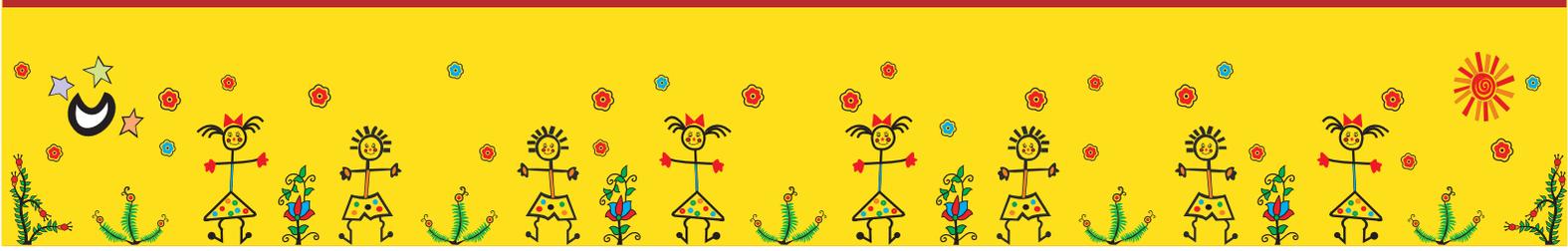


**RIGHT TO EDUCATION AND
TOTAL ABOLITION OF CHILD LABOUR**

FREEDOM AND DIGNITY FOR ALL CHILDREN

Briefing Papers

NATIONAL COMMISSION FOR THE PROTECTION OF CHILD RIGHTS



CONTENTS

Girls Can't Miss School	1
School to Combat Prejudice	10
Include Minorities	17

Girls Can't Miss School: Facts at a Glance

Lives at Risk

- Half a million female foetuses are aborted in India every year
- Of the 12 million girls born each year, 1 million do not survive their first birthday, and one-third of these deaths take place at birth
- From age one to five years, a girl is 50 per cent more likely to die than her brother
- A girl is 1.5 times less likely to be hospitalised than a boy
- 25 per cent of girl children do not survive to celebrate their fifteenth birthday

Forced Labour

- Domestic household chores and child care, either paid or unpaid, fall on girls whether or not they go to school
- In rural areas, amongst Scheduled Tribes and Other Backward Classes, girls are more likely to be employed as casual agricultural labourers than boys
- 40 per cent of female sex workers are forced into prostitution before the age of 18
- Traditional practices force 16 per cent of women and girls into the sex trade

Out of Classrooms

- 7.5 million girls of primary school age are out of school
- 37 per cent of girls, of 7–14 years, from the lowest castes or tribes do not attend school
- Almost half the girls in school drop out or are rather 'pushed-out' by the time they reach class VIII

Education Protects

- Midday meals have reduced the number of out of school girls
- From 1950-51 to 2004-05, girls enrolled at the primary level has increased from 5.4 million to 61.1 million with a lower drop out rate than boys
- Any child not in school is vulnerable to being forced into labour
- Girls' education helps not only to improve their own health but also that of future generations

Girls Can't Miss School

Eighteen-year-old Buchchamma knows that luck is on her side. One of the few to have graduated from class 10, she is the pride of her village as she unfurls the national flag at the local Republic Day celebrations.¹ However, most girls in the country do not share her good fortune.

- Even before birth, half a million female foetuses are aborted each year by patriarchal families who prefer male heirs²
- Of the 12 million girls who are born each year, 1 million do not even survive their first birthday, and a third of these deaths take place at birth
- Even at the age of five years, a girl is 50 per cent more likely to die than her brother³
- 25 per cent of girls born each year do not survive to celebrate their fifteenth birthday

Son Preference

The lives of girls are always at greater risk due to social discrimination. Even if a girl child falls ill, she is 1.5 times less likely to be hospitalised than a boy. She is also less likely to be fully immunized against diseases in the early years of her life.⁴ Gender discrimination is on such a large scale that dietary deficiencies have led to stunted growth among 45 per cent of girls as against 20 per cent in boys who are better fed.⁵

Buchchamma knows that not only has she survived the odds, but also that she can look forward to a bright future cemented by her education, a luxury for most girls. In India, 7.5 million primary school age girls are officially out of school.⁶ Of those who do enter school, almost half drop out (or rather are 'pushed out') by the time they reach class VIII.⁷ Chronic teacher absenteeism, lack of toilets, corporal punishment and abuse by male teachers and joyless learning are among the many reasons which discourage them from going to school. Once a child

1 Special Correspondent (2006), 'Proud moment for girl children', Andhra Pradesh, *The Hindu*, 27 January 2006

2 InfoChange (2004), 'The Disappearing Girl-Child', News & Features, October 2004

3 WHO (2005) *Making Every Mother and Child Count*, Switzerland: World Health Organisation

4 Borooah Vani K (2004), 'Gender bias among children in India in their diet and immunisation against disease', *Social Science & Medicine*, 2004, 58:1719-1731 and Patra N (2008) 'Exploring the Determinants of Childhood Immunisation', *Economic and Political Weekly*, 22 March

5 MoWCD (2007) *Girl Child in the Eleventh Five Year Plan (2007-2012)*, Sub-Group Report, Working Group on Development of Children, Government of India

6 MoHRD (2008) *Girls Education in India : Achievements since Independence*, Government of India, January 23, <http://ssa.nic.in/news/girls-education-in-india-achievements-since-independence-press-release-wednesday-january-23-2008> (last checked by the author 21 November 2008)

7 Ramchandran (2007), The Great Number Race and the Challenge of Education, *Economic and Political Weekly*, 29 September

leaves a poor quality educational institution, not only does it undermine her self-confidence but it also becomes difficult to convince her to re-enter schools.

Stolen Childhoods

India has the world's largest number of child labourers. In 2001, official estimates indicated there are 13 million child labourers aged 5-14 years.⁸ But simultaneously, 85 million children were declared to be out of school.⁹ These unaccounted for children who are neither officially at work nor at school are classified as 'idlers' or 'nowhere children'. But in all probability, most of them work both within and outside the household or in so-called 'light, non-hazardous work'.¹⁰ Further, official estimates do not include children in the more vulnerable age group of 15-18 years.

Girls are coerced to undertake domestic household chores and child care activities, almost by default, either paid or unpaid whether or not they go to school. This domestic work is invisible and hidden and steals their childhood.

Box 1: Domestic Slaves

You may have seen her in the shopping mall as she struggles to step on the escalator with a child on her hip. Or you may have seen her at a restaurant pretending to be engrossed in feeding the infant in her care. Or you may have seen her crouched in a corner of the kitchen of your friend's house as she eats her meals alone. She is never more than 14 years old. And her only identity is to take care of infants of affluent families.

