

**CHILD LABOUR AND EDUCATION: A CASE STUDY OF
REHABILITATION OF CHILD LABOURERS OF HANDICRAFT
INDUSTRY IN JAIPUR CITY OF RAJASTHAN**

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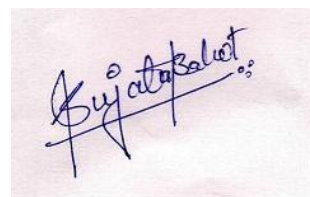
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DECLARATION BY THE SCHOLAR

This is to certify that the M.Phil. Dissertation being submitted by me on the topic entitled 'Child Labour and Education: A Case Study of Rehabilitation of Child Labourers of Handicraft Industry in Jaipur City of Rajasthan' has been completed under the guidance of Professor Vineeta Sirohi. It is declared that the present study has not previously formed the basis for the award of any Degree, Diploma, Associateship or Fellowship to this or any other University.

A handwritten signature in blue ink, reading 'Sujata Bahot', is written on a light pink background. The signature is stylized with a large 'S' and a long horizontal stroke.

(Sujata Bahot)

CERTIFICATE OF THE SUPERVISOR

This is to certify that the dissertation entitled ‘Child Labour and Education: A Case Study of Rehabilitation of Child Labourers of Handicraft Industry in Jaipur City of Rajasthan’ is the work undertaken by Ms. Sujata Bahot under my supervision and guidance as part of his/her M.Phil. Degree in this University. To the best of my knowledge, this is the original work conducted by him/her and the dissertation may be sent for evaluation.

Supervisor’s Signature

(Vineeta Sirohi)

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List of Abbreviations and Acronyms

CLPRA	Child Labour (Prohibition and Regulation) Act
ICPS	Integrated Child Protection Scheme
IPC	Indian Penal Code
ILO	International Labour Organisation
JJ Act	Juvenile Justice Act
NCLP	National Child Labour Project
NGO	Non-Government Organisation
NRHM	National Rural Health Mission
RTE	Right to Education
SC	Scheduled Caste
ST	Scheduled Tribe
WFCL	Worst Forms of Child Labour

Chapter 1

Introduction

1.1 Background

The incidences of crimes against children are consistently increasing in India as per the data of the National Crime Record Bureau (CRY, 2016). The national newspapers have been repeatedly publishing reports on the increasing incidences of child trafficking in some particular states like West Bengal, Rajasthan and Gujarat. As per a newspaper report, a sum of 23,117 victims of human trafficking was rescued by the police in the year 2016 in India and a total of 14,183 victims amongst them were below the age of 18 years. (Press Trust of India, New Delhi, 2017)

These children involved in trafficking are aged between 5 to 14 years. They are from economically weaker families from the state of Bihar, Madhya Pradesh, and Chhattisgarh who are being trafficked to Jaipur illegally as an instrument of cheap labour for working in the textile, jewellery, and handicrafts industry. They are kept in inhumane conditions for long stretched working hours with a high degree of sleep and food deprivation to meet the daily targets of the manufacturers. They are confined to extremely small spaces, beaten awfully, and verbally and physically assaulted if the targets are not met. It is striking to learn that 168 million children are confined in the shackles of child labour across the globe as per the ILO World Report on Child Labour 2015. In the Indian context, the census data estimates 10.1 million children engaged in full time and part-time work. The current figure shows a decline of 1% in the estimated numbers of census 2001 which was 12.7 million working children. This evident data was questioning the implementation status of the public policies, court judgments, and legislations that have prohibited the illegal and life-threatening issue of child labour. This severe issue endangers the lives of millions of innocent children in India and the world. This shows that the challenge of the prevalence of child labour in India persists even after having in place significant policies and initiatives. The existing literature suggests the magnitude of child labour incidences varies across states in different regions of India (Ellina Samantroy et al., 2016). Some regions have reported a very high number of child labour cases while some have comparatively lower reported cases. In my understanding, factors such as caste, poverty, and migration are some of the dominant reasons for the existence and prevalence of child labour in India even today.

As compared to the census 2001 data, a shift is observed in the reduction of child labour from rural areas to urban areas. Census 2011 data shows a more pronounced reduction in the population of working children in rural areas. If we look at the reasons behind the prevalence of child labour, it will be impossible to separate the issue of socio-economic inclusion from the problem of child labour in India. As children who are victims of the exploitation of child labour are largely belong to the families of marginal farmers and landless households of the socially excluded communities, and marginalised groups (George and Panda, 2015).

There are various socio-economic factors responsible for the prevalence of child labour. And, recognizing the multiple causes and dimensions of child labour, the government of India enacted the legislation against it in 1986 and came up with the Nation Policy on Child Labour in 1987 to tackle the problem with a multi-pronged approach. An intervention in the form of a project-based plan of action in this regard was conceptualised and implemented by the Ministry of Labour and Employment through the National Child Labour Project Scheme (NCLP) in 1988. Through this comprehensive approach with legislation and project-based implementing strategy, the rehabilitation of the child labourers with special focus on their educational rehabilitation was put forward. This strategic intervention emphasised on the socio-economic factors that are responsible for the practice of child labour and made provisions for bridge course and skill development training as a part of the rehabilitation process of the children rescued from workstations. A recent newspaper report highlights that there is a dip in the number of children rescued from Child Labour. However, an increased number of adolescent children are seen employed in the 'hazardous' occupations. (The Times of India, 2019). In the same report, an official of the National Child Labour Project (NCLP) has said that out of the eight children that they have rescued in the year 2018 in Coimbatore four were rehabilitated and four were handed over to the Child Welfare Committee (CWC).

This data question the premise of our public policies which guarantees free and compulsory education to all the children and stands firm against the prohibition of child labour for all the children below the age of 14 years. In the current year, the Right to Education Act, 2009 will complete a decade of its enactment countrywide. But, it can't achieve its objective with the parallel existence of child labour in any country.

In this backdrop, it is important to systematically examine the reasons that are endangering the lives of millions of children with an increase in the number of incidence of child trafficking and child labour in India. It is important to examine the states and districts that becoming the hubs for

the increased incidences of child labour. It is also important to study the process of rehabilitation of child labourers, and, the struggle of the rescued children to access their right to education and exploit the opportunity to have a dignified life.

1.1.1 Child Labour and Education: Process Vs Outcomes

As per the Census 2011 data, 38% of the population is below 18 years of age. This young population can reap demographic dividends if given equal and fair opportunities to develop and grow. The 86th constitutional amendment in 2002, granted the right to free and compulsory education to all the children of India, of age group 6-14 years. The right-based approach of this act focuses on reducing the out of school children but, how seriously we are trying to understand the processes which are dragging some children out of school and landing them into the ghettos of big cities, into forced labour in exchange for a few pennies? The right to free and compulsory education for all can't achieve its objective with the parallel existence of child labour in any country.

The initiatives and efforts at the international level to achieve universal access to quality education are intrinsic to the elimination of child labour progressively in all forms. Lack of access to quality education is the prime component of the prevalence of child labour. Hence, children deprived of opportunities to access quality education eventually end up in the labour market at the age where they should be learning and preparing for their better and brighter future.

Also, the tendency to drop out of school increases for the children who manage work with their education. It is very well recognised at the international and national level that it is essential to include the agenda of elimination of child labour in the education policies. As the potential, influence, and impact of the education sector can't be undermined in the elimination of child labour (Weiner et al., 2006). But, it is disappointing to note that the elimination of child labour is still a major concern in India.

It's been a decade since elementary education has become a fundamental right of every child but even a decade looks very short of a time to remove children from workplaces and put them back in schools. The demand for education is as a function of various socio-economic and cultural factors. The reasons for the problems of dropouts, irregular attendance, and learning crises of children are prominently the socio-economic factors such as caste, literacy rate of mother and father, family occupation etc. (Santhakumar et al., 2016). Therefore, it is important to understand the need for improving the learning outcomes and provide quality education to all by improving

the processes in delivering education to the most vulnerable. It is extremely important to probe into the possible factors that discourage certain sections of the society from demanding the fundamental right of school education for their children even today. There is empirical evidence for its relatability in the present time. Like the theoretical and empirical connection between child labour and the impact on children's education. Hence, it is important to explore the dimension and impact of poverty on schooling (Santhakumar et al., 2016). As poverty can't be the dominating factor for inadequate demand for schooling in India (Dreze and Gazdar 1996). It is interesting to look and interpret the situation where widening economic opportunities doesn't encourage a certain section of the society to send their children to school and critically analyse how scarcity in demand for education has its implications for the outcomes of our education policies. There are certain clauses in the Right to Education Act (RTE) which are demand-driven and a significant portion of people can never think of getting benefitted from it. Hence, it is always a better option to invest in demand-side interventions, exploring various educational programs in coordination with child labour prohibition initiatives of the labour department. It is important to discuss how RTE will be ineffective if factors affecting demand for education are not given adequate importance. There are outliers in our population which still doesn't demand education for their children even today.

Considering the two important developments in the Education sector in India in the last two decades; the improved access, and choice of school, there is a need to study certain sections of our society which are yet to demand education for their children. We can take an empirical example of global education discourse on school education to understand this idea. The United Nations and World bank have set agendas for development across the globe. We have been seeing international initiatives like Millennium Development Goals, Education for All (EFA) and Sustainable Development goals where goals, objectives, targets and norms are set by these institutions for different countries and communities without taking their views and requirements into consideration, intending to improve their human condition. Here, the target population has no platform to engage in the discourses to be aware and informed about their fundamental right to education and the importance of education in their life. When we are not considering the norms of the target population, how can we ensure sustainable development and change in global society? One of the important reasons why none of these global development targets has been achieved is because the investment is not made to strengthen the participatory process but to build new institutions to deliver the targets.

1.1.2 Child Labour Free Jaipur (CLFJ): A collaboration of the state governments of Rajasthan and Bihar

A very thoughtful initiative was observed in the print media reports, a joint initiative of the state governments of Rajasthan and Bihar. It stands strong against the prevalence of child labour in the city of Jaipur where most of the children are trafficked from the state of Bihar and are found working as bonded labourers in the workshops of different industries based in Jaipur. The initiative is called Child Labour Free Jaipur (CLFJ). The annual report of CLFJ mentions the number of children who are rescued from the workshops of bangle making, stone polishing, textile embellishing etc. in the city of Jaipur from the year 2014 onwards. It discusses the working conditions of the rescued child labourers which are extremely dangerous for their physical and mental health. The initiative is found to be a comprehensive intervention backed by the strong support of the Government, Markets and Civil Society Organisations. It covers all the major stakeholders in the process of delivering the program:

- The Government- For the procedural support at the state and district level
- Industry associations- To discourage the demand for child labourers in the manufacturing and supply chain
- Civil Society Organisations- To understand and work at the grassroots to prevent the incidences of child labour. It also includes law firms, NGOs, and local communities that impact the process of rehabilitation of child labourers.

It has collaborated with the Government of Bihar for providing assured assistance in the rehabilitation of child labourers who were from Bihar and were rescued in Jaipur.

1.2 Definitions

This section discusses the definition of the terms used in the present research study.

1.2.1 Child

Article 2 of ILO Convention no. 182 defines the term 'child' as all persons below the age of 18 years. Similarly, the constitution of India in its article 24 prohibits the engagement and employment of any child below the age of 14 years. The landmark judgment of the Right to Free and Compulsory Education to All, the RTE also defines the age of the child as 14 years for compulsory education. Likewise, the Child Labour (Prohibition and Regulation) Amendment Act, 2016 completely prohibits the employment of children below the age of 14 years from all forms

of employment and prohibits the employment of children aged 15-18 years from hazardous occupations under ILO article 3 of convention no 182. The person above the age of 14 years but below 18 years is termed as an adolescent by ILO. A similar definition of the adolescent is given in the Child Labour (Prohibition and Regulation) Amendment Act, 2016.

1.2.2 Child labour

Classification of the work that comes under child labour doesn't involve all the works that are done by the children. The work that doesn't impact the overall development of the child or interfere with their education in any way is seen as some positive additions in the learning of the child. For example, work such as assisting parents in their daily chores, working part-time during school holidays for some pocket money, etc.

As per International Labour Organisation (ILO), 'Child Labour' is defined as work that deprives the children of the opportunity to attend school and engage them in work that is physically, psychologically, socially, or morally harmful and dangerous to them. The work compels them to drop out of school or continue their schooling along with the long working hours that adversely impact their health and development.

1.2.3 Worst form of child labour

The ILO convention number 182 requires the states to take firm steps in eliminating the worst form of child labour. In the worst form of child labour, the children are being enslaved, trafficked, away from their homes to a different location, and are exposed to a working environment which causes serious harm to their physical and mental health (Inter-parliamentary Union & International Labour Office, 2002).

1.3 Policies and Programs

The Government of India has been continuously putting efforts through various legislative frameworks, policies, and programs to effectively stop the prevalence of child labour in the country. Child Labour (Prohibition and Regulation) Act, 1986 was the first comprehensive initiative by the government of India in this regard. The policy was implemented in a project mode with the launching of the National Child Labour Project (NCLP) in 1988. The objective of this comprehensive approach is not only to rescue and protect children from child labour but also to rehabilitates them in a way that they get equal opportunity to use education as a means to develop

their economic, social, and psychological wellbeing through interdepartmental collaborations. This section presents an overview of the government initiatives, policies, and programs that are intended to prohibit the prevalence of child labour and rehabilitation of rescued working children.

1.3.1 Child Labour (Prohibition and Regulation) Act, 1986

The policy was a culmination effort of several deliberations and discussions on the prohibition of child labour in the country. The Child Labour (Prohibition and Regulation) Act, 1986 specified prohibition of employment of children below the age of 14 years in selected hazardous occupations and processes in India.

The most important and significant amendment of this act came in 2016 that prohibits the engagement of children below the age of 14 years from all occupations. The amendment Act also prohibits the engagement of adolescent's i.e. children above 14 years who have not completed 18 years of age from the hazardous occupations or any economic processes. The RTE Act became the base for this amendment for deciding the age to bar children age 6-14 years from all forms of employment. However, this amendment came after 7 years of the Right to Free and Compulsory Education to All (RTE, 2009).

