



Child Labour and Compulsory Education

S. Sinha*

THE ECONOMIC exploitation of children in India has always been an area of concern. While official sources estimate the number of child workers to be 17.36 million, others have placed the figure at the much higher level of 44 million. High as they are, even these figures do not reflect the real tragedy of the working child in India. Most children work in highly exploitative conditions and are deprived of even the most minimal educational facilities.

In rural areas it is a fact that the child who does not attend a formal school is a working child. Collection of water, fuel, household chores and taking care of younger siblings all constitute important elements of a child's life. While many of these activities cannot be defined as hazardous work, inasmuch as they interfere with the normal development of the child and in the child's ability to reach his/her true potential they violate the *Convention on the Rights of the Child (CRC)*. In the typical environment in which Indian children grow up the concept of a non-working, non-school going child simply does not exist. Any effort to deal with the issue of child labour therefore has to address the question of education.

In this paper we identify schooling as the single most important means of preventing child labour. To this extent we also view the promotion of education and the elimina-

tion of child labour as being mutually supportive processes. Consequently, we believe that the relevance of primary education lies in its potential to eliminate child labour and it is with this in mind that we review it. Again it is in the context of eliminating child labour that we examine the scope of appropriate legislation governing compulsory primary education.

I. Education policy of the government of India

Elementary education in India is characterised by fictitious enrolment, high dropout rates and a constantly mounting number of illiterate children. Figures show that although the number and percentage of children attending school are going up and the number of schools has increased, India's share in the world's illiterates has also risen. In absolute terms, the number of illiterates in the country is increasing as a result of the high dropout rate among children in the first five years of school. At the same time, corresponding trends are reflected in the statistics of child labour, where despite various laws regulating and even prohibiting it, child labour flourishes with more and more children entering the work force each year.

It is against this background that the Government of India through its plans and strategies has been grappling with the problem of bringing children to school. From the

*MV Foundation, Hyderabad, A.P., India.

beginning, the question to which academicians and policy makers have addressed themselves is, "How does a poor country like India design an education policy and strategy which will include the children of the poor as well as the better off?" In the process of answering this question policy makers and educationists have uniformly justified the existence of child labour and accepted the inevitability of children's contributions to family income through work. The basic argument which is accepted is that the family needs the wage of the child to supplement its income and, it is in fact this income which keeps the family going. It would therefore not be justified to deprive the family of its source of income by forcing a child to go to school.

Two major policies which arose out of the conviction were (i) The Child Labour (Prohibition and Regulation) Act, 1986 and (ii) The National Policy on Education, 1986. We shall in this paper restrict ourselves to the latter policy although the former is also of some relevance to the issue.

Recognising the "need" for giving access to elementary education to those sections of the population who "cannot" be enrolled into local schools, the National Policy on Education, 1986 announced the continuance of non-formal education (NFE) for working boys and girl children as a major thrust area. This constituted an expression of helplessness in the matter of confronting the issue of child labour and what was more gave legitimacy to the employment of children. It also foreclosed any further discussion on the issue of the abolition of child labour and the provision of compulsory education for some time to come. The only apology offered with respect to child labour was to accept its existence as a "harsh reality". The exploitation of children's labour was thus not addressed and instead more and more ambitious and sophisticated policies of non-formal education were designed to reach working children.

(1) Non-formal education

A closer look at the details of the NFE programme will serve to highlight these observations. The "clientele" for NFE was identified as "children in habitations without schools, school dropouts, working children and girls who cannot attend school". In the first two years these children, through the NFE centres were to attain primary school level and in the following three years they were to complete the upper primary level. All instruction was to be by local youth who would work as teachers with a remuneration of Rs. 100 to Rs. 200 per month "with the provision of an annual increment of Rs. 50 after the completion of two years of satisfactory service till remuneration reaches Rs. 500 per month." Apart from the Government the work of running NFE centres would be done through voluntary agencies and *Panchayat Raj* institutions.

The NFE programme, in design therefore, has all the elements which is the opinion of the policy makers is a "good" programme. It does not interfere with the child's work schedule and at the same time is extremely cost-effective. But design apart, can it really achieve what it has set out to do?

In actual fact the NFE programme is a low cost strategy devised more out of financial compulsion than conviction. It envisages the existence of a band of highly creative and imaginative local school teachers available in every village especially in backward districts who can with ingenuity condense an eight year course of elementary education to five years, that too with only a half-hour session every evening or whenever convenient to children, at a salary which is less than one-fourth of what a regular school teacher gets. Simultaneously it conjures an image of a working child who is alert and is earnestly waiting to attend the evening classes just to lap up all that is taught within half an hour or even one hour and thus catch up with children

in the better-off formal schools, who attend school for six full hours. Obviously it does not require an expert in education to predict the efficacy of this programme.