Forty thousand to three lakh such girls, mostly of 6 - 14 years, are estimated to be trafficked from Jharkhand alone for domestic work in metropolitan cities particularly Delhi. Based on research Bhartiya Kisan Sangh (BKS), shows that there is a strong network of traffickers in Jharkhand. Many of the gangs involved in trafficking are led by village women. Many children also migrate to Bihar, UP, Maharashtra, Orissa, West Bengal and the North East. There is greater migration amongst Scheduled Tribes because of unemployment and indebtedness. In the national capital alone, there are 250 illegal placement agencies and a huge demand for child workers. Sixty per cent of the girls working as domestic help earn only Rs 1000 a month.

Bombay Houseworkers' Solidarity has also estimated that there are approximately 45,000 children engaged in domestic work, 90 per cent of them girls, in Mumbai city. These girls are often subjected

⁸ Data based on Census 2001. The NSS 2004-5 estimates the number of child labourers at 8.6 million.

⁹ *ibid.* The NSS 2004-5, however, places the number of out-of-school children to be 13.7 million.

¹⁰ The range of laborious activities that children in rural areas routinely undertake include, "carrying head loads of grass, firewood, pots of water, grazing cattle from dawn to dusk, spending hours in backbreaking chores: transplanting, weeding, working to cross-pollinate plants and even applying pesticides and chemical fertilizers on the farms can hardly be considered to be light." But all these activities are not officially even classified as child labour. Burra (2005) 'Crusading for Children in India's Informal Economy', *Economic and Political Weekly*, December 3

to violence and hard work which effectively kills their childhood.

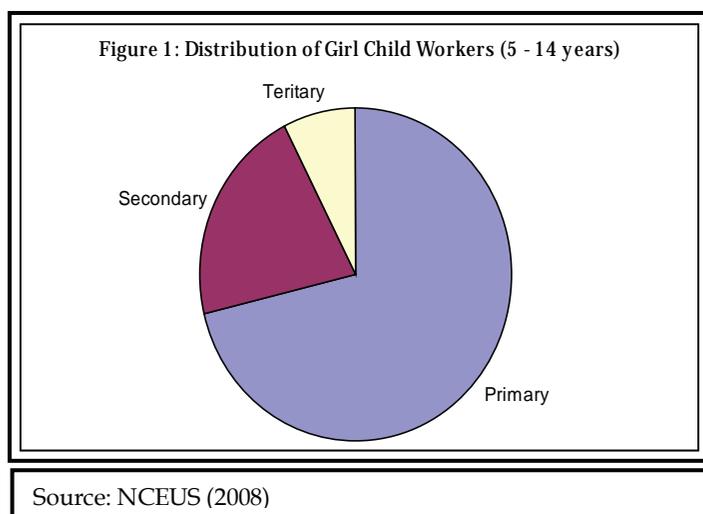
At a recent public hearing in Ranchi, an eight-year old girl recounted how she was packed off to Delhi to work as a domestic help. From the very first day she wanted to get back home. She felt humiliated, insulted and it seemed that her work would never finish. There was not a moment of rest. Every day she planned to escape. One day she took courage and escaped but did not know where to go. She walked on the streets, lonely and hungry, only to be picked up by another master who engaged her for work. Even here she was beaten up and tortured. Once again she gathered courage and ran away and this time was able to reach a police station. She was produced before the Child Welfare Committee and finally was returned home and is now studying in class 6.

Efforts are underway to protect trafficked young girls. The Jharkhand Domestic Workers association runs vocational training and study centres for those who have been rescued. In some villages, where there were no schools, a village education committee has been formed and the children are educated up to a level where they can be mainstreamed into the nearest government school.

Unfortunately, several families are under the mistaken belief that they are being benevolent and charitable when they employ a child and give her shelter, food and clothing. On the contrary, this effectively condemns a child to a lifetime of low wages, illiteracy and perpetuates the vicious cycle of poverty across generations. That apart, very often children are physically, emotionally and sexually abused within the confines of their employers' homes.

Child labour cannot be justified from any conceivable human rights perspective. Sixty years after independence, in a country which claims to be an 'economic superpower', it is high time that people across class barriers raise their voice of moral outrage at the exploitation of every child who is condemned to work. This is the very least we owe to our children.

Source: Based on data inputs from Infocus, 2007, National Commission for the Protection of Child Rights, 1:2



Nearly 60 per cent of girls who are employed as child labourers live in rural areas. The large majority of them are in the age group of 10 – 18 years. Almost two-thirds work in the primary sector¹¹; i.e., in agriculture and allied activities (Figure 1). Three states alone (Andhra Pradesh, Rajasthan and Uttar Pradesh) account for 44 per cent of child labourers.

¹¹ Of both main (60.81 per cent) and marginal workers (56.2 per cent) in the 4 - 15 age group

Rural Rajasthan has the worst record. On an average 9 girls and 3 boys are employed for every 100 adult workers. Andhra Pradesh, West Bengal, Madhya Pradesh and Orissa follow close behind. Across all these states, there is a greater concentration of girls than boys employed as labourers.

On the whole, however, girls are marginally less likely than boys to be employed as paid child labourers outside the home. The exception is in rural areas among Scheduled Tribes and Other Backward Class families, where girls are more likely to be engaged as casual agricultural labourers.

Trafficked¹²

Girls are also most susceptible to being sexually trafficked. About 2.8 million young women and children in India are commercially trafficked¹³ and forced into sex work largely as a result of poverty. Forty per cent of women sex workers enter into prostitution before the age of 18 years.¹⁴ The fear of HIV and AIDS among other factors has further resulted in an increasing demand for younger children and virgins.

Customary prostitution i.e. socially (if not legally) accepted forms of prostitution of pre-pubertal girls from scheduled castes (e.g. Devadasi, Jogini, Nailis, Muralis, and Theradiyan) is also a threat in Karnataka, Maharashtra and Andhra Pradesh. Girls from Scheduled Tribes (e.g. Bedia, Nats) are also coerced to entertain feudal lords. Traditional practices account for approximately 16 per cent of women and girls forced in the sex trade.

Educate Girls

Any girl who is not in school is vulnerable to being put to work. Therefore, not only must all forms of child labour be abolished, but all girls must also attend full-time formal school. It is important to establish the link between child labour and education and ensure the protection of the rights of all children to education.