The amendment has given a new definition to adolescents and has made provisions to protect them from getting engaged and employed in any hazardous occupations or economic processes. These provisions complied with the convention of the International Labour Organisation for the conditions of working adolescents (George and Panda, 2015). The new amendment also had strict penalties for employing or giving permission for the employment of child labourers. However, it permits children to work in house based industries to support their families without harming their compulsory education. There are high chances that this relaxation has the potential to become an exploitative tool in the hands of the employers of child labourers in home-based industries. The practice of caste-based occupations will be reinforced with such clauses and children of these marginalised castes will be more vulnerable to become child labourers and ultimately get dropped out of school.

1.3.2 The Juvenile Justice (Care and Protection of Children) Act, 2000

From the lenses of a broader perspective of Child Labour, the JJ Act, 2000 made an amendment in the year 2006 for the working children below the age of 18 years. It specifies a category for children in need of care and protection. The working children below the age of 18 years get covered

in this category. In a court judgment against the practice of child labour, the court responded that the JJ Act would apply to children between the age of 14-18 years along with the children below the 14 years of age, employed in any occupations in the non-scheduled occupations specified under Child Labour (Prohibition and Regulation) Act, 1986. As a result, such children would be governed by the JJ Act, 2000 as well as by the Bonded Labour System (Abolition) Act, 1976 if applicable.

Apart from the legal enactments, there are other programs and initiatives by the Government of India for the rehabilitation of the children rescued or withdrawn from child labour. The Integrated Child Protection Scheme (ICPS), is an initiative for ensuring and providing the children in need of care and protection, and the children in conflict with the law, a safe and secure environment. It specifically has provisions for ensuring safety, security, and rehabilitation of trafficked children through an inter-departmental collaboration including labour, police, judiciary, health, and education. The program helps to contribute to the improvement of the overall well-being of the children in difficult circumstances, and vulnerable conditions such as abuse, neglect, exploitation, and separation from parents.

1.3.3 National Child Labour Project (NCLP)

There are various socio-economic factors responsible for the prevalence of child labour in India. Recognising the multiple causes and dimensions of child labour, the government of India enacted the legislation against it in 1986 and came up with a national policy on child labour in 1988 to tackle the problem with a multi-pronged approach. An intervention in the form of a project-based plan of action in this regard was conceptualised and implemented by the name of National Child Labour Project Scheme (NCLP) by the Ministry of Labour and Employment, Government of India.

It is the largest and most structured intervention aimed at rehabilitating the child labourers through special school provision for mainstreaming the rescued child labourers into the formal education system. The scheme was initiated in 1988 to rehabilitate working children in 12 child labour endemic districts of the country. At present, there are 319 districts covered under NCLP across the country. The list of all the districts covered under the NCLP scheme is given in Annexure 1 and the number of children rehabilitated till now under NCLP is given in Annexure 2.

The scheme has adopted a sequential approach, under which, a survey of child labourers engaged in hazardous occupations & processes has been conducted. After that, the identified children are to be withdrawn from these occupations & processes and then put into special schools to prepare them for the formal schooling system.

Presence of NCLP schools: The NCLP's Special Training Centers (STCs) are not-residential centres located in the areas where the concentration of child labour is maximum based on the survey conducted. Preferences are given to those areas where access to the government schools is still an issue. These STCs are rehabilitation centres for the rescued child labourers and are responsible for two important functions:

1. Non- Formal Bridge Education

For providing bridge academic education for mainstreaming the child labourers into formal schooling through a non-formal bridge education course. It has an extremely low maintenance budget of INR 2000 per month to spend on rent, electricity, water, any other expenditure. Apart from a display board, the guild line has the provision of a weekly work plan, daily time table, enrolment register of all the children, weekly mid-day meal menu, and the list of volunteer staff.

An STC is mandated to put up a board outside their premise mentioning that it is an STC under the NCLP Scheme with proper address and the date of establishment. The capacity of an STC should not exceed more than 50 children with a minimum number of at least 15 children.

Following are some of the important components for the educational rehabilitation of the child labourers:

- **Schedule:** The responsibility for designing and implementing the schedule of STCs is of the District Project Society and not of the state education department. The schedule timings are flexible that varies from 4-5 hours on the autonomy of the delivering unit. The centre operates 6 days a week with no long holiday's provision to ensure continuity of learning in the limited time of the bridge course.
- **Curriculum:** The development of the curriculum and pedagogy of the bridge course shall be in consultation with the Directorate General of Training (DGT) and State Council of Education Research and Training (SCERT)
- **Teachers and volunteers:** The responsibility of engaging volunteers for teaching and non-teaching staff is with the District Project Society or with the implementing unit such as NGO, voluntary organisations, etc. The appointments for teachers and non-teaching staff are voluntary and no regular pay scale is prescribed for them.
- **Teacher's training and qualification:** The teacher's training for NCLP volunteer teachers is in line with the SSA guidelines. DIETS are given the responsibility to prepare an additional sensitisation module on child labour for the teaching volunteers along with the existing module.

- **Counselling:** Counselling is an important aspect of dealing with the rescued child labourers to bring them back from the mental and physical trauma that they have suffered. As per NCLP, the services of counsellors should be in convergence with the Integrated Child Protection Scheme (ICPS)
- **Mid-Day Meal:** The responsibility of providing mid-day meal is synced with the Mid-Day Meal (MDM) scheme of the central government. As per the project guidelines, the complete expenditure of the Mid-Day-Meals for all the children of NCLP will be borne by the state/district administration.
- **Stipend:** As per the revised guidelines of NCLP in 2017, INR 400 per month to be provided to each enrolled NCLP student. The stipend gets credited quarterly to the bank accounts of the children. The volunteers have the responsibilities to ensure the opening of the bank account of the children and upload all the details on the online portal. The volunteers are monitored through the same online portal called PENCIL (Platform for Enforcement of No Child Labour), run by the Ministry of Labour and Employment.
- **Health care:** For the basic health care and hygiene services for the enrolled children in NCLP, collaboration was planned with the School Health Program under the National Rural Health Mission (NRHM).

2. Skilled/vocational training for inculcating employability skills:

Skill development training and activities are other important components of the educational rehabilitation of child labourers under NCLP to connect the children with non-academic aspects of their overall development.

Following are some of the important components skill development aspect of educational rehabilitation of child labourers under NCLP:

- **Engaging trainers:** The responsibility of identifying a vocational trainer for activities and training related to skill development is with the District Project Society. The project gives provision for engaging one trainer for three STCs with the monthly honorarium of INR 8000 per month.
- **Collaboration with existing government programs:** The Government of India has a specialised scheme under the Ministry of Skill Development and Entrepreneurship, called Skill Development Initiative Scheme (SDIS). A provision is made under this scheme for considering children of NCLP for their vocational training institutes after attaining 14 years of age.

- The District Project Society is encouraged to leverage schemes and programs under the State Technical Educational and Vocational Training Department. Additionally, state governments are expected to plan for an efficient convergence of financial aids under different programs and schemes to support NCLP.

For effective implementation of the NCLP Scheme, the role of District Child Labour Society is envisioned as an implementation and monitoring body. The society is formed under the NCLP scheme for monitoring and tracking the children enrolled in the NCLP special training schools.

1.3.5 Right to Education Act, 2009

In the wake of the enactment of The Right of Children to Free and Compulsory Education (RTE) Act, 2009, the provision for establishing Special Training Centers is created under section 4 of the act for the educational rehabilitation of out of school children.

Section 4 of RTE Act has a special provision to give admission to children who are out of school either because they have never been admitted to any school after completing 6 years of age or dropped out of the school before completing their elementary education to their age-appropriate class. It mentions the right of the child to receive special training to be on par with other children of his age and class. In a way, section 4 takes the concern of the educational rehabilitation of out of school children through the right of receiving special training. However, the act doesn't give any elaborative framework or directions for setting up of the mentioned special training centres.

For operationalising the provision of special training for out of school children, the Department of School Education and Literacy had set up a task force which had prepared a suggested approach and intervention strategy in 2013. The suggestions of this task force focused on the convergence approach with different government schemes and programs to work in collaboration for achieving the objective of the act. It gives section 4 of RTE a plan of action similar to NCLP.

1.4 Significance of the Study

In light of the secondary data and existing literature on the prevalence of child labour, the present research examines the struggle of a child, withdrawn from the worst form of child labour, to access his right to education, and exploit the opportunity to have a dignified life. These are the most vulnerable children that need a strong hand-holding at every step of their rehabilitation process. This research studied the process of rehabilitation of a child labourer withdrawn from the worst

form of child labour and reflected on the challenges in his educational rehabilitation in light of the psycho-social support. With the field findings, the present study has opened the black box of "mainstreaming the out of school children" and tried to cover the difference in the ways scholars and grassroot practitioners have viewed the issue of rehabilitation of child labourers. The study reflected on the flaws in the processes of policy implementation to ensure the fulfilment of the policy objectives of rehabilitation of child labourers. Therefore, through this case study, an attempt is made to identify the major determinants of child labour; loopholes in the process of rehabilitation of child labourers withdrawn from the worst form of child labour, and its impact on their educational opportunities. The findings are helpful in reflecting on the interdepartmental functioning in the process of rehabilitation of child labourers.

1.5 Statement of the Problem

Statement of problem for this research is: Child labour and Education: A case study of rehabilitation of child labourers of handicraft industry in Jaipur city of Rajasthan.

1.6 Research Questions

The study will make an attempt to answer the following research questions:

1. What are the determinants of child labour in the handicraft industry of Jaipur, Rajasthan?
2. What are the loopholes in the process involved in the rehabilitation of child labourers withdrawn from the worst form of child labour?
3. What are the challenges in the educational rehabilitation of child labourers withdrawn from the worst form of child labour?

1.7 Objectives of the Study

The objectives of the study are mentioned below:

1. To identify the determinants of child labour in the handicraft industry of Jaipur, Rajasthan
2. To analyse the bottlenecks in the processes of the rehabilitation of child labourers withdrawn from the worst form of child labour.
3. To study the challenges of the sustainability of educational rehabilitation of child labourers withdrawn from the worst form of child labour.

1.8 Chapterisation

The present research has six chapters, chronologically written to answer the specified research questions and objectives through a systematic research enquiry.

Chapter 1 provides the background of the study and the rationale behind choosing 'child labour and education', a topic for the present research. First, it discusses the conflicting relation of child labour and education in the light of published newspaper reports, academic researches, and existing legislation for the protection, and education of children. Then, it discusses the important definitions required to understand the topic with more clarity. It defines what 'child', 'child labour', and 'the worst form of child labour' means as per the convention number 138 and 182 of ILO. It also presents an overview of the government initiatives, policies, and programs that are intended to prohibit the prevalence of child labour and rehabilitation of rescued working children. This section lays down the context from which the educational rehabilitation of children labourers is seen in the government provisions. It discusses the important provisions for the educational rehabilitation of child labourers under the National Child Labour Project (NCLP), and section 4 of Right to Education Act, 2009 that makes the provision of age-appropriate admission for the children who either have never been admitted to any school or dropped out of school. And, extensively discussed the role of different departments in supporting educational rehabilitation. This chapter then discusses the significance of the study followed by the statement of the problem, research questions, objectives, and chapterisation.

Chapter 2 presents the review of important writings, research studies, and national and international publications reflecting on the issues of child labour in India and some other parts of the world. Based on the review of existing literature, the chapter re-stated that child labour is a multilateral problem that requires multi prolonged approach for its prevention and prohibition. It located the present study in the critical paradigm of the educational rehabilitation of child labourers and the importance of the psycho-social support to the children in the whole process of rehabilitation.

Chapter 3 is a description of the methodology followed by the researcher for conducting the present research. It tries to present the lens through which the analysis is done by the researcher. The chapter specifies the research questions, research objectives and the case study method used in this study. It rationalises the choice of case study method for covering the case of rehabilitation of a child withdrawn from the worst form of child labour from a bangle making workshop operating in

Jaipur. It explains the choice of the case which was done through a random selection from the government list of rescued and repatriated bonded labour cases in the state of Rajasthan.

Chapter 4 looks at the micro picture of the whole scenario of child labour and the educational prospects of child labourers in the state of Rajasthan, a state with a high number of child labour incidences in India. The chapter maps the trend across the state of Rajasthan with working children not attending any educational institution based on the census data 2011 of the working population of India. The chapter identifies districts that have become centres of child labour in the state of Rajasthan in the last decade through multiple published data. It gives a micro picture of the state which is known to have become a hub of child trafficking cases in recent times as per the reported coverages in the print media. This chapter presents an important link between the children trafficked to Jaipur and their source location i.e their hometown. It was found that maximum cases are from the state of Bihar. It covers the case study of a child who belongs to Bihar but was rescued by the police in a police raid from a bangle making workshop in Jaipur, Rajasthan. The case study, on one hand, covers the process of the rehabilitation, and the educational rehabilitation of the child. On the other hand, discusses the socio-economic realities of some communities who become easy targets for the employers of child labourers. It questions the effectiveness of the process and sustainability of the outcomes of Educational rehabilitation of the rescued children.

Chapter 5 interprets and explains the results of the research enquiry covered through a case study in chapter 4 in light of the existing policies and program for the rehabilitation of child labourers and their educational opportunities. It critically evaluates the research undertaken and makes inferences based on its findings. It discusses and validates the findings of the research through the existing literature and reflects on the current scenario.

The concluding chapter 6 joins the dots of the determinants of child labour, loopholes in the implementation of the rehabilitation of child labourers with the unsuccessful educational rehabilitation that weakens the aspirations of a child to live a dignified life. It opens the black box of the educational rehabilitation of child labourers and draws inferences for the existing weak process to deliver the most vulnerable children the equal and just opportunity to use education as a means of social and economic transformation.

Note: There have been observed conceptual differences between the usage of the terms 'child labour' and 'child worker' or 'working children' but due to the limited coverage of the study and referred data base, both the terms are interchangeably used for this research study and analysis.