While the NFE programme is not the only programme under the New Education Policy, we have focused attention on the NFL system of universalising education mainly because it serves to illustrate quite dramatically the consequences of the assumptions that have shaped government policy. To what extent are these assumptions valid? In order to examine this we would like to briefly touch upon the MVF experience.

(2) *The MVF experience*

The MVF has over the last eight years working in the field of education, especially among working children and bonded labourers. The initial thrust of the programme run by MVF was almost entirely on the abolition of bonded child labour. The focus over the years has shifted to cover elimination of all forms of child labour through universalising primary education. Each year, the organisation has been conducting mobilisation camps for working children in order to withdraw them from work and admit them at the appropriate levels in schools.

The methodology adopted has been to conscientise men and women in rural areas, particularly parents of working children. Parents and teachers committees have been formed and awareness building training conducted to sensitise all those involved with the issue of child labour. Children's camps have incorporated, apart from teaching activities, a programme of development of leadership qualities among children. Street plays and campaigns by children themselves to motivate other working children to go to school have also been devised. The MVF programme also involves a strong component of follow-up measures to prevent dropouts among those who have gone

through the camp. In the eight years that the programme has been in operation, over 1000 children have attended these camps and 3500 have additionally been motivated to go to school. The latest phase of the programme covers 6000 children spread over 36 villages.

The camps have been a revelation and have provided rich material on the attitudes of children, parents and government officials towards the problems of child labour and illiteracy. The camps have also provided pointers to the basic elements that must be incorporated in any scheme dealing with these problems. In the main, the camps have shown that

- 1) Abolition of child labour and universalisation of school education are practically synonymous.
- 2) Parents of working children are willing to make adjustments to enable their children to go to school.
- 3) The income of a working child is *not* the motivating factor, in most cases, for the parents to send their children to work.
- 4) There is no alternative to using government institutions in order to bring about universalisation of education as NGOs cannot provide the infrastructure on the necessary scale.
- 5) There is considerable scope for involving the village community in the work of universalising elementary education.

It is instructive to examine the implications of the MVF experience in the context of the government approach to universalising primary education.

The first significant outcome has been that a large number of children have been motivated to join schools. In fact even children engaged in the most exploitative form of work *i.e.* bonded labourers have been withdrawn from work and admitted to schools. Time and gain the annual camps of

the MVF have demonstrated that children who are normally assigned the status of victims of the "harsh reality" of child labour are willing to go to school. Importantly, parents are willing to make such sacrifices as are necessary to ensure that children continue in school. While it would be difficult for the MVF to claim that these results would hold in any situation the fact remains that over a period of 8 years positive results have been observed with respect of 5000 children. Obviously the argument of the harsh reality of child labour has been overemphasised.

The second aspect which the MVF experience emphasises is the existence of a demand for education in rural areas even among parents belonging to the economically weaker sections of the society. Field experience shows that parents have not only disposed of assets such as cattle to enable their children to continue in school but have also stood up to the employers of the children when they attempted to enforce contractual obligations against loans advanced. In the extremely feudal and backward setup that prevails in the villages of Rangareddy district of Andhra Pradesh where MVF activities are concentrated, this is no small sacrifice.

It is against this experience that we assert that the failure of the NFE programme lies not in its faulty execution. In fact its greatest failure is in its assumption that labourers cannot be withdrawn from work and therefore have to be given the benefits of education *outside* of working hours. The fact that there is an unfulfilled demand for formal education even among the poor in rural areas has been totally denied in this attempt to expand primary education. There is a singular lack of faith in the fact that people, even poor people, value education and learning and are prepared to make extraordinary sacrifices to educate their children.

We turn to the implications that these observations have with respect to compul-

sory education.

II. Legislation for compulsory primary education

The issue of compulsory education has always been something of an enigma. At the theoretical level very few disagree that all children should receive education, at least upto the primary stage, or with the fact that children should not work. In fact, the State has committed itself not only to the universalisation of primary education but also the abolition of child labour through various pronouncements, not least of which are the Directive Principles of State Policy, enshrined in the Constitution of India. This commitment has been further strengthened by the fact that India is one of over 150 countries who have ratified the Convention on the Rights of the Child, which articulates a series of children's rights including the right to compulsory and free primary education. In spite of all this, the general attitude of policy makers has been that the country cannot afford the distraction of a compulsory education norm. A number of reasons are given for this, but two major objections are worth noting. The first questions the role of the State in determining the manner in which the children are to be educated. The second stresses the non-implementability of such legislation which would remain a legislation only on paper.

As far as the first objection is concerned, in a society where the State has always played, a significant role in shaping the social behaviour of citizens through legislative means, it is difficult to question the desirability of the State's intervention with respect to education. Today, in India there is legislation on issues ranging from minimum age of marriage to protection of civil rights and abolition of untouchability. For the State to legislate on an issue concerning a child's right to development, therefore, would not be something out of the ordinary.