The correlation, between child labour and overall literacy levels of the population, has also been found to be significant and negative.¹⁵ School participation is higher when parents are

12 This section draws heavily from Joffres C et al, (2008), 'Sexual slavery without borders: Trafficking for commercial sexual exploitation in India', *International Journal for Equity in Health*, 7:22, www.equityhealthj.com/content/7/1/22 (last checked 21 November 2008)

13 Mukherji, KK; Muherjee, S (2007), *Girls and women in prostitution in India*, Department of Women and Child Development, Government of India :New Delhi

14 UNICEF India, 'Child Protection', www.unicef.org/india/children.html (last checked 21 November 2008)

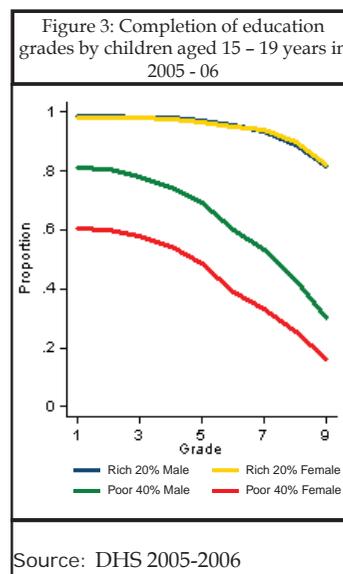
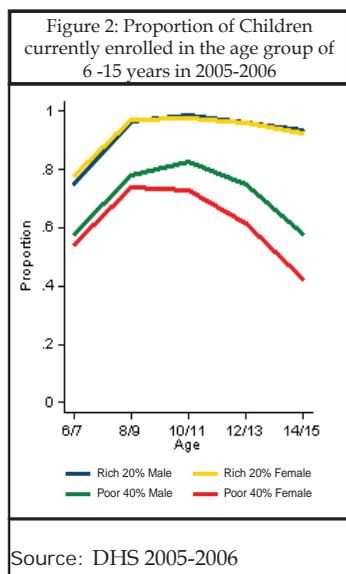
15 Mehta, N. (2008) 'Child Labour in India: Extent and Some Dimensions'; National Workshop on Socio-Economic Issues in Child Labour: Conference Proceedings, Mahatma Gandhi Labour Institute, Ahmedabad. Available at SSRN: <http://ssrn.com>

literate. Universalisation of both - adult literacy and school education - is therefore a necessary prerequisite for the eradication of child labour.

The education of girls, through attendance in full time schools, is also crucial to liberate them from their daily chores. Apart from the intrinsic value of education, spin-off effects also have an immense positive impact on their lives. It extends the age of their marriage. This is particularly important as 65 per cent of girls in the country are married by the age of 18 and become mothers soon after. But enrolment in schools and late marriages ensure that they and their children are better nourished and healthy.

Since independence, there has been considerable progress in access to education, especially for girls. From 5.4 million girls enrolled at the primary level in 1950-51, the numbers have risen to 61.1 million girls in 2004-05. Enrolments are near universal and their drop out rate is marginally lower than that for boys.

The efforts to increase girls' retention have also witnessed some success with the achievement of gender parity in primary schools.¹⁶ Provision of midday meals, preference for female teachers, universalisation of *anganwadis*¹⁷ (which free older girls of sibling responsibilities), construction of separate toilets, residential schools for girls from hard-to-reach areas, planned initiatives in educationally backward districts and other gender sensitive initiatives have gone



[com/abstract=996574](http://www.ncpcra.com/abstract=996574) (last checked 21 November 2008)

16 MoHRD (2008) *ibid.*

17 There is a network of 830,000 *anganwadis* (March 2007) started by the Government of India as part of the Integrated Child Development Scheme (ICDS) launched in 1975. In a landmark judgement on 13 December 2006, the Indian Supreme Court has ordered that any settlement with at least 40 children under six and no *anganwadi* is entitled to one within three months of the date of demand.

a long way to keep girls in school and away from work.

However, these efforts remain grossly inadequate as millions of girls remain out of school especially at the upper primary and secondary levels. Poor support structures and inadequate educational facilities exacerbate their educational deprivation.

Despite education in government schools being officially free, there is marked gender disparity especially among the poorest 40 per cent of households (compare the red line for girls and the green line for boys of Figure 2) in enrolment in primary school which worsens as the child's age progresses from 6 to 14 years (X axis). The situation is the bleakest amongst children belonging to the lowest castes or tribes with 37 per cent of girls not attending school. This educational handicap also burdens the poorest girls in later years as less than 20 per cent are able to complete their upper primary education (X axis of Figure 3).

No More Excuses: Girls Can't Wait

Moral outrage is the first step to eliminate child labour. Access to good quality, equitable education for all children is equally important. Then alone will the millions of girls, who unlike Buchchamma, stare at a bleak future learn to dream again.

Each of us must partake in this collective responsibility to ensure that every girl child is in school and not coerced into child labour of any form. To restore the dignity of their childhoods, the NCPCR recommends that:

- All children must be guaranteed Free and Compulsory Education at least until they reach 18 years of age as a matter of right. The enactment of the long pending **Right to Education Bill**, hopefully in the December 2008 session of Parliament based on the 86th amendment of the Constitution, would be a crucial preliminary step in this direction
- The **Child Labour** (Prohibition and Regulation) Act, 1986 should be **amended** to include the abolishment of the work of children in "non-hazardous" activities including agriculture, allied and home-based activities and ensure that all rescued children receive a formal school education in fully-financed residential hostels at least until 18 years of age
- The **legal framework** of the Immoral Trafficking Prevention Act, 1956 and Juvenile Justice (Care and Protection) Act, 2000, should be strengthened to prevent young girls from being trafficked and sexually abused

- Specific gender sensitive measures to improve the **quality of education must be initiated including:**
 - Hiring and training of suitably qualified teachers to **fill vacancies** based on the Sarva Shiksha Abhiyan mandate to reserve 50 per cent of positions for **women**
 - Prioritising the construction of **separate toilets** for girls in 58 per cent of schools without this facility
 - Abolishing of **corporal punishment** in all schools to ensure that girls are not physically, sexually or emotionally abused
 - Supporting intensive educational **bridge programmes** for drop outs in order to accelerate their mainstreaming into formal schools
 - Ensuring that **education is free** for all children in government schools and providing incentives like free uniforms, textbooks for girls and children from marginalised communities
 - Supporting the use of the NCERT designed **gender sensitive textbooks** across the country
 - Encouraging **panchayats** (where women have 33 per cent reservation) to play an important role in monitoring girls' education
 - Ensuring that freshly cooked **midday meals** are served in all classrooms up to **Class VIII** as expanded in the 2008-09 union budget