Chapter 2

Literature Review

This chapter presents a review of important writings, research studies, and national and international publications reflecting on the issues of child labour in India and some other parts of the world. The issue of child labour has its roots in the power structure of the society even before the time when India got its independence in 1947. There has been many significant policies, legislations and court judgements in India for the prohibition of child labour but still, even in the 21st century, this problem persists. There have been several pieces of research conducted which reconfirm the child labour issue in India is inextricably linked to the social inclusion and economic inequality in the society. The researcher has tried to draw a deeper understanding of the issue from the previous works of the renowned researchers and organisations who have worked extensively in the areas of child labour in India. The researcher has tried to see the issue of child labour from the lens of compulsory education provision of the Government of India and attempts to find the gaps to locate the present research in a fresh paradigm of the rehabilitation of child labourers withdrawn from the worst form of child labour. The researcher has a review of literature based on the relevant themes to reflect on all the crucial aspects of the issue at hand.

2.1 Major factors responsible for the prevalence of child labour in India

Against the popular notion of poverty as the main factor responsible for the prevalence of child labour, Weiner (1991) argues that poverty is not the reason for the prevalence of child labour. He said the belief systems of the state bureaucracy which are widely shared by the educationists, researchers, social activities, and the middle class of India is against the enforcement of child labour legislation and towards the expansion of school education for all. According to Weiner (1991), the unequal caste system in Indian society believes in limiting the social mobility of lower castes and classes which consequently leads to denial of equal access to education opportunities for them. He sees a way forward by combining the child labour eradication and free and quality education for all for the disadvantaged to move up in the socially established unequal ladder. This further reinforced a lack of education to all and weakened the base of capabilities for the poor (Weiner 1991). By drawing comparisons between the advanced industrial countries with the developing countries he showed how compulsory education became an important factor in eradicating child labour.

Weiner considers India a unique case in terms of the political system, economic status, multi-ethnicity, and a huge population that can't be compared with other developing countries. He emphasized that economic variables like the gross national product, per capita income, level of poverty, the extent of industrialisation cannot explain the variation in the demand and supply of child labour in India nor even the system of governance be held responsible for it. In his view, it is the belief system of the administrators and governing elites and the political will for expanding the accessibility of school education for the poor.

It was the time when India didn't have the Right to Education Act when Weiner's comprehensive study on child labour addresses three fundamental questions: why have a large number of countries including many underdeveloped ones have made schooling compulsory for all in their country? Why India remained aloof of this worldwide trend? And, what is the spillover effects, implications and costs for India for being aloof of this trend in the coming years? Through these questions, he tries to question the commitment of the Indian government towards providing equal opportunities of accessing quality education to all the children especially those who are still out of the purview of school education.

There have been studies which try to measure the magnitude of child labour incidences using the data generated by the national accounting systems. The NSSO 55th round survey tried to analyse at a unit level the incidences of child labour and characteristics of households in the states of Tamil Nadu, Maharashtra, Madhya Pradesh and Uttar Pradesh. Aggarwal (2004) compared the 1991 census data with the unit level data of NSSO 55th round and has shown that the number of child labourers has gone down to 3.3 million from 4.4 million. The study suggests the two important factors; low population growth rate and high literacy rate in the states of Tamil Nadu and Maharashtra that have suggested a decrease in the potential of child labour while these factors don't have any effects in the state of Madhya Pradesh and Uttar Pradesh. The analysis of this study throws light on the socio-economic background of the child labour's family. It showed that children who are trafficked to different cities have a rural family background, landless, and belonging to socially backward classes. However, the highest chances are from those families who are burdened due to heavy debts (Aggarwal 2004).

2.2 Education for marginalised- An ideological question

There have been many studies that have explored the reasons for the prevalence of child labour in India from the perspective of the primary stakeholders. These include parents, employers,

policymakers, administrative officers, teachers, social workers, and the child labourers themselves. Wiener realised that the fundamental question is not why so many children are working but, why so many children are not in school? According to Wiener not having a provision of compulsory education is one of the main reasons why so many children are not in school. The study of Wiener unfolded some of the atrocious conditions in which the children were found to be working.

Neera Burra's *Born to Work: Child Labour in India* published in 1995 looked closely into the criticalities of child labour in India by understanding it from the perspective of officials, employers, and children involved in the industrial labour. Her work reflected on the industrial processes and safety hazards that child labourer's face at places where they are working. She researched in the wake of the Government of India's plan to regularise child labour in 1985. The cause behind this regularisation is the belief that poverty is the main cause of the prevalence of child labour in India. The argument for the legitimisation of child labour was put in the light of the poverty argument and how the abolition of child labour would further the difficulties for the poor. Hence, legitimising child labour was the only recourse seen by the Government of India. In this respect, the major argument put forth by Neera Burra is about the handicraft industry which is heavily dependent on traditional skills. These traditional skills are passed on from generation to generation, and if the ban was imposed on child labour, the handicraft industry would lose its essence and die out. Based on this understanding, the government of India excluded the clause that excludes children working with their parents to be considered as child labour from child labour (Prohibition and Regulation) Act 1986. It was a general belief that the prohibition of child labour will further the difficulties of the poor families and that the existing education system is not much relevant to the needs of the working children. However, the empirical evidence of the study of Neera Burra reveals that this idea is profoundly a mistaken concept and even the poor parents are interested in sending their children to school for better future opportunities. She argues that education is the only means of mobility for the economically and socially deprived sections of our society. It is mostly the strained economic conditions that are responsible for the non-accomplishment of the desired growth. Along with that, the poor infrastructure and non-availability of sufficient teachers and basic infrastructure in the government schools compel a child to opt for work over education.

The disbelief in the existing education system is also a part of the problem of Child Labour. Neera Burra in her work '*Born to work*' argues that it is an extremely flawed idea. Her field evidence shows that even poor parents want to educate their children.

2.3 Legal Issues: The role of State

The study of Neera Burra revealed that all the respondents without any exception have awareness about the importance of education to have better prospects for their children. In those cases where the worker improved on the economic front, they put their children from the workforce immediately and remove them completely from the child labour workforce. In many cases, they substitute the place of their child from the child of another poorer group. Every parent has the aspiration of giving their children quality education so that they can get out of this trap of poverty and sufferings as they have seen the children of better-off sections like their owner, businessmen, traders etc.

One important point is that the law gives waiver to those families that are working together with their children. This clause had been misused by the employers by calling the children working with them as their family members. The child labour is rampant and the rate of unemployment is high. The study pointed out that employers prefer child labourers over adult workers as it costs cheaper and children can easily be dominated. The wage rate of a child is third to half of what an adult worker gets for producing the same output. (Burra, 1995)

As per Asha Bajpai in *Child Rights in India*, a legal framework is not a sufficient condition to ensure any behavioural or social change but, they are necessary means to fight for the rights promised by the constitution. In cases of child rights, the present legislation seems extremely inadequate and flawed at various levels. One of the main reasons being not considering children as an independent entity that deserves individual rights. They are often treated as assets in the family and are pledged by the parents at the time of need and therefore, child rights are often seen wavering between the right of the child and the need of the family. We can witness its reflection in our laws related to compulsory education and child labour. As child labour is an illegal activity and punishable offence therefore it is needless to say that children work in the informal sector where the existence of labour laws are absent. Bajpai provides a list of all the constitutional provisions and acts of parliament from 1881 onwards that prohibits and regulate child labour in India. She rightly pointed out that the provisions are concentrated mainly on aspects like prohibiting child labour in hazardous occupations, minimising the hours of working, increasing the minimum age of these young vulnerable children. In presenting a summary of the judicial response to child labour, she points out that child labour legislation is inadequate to understand the real situations. The identification of certain occupations and processes and creating a distinction

between hazardous and non-hazardous forms of labour where children are prohibited from working leaves a large space for activities and occupations where children can be engaged, exploited, and abused.

2.4 Migration and challenges

Migration is also highlighted in many studies as one of the prominent reason for the prevalence of child labour. Even if the children have acquired basic education in the host states, they end up dropping out and join labour work with their parents in other states. One such example is the brick kilns work in the state of West Bengal for which many families migrate to work in exchange for remunerative systems and honourable working conditions (Sinha and Mishra, 2012). Such studies have challenged the indirect relationship between education and child labour. As they have unfolded the socio-economic reality where inadequate sources of earning dominated the level of education and have compelled children to join the workforce to support their family and leave education.

A serious concern is raised by George and Panda (2015) based on their analysis of the 2011 Census about child labour in India and related facts. They have highlighted a figure as high as 23.8 million for a total number of children involved in child labour as marginal and main workers. The popular figure of 10.1 million children are from this large figure belonging to the age group of 5-14 years and 13.7 million belong to the age group of 15-17 years. This huge figure constitutes a significant 5% of the total workforce of the country with 2.83% of those who belong to the age group of 15-18 years and 2.1 % of those belonging to 5-14 years. The study says the actual figures will be higher as children of migrant families are less likely to be included in the census (George and Panda, 2015).

In a study, Biggeri (2009) carried a comprehensive survey in four household industries to study the prevalence of child labour, factors leading to its occurrence, the working conditions of the children along with the issue of education and gender. He has picked four household industries; incense sticks making, beedi making, and garments in the state of Madhya Pradesh, Uttar Pradesh, Tamil Nadu, and Karnataka. The study has taken a control group with the households having no engagement with any home-based work in each sample. The findings of the study showed that the probability of the children in families involved in house-based work is higher than that of the children in the control group households. The study reveals that however most of the children were in school but the pull factor of unaffordability of good education and pull factor to work to support

the family results in a higher rate of school drop-out. The author argues for policy measures to be focused on reducing the factors that lead to children dropping out of the school through a reduction in the fixed cost of attending school and increase in the returns on education for poor households so that they get the confidence of getting out of the poverty trap. This could be done by making schools suitable for local economic systems through investment in quality education (Biggeri, 2009)

2.5 Education as an indispensable right

Weiner pointed out the uniqueness of India not only in terms of population size or political system but specifically the uniqueness of its diverse culture, guiding beliefs that play a critical role in the way people think about how their society should be organised. Importantly, he said it is this unique cultural aspect and belief system that has to lead how the relationship between the state and the children of the poor is seen by the Indians and that certainly is the main factor behind the differences in the state of child labour in India and other countries analysed in his book *The Child and the State*. He made a strong argument in his book advocating compulsory education as a precondition for abolishing child labour from the country. He considers compulsory education as a policy tool for the government in enforcing laws of child labour. With examples of various developed countries, he explains how the restriction on the employment of children goes parallel with the strict enforcement of compulsory education. Considering the socio-economic background of the vulnerable households, he said children will continue to enter the workplaces as long as they are free not to go to schools. Also, to monitor the school attendance of the children is administratively effective and easier than to monitor the children at the workplace.

Weiner in one of his papers written for the *Economic and Political Weekly* in the year 1999 had emphasised on the education more as a duty imposed by the state than just merely a right granted by the state.

The United Nations through their Millennium Development Goals (MDGs) have been suggesting education as a means to achieve other human rights and a human right in itself. In this context, Lee (2013) questions the role of the government in supporting institutional reforms necessary to achieve the right to education for all. She raises an extremely important question about the role and duty of all individuals for ensuring the institutional set-up for the provision of the right to education which should be set up not only as a vague idea for the sake of formality but as a holistic notion to provide children with the freedom to make use of this education once they obtain it.

The right to education is called a fundamental right based on two important reasons; one, the advocacy of basic primary education believes that the basic primary education to all the children is a prerequisite for necessary life skills to earn a living, construction of a harmonious and informed community, and for having a fulfilling life. Second is the realisation that many children fail to access and get benefited by the basic primary education even after the declaration of Universal Declaration of Human Rights (UDHR). The two opposite realities, one that recognises the right to education positively as a medium to realise other human rights and the other that negative reality faced by many children has been leading the rights advocates to push for considering education as a human right issue as equal to the right to food (Lee, 2013)

Lee (2013) emphasised on the role of government for institutional reforms in achieving the provision for free basic primary education. As only having the right can't stand alone for children who though have the right but can't act on it. According to her, the effectiveness of rights is only possible if an individual would be able to do something with it and improve his standard of living.

Sanghera (2016) emphasised on the importance of linking the issue of child labour and children's right with the other important issues concerning human rights, Dalit, minorities, women, Adivasis, and the environment. He reflected on the deeper social hierarchy, structures, relations and institutions that have been standing on the exploitative practices of discrimination and oppression such as caste, gender, class, and religion.

It is important to contextualize the issue of child labour within the complex interrelationship of local, national and international. As it should be understood how the issue of child labour and children's right is used to either sustain or challenge the power relations and therefore, it is important to locate this issue of child labour within the contemporary social, economic, and political atmosphere of India (Sanghera, 2016).

Education is a historically proven instrument of upward mobility, still, only a few states in India have seriously recognised its importance and ensured that the children do not work in their age of going to school like Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Maharashtra, Madhya Pradesh, Assam, Gujarat, and Orissa.

2.6 Declining enrolment in schools and increasing child labour

The relationship between the decline in child labour cases and school enrolment has been studied and explored at national and international level. An empirical study based in Thailand points

towards an important factor of the direct cost of education which discourages the school attendance of the children from the weak economic background. The economic factors become more important than the cost of education for the economically weaker families as the children grow older. Therefore, a compromise with children's education becomes a common phenomenon in such cases. This study highlights some factors such as the importance of public education, subsidies, awareness campaigns, community participation, and legal enforcement of regulations against the prevalence of child labour and to encourage basic education for all in such scenario (Tzannatos, 1998).

There are also studies which have emphasised the influence of market wages and family history on schooling and child labour in countries such as Egypt. Through these studies, they tried to show the influence of social norms on the prevalence of child labour. Apart from that, the impact of income inequality in local regions that has increased the probability of child labour practices for a particular group with low-income sources was also examined. (Wahba, 2005)

There are intra-state and inter-state variations observed at a broader scale in the incidences of low enrolment rates and an increase in the number of working children. It is important to question some states on such a trend. Some states have shown a strong commitment to eliminating child labour and others have not. These committed state governments have a strong partnership and collaboration with the civil society operating at the micro-level which are working against the prevalence of child labour (Weiner et al., 2006). As per a study of UNICEF and UNESCO, the incident of out of school children will increase much fold if we consider the data of school attendance of the children who after enrolment don't attend school regularly. The statistics of official enrolment are different from the actual scenario of school attendance (UNESCO Institute for Statistics 2005).