The second objection, however, merits a more detailed examination. It has been observed that in this country a large number of laws governing social issues have been passed but have never really been implemented. Although these laws have been developed to control undesirable social practices, the State has not been able to guarantee effective enforcement. Any number of examples ranging from the SITA (Suppression of Immoral Traffic Act) to BLSA (Bonded Labour System Abolition) can be cited to illustrate this. Legislation to provide compulsory education, therefore, is likely to meet a similar fate. Further, it is argued that legislation governing compulsory education may be used as an instrument of harassment against the parents.

These arguments view the issue one-sidedly viz. that of administration. Social activists have, however, for long viewed legislation of this nature as a means to compel the State to take action. The BLSA for instance has proved to be an extremely powerful weapon for NGOs to deal with the problem of child bonded labour, in situations where the State has not been prepared to take *suo moto* action. Thus, even though appropriate legislation may not necessarily mean that the objectives of the legislation will be achieved, its very existence creates an enabling provision whereby the State can be compelled to take action. At the very least such legislation reflects the commitment of the State to promote an ideal and progressive value system. More importantly, such legislation provides others working in the field with legitimacy which otherwise would not exist. The importance of this aspect can be appreciated with respect to all those activists who have utilised the BLSA to release bonded child labourers. Thus, while administrators and academicians may lament the non-implementability of social legislation, the fact remains that the BLSA has lent enormous strength to many of the activists

working in the area of bonded labour.

Legislation to provide for compulsory education, therefore, would be of immense value in situations where the efforts of the State are constrained in responding to the requirements of the people. We have already seen that the government response to the problem of illiteracy and child labour has been quite equivocal. On the other hand, our experience in the field has shown that there exists an enormous unrecognised demand for formal education and that parents are willing to make sacrifices to utilise educational opportunities. As long as the existing infrastructure can meet the demand there is no crisis but the fact is that, more often than not, the infrastructure is inadequate. For instance, in the limited area wherein our organisation alone is functioning we would require educational facilities for over 6000 more students. Taking the existing facilities into account this would mean at least 60 more classrooms and teachers. Under the present circumstances there is absolutely no way in which we can compel the State to provide these facilities. We, thus, have a situation where the same parents and children who have been written off as victims of the harsh reality of socio-economic circumstances, are demanding educational facilities and the State itself is either unable or unwilling to respond. It is in this context that we feel that suitable legislation binding the State to provide compulsory education is called for.

Synopsis

With one of the highest illiteracy rates in the world, at current trends by the turn of the century, where every second illiterate will be an Indian, there has been quite naturally considerable debate on education and literacy in the country. Universal Literacy, Education for All, Operation Blackboard and Special Area Based projects like the Bihar Education project have all been discussed threadbare by administrators and

academicians alike. There are occasional reports of phenomenal successes just as there are of dismal failures and the merit of each particular scheme has been debated upon endlessly. In the plethora of details thrown up by the reports however, the issue of making education compulsory, even at primary level, has not received the kind of attention it deserves. In fact, any suggestion to create a legal basis for enforcing compulsory education has more often than not, resulted in the cynical response that such legislation is doomed to failure on the ground of non-implementability. This paper, based on field level experience gained over a period of eight years of intense micro-level work in one of the backward pockets in Andhra Pradesh, presents a different viewpoint.

The alternate viewpoint arises primarily out of a difference in the approach to the subject. All too often literacy/education in relation to children, is dealt with as an end in itself. In this paper, however, we shall view primary education as a means to deal with the problem of child labour. We deal with child labour and illiteracy as issues which cannot be resolved on a mutually exclusive basis. It is, therefore, in the context of eliminating child labour that we propose to discuss compulsory education.

In doing this we intend to draw heavily on two major findings of the work done under the aegis of the MVF. The first is that poverty

as a root cause for child labour is an argument that has been given far more credibility than it deserves. The second is that there exists considerable unrecognised demand for education for children even among the economically weakest sections of the rural population.

Taken together, these conclusions show that there is nothing logical about the "harsh reality" of child labour in India nor in the argument that on account of this no legislation relating to compulsory education can be successfully implemented. We argue, therefore, that the real impediments to passing and enforcing compulsory education lie elsewhere, in the self-imposed financial constraints of the State, the absence of political compulsion and in the utter insensitivity of the State apparatus to the actual issues involved. We also argue that in a situation where there is a demand for education, compulsory education legislation will go a long way in ensuring that there is adequate pressure on the State to protect a child's right to education. The significance of any legislation for compulsory education therefore, lies not so much in the fact that parents can be compelled to send their children to school by an enforcement agency, as in that the State can now be forced to provide the necessary infrastructure and in general invest adequately to protect a child's right to education.