- Creation of adequate **residential hostels** for girls and children from marginalised communities and those freed from child labour, modelled on the Kasturba Gandhi Balika Vidyalayas to ensure that they receive full time formal school education at least up to the age of 18
- Fulfilment of the Supreme Court order of 13 December 2006 to ensure that any settlement (with a priority to SC and ST hamlets) with at least **40 children under six** is entitled to one **anganwadi** (if there is none) within three months of the date of demand
- **Child and gender friendly budgets** should be monitored to include the provision of at least 6 per cent of GDP for education alone¹⁸

¹⁸ EPW (2007) 'Promises to protect Children', *Economic and Political Weekly*, November 3

Schools Combat Prejudice: Facts at a Glance

Segregation in Schools

- In three of every ten government schools, children from Scheduled Castes are made to sit separately while eating their midday meals
- Children from Scheduled Tribes (66 per cent), Scheduled Castes (73 per cent) and Other Backward Classes (78 per cent) are less likely to attend school than other social groups (84 per cent)

Entrenched Poverty

- SC (37 – 40 per cent) and ST (33 – 47 per cent) families are more likely to be poor compared to the average Indian (26 – 28 per cent)
- Their children under the age of three are also more likely to be malnourished

At Work and not Schools

- Children from SC, ST and OBC families are more likely to be engaged as paid child labourers in both urban and rural areas
- 7.5 per cent of ST girls are engaged as agricultural labourers in rural areas

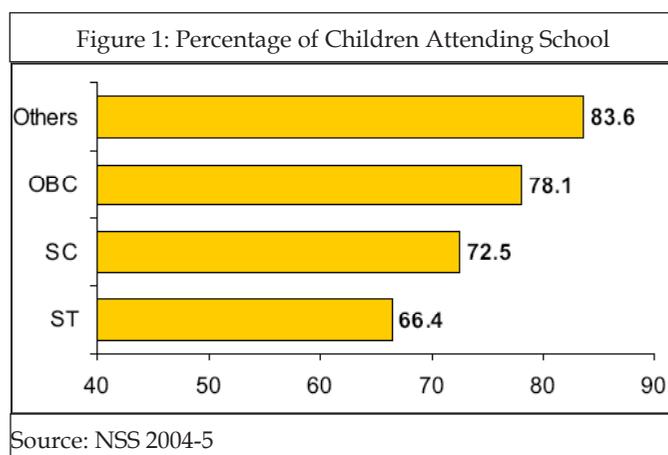
Schools Combat Prejudice

- Enactment of the Right to Education Bill would guarantee free and compulsory education to all children and is expected to reserve 25 per cent of seats for children from poor families in private schools
- The Supreme Court in 2004 has ordered that Dalits, SCs and STs be given preference to be appointed as cooks and helpers for the midday meal
- In Tripura, the Education department has promoted Kok-Borok as a medium of instruction at the primary level to help tribal students learn in their mother tongue
- The NCERT has designed a new set of textbooks to encourage children to question social prejudices, discrimination and inequalities

Schools Combat Prejudice

We are always asked to sit separately. This is done every time we are served food at noon. Even the food served to us is less in quantity.

Shailesh Solanki, Primary School Student, Gujarat¹



Segregation in Schools

In more than three of every ten government schools across the country, children from Scheduled Castes are made to sit separately while eating their midday meals.² In 20 per cent of schools, they are not even permitted to drink water from the same source.

Segregation by implication teaches children that 'untouchability' is acceptable. There have been several instances of SC children being barred from schools, teachers sprinkling cow-urine to 'purify' them and even humiliation of SC teachers, reflecting the existence of deep rooted social prejudice. Children of *safai karmacharis*³ often drop out from school due to similar caste abuse.⁴

Children from ST and OBC also face social discrimination which discourages their attendance in schools (Figure 1). This denial of the right to education acts as one of the major barriers to breaking the shackles of the historically entrenched caste system and prevents them from seeking new livelihoods.

1 (2006) 'Discrimination Divide Untouchability Still Alive in Gandhi's Land' *Indian Express*, 5 October 2006

2 Shah, G., H. Mander, S. Thorat, S. Deshpande and A. Baviskar (2006), *Untouchability in Rural India*, New Delhi: SAGE India; which surveyed practices of untouchability undertaken in 565 villages in 11 major states of the country

3 One million people are forced to work as manual scavengers to clean public toilets with their hands. www.dalitfoundation.org/ (last checked by the author July 2008)

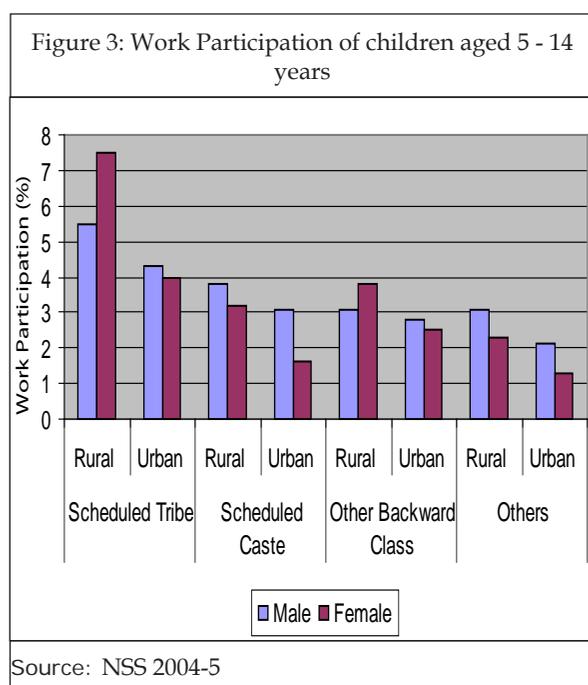
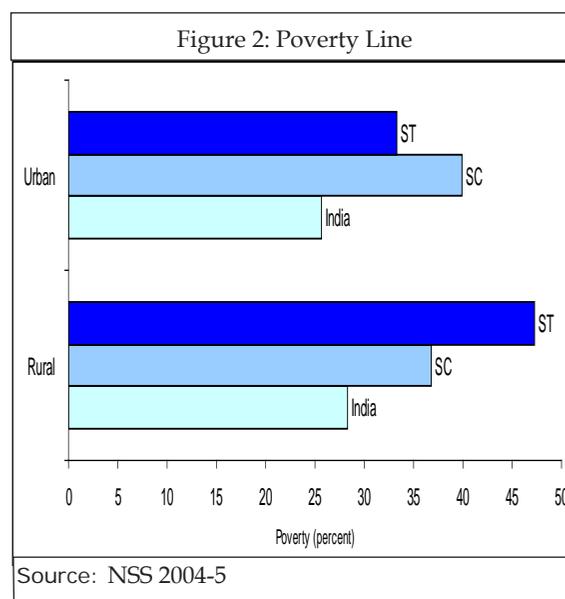
4 In a recent documentary film on Untouchability, 'India Untouched', directed by Stalin, three girls from Scheduled Caste communities in Gujarat explain to the director how they were forced to clean their school and toilets, each morning. In another instance in the same film, a mother from TamilNadu whose son no longer desires to go to school under similar circumstances weeps, "We send our children to school so that they need not do this for their livelihood, but the teachers ask them to do the same in school".