2.7 Psycho-Social Rehabilitation

The work of Burra (1995) draws attention to the children who have fallen by the edge of the road in the process. She raised the concern over the ill, injured or even dead children due to the overwork at worksites. She classified the health hazards of working children in three categories; 1: Where children are exposed to chemicals and other harmful substances which can contract byssinosis, silicosis, or pneumoconiosis, etc. at their workplace. 2: Where the children are employed and kept in a hazardous working environment. Here the hazards found their origin in the extremely poor working conditions. 3: Where the occupations in which children are engaged are considered safe

for them but the vulnerability of the children makes it hazardous for their lives. She indicated in her findings that the atrocious conditions under which the child labourers enter early in their lives made them less capable and ill later in their life when they work as adults and then they send their children at work to run the house. In this vicious cycle, the chance of getting an education for their next-generation also gets jeopardised.

India is a signatory of ILO Convention no. 138 and 182 that defines an age for entering employment, and the worst form of child labour and its prohibition respectively. As per the Worst Form of Child Labour Recommendation, 1999, the countries are recommended to include the following category of work in the list of Hazardous Works that is strictly prohibited for children defined in article 3 (International Labour Office & ILO International Programme on the Elimination of Child Labour, 2007).

- “work which exposes children to physical, psychological or sexual abuse;
- work underground, underwater, at dangerous heights or in confined spaces;
- work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or temperatures, noise levels, or vibrations damaging to their health;
- work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.”

All forms of child labour restrict children's prospects and impact their overall growth and development to its full potential, however, the worst form of child labour leaves a deeper psychological trauma in the life of the child involved. In such cases, there is a need for psychological rehabilitation as well for bringing the children back to normalcy. The ILO has proposed a psychosocial approach in the process of rehabilitation of child labourers based on the Civil Society Organisation in Central and Eastern Europe. According to this approach, a space for dialogue is created with the victim (child) and his/her family for ensuring meaningful participation of the child in his/her social and learning environment. This initiative was mainly to target the mental conditioning and behaviour of the children who are a victim of child labour and their families so that they can come out of their mental barriers to growth. This holistic plan has customized rehabilitation plans as per the specific case (International Labour Office & ILO

International Programme on the Elimination of Child Labour, 2007)). However, no such program was planned or initiated in India.

The above review of literature captures a bigger picture of the problem of child labour in India and related factors present in society. Most of these studies tried to present the problem of child labour in the light of the right to education and its impact on a child's prospects to grow and develop in his/her full potential. Some studies also reflected on the problem of migration and its impact on the education of the children of migrant workers. Towards the end of the review, the concern for the child labourers, withdrawn from the worst form of child labour is discussed. These are the most vulnerable children in the problem of child labour that needs a strong hand-holding at every step of their rehabilitation. There is a need to study the process of rehabilitation of the children withdrawn from the worst form of child labour and how they are mainstreamed in the formal education system keeping in mind their psycho-social support in the whole process. There is a need to redesign the methodology to understand the struggle of these children at each step of the rehabilitation of these children not just to uphold the principle of social justice and equity but also to re-establish their belief in their self for a better future. At this context, it is to be re-stated that child labour is a multilateral problem that requires multi prolonged approach for its prevention and prohibition. The rescue, legal proceedings, and rehabilitation of the children engaged in the worst form of child labour are important processes through which a child can re-imagine his/her future with brighter prospects which will help him/her to get out of the vicious cycle of poverty and slavery. Therefore, it is to be examined through the complex framework of state's role in the rescue, role of primary stakeholders in the legal proceedings, role of NGOs in the rehabilitation of the rescued child and enrolment in school. The next chapter presents an overview of policies and programs for the prohibition, regulation, and rehabilitation of the working children in India.

Chapter 3

Methodology

3.1 Introduction

This chapter describes the method followed by the researcher to answer the research questions and realise the objectives of the study. The methodology specifies the strategy of the research undertaken (Howell, 2013). It tries to present the lens through which the analysis is done by the researcher. The chapter specifies the research questions, research objectives and methods used to answer these.

There are policies and programs in place to abolish child labour and child trafficking in India and mainstream the rescued child labourers in the formal education system. But, there are several loopholes at the level of policy implementation which makes it difficult for these children to remain in the education system. In case of improper rehabilitation, the chances of their re-trafficking and re-joining child labour in some other areas increases, and weakens their opportunity to exercise their fundamental right to education. It is important to strengthen the process of rehabilitation of child labourers to ensure the sustainability of their educational rehabilitation. Therefore, this study takes the rehabilitation process of the child labourers at three levels:

1. Rescue of the Child Labourers
2. Legal Proceedings and their stay at Shelter Homes
3. Integration with family and enrolment in schools

At this backdrop, the Statement of the Problem is to identify the major determinants of child labour, loopholes in the process of rehabilitation of child labourers withdrawn from the worst form of child labour, and challenges of their educational opportunities. Following are the research question and objectives of the research undertaken.

3.2 Research Questions

The present study has tried to reflect on how the children who are at the age of going to school, dragged into the menace of child labour. It examines the loopholes in the above processes in the rehabilitation of child labourers. And, how the policies on paper that prohibit child labour and

promises free and compulsory education to all the children, working at the level of practice in case of child labourers.

At this backdrop, the **Research Questions** are as follows:

1. What are the determinants of child labour in the handicraft industry of Jaipur, Rajasthan?
2. What are the loopholes in the process involved in the rehabilitation of child labourers withdrawn from the worst form of child labour?
3. What are the challenges in the educational rehabilitation of child labourers withdrawn from the worst form of child labour?

3.3 Objectives of the study

The objectives of the study are as follows:

1. To identify the determinants of child labour in the handicraft industry of Jaipur, Rajasthan
3. To analyse the bottlenecks in the processes of the rehabilitation of child labourers withdrawn from the worst form of child labour.
4. To study the challenges of the sustainability of educational rehabilitation of child labourers withdrawn from the worst form of child labour.

3.4 Choice of site

The city of Jaipur, Rajasthan was chosen to conduct the research. The choice was based on the high prevalence rate of child labour incidences observed and reported by print media at national and international level from 2011 onwards.

As per the Census data 2011, Rajasthan is the third largest state having working children below the age of 14 years. Additionally, there have been repeatedly reported cases of child labour in the city of Jaipur (Times of India, 2019). These children are majorly involved in the handicraft industry which is the major attraction of the city and the state. It was reported that 80% of children who are employed in the handicraft workshops of Jaipur are from Bihar. (Times of India, 2019). The cases of child trafficking from the state of Bihar to Jaipur are so rampant that that Government of Rajasthan has initiated a multiple point intervention *Child Labour Free Jaipur (CLFJ)* in 2018 in collaboration with the Government of Bihar as a large number of trafficked children are from Bihar. The initiative is to address the root cause of the prevalence of child labour in Jaipur and this is the first time a government has shown its commitment to end child labour with such strategic

model. The stakeholders of initiatives in the city of Jaipur were contacted by the researcher for the related information. And, after their confirmation to help in facilitating this research study, the city of Jaipur was selected as a site for this study. The previous chapter already discussed in detail the rationale behind choosing Jaipur as the site of the study and child labourers from the handicraft industry of Jaipur.

3.5 Method

The study is descriptive. In descriptive research, there are two aspects quantitative and qualitative. The qualitative research methods are used to work with non-numerical data that seek to interpret meanings from social life through the study of targeted population or place (Neuman, 2014). Qualitative methods are used to unfold the meanings, interpretations, processes and relations to real-life situations. The researcher has used the qualitative method to examine the phenomenon of child labour and the factors determining the prevalence of child labour in the city of Jaipur. To undertake the present research, the case study method is used to answer the research questions and objectives. "Case study method is an examination of a specific phenomenon such as a program, an event, a person, a process, an institution, or a social group" (Merriam, 1998).

The method of case study is used in the study undertaken for the following reasons:

1. **Particularistic:** The focus of this method is on a particular context like one person, a group, a community, a classroom etc. Here, the researcher has looked into the life of rescued child labourers in detail to develop an understanding of the prevailing problem of child labour, people involved in it, the process of rehabilitation of child labourers and problems in the process.
2. **Naturalistic:** The data collection done in a case study is mostly in a natural, real setting as the case study is about the real people and their situations. The researcher has collected data for this case study in a real setting by studying the case of a child labourer withdrawn from the worst form of child labour from the bangle making workshop in the city of Jaipur in January 2019, and now after repatriation to his home town, enrolled in a government school as per the government records. The researcher has taken into account the perspective of his family members and his school teachers to understand the status of his educational rehabilitation through semi-structured interviews. The researcher has also interviewed advocates fighting child labour cases in Jaipur High Court, social workers and activists working in the local and international NGOs in Jaipur and counsellors of the shelter homes

to understand the process of rehabilitation of child labourers and problems faced during each process. Some important observations are also drawn from the courtrooms, shelter homes, community visit and school visit.

3. **Thick Descriptive data:** The sources of data in a case study includes a variety of descriptive methods like participative or non-participative observation, interviews, historical sources of information like archives etc. In this case study, non-participative observation is used along with other methods such as semi-structured interviews, analysis of documents such as First Information Report (FIRs), Certificate of release, progress report maintained by the NGO assigned his case in his hometown, Gaya, Bihar. Some government reports and quantitative data of census 2011 is also used to support the primary information in the case covered.
4. **Inductive:** “For the most part, case studies rely on inductive reasoning. Generalisations, concepts, or hypotheses emerge from the examination of data. Occasionally one may have tentative working hypotheses at the outset of a case study, but these expectations are subject to reformulation as the study proceeds” (Merriam, 1988). The secondary data analysis of this study gives a base for the inductive reasoning and forming a tentative hypothesis that there are loopholes in the process of rehabilitation of child labourers that are becoming major hurdles for their education in future. However, as the study proceeds, the perspectives of different stakeholders gives reasons for reformulating this hypothesis from different actors like manufacturers, community, government etc.
5. **Heuristic:** "Case studies illuminate the reader's understanding of the phenomenon under study. They can bring about the discovery of new meaning, extend the reader's experience, or confirm what is known" (Merriam, 1998) This case study tries to extend reader's understanding on the gravity of the issue of child labour even after a decade of Right to Education Act, 2009 that promised free and compulsory education to all. It also tries to confirm the reported cases of the prevalence of child trafficking and child labour cases in Jaipur and the reasons behind such human rights violation.

The case study of the research undertaken involves many methods of data collection. The phases of data collection for the case study are overlapping as it was impossible to complete it in one phase.

3.6 Sample

A list of bonded child labourers, rescued in Jaipur and repatriated to their home town is maintained by the concerned government departments, NGOs, and shelter homes operating in Jaipur. This list of bonded child labourers repatriated from Jaipur to their hometown in 2019 was the population of this study. From this population, a sample was selected through a purposive sampling technique after going through the case history of the rescued children. The case history was made accessible through a shelter home operating in Jaipur.

3.7 Tools

Tools are the different methods used to collect data for research. There are many important tools to collect data in qualitative research such as Focused Group Discussions (FGDs), Interviews, Survey, Observation etc (Neuman, 2014). Following are the tools used to collect the required data for the present research study:

Semi-structured interviews- The researcher has taken into account the perspective of his family members and his school teachers to understand the status of his educational rehabilitation through semi-structured interviews. The researcher has also interviewed advocates fighting child labour cases in Jaipur High Court, social workers and activists working in the local and international NGOs in Jaipur and counsellors of the shelter homes to understand the process of rehabilitation of child labourers and problems faced during each process

Observation Schedule- Some important observations are also drawn from the courtrooms, shelter homes, community visit and school visit.

3.8 Source of Data

Data collection is the most essential step in carrying out any research within a specified time frame. It is a challenging job and requires effective planning to choose the appropriate source of data for getting the required information. The present research has used both primary and secondary data to collect relevant information regarding the case covered.

Primary Data: It includes the data directly collected and analysed by the researcher. In this case study, the interview transcripts and observation notes along with the documents such as First Information Report (FIRs), Certificate of release, progress report maintained by the NGO assigned his case in his hometown, Gaya, Bihar were the primary source of information.

Secondary Data- The data obtained from optional sources like reports, documents, books, journals, magazines, government websites etc. is secondary data. In the present case, books, journals, government reports, reports of ILO, and other organisations are used. Quantitative data of census 2011 is also used to support the primary information in the case covered.

3.9 Procedure

The data was collected in multiple phases. Initially, two interviews with the social activists made the researcher understand the gravity of the issue at the grassroots. It was followed by a round of secondary data collection for gathering information on this matter at large. The reports of the Labour Department, the Government of India, and NGOs working in Jaipur against the child labour issues were analysed to developing a deeper understanding of the issue. The census 2011 data of the working children aged 6 to 14 was then analysed to see the situation of working children all over India and placing Rajasthan in the map.

In the second phase of data collection, the round of interviews and observations were done with the other stakeholders in the process of rehabilitation of child labourers in Jaipur, Rajasthan and Gaya, Bihar. After the second phase, the researcher felt the need to collect some more secondary data from the labour department to analyse the current status of the rescued children. Therefore, it can be stated that phases in a case study represent the requirements and the issues to be addressed across various stages during the conduct of the research.

Chapter 4

Results

This first section of the chapter maps the trend across the state of Rajasthan with working children not attending any educational institution using data from Census 2011 on working children. Contextualising the issue of child labour, the later section of the chapter deals with the narration and analysis of the case study.

4.1 Rajasthan and the Issue of Child Labour

The objective of this section is to identify the districts of Rajasthan that needs special attention to address the issue of child labour. It gives a micro picture of the state which is known to have become a centre of child trafficking cases in recent times as per the reported coverage in the print media. Through this section, an attempt was made to make a comparison of the reported newspaper reports on child trafficking in the city of Jaipur, Rajasthan and the census data 2011 and other published government data.

The child labour statistics of the Thomson Reuters Foundation, working in Jaipur on Child Labour, estimated 2,50,000 full time working children in Rajasthan alone. It is the highest in India and about 80% of these children are employed in Jaipur are trafficked children from the state of Bihar. Maximum of these children are below 14 years of age. Poor socio-economic conditions play an important role in child labour and trafficking cases as targeted groups are always vulnerable to Muslim communities and lower caste communities. (Heather Hughes, 2019). As per State Action Plan for Elimination of Child Labour and Prohibition and Regulation of Adolescent Labour, 2017 of the government of Bihar, major causes of child labour in the state is compulsions by a diverse range of factors on the families like systematic deficiencies of necessities, illiteracy, deprivations or vested interest of brokers. Moreover, children from vulnerable families are abducted by the local traffickers and are sold to workshops in the cities.

A newspaper report published on 20th January 2020 in Indian Express Newspaper highlights a rescue of 125 children from bangle manufacturing workshops in the city of Jaipur, Rajasthan who was brought to Patna, Bihar by train. The report says that all these children belonged to Bihar. They were trafficked from different districts of Bihar to work in the bangle manufacturing workshops in Jaipur. It was under a rescue operation by an anti-trafficking unit of Jaipur along with many other supporting organisations over the last six months. As per the officials involved in

the rescue operation, 50 of these children belonged to Samastipur followed by 18 from Gaya, 9 from Vaishali, 9 from Vaishali, 9 from Darbhanga, 8 from Katihar and the rest belonged to various other districts. As per the officials, around 10-15 human traffickers who are locals of Bihar are actively trafficking children from the State and this will keep continuing until and unless the state governments take strict actions against these trafficking rackets. As per the recent National Crime Records Bureau (NCRB) data, the state of Bihar ranked third concerning the incidences of child trafficking in the year 2017 and most of them were employed as forced bonded labourers. Rajasthan topped the list with maximum child trafficking cases during the period. (India Today, 2019). To reconfirm the reported data, some other sources of data on reported bonded labour cases in Rajasthan after 2011 were explored.

A piece of important information was found through an answer of a starred question raised in the Legislative Assembly in March 2016 enquiring about the cases of bonded labour in Rajasthan between 2004 and 2016. It shows in table 4.1 that 2011 onwards, there has been a continuous increase in the number of cases of bonded labour in Rajasthan. And, Jaipur has the maximum number of cases. A similar question was asked again in the Legislative Assembly in March 2017 about the number of bonded labour rescued during 2015-16 and 2016-17. The answer to this question again highlighted Jaipur as a city which has the maximum number of such cases in both the subsequent years. The data of the rescued bonded labourers in Rajasthan in the year 2015-16 and 2016-17 is shown in table 4.2.

Table 4.1: Cases of bonded labour in Rajasthan between 2004 and 2016 (Answer of the starred question raised in Legislative Assembly raised in March 2016)

S.No	Districts	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
1	Ajmer	0	27	0	0	0	0	0	0	0	0	0	0	0	27
2	Alwar	0	0	0	0	0	0	0	5	0	0	0	0	0	5
3	Baran	0	11	18	0	0	4	14	40	0	0	0	0	0	87
4	Bharatpur	0	0	0	0	0	0	0	0	0	116	0	0	0	116
5	Bhilwara	0	0	0	0	0	0	0	0	0	0	0	0	169	169
6	Churu	0	0	0	1	0	0	0	0	0	0	0	0	0	1
7	Dausa	0	0	0	0	0	0	0	6	0	0	0	0	0	6
8	Dhaulpur	0	0	0	0	0	0	0	5	12	0	10	0	0	27
9	Hanumangarh	0	0	0	0	0	0	0	0	0	0	36	0	0	36
10	Jhunjhunu	0	0	0	0	0	0	0	20	10	0	0	0	0	30
11	Jaipur	0	0	0	0	0	0	0	53	12	112	551	328	3	1059
12	Jodhpur	0	0	0	0	0	0	0	15	0	0	0	0	0	15
13	Nagaur	0	0	0	0	0	0	0	4	0	0	0	0	0	4
14	Pali	0	0	0	0	0	0	0	0	0	0	0	0	23	23
15	Udaipur	0	0	0	0	0	0	0	72	0	0	0	9	0	81
16	Rajsamand	0	0	0	0	0	0	0	0	18	0	0	0	0	18
17	Sikar	0	0	0	0	0	0	2	26	44	9	0	39	0	120
18	Sawai Modhpur	0	0	0	0	0	0	0	8	0	0	0	0	0	8
19	Shri Ganganagar	0	10	0	0	0	0	0	0	0	0	3	0	0	13
	Total	0	48	18	1	0	4	16	254	96	237	600	376	195	1845

Source: Starred question no. 70.3244 by Shri Abishek Matoriya in Legislative Assembly on 03.03.2016;http://rlaquest.raj.nic.in/QuestionsWeb/Que_Rep.aspx

This data includes the rescued children who were declared as bonded labourers. In 2011, 53 rescued child labourers were declared as bonded labour by the district administration.

Table 4.2: Bonded Labour Rescued during 2015-16 and 2016-17 (Answer of the starred question raised in Legislative Assembly in March 2017)

S.No.	District	2015-16	2016-17
1	Sikar	27	0
2	Jaipur	226	153
3	Ajmer	35	0
4	Bhilwara	5	2
5	Pali	23	0
6	Sirohi	0	37
7	Baran	0	1
	Total	316	193

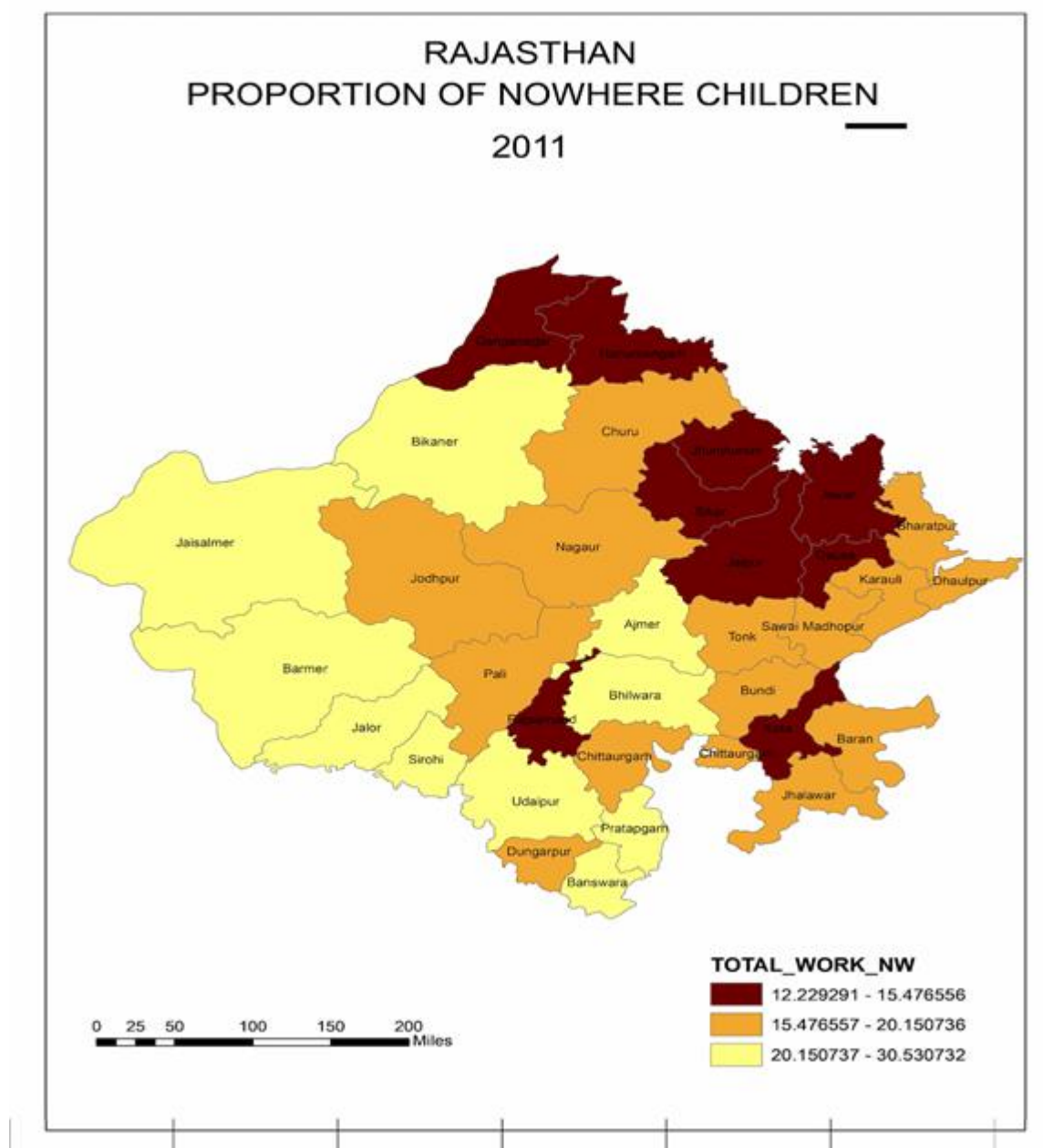
Source: Starred question no. 735.255 by Shri Prahlad Gunjal in Legislative Assembly on 10.03.2017;http://rlaquest.raj.nic.in/QuestionsWeb/Que_Rep.aspx

Table 4.1 and Table 4.2 are government data that shows the seriousness of child trafficking and bonded labour issues in the state of Rajasthan.

Now, before we proceed to look at the census data 2011 of working children, let us look at the census data of nowhere children means the children who are neither working nor studying. This data is used as these children are most vulnerable to become child labourers in future. These children are either dropped out or have never attended any educational institution. Map 1 shows the proportion of nowhere children across the state of Rajasthan.

Jaipur is the capital city of Rajasthan. It has the best infrastructure in the state in terms of educational opportunities and available resources to support it, employment opportunities, government institutions, etc. Several civil society organizations are working in Jaipur on issues related to education, migrations, labour rights, child rights etc. Still, Jaipur has 13.5% of its total child population in the category of nowhere children. That means 13.5 % of children in Jaipur neither attend school nor involved in any work in the state. This is an extremely sensitive and vulnerable category of children which can be easily targeted for child labour. There are districts in Rajasthan such as Jaisalmer, Bikaner, Barmer, Sirohi, Udaipur, Bhilwara, Ajmer, Pratapgarh, and Banswara which report the highest number of children who are neither enrolled in any school nor are working. There are high chances that such children get trafficked to cities for work or other illegal activities. They are highly vulnerable to exploitation.

Map 1: Proportion of 'nowhere children' in Rajasthan

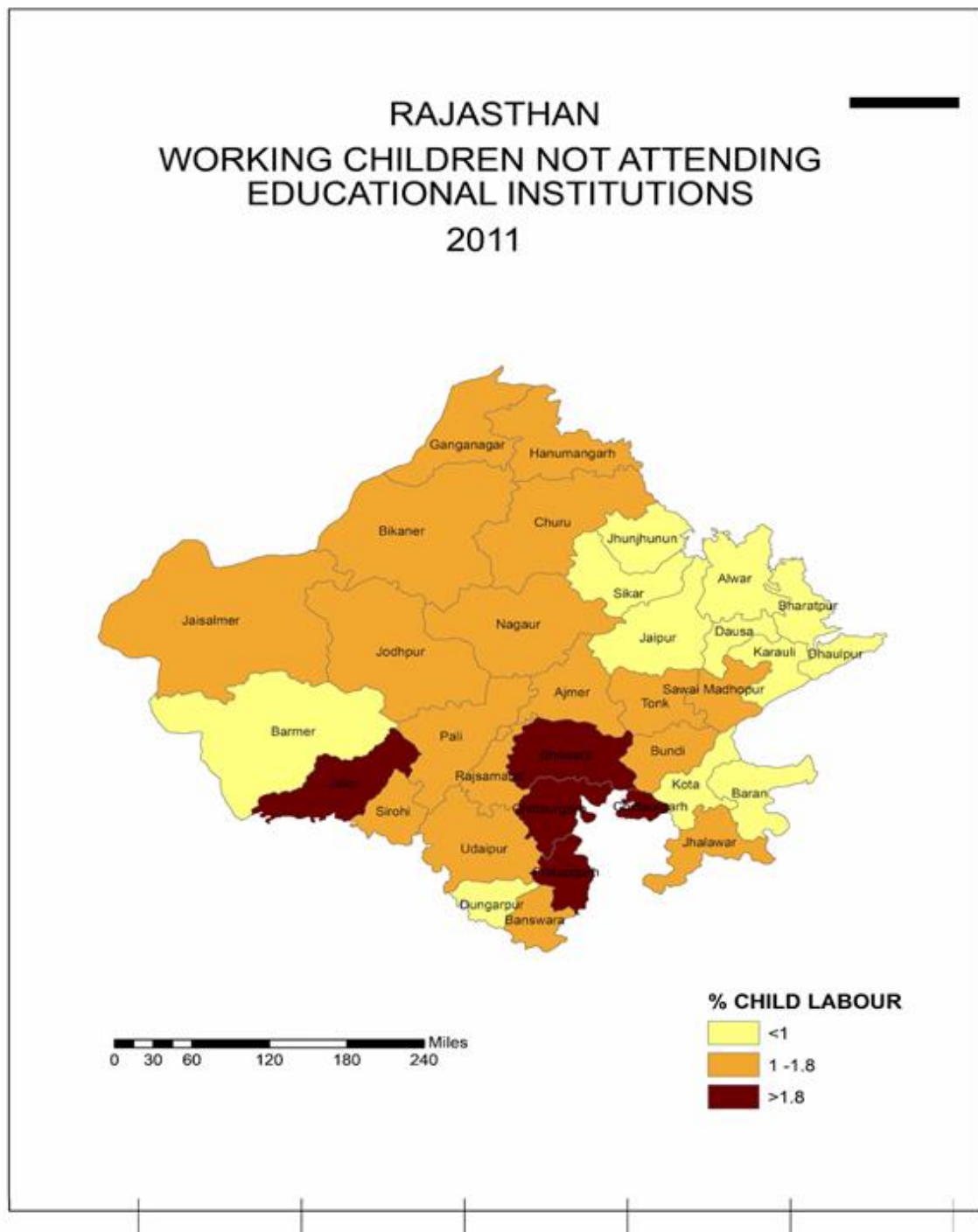


Source: Census 2011

Map 2 shows the proportion of working children who are not attending any educational institution in the state of Rajasthan. This question provides an important aspect of this study in identifying districts that have become hubs of child labour in the state of Rajasthan in the last decade. C-12 series of Census 2011 gives detail of the population age 5-19 attending educational institution by economic activity status and sex. The data of working children aged 6-14 years who are not attending any educational institution in the state of Rajasthan is drawn from C-12

series of Census. Following map shows the percentage distribution of the children who are working and not attending any educational institution. Jaipur falls in a category where less than 1% of children are working and not attending any educational institution. This means these children are working as full-time child labourers.