Comprehensive Neglect

Families from the SC (165 million) and ST (84.3 million) are also more likely to suffer from income poverty in both rural and urban areas (Figure 2). Their children under the age of three are also more likely to be malnourished. Infants, aged 6-35 months, are also more likely to be anaemic. Their marginalisation across most human development indicators is comprehensive and indisputable.

Children at Work

High incidence of poverty, poor access to education and low human development



results in children from these marginalized communities to be more likely to undertake paid work (Figure 3). Children from ST families, in both urban and rural areas, often work outside their homes especially as casual agricultural labourers. Girls are especially vulnerable. Many of them, as young as 8 years of age from tribal areas of Jharkhand for example, are trafficked by illegal placement agencies to work as domestic helps in middle class homes in cities like Delhi and Mumbai, on paltry wages (Box 1: Domestic Slaves in Fact Sheet 'Girls Can't Miss Schools').

This child labour propagates a vicious cycle of marginalisation and poverty. Not only do children work, but they are also

simultaneously denied education, which reduces their ability to break out of the mould of caste-based, low-paid occupations across generations. "Child labour never moves a household out of poverty - it simply transfers poverty from one generation to another," pointed out

Professor Asha Bajpai.⁵ Education is the best way to prevent child labour and children from marginalised communities undoubtedly need special attention.

From Work to School

Systematic investments to educate children who would otherwise have stared at a bleak illiterate future in the most backward, tribal dominated Jamui district of Bihar is a perfect example.

Box 1: Educational Transformation

Jamui district in Bihar is amongst the most backward in the country. It is a Naxalite affected, dacoit infested, tribal dominated area with a dismal literacy rate and sex ratio. Bihar's 11 lakh child workers also account for a fourth of the country's child labour population as they migrate across the country to work on cotton farms, jewellery and zari units and as domestic helps. Twenty one lakh children in the state are out of school and 536 blocks have been termed 'educationally backward.' But in this remote land, an unexpected educational turnaround is being scripted.

Bihar is now playing a pioneering role in safeguarding children's rights to education and helping to protect them from exploitative and hazardous conditions of work and living. 1200 children have been successfully prevented from leaving their homes for work and have instead been enrolled in schools.

The NCPCR sent a fact finding mission to visit two residential bridge course (RBC) camps under the Sarva Shiksha Abhiyan (SSA) in Budikhada and Shivmandir Baliyadh villages in Jhajha block of Jamui district to study this educational transformation. It found that all the new students in the RBC camps were girls, between the ages of 12-15 years belonging to the most discriminated SC and ST communities like *santhals*, *musahars*, *doms* and *dalit* Muslims. These girls had previously been engaged in a range of labour activities including rolling *beedis*, herding cattle, collecting firewood, doing household work or had migrated to cities to work in dhabas and hotels.

'Chaar mahine se padh rahe hain, forward nahi banenge!' (I have been studying for four months now, don't you expect that I would gain confidence), asserted 13 year old Saryu who had previously never been to school or even stepped out of her village before joining the RBC.

However, this transformation has not been easy to achieve. State education department officials assisted by NGOs Pratham, MV Foundation and UNICEF had to trek through jungles and mountains to be able to visit every village in Jamui gram panchayat. On arrival, they had to convince parents and the community to admit out of school children through a three-day motivation camp. Community involvement in the RBCs was built by recruiting teachers from the local population itself. Educated youth from the villages also volunteered to teach at the camps until local teachers were appointed.

⁵ Infocus (2008) 'Educate Every Child to End Child Labour', *Infocus*, National Commission for the Protection of Child Rights, 1(4)

This social mobilisation programme turned out to be so successful that villagers even volunteered to guard the RBCs at night with bows and arrows. Further, panchayat funds have been allocated to install hand pumps, provide solar lamps, construct toilets and provide food at the RBCs. This success has even inspired communities in adjoining villages to support similar initiatives to enroll their children in schools.

The girls in the Jamui camps are among the 70,000 children currently studying in the state's 1200 RBCs. They are expected to complete this accelerated residential bridge study course by January 2009 and will then be enrolled in formal schools.

There has now been a surge in community demand for education at higher levels for their children. In Jamui and Patna, where the NCPCR team visited a non-residential bridge camp, they heard complaints that there were very few schools beyond class 10 and that there should be RBCs for boys too. The challenge before the government now is to meet these raised expectations.

Source: NCPCR (2008), 'From Work to School – The Jamui Intervention', Special Report, *Infocus*, National Commission for the Protection of Child Rights, 1:5.

Schools Combat Prejudice

Schools can play an important role to combat prejudice and inculcate values of inclusiveness. The Supreme Court in its order dated 20 April 2004 specified that for the mid-day meal programme, *"in appointment of cooks and helpers, preference shall be given to Dalits, Scheduled Castes and Scheduled Tribes"*.

This landmark judgement has ensured that the Rs 8,000 crore programme embodies the twin objectives of not only feeding India's children but also nourishing their minds and freeing it of prejudice. Despite widespread opposition,⁶ this effort to overcome centuries of prejudice offers a golden opportunity to truly educate our children.

The NCERT's (National Council for Educational Research and Training) new set of textbooks (based on the National Curriculum Framework 2005) across all school subjects is another important initiative. It is designed to encourage children to question social prejudices, discrimination and inequalities based on caste, class, gender, religion, disability, among other issues in our society.⁷

Further, in Tripura, in 2005 the Education department decided to give a push to *Kok-Borok* as a medium of instruction at the primary level to help tribal students learn in their mother

⁶ Thorat, S. and J. Lee (2005) 'Caste Discrimination and Food Security Programmes', *Economic and Political Weekly*, September

tongue.⁷ Similar initiatives across the country have proved helpful to retain children from marginalised communities.

The Supreme Court in April 2004 in a far-reaching judgement directed all schools that have received land from the government at concessional rates to admit 25 per cent students from the economically underprivileged families. The Delhi High Court in January 2005 extended this initiative and passed an order stating that all private schools should reserve 25 per cent of their seats for the poor. The draft Right to Education Bill, to be passed by the Parliament hopefully in the December 2008 session, is also expected to stipulate that 25 per cent of seats should be reserved for poor students in private schools across the country which would herald an important initiative for the inclusion of children from socio-economically marginalised communities.