Map 2 Percentage of working children not attending any educational institution in Rajasthan



Source: Census 2011

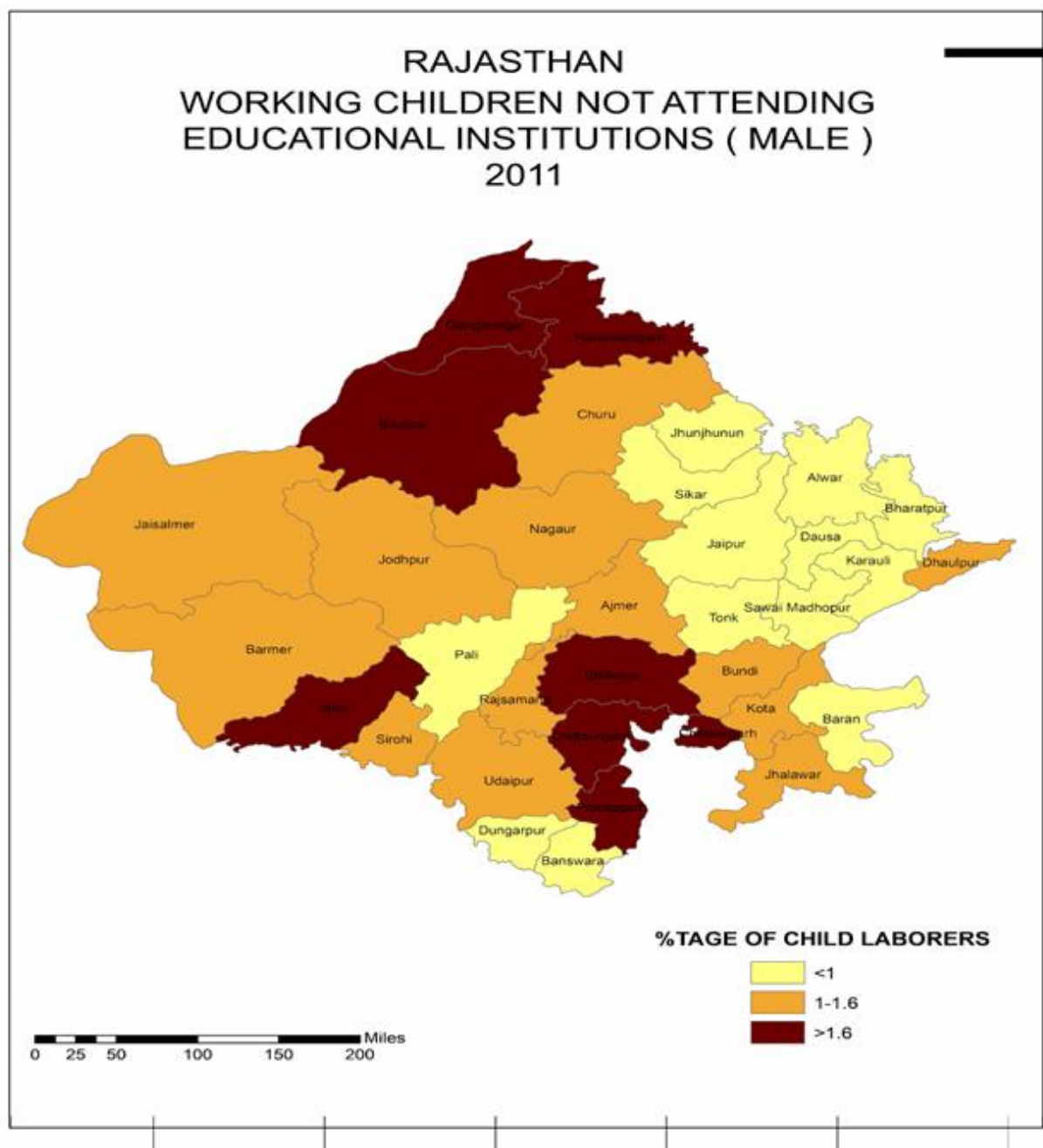
Districts such as Jalore, Bhilwara, Chittorgarh, and Pratapgarh have the highest percentage of working children who are not attending any educational institutions. These districts are in the rural belt of Rajasthan.

Map 3 and Map 4 shows male and female working children who are not attending any educational institution in the state of Rajasthan. Both the maps show Jaipur with less than 1% population of male and female children who are working and not attending any educational institution.

In the case of the male working population, as shown in map 3, districts such as Bikaner, Ganganagar, Hanumangarh, Jalore, Bhilwara, Chittaurgarh, and Pratapgarh have more than 1.6% working male children not attending any educational institution. In case of the female working population, as shown in map 4, districts such as Bikaner, Jalore, Sirohi, Ajmer, Bhilwara, Tonk, Chittaurgarh, and Pratapgarh have more than 1.6% female working population not attending any educational institution. In the case of female working children, the number of districts is more where working children are not attending any educational institution.

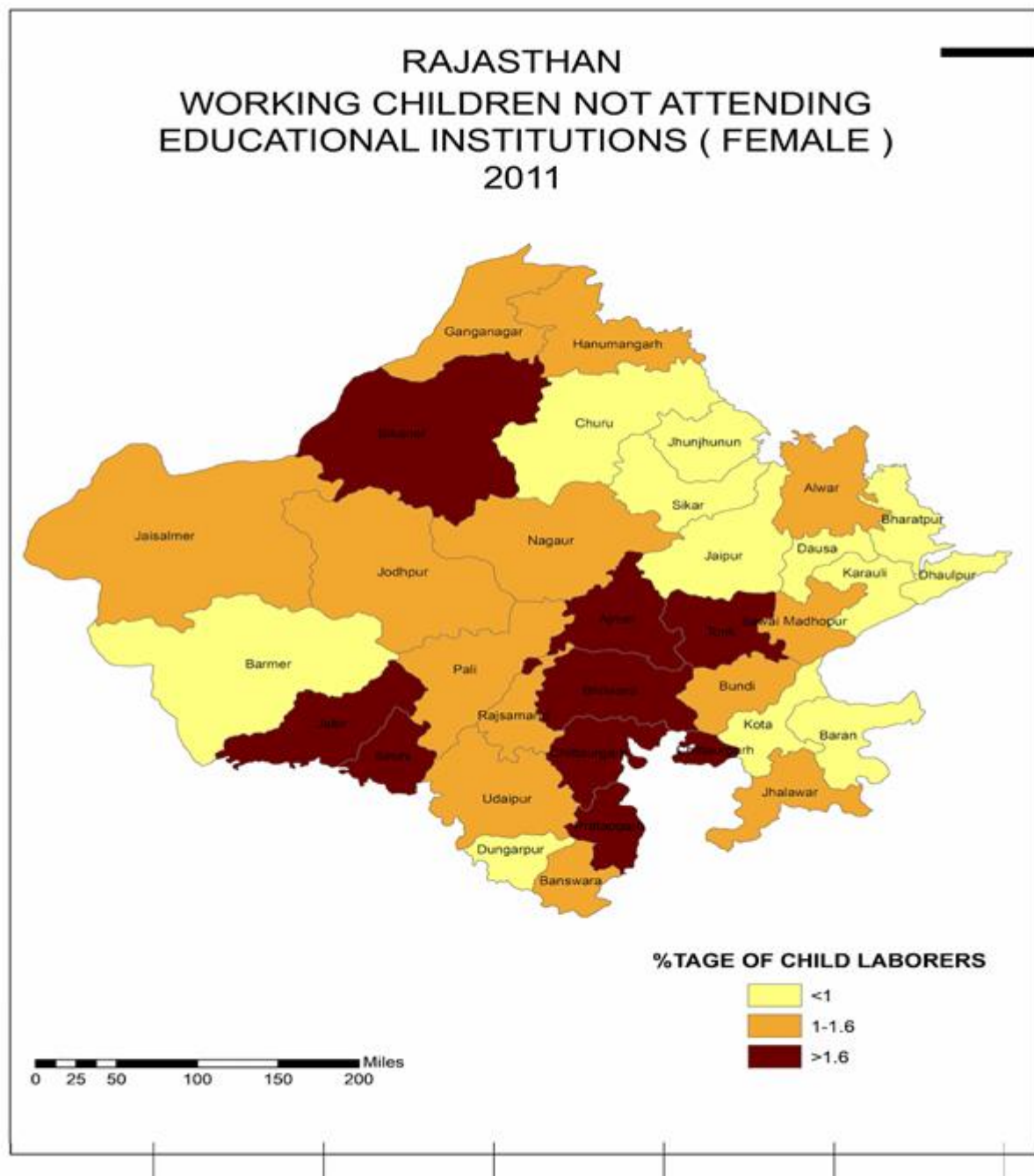
All these districts are in the rural area of Rajasthan and, Rajasthan suffers from poor literacy rate, enrolment rate, and retention rate of females in the rural areas and small urban towns in comparison to the rest of India (Anushree Sinha et al., 2019). It is important to reflect why some children are not being able to access any educational institutions even after a decade of Right to Education Act.

Map 3 Percentage of working children not attending any educational institution in Rajasthan (Male)



Source: Census 2011

Map 4: Percentage of working children not attending any educational institution in Rajasthan (Female)



Source: Census 2011

After looking at the Census data, it is important to look at some other recent data published by the government and civil society organisations working on the issue of child labour to get the recent updates on the issue.

As per the information shared by the Rajasthan State Committee for the Protection of Child Rights (RSCPCR) on the website, approximately 20-25 children are trafficked to Jaipur from different states every day. They are engaged in the workshops producing bangles, stacking stones on handicrafts etc. The annual report of *Child Labour Free Initiative*, a government of Rajasthan initiative suggests the presence of approximately 50,000 child labourers in the city of Jaipur alone. This figure is based on the estimates of police officials handling the cases of child trafficking and child abuse, and civil society organisations working in Jaipur. It is important to note that there is no systematic and rigorous survey conducted keeping this problem of the prevalence of child labour in mind. For data management, an online portal is maintained <http://trackthemissingchild.gov.in/trackchild/index.php> for updating the information regarding the rescued children. This data is maintained by the Child Welfare Committee (CWC) with the help of the Labour Department and Police. However, there is confusion about the exact number of children rescued according to the shared information from different departments. As per the officials, the reason for data mismanagement is the weak infrastructural support and inter-department communication. A report published in February 2018 on rescue operations in Jaipur stated that the trafficked children rescued in the city of Jaipur are primarily the ones who have dropped out of the schools or have never visited the school in their lifetime. The report shares the details that from the total number of children that were rescued in 2014-15 and 2015-16, only 18% were going to school at the time when they were brought to Jaipur from their home state. The health assessment of these children was great concern as only 9% of these children were found having a normal physical and mental state. The other 91% of the children were diagnosed with poor physical and mental health. Most of them were suffering from malnutrition. Some cases were found extremely violent where children were found with serious injuries and were referred by doctors for further treatment. (Freedom Fund, 2017)

In two years 2014-15 and 2015-16, a total of 1405 children were rescued as per a published report in 2017 on the website of Child Labour Free Initiative (CLFI). It is extremely important to look into the source areas of these children, to know from which state or districts they have come from and got engaged in child labour. As per the report, the majority of them, 1155 out of 1405 belong to Bihar. In 2014-15, 75% of the rescued children and in 2015-16, 89% of the rescued children

were from Bihar. The report claims, apart from Bihar some children were from West Bengal and Jharkhand. There were a couple of cases from Nepal as well.

To conclude, this chapter highlights the gravity of the issue of child trafficking and child labour in the state of Rajasthan through secondary data analysis. Apart from Jaipur, districts such as Bhilwara, Bharatpur, Jalor, Jaisalmer, and Barmer are with the highest number of working children not attending any educational institution. A special focus was given to the working children who are not attending any educational institutions as these remain the most vulnerable to exploitation. The data question the implementation of the policies that aim to prevent child labour and provide equal opportunity to access the fundamental right to education to all the children as discussed in chapter 3.

It is to be noted the gravity of the issue of child labour is beyond the available data as these activities operate under the shadow of illegal tags and data of the children engaged in this illegal work is difficult to estimate. This section also presents an important link between the children trafficked to Jaipur and their source location i.e their hometown. It was found that maximum cases of trafficked children are from the state of Bihar.

The next section, through a case study, tries to delve deeper into the problem of the prevalence of child labour in India even after a decade of the implementation of Free and Compulsory Education to All and more than three decades of Child Labour (Prohibition and Regulation) Act, 1986. It tries to identify the for the prevalence of child labour and examine the loopholes in the process of rehabilitation of child labour in more detail.

4.2 Case Study

The case study is divided into two parts. The first part is comprised of a comprehensive case study of a child who was withdrawn from the worst form of child labour as per the Convention no. 182 of ILO, and the second part discusses the linkage of social, economic, and psychological factors as major barriers to exercise the right to education for child labourers withdrawn from the worst form of child labour.

Part one discusses a case of a rescued child labourer. The child belonged to the state of Bihar and was rescued from the bangle making workshop in the city of Jaipur, Rajasthan by the state police in January 2019. The case study unfolds the struggle of a child with multiple deprivations to finally have an opportunity to exercise his Right to Free and Compulsory Education. It reflects on the reasons why, after finally getting enrolled in a government school in his village in Bihar, he stopped going to school? It raises the question on the educational rehabilitation of rescued children from child labour along with the effectiveness of the process involved in their educational rehabilitation.

This case study unfolds and reflects on some of the significant gaps in the policy implementation and institutional setback in the process of rehabilitation of the children withdrawn from the worst form of child labour through the journey of this child. Also, it tries to give details of major determinants of child labour in the popular handicraft industry of Jaipur as traditional bangles are the prominent part of the handicraft industry of Jaipur. This part answers the following research questions and objectives of the study:

Research Question 1: What are the determinants of child labour in the handicraft industry of Jaipur, Rajasthan?

Research Question 2: What are the loopholes in the process involved in the rehabilitation of child labourers withdrawn from the worst form of child labour?

Objective 1 of the study: To identify the determinants of child labour in the handicraft industry of Jaipur, Rajasthan

Objective 2 of the study: To analyse the bottlenecks in the processes of the rehabilitation of child labourers withdrawn from the worst form of child labour.

In part two, the researcher analyses the data and information from the field and attempts to study the linkage of social, economic, and psychological factors as major barriers to exercise the right to education. It highlights how in the absence of strong processes to deliver policy objectives at grassroots, the outcomes of the policy collapse.

This part answers the following research question and objective of the study-

Research Question 3- What are the challenges in the educational rehabilitation of child labourers withdrawn from the worst form of child labour?

Objective 3 of the study: To study the challenges of the sustainability of educational rehabilitation of child labourers withdrawn from the worst form of child labour.

Part 1

Arjun (changed name) is a 13-year-old child, quite different from other children as he started to work at a very early age instead of going to school. He has been coming with his parents who are migrant labourers to Jaipur from his village in Gaya, Bihar. In a year, for six months duration, they all stay and work in brick Kline in the glittering pink city of Jaipur. He belongs to a community which is considered as "untouchable" as per the social stratification of castes in the Indian society. From the community of untouchables, they belong to a caste called "Maanjhi" who is also known as the community of "Musahar" which means the rat eaters.

The child knows that a school is an important place, where many of his friends in his village go but he has never visited any school ever. He has four siblings. His elder brother is a labourer in the construction work in Patna and three younger sisters stay in the village with his grandmother and uncle. His life took a turn when his parents sent him with a man to work in the bangle making workshop away from them in the same city of Jaipur with a promise of food, shelter, and some money for him. He started to follow an extremely busy schedule that starts as early as 6 am and ends as long as 10 pm to midnight. He is not even allowed to take a bath as it can waste some costly minutes. He works as long as 16-18 hours a day in an extremely confined space. Indeed the cost of two meals a day is too expensive for this child and other children like him who in our free country are working as bonded labourers.

Profile of the Case

Name: Arjun (changed name)

Sex: Male

Religion: Hindu

Caste: Schedule Caste

Date of Birth: 01-01-2006

Education: Nil

Occupation: Child Labour**Sector:** Handicraft

Parents: Father and Mother both are migrant labourers, currently working in Jaipur

Family members: Male-06 Female-04

Date and Location of rescue: 08-01-2019, Jaipur

With the rise of the sun starts our day, but his day is controlled by somebody else. He didn't get to play either or take a nap even if he wishes to. If by chance he dazes off after getting tired of working, he gets electric shocks to get him up to work. Sometimes he gets beaten up by the sticks and scale if he is slow in the work he has been assigned. This was his life when he was working in a bangle workshop and used to makes famous and glittering "Laak ki Chudiyen" in Jaipur where he was trafficked to work as a child labourer with the consent of his parents.

Earlier he was working in the brick Kline with his parents who are migrant workers in Jaipur from Gaya, Bihar. The contractor at the brick klines construction sight convinced them to take Arjun along with him for work in the bangle workshops. He promised them 2 full meals, a place to stay, and a decent wage to him for this work. Nobody could think of the ugly reality behind these glittering bangles that decorate us on our special occasions.

One day, fortunately, the local police raided that workshop and rescued Arjun and other children working there. What all follow after that is narrated below:

4.2.1 Process of Rehabilitation of Child Labourers

The process of rehabilitation of child labourers have three major components: 1. Rescue, 2. Post Rescue and Legal Proceedings, and 3. Rehabilitation of the Child Labourer. Following are the details of each component of the rehabilitation process of the case study covered.

1. Rescue: The process of rescue operation can be divided into two phases:

1.1 Before the rescue

On 8th January 2019, five members along with the coordinator of the Child Line team went and informed the police about the child labour activities taking place near bypass road Jaipur.

1.2 During the Rescue

The police, acting promptly on the information, sent four policemen including a woman constable and the driver with the Child Line team to confirm the information. After the information confirmation at the said location, the police raided the house and rescued 4 children from a small room from the ground floor of the house. The photography of the place was done by the police on their mobile phone and arrested a 22-year-old man involved in the engagement of children in the work of bangle making. The man belongs to Gaya Bihar and was staying here on rent.

2. Post rescue and Legal Proceedings: Immediately after the rescue, the post-rescue proceedings start that consist of many important factors in the rehabilitation of the rescued child. Following are the details of post-rescue proceedings of the present case study.

2.1 First Information Report (FIR)

After the rescue operation, an FIR was registered with the help of NGOs against the employer of these children. The police were assuring the children about their safety and gave them biscuits to eat. In the police station, he was very nervous as he had seen so many policemen around him for the first time. All the children were asked to sit in a room and were given water and some snacks to eat. A policeman and a policewoman came to talk to them and asked them the details of the place they were working, they asked a few other questions related to the work they were doing and recorded their answers. The role of NGOs/Department or agencies dealing with child rights become prominent in registering the FIR of the case as they are well aware of the grassroot problem and laws governing these offences. 3In this case, the Child Line registered the FIR and following

are the Acts and Section under which the FIR was registered against the accused. A copy of the FIR is attached as Annexure 3

S.NO	Acts	Sections	Crime
1.	Indian Penal Code 1860	344	Wrongful confinement for ten or more days ¹
2.	Indian Penal Code 1860	370 (5)	Trafficking of minor in more than one occasion ²
3.	Indian Penal Code 1860	374	Unlawful compulsory labour ³
4.	Juvenile Justice (Care and Protection) Act, 2015	75	Punishment for Cruelty to the Child ⁴
5.	Juvenile Justice (Care and Protection) Act, 2015	79	The exploitation of a child employee ⁵
6.	Child Labour (Prohibition and Regulation) Act, 1986	03	Prohibition of employment of children in certain occupations and processes ⁶
7.	Child Labour (Prohibition and Regulation) Act, 1986	14	Penalties for permitting any child to work in contravention ⁷

Source: Registered FIR

2.2 Shelter Home: Medical, Statement recording, contacting concerned department, Counselling:

Soon after this, a shelter home was contacted by the police, and the rescued children were sent there. The shelter home had many other children rescued from different areas and work in the city of Jaipur. It was very well maintained by a private stakeholder with all necessities for the children. There were arrangements for full-time counsellors, sanitation staff, kitchen and a cook, a lawn to play, guest teachers for theatre, academics, painting and music. A separate case file is maintained for each child, containing the copy of FIR, medical report, counsellor's feedback and other necessary documents. There was a big hall with 30 beds in it. The hygiene was maintained and play equipment was also there for the children. In the next three day, Arjun along with other rescued children were sent for a medical check-up in the government hospital with a staff of the

¹ [Section 344 in The Indian Penal Code](#)

² [section 370\(5\) IPC](#)

³ [Section 374 in The Indian Penal Code](#)

⁴ [The Juvenile Justice \(Care and Protection of Children\) Act | Bare Acts | Law Library](#)

⁵ [The Juvenile Justice \(Care and Protection of Children\) Act | Bare Acts | Law Library](#)

⁶ [CHILD LABOUR \(PROHIBITION AND REGULATION\) ACT, 1986](#)

⁷ [CHILD LABOUR \(PROHIBITION AND REGULATION\) ACT, 1986](#)

shelter home. The general check-up and X-Ray was done and the reports were handed over to the shelter home staff.

After 40 days, on 18th February their statements were recorded in the office of Sub-Divisional Magistrate (SDM) and a certificate was issued in the name of the victim under the Central Sector Scheme for Rehabilitation of Bonded Labourer - 2016. He was again presented to the Child Welfare Committee (CWC) on 16th May 2019, 128 days later of his rescue. It is to be noted that till their repatriation to their hometown, to their family, the children stay in shelter homes. At shelter homes, they are given counselling, nutritious food, proper care, and tried different ways to get these children out of their physical and mental trauma. The government of their home state Bihar is then contacted by the Government of Rajasthan for repatriation.

2.3 Repatriation of the child: For the repatriation, the communication between the state government labour department takes place for making all the necessary arrangements to send children from the state where they were rescued to the state of their hometown. From the year 2017, the government of Rajasthan and the Government of Bihar is collaboratively working on the smooth repatriation of the child labourers of Bihar rescued in the city of Jaipur through local partner organisation and government support. It is extremely important to ensure that genuine parents or guardians take custody of the child. In June, Arjun along with other children were sent back to Gaya, his home town along with a staff of a local partner organisation working in this joint initiative of the government of Rajasthan and Bihar. All these children were received by another partner NGO working in Gaya with the government. All the children were taken to their families with complete safety and security. Their documents were collected and a separate file is maintained for each child with the state labour department. The information was updated on the online portal of the Ministry of Labour and Employment and State departments of labour.

3. Rehabilitation: The process of rehabilitation of the children withdrawn from the worst form of labour has three main dimensions discussed below:

3.1 Psycho-socio rehabilitation: They need to be assured of living a dignified life

In a conversation with the shelter home's counsellors, they have elaborated on the physical and mental condition of Arjun. The counsellors reveal that when Arjun came here, he was in a very devastating mental condition. He has internalised this subjugation to that extent that he has believed his whole life living like a bonded labour and supporting his family with the money he receives in exchange for his labour like his parents. The most challenging task for the counsellors

was to give him the confidence that his life has got so much more than just a 10x10 room where he was confined for living, working, eating, and sleeping. He has suffered extreme verbal and physical abuse at the workshops where he was employed. He was allowed to talk to his parents only once a week that too under the supervision of the employer who keeps a check on what he says, the employers use to make sure that he says only pleasing lies to his family about their wellbeing.

Different learning methods were tried with Arjun along with other children at shelter homes like painting, drama, self-defence etc. They were engaged in arts, sports and regular concealing so that they open up and start expressing themselves. The counsellor at the shelter home said when Arjun left for home from here, he was much better than when he came here. He promised to continue his education at his home back in Bihar.

3.2 Educational Rehabilitation: To mainstream the rescued child labourers in the formal education system. Enrolment of rescued child labourers who were out of school, in the neighbouring government school is an important aspect of valuing their life. Equipping them with the resources and aspirations to make the best of their life is the purpose of linking them with the formal education system.

Arjun kept his promise and with the help of a local NGO in Gaya, he was enrolled in 6th standard in a government middle school within the radius of 2 km of his house. He was enrolled directly in the 6th standard as per section 4 of Right to Education Act, 2009. Section 4 specified the provision for the enrollment of Out of School children as per the age-appropriate criteria.

On visiting him in his school in his home state, he was not found in his classroom. On enquiring from the teachers and other staff it was found out that he is not coming to school for the past two months. The teachers were not aware of his background as child labour and on learning about this fact, they share that even when Arjun use to come to school, he never use to speak. He looked very lost all the time. Even in other co-curricular activities of the school, he never participated.

He was found in his home in the school hours. In the interview he said, he was not keeping well for a long time. He expressed his disinterest in going to school as he was unable to understand anything. He has never gone to school before that and here he is directly admitted in standard 6th. He doesn't even know the basics and that's why find himself out of place sitting in the classroom. He feels alone as his mother and father both are still working in Jaipur and elder brother is also

away from home working in Patna. At home in Gaya, he has an old grandmother, uncle's family and three sisters. He expressed no desire to go to school and start learning.

It is important to check the learning competencies of the children before enrolling them into their age-appropriate class. It is equally important to invest in the school readiness of these children who are first time at a comparatively older age started going to school. He feels humiliated and insecure as he can't keep pace with the other children of the class. This situation puts a big question on the Right to Education, Act and National Child Labour Project (NCLP) which aims at rehabilitating child labourers through special training schools and Special training.

3.3 Economic Rehabilitation

As poverty is considered one of the main reason behind the child labour, it was provisioned to support the family of the child through linking them with some source of income to support their living. With the help of the local NGOs, the family of Arjun was supported by the government to start poultry. While his parents were still working in Jaipur, this small poultry business was looked after by his uncle.

His summons for witness in his case is yet to be called by the Jaipur District Court. At summon, he will again have to go to Jaipur with a representative of the labour department of the Government of Bihar. In the court hearing, he will have to face his culprits again in his battle against child labour. It's been 14 months that he was rescued from Jaipur and again moving towards a vulnerable state. On asking him how is he feeling now after coming home he said-

“Vaha hi acha tha, pet bhar k khana toh milta tha” (“Vaha” means the shelter home)

It is equally important to understand the accused of child labour and what are the factors that made them commit this crime. They are the one who creates the demand for child labour. It is equally important to look into the supply side of child labour as well to see the complete picture of this issue. This section tries to study the key actors in the bangle manufacturing units of the handicraft industry of Jaipur. Understanding the perspective of key actors, the researcher tried to identify the determinants of child labour in this industry.

The demand and supply for child labour in the manufacturing industry: The key actors in the manufacturing of bangles are one such factor responsible for the prevalence of child labour in Jaipur. If we see the scale of bangle manufacturing and retailing in the city of Jaipur, there are

several big and small bangle producing units spread across the city of Jaipur at a very large scale. However, there are some very prominent clusters specifically famous for these bangles. These clusters include Shastri Nagar, Bhatta Basti, Kotwali also known as "chotichopar", Subhash Chowk, Ramganj, Jotwara, Vishwakarma Nagar, Vidyadhae Nagar, Amer, Brahmpuri, etc. The bangle units in each cluster ranged from 1000-2000 units. The bangle making units are not operating in legally correct or official premises, they are mostly home-based. Based on the secondary data, site visit, observation, and interviews it was learned that Bhatta Basti is the biggest cluster for the manufacturing of lac bangles in Jaipur. Every house in Bhatta Basti is engaged in bangle making in some of the other forms. Also, Bhatta Basti is the largest market for the raw material of lac bangles in Jaipur. Therefore, raw material manufacturers and suppliers are one of the major actors in the bangle enterprise in this area.

Home-based bangle making units: Two types of actors are involved in these home-based units; one is from the local "manihar" community whose local business is making and selling bangles. Their whole family is involved in this occupation partially or fully. However, the number of units run by them are relatively less than the rented units of the people from outside the state. These rented premises are the second type of units run for manufacturing lac bangle in Bhatta Basti. Based on the interviews of locals, many people from the state of Bihar are coming and settling their business here. They rent home premises in these areas which are easily available at a very low cost and get children from their home-states to work for them in making Bangles. There is hardly any house in Bhatta Basti who is not doing the work of bangle making in either of the two forms.