Equitable Education

Access to good quality, equitable education for all children, especially those from marginalised communities is equally important to combat child labour. To meaningfully restore and invest in the childhood of India's socially marginalised communities, the NCPCR recommends:

- All children must be guaranteed Free and Compulsory Education until they reach 18 years of age, as a matter of right. The enactment of the **Right to Education Bill**, hopefully in the December 2008 session of Parliament based on the 86th amendment of the Constitution, would be a crucial preliminary step in this direction. It is also expected to reserve 25 per cent of seats for poor students in private schools which would go a long way to include marginalised communities in the school system
- The **Child Labour** (Prohibition and Regulation) Act, 1986 should be **amended** to include the abolishment of the work of children in “non-hazardous” activities including agriculture, allied and home-based activities, in order to ensure that all rescued children receive a formal school education in fully-financed residential hostels at least until 18 years of age

7. Mehrotra (2006) 'Textbooks for Change', Education, www.indiatogether.org/2006/oct/edu-textbook.htm (last checked by the author December 2008)

8. Talukdar (2007) 'Tripura promotes Kok-Borok in tribal schools', Medium of Instruction, www.indiatogether.org/2007/sep/edu-kokborok.htm (last checked by the author December 2008)

- Creation of adequate **residential hostels** for girls and children from SC, ST, OBCs and those freed from child labour, modelled on the Kasturba Gandhi Balika Vidyalayas to ensure that they receive full time formal school education at least up to the age of 18 years.
- Ensuring that **education is free** for all children in government schools and providing incentives like free uniforms, textbooks for girls and children from marginalised communities. In addition, cash incentives and scholarships for SC and ST students should be distributed with utmost transparency, including display of student-specific disbursement information on the internet and other public domains, on a regular basis
- Encouraging the use of the NCERT designed culturally sensitive **textbooks** across the country, and where applicable, supporting the inclusion of **vernacular languages** in the school syllabi for marginalised tribal communities where education in the mother tongue is generally preferred
- **Reporting** by state governments on the fulfilment of the Supreme Court order dated 20 April 2004 to give preference to Dalits, SCs and STs in the appointment of **cooks and helpers** for the midday meal programme

Include Minorities: Facts at a Glance

Educationally Backward

- 19 per cent of Muslim children never see the inside of a classroom
- Only 76 per cent of Muslim children are enrolled in primary school (class 1 - 5) and 56 per cent in upper primary (class 6 – 10)
- Uttarkhand, Madhya Pradesh, Uttar Pradesh, Bihar, Jharkhand, Gujarat and Maharashtra have high Muslim populations and low enrolments

Poverty At the Doorstep

- Poverty rates are also higher among Muslims compared to other religious communities
- Overall it is estimated that the socio-economic condition of OBC Muslims is worse than that of OBC Hindus and other Muslims in general

Children at Work

- Child labour among Muslims is probably higher than other socio-religious communities
- The silk production units in Karnataka, weaving industry in Uttar Pradesh and zari units in metropolitan cities employ a number of children under the age of 14, largely in conditions of bondage

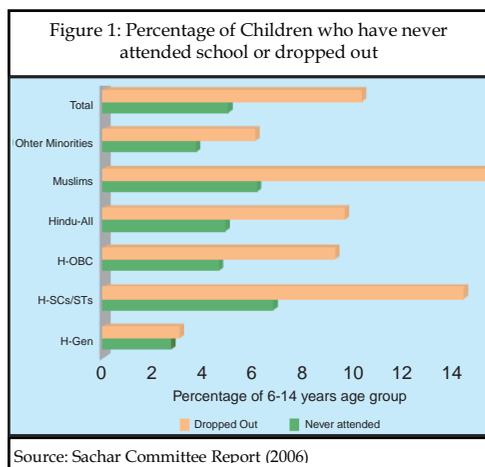
Why Poor Education?

- After Independence, several north Indian states removed Urdu from the school syllabi which affected Muslim children from learning in their mother tongue
- Very few good quality government schools are to be found in Muslim dominated areas
- Less than 4 percent of Muslim children study in *madrassas*

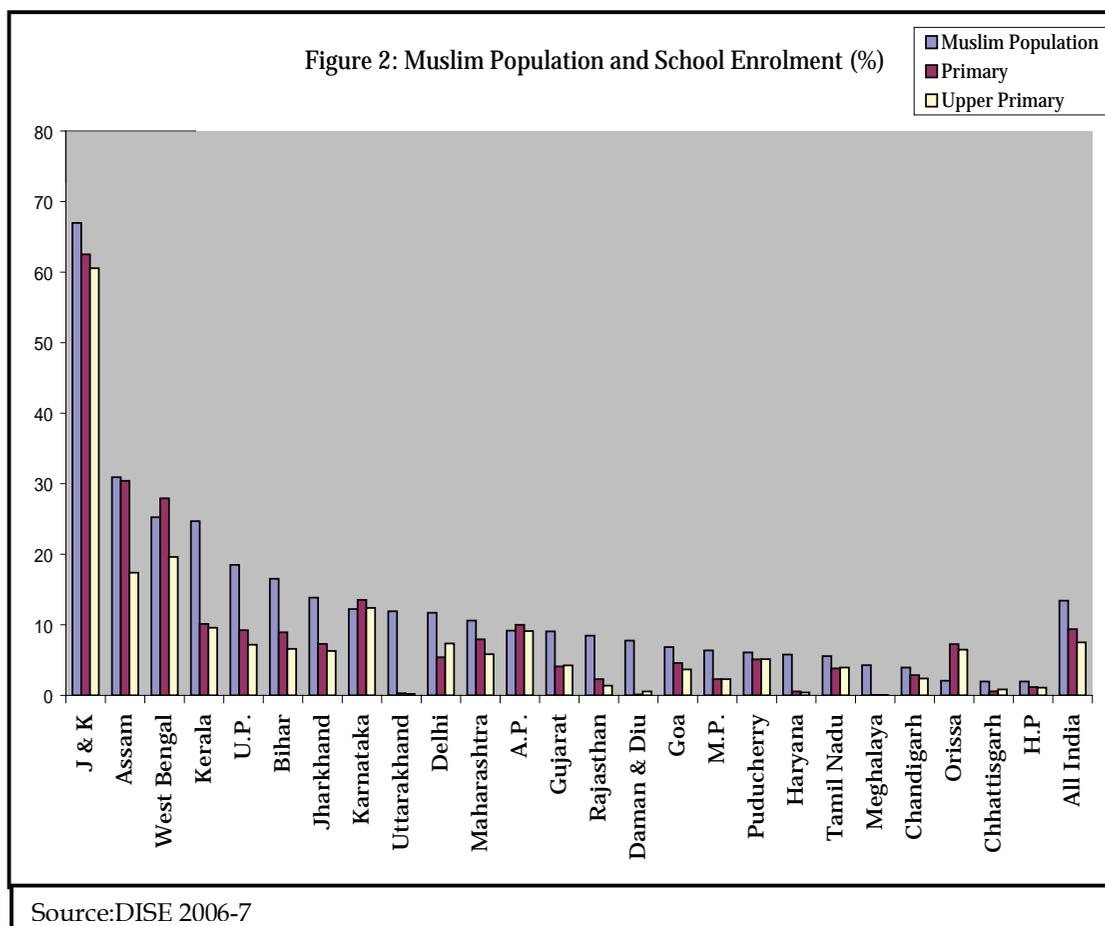
Combat Prejudice

- Financial investment for the modernisation of *madrassas*
- Creation of adequate residential hostels children, especially for girls and those freed from child labour in Muslim dominated areas modelled on the Kasturba Gandhi Balika Vidyalayas
- Support for Urdu language in Muslim dominated areas

Include Minorities¹



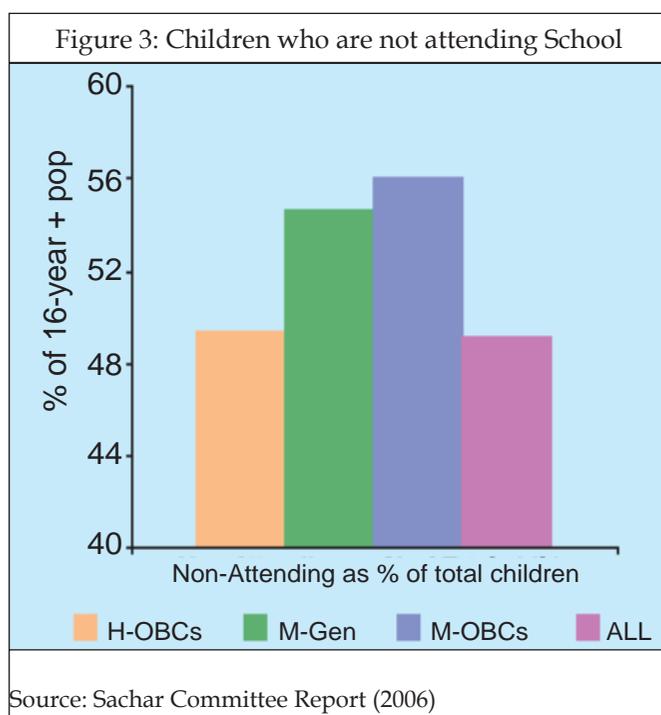
Nineteen per cent of Muslim children never see the inside of a classroom (Figure 1). Muslims are the most marginalised community in terms of education. Only 76 per cent of Muslim children are enrolled in primary schools (Class 1-5) and the number falls to 56 per cent at the upper primary level (Class 6-10). They are also more likely to drop out compared to other religious minorities. In contrast, almost 90 per cent of children from Buddhist, Sikh and Christian families have enrolled in schools.



¹ This briefing paper draws heavily from the GOI (2006) *Social, Economic and the Educational Status of the Muslim Community of India: A Report*, Prime Minister's High Level Committee, Cabinet Secretariat, New Delhi: Government of India, referred to in this policy brief as the 'Sachar Committee Report'

Orissa, Karnataka and Andhra Pradesh have impressive records of enrolment of Muslim children. But West Bengal and Assam indicate a sharp drop after primary school. The states of greatest concern, which have sizeable Muslim populations and low enrolment are Uttarakhand, Madhya Pradesh, Uttar Pradesh, Bihar, Jharkhand, Gujarat and Maharashtra. Even in Kerala² conditions for education dramatically deteriorated for the Muslim population in the last 20 years.³

Poverty at the Doorstep



Poverty rates are also higher among Muslims compared to other religious communities. The degree of poverty is particularly grave in urban areas, especially smaller towns. Overall, while the condition of Muslims in general is better than Other Backward Class (OBC) Hindus, the condition of OBC Muslims is at the bottom of the hierarchy.⁴ Overall, their access to public infrastructure, trained health persons, medical institutions for child birth, education is abysmal.

Children at Work

While disaggregated data on the percentage of Muslim child labourers is hard to come by, the Sachar Committee report does indicate that child labour among Muslims is probably higher than other socio-religious communities. Muslim girls from the poorest families are often expected to work in *karkhanas* (small workshops), as domestic help or look after their siblings while their mothers go to work.

A number of children from the poorest families start working as 'apprentices' from an early age in industries or traditional occupations. The silk production units in Karnataka, weaving

- 2 Since this is the first time that data on the Muslim community's access to elementary education has been recorded separately there is the probability of some errors in the data. InfoChange (2008) 'Elementary education: 2008, Kerala tops, Bihar lags, Muslim enrolment poor', InfoChange News & Features, February 2008
- 3 Deepa, A. (2007) 'State of Muslim Education in Kerala', Analysis, www.indiatogether.org/2007/aug/edu-muslimedu.htm (Last checked by the author December 2008)
- 4 Basant, R. (2007) 'Social, Economic and Educational Conditions of Indian Muslims', Symposium on Sachar Committee Report, *Economic and Political Weekly*, 10 March, 828 - 832

industry in Uttar Pradesh, *zari* units in metropolitan cities (Box: Designs of Exploitation) , employ a number of children under the age of 14, largely in conditions of bondage. But agriculture remains the mainstay of child labour in rural areas and children from the poorest Muslim families, a majority of whom are out of school, are extremely vulnerable to this exploitation.

Box 1: Designs of Exploitation

Afzal Ansari, a 12 year old boy, from Dharbhanga in Bihar who spent more than a year in a *zari* sweatshop in the Govandi slum area of Mumbai, died of hepatitis two days after he was rescued by his aunt. The post-mortem revealed marks left by cigarettes butts all over the boy's body and several signs of sexual abuse.

This isn't an isolated case. Two months later, 11-year old Ahmed Khan, another *zari* worker, died after being severely beaten. Child rights activists estimate that 60,000 children work in *zari* workshops in Mumbai alone. Most come from districts like Sitamarhi and Madhubani in Bihar, Rampur and Azamgarh in Uttar Pradesh that are extremely backward. There are rarely any schools in the vicinity. Their parents are largely landless casual agricultural labourers steeped in poverty. Their families are coerced to send them to Mumbai to 'learn a skill' and support them. Others are simply trafficked.

Hidden behind grimy alleys and dingy stairways of the metropolis, the boys work 20-hour days, seven days a week in tiny hovels. Their rooms are without ventilation and the floors on which they sleep and eat are grimy. They are given two meals a day and, if lucky, two cups of tea. They are paid a measly Rs 40-50 per week. Young boys sit cross-legged on the floor, bent low over looms stretched across the room, their eyes a few inches from their small hands working with needles, sewing beads and coloured threads on to vast lengths of fabric. Tube lights blaze so that the children work more efficiently, but fresh air and sunlight from windows are rarely allowed to enter. The children are also frequently abused.

Located at the lowest rung of the global supply chain of garments, small boutiques and fashion designers buy the *zari* from these workshop owners and export them to the Middle East, the US and Kenya. *Zari* work, like carpet-making, is listed as a hazardous industry under the Child Labour (Prohibition and Regulation) Act, 1986.

Months after the boys' death, 16,000 children from Mumbai were rescued and sent back to their villages. Another 1080 were rehabilitated in shelters. But often for want of a long term rehabilitation plan, several 'saved' children return to sweatshops. The Labour Department estimates that at least another 25,000 children continue to work in this sector.

The Maharashtra High Court had even taken 'suo-motu' action against the evil of child labour after media reports of the boys' deaths in 2005. The state government has subsequently assured the Court that it will make an action plan by the end of 2008 and curb child labour by 2010.

While these initiatives are definitely in the right direction, the solutions to this complex problem would lie as much at the districts of origin of these hapless children as in the metropolitan cities of their workplaces. Compulsory education, supported by fully financed residential hostels is imperative.

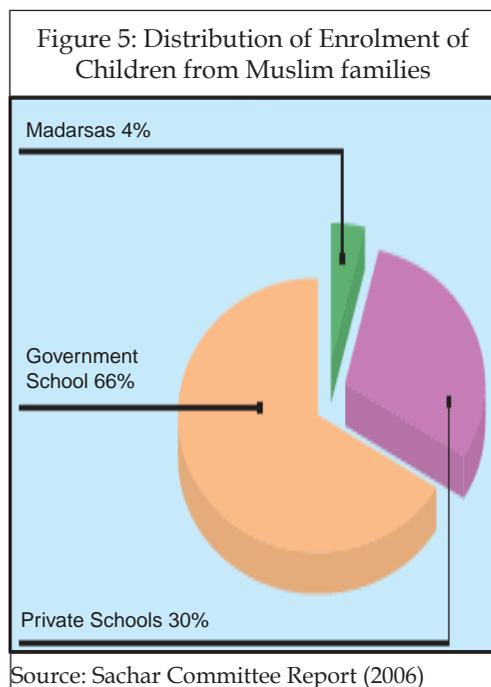
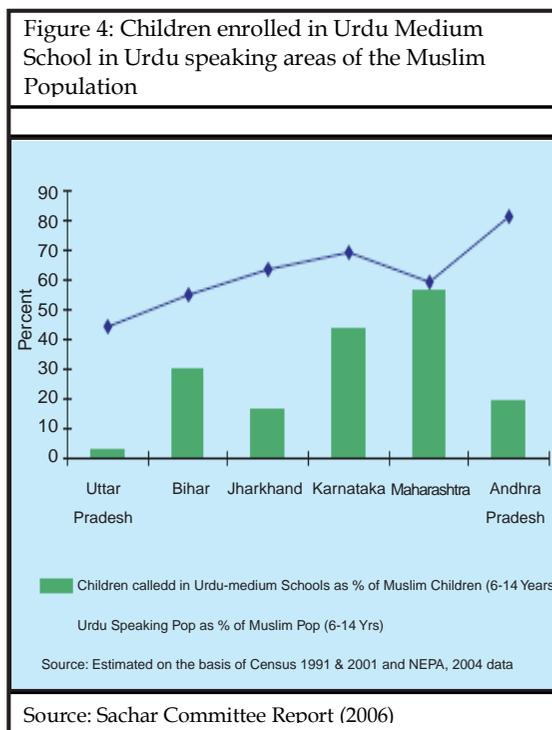
Source: TOI (2005), *Zari for nothing, these children come dirt cheap*, The Times of India, 22 April, Eklavya (2008), *Maharashtra to contain child labour by 2010*, MeriNews, 3 May, Katakam (2006), *Young Slaves of Mumbai*, Child Labour, Frontline.

Why Poor Education?

There are a number of historical reasons which have resulted in Muslims in India, especially from OBC communities, suffering from low education.

After Independence, several north Indian states removed Urdu from the school syllabi, as Hindi was declared as the national language, which discouraged several Muslim children from learning in their mother tongue.

Limited access to good quality schools is a major problem that affects female students more adversely. Only a few good quality government schools are to be found in Muslim localities. Schools beyond the primary level are few. The teacher pupil ratio is also high in these schools.



Madrasas are an important community initiative but their reach is limited. Less than 4 per cent of Muslim school children go to *madrasas*. This forces them to go to private schools, if they can afford to, or else to drop out. Exclusive schools for girls are even rarer and lack of hostel facilities is a limiting factor, especially for girls.

According to the Sachar Committee report, the communal content of school textbooks as well as the culturally hostile school ethos in some states adds to this problem. Employability also remains a key concern and Muslims often do not see education as necessarily translating into formal employment due to barriers of social discrimination.

Combating Prejudice

The Sachar Committee report emphasises that mainstreaming and inclusiveness should be a cornerstone and that there is no substitute to access to regular schools for all socio-religious communities with state support. In the arena of child rights, the NCPCR accordingly recommends:

- All children must be guaranteed Free and Compulsory Education at least until they reach 18 years of age as a matter of right. The enactment of the long pending **Right to Education Bill**, hopefully in the December 2008 session of Parliament based on the 86th amendment of the Constitution, would be a crucial preliminary step in this direction
- The **Child Labour** (Prohibition and Regulation) Act, 1986 should be **amended** to include the abolishment of the work of children in “non-hazardous” activities including agriculture, allied and home-based activities and ensure that all rescued children receive a formal school education in fully-financed residential hostels at least until 18 years of age
- Financial investment is imperative for the **modernisation of madrasas** and creation of adequate residential hostels for girls and children from marginalised communities and those freed from child labour modelled on the Kasturba Gandhi Balika Vidyalayas to ensure that they receive full time formal school education at least up to the age of 18
- Encouraging the use of the NCERT designed culturally sensitive **textbooks** across the country and, where applicable, supporting the inclusion of **Urdu** in the school syllabi in Muslim dominated areas where education in the mother tongue is generally preferred



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