4.2.2 Major determinants for the prevalence of child labour

The prevalence of child labour in Jaipur is in such a large scale that accessibility to work for poor children is more than the accessibility to school for them. The home-based industry that employs child labourers is operating in such a large number in Jaipur that it has created internal networking of people that shares the profits from exploiting the labour of these children to fill their pockets. Police, local politicians, small and medium businessmen, locals all are involved in these networks. The researcher was an eye witness of a home-based premise in Bhatta-Basti in Jaipur which has a board of police investigating officer outside the house and inside, small children were making bangles.

Following are the major determinants of child labour in the handicraft industry of Jaipur, Rajasthan.

- 1. The socio-economic vulnerabilities:** There are two categories of children observed working in the home-based bangle making units of Bhatta Basti of Jaipur. The first category of children is the children from the family itself who are at their home carrying out the work of lac bangle making. These children are not working full-time. They go to school and after coming from school they help their family in their occupation of bangle making. The interview with these children and their parents suggests that it is their family profession. i.e the "manihar" community is popularly known for making bangles. Therefore, the profession runs in the family and the children automatically are drawn in the art of bangle making. However, these children are under the protection of their own family and given required care and love. The second category of children in these bangle making enterprises is the children who are from outside Jaipur and are trafficked from poor states like Bihar, Jharkhand, Madhya Pradesh, Orissa etc to the city of Jaipur. The age of these children ranges from 5 years to 15 years. At such a young age where they should be legally going to school under the Right to Education Act, they are dragged in the hell of child labour. They are faced with multiple vulnerabilities at these workplaces which includes poor physical and mental health. As they work for a long duration of hours that stretch up to 16-18 hours a day, a high degree of physical and verbal abuse becomes common in their daily schedule. Additionally, they operate under hazardous working conditions which causes damage to their physical health. Monetary dependence as they have been sold by their parents to these people. These children have been told that their labour will directly be sent to their family at the village. The children were sent by the parents saying that they will be depending on their wages for their daily households so they also carry a mental burden of responsibilities of supporting their family by working for the bangle manufacturer. The greatest vulnerability for a child is the loss of education that directly deprives them of their growth and development and many other opportunities. It is understood from the field findings that poverty is still the main cause behind the prevalence of child labour in India. But, along with economic disadvantage, there are additional factors as per the information received from the respondents which are the root causes in pushing the socioeconomically poor children into the streets of child labour.

- 2. The Caste factor:** All the 16 children I have met at the shelter home including the case randomly selected to study in in-depth belonged to *Manjhi*, a scheduled caste in Bihar that is considered the poorest of the poor. A study of the National Human Rights Commission on the Musahar community reflects on their deprivation that even compels them to eat rats and other similar rodents for their daily survival. As per the Mahadalit Commission's interim report, the population of Musahars is nearly 2.2 million in the state of Bihar, spread across the flood-prone area of north Bihar to the drought-prone area of central and south Bihar. Their habitations are outside of the villages where the waste of the village is disposed of. Apart from Bihar, their community also has its presence in Jharkhand and Madhya Pradesh. Their literacy rate is almost non-existent at 9.8% which is the lowest ever in the Dalits. Marginalised caste-like "Majhi" in the state of Bihar and poor families from Muslim communities are in the majority amongst the child labour. in the records maintained by the government of the children rescued from Jaipur. Their community as a whole also doesn't take any action to save their children from child labour as they are deprived of the basic resources. They neither have work nor employment are they are not educated or specialised in any skill. They lack awareness about the government schemes and programs meant for their benefit. They are unaware of their rights and entitlements.
- 3. Gender and School Drop-out:** School drop out for females in poor houses is not something new in the state of Rajasthan. Considering the female safety as the girls of the house grows up, the parents find it easier to engage them in home-based child labour like making bangles, gem polishing, artificial jewellery making, embellishing apparels etc. According to them, it reduces their tension of the safety of the girl child and also an added support for the family income.
- 4. Indebted families:** There is a very large number of children who are trafficked from the state of Bihar to Jaipur. The bangle manufacturers are themselves from these states or have good connections in the local areas. They target poor marginalised communities by paying off their credit in exchange for their children. The local creditors exploit and harass the whole family due to their insufficiency to pay off their credit. They impose high-interest rates and manipulate these ill-informed and helpless people for their benefit. The option of somebody else paying off their credit is no less than a boon for them. And, the families get into the trap of these middlemen. They send one of their many children with them to work. This all happened through a well-planned network of child traffickers. Muslims and Dalits are mostly easy targets. As they are poor, marginalised and lack awareness and resources to exploit educational options for a better future. They belong to poor families and

marginalised communities of Bihar. Working is not a choice for them but the only option to survive. Even if they want to, they are overburdened with work that doesn't leave any time for them to invest in their education. They have a fair idea about the numerous other poor families like them who would be ready to send their children for work due to monetary deprivation. They know how to convince these families and their children. In their perception, they are helping these deprived families to support their living. However, it is to be noted that none of their family children is engaged in bangle making. They are continuing their education.

5. **Migration:** Again many labourers from the state of Bihar come in the search of work in the city of Jaipur. The dealers of child labourers also target them and lie to them to send their children to work with them in making bangles in exchange for money and 2 meals a day. Poor migrant labourers who lack options of staying, food and other amenities see it as a profitable option and send their children with them to get exploited.
6. **Difficulty in school admission for the children of Migrant workers:** The Migrant workers have no proof of their residence in that area which makes the school admission of their children difficult. **Even in private schools, to get admission under the EWS category, proof of residence is required. Local schools ask for a Transfer Certificate (TC)** for the admission of children in the middle of the session which these migrant workers don't carry with them. They generally stay in one place for 6 months and then go back to their home states. By the time they go back, the academic sessions get expired and out of compulsion the school gives them admission in the previous class. If we talk about the trafficked children, in most cases these children were not enrolled in any school in their home state. Even if enrolled, they were not regular in their schools. They are generally trafficked here by someone they know from their area. This is one of the main reasons the children don't give statements against these accused in the court.
7. **Lack of awareness/confidence on the educational potential:** Along with poor socio-economic background, lack of awareness about the educational potential is also one of the main reasons behind child labour. However, some parents send their children to nearby government schools but the worst thing is their disbelief in any change in their condition because of their children's education. Parents had this opinion that they have to send their children to the nearby schools because of the pressure from the NGOs but they know that this will not change their situation much. They said neither their children are learning anything in school nor they are contributing to a family learning to support their living. The manufacturer takes advantage of these factors and with the help of other locals

convince the parents of these communities to sell their children in exchange for money that varies from INR 1500-3000. They make false promises to them that they will give their children work in exchange for money and 2 meals a day to support them and their family and will also make arrangements for their education in the city.

- 8. Fear of age inappropriateness:** In discussion with the manufacturer who was also ex-child labourers, it came out that they were not aware of any options to continue their education after their master left them at the age of 15-17 years. They also felt ashamed of going to school at that age. Their suffering is the main reason they are now taking care of the education of their children.
- 9. Non-active National Child Labour Project (NCLP):** For mainstreaming the child labourers into the formal education system, the Ministry of Labour runs a comprehensive program called NCLP (National Child Labour Project). The field visit and interviews suggest that NCLP is not active in Jaipur. But, there is another option for the education of child labourers that is the construction worker scholarship scheme. But, again the beneficiaries are not aware of their entitlements under various such schemes. Mainstreaming child labourers is indeed a difficult task as even after admission they are vulnerable to drop-out again from the system.
- 10. Nimble hands:** The main reasons for engaging children in these bangle manufacturing units are the finesse the nimble hands of children give in decorating the bangles with glass, embellish, stones etc as per the interviews and discussions.
- 11. Cost-benefit:** Children are easy targets for extracting more labour at a minimum cost. They are easily manipulated and dominated to work at a stretch for long hours to achieve daily targets for maximum profits. The manufacturer's profit in bangle making is comparatively low and therefore, the manufacturer tries to maximize its profit and compensate this low margin by engaging child labour and exploiting them as much as he can. A middleman between parents and businessmen employing children act as a broker in child trafficking. The child works as a bonded labour until they recover the amount they have paid for the child to his parents. The child labourers start working as early as 7 am and continue to work at a stretch till 2 pm. They get lunch at 2 and a short break at around 5-6 pm. They again start to work till 12 or 1 at night and only after that they get dinner.

To conclude, this case study tried to capture the grassroots problems of policy implementation for the rehabilitation of child labourers which gets covered under the official records of the government data of rehabilitation. Further, while discussing the determinants of child labour in the

handicraft industry of Jaipur, Rajasthan, it reveals that child labour is an outcome of the systematic exploitation of the marginalised, and vulnerable sections of the society. And, ultimately it's the economically weaker section that becomes most vulnerable to this exploitation that ruins the childhood of millions of children. The study reflects on the challenges in the educational rehabilitation of child labourers withdrawn from the worst form of child labour.

Part II

This section tries to connect the dots of the various reasons that lead to the failed outcomes of educational rehabilitation of the child labourers. It reflects on the socio-economic conditions of some vulnerable communities of India that have the highest number of child labourers belonging to. The second portion while reflecting loopholes in the process of rehabilitation of child labourers discusses the problems and challenges in preventing child labour. Based on that, the section concludes with the inference based on the field finding that how child labour is a paradox to the right to education.

The socio-economic trap and the vicious cycle of child labour:

Everyone is equal before the law, therefore every child has an equal opportunity to live their childhood and exercise their Right to Education but, in reality, some children become less equal than other children because they are born in families which are socially and economically disadvantaged from the rest of others. And, these unequal socio-economic realities become the major reason for exploited and disturbed childhood for many that scarred them for life and put them into a mental condition that becomes a hurdle in their growth and development and ultimately impacts their chances of getting an education in later life.

The vicious cycle: It was found out that some bangle manufacturers themselves were child labourers once upon a time. They learnt the skill of making bangles back then and now have their businesses of the same. The thought of education couldn't so strongly convince them to leave their occupation and start their education. They said children go to school. Their childhood is over now, the only option they have now is to work.

The psychological impact: As per the shelter home counsellors, their self-esteem was shaken and low aspirations for their education and future are some of the results of the time that they have suffered during their stay at the bangle workshops. Most of the children when they came to the shelter home were found to have been suffering from insomnia as they were used to working long

hours. The first task for the counsellors is to make the children feel that we are going to be taken care of here that they are not going to send them anywhere else for work. They come in an extremely disturbing situation where they find it difficult to trust anyone. The day they are rescued is also a very difficult day for these children as the whole day they go through different mental trauma right from the rescue to going to the police station to SDM for recording their statement to going to the hospital for their medical check-up etc. The counsellors try different ways like drama, movie screening, dance, singing, painting etc. so that these children start to feel comfortable and open up to express their emotions. They also introduce some vocational training like art and craft to help these children explore something beyond their traumatic work culture. Art-based therapies are also given to children who don't respond much in other activities so that they can express their hidden emotions. Some special cases are referred to some specialised counsellors. The counsellors further explained that these children have gone through the extreme level of physical and mental torture. They are given earthing shocks if they get tired or fall asleep while working. They are being burnt by the candle wax if they are slow in their work or unable to meet the daily targets. There is no limit to the verbal abuse these children go through in the sights of child labour. At various instances of rescue operations, the owner/manufacturer packs these children in suitcases. After going back to their home states, they are re-trafficked to work in some other areas.

Problems and challenges in preventing child labour and child trafficking at the community level:

Community: We can call it a combined community effort in areas like Bhatta Basti to keep running the child labour for their benefit. The community gets benefited as the manufacturers will get food, ration, tea and other groceries from the locals. The whole scenario put a question mark on the Police alertness and the role of community in informing police about the incidences of child labour around them. The people involved, bribe the police in their favour therefore, many times the police rescue children and release them from different means. There are several incidents where the information about the rescue operation gets leaked from the police station itself. We can call it a system failure as the system is working against the cause.

Another important point is no action has been taken on the house owners whose houses are used for the child labour. The action is only been taken on the tenant involved in the child labour. It was observed in Bhatta Basti that a house of a police investigation officer is used for such illegal activities of child labour.

Community from where child labourers are coming: Factors such as poverty and lack of education when combined with the unequal social hierarchy makes the whole community extremely vulnerable for self-destruction. The whole community is so deprived of monetary and physical resources that they sell their children for child labour in exchange for some financial favours. Although there are assigned agencies to take care of such incidences like local NGOs, Police units, Human Trafficking Prevention cells etc. but still these incidences are prevailing at a large scale. It is an important challenge to make these local agencies accountable for such incidences taking place in their presence. As it is a question of accountability on all these institutions as well.

The middleman takes the route through public transport like buses and trains to traffick children. How are they not suspected by any of such institutions or community members in their long routes? How well are they actively working on the task at hand?

The education of the poor is always taken for granted. Their survival in society becomes the dominating question. Different organisations are working for child welfare and receiving heavy national and international funding for the cause but still, there are no integrated efforts to reap results by these institutions towards the betterment of these vulnerable children.

Judiciary: There is no fear in the people involved in child trafficking as the rate of conviction in the cases of child trafficking is extremely low. As per the advocates fighting cases for child labour, there are various rescue operations done by the task force, vigilance or police but the investigation followed remains too weak. The defence advocates know all these loopholes and easily win the case in favour of the accused due to lack of strong evidence.

In the legal proceedings, the children were summoned by the court 2-3 times in the case proceedings. They receive summons mostly when they are repatriated to their hometown through the department of labour. They couldn't even come for the evidence as they find it burdensome to travel from their home states to Jaipur again for the court proceeding. It becomes common that the victim's family is threatened by the accused and makes them hostile in the court in due time. It is important on the part of the court and public prosecutor to get into the details of the reasons why the children have become hostile?

After understanding the challenges in preventing child labour at the community and institutional level, the following section links it with the educational rehabilitation of child labourers.

Educational Rehabilitation: For the short term and long term goals of educational rehabilitation, two departments are responsible for the educational rehabilitation of the children rescued from child labour:

1. **Education Department:** For the educational rehabilitation of the children withdrawn from child labour, the provision of non-residential NCLP bridge centres is there in Child Labour (Prohibition and Regulation) Act and Juvenile Justice (Care and Protection) Act, 2015. In the absence of NCLP centres, child labourers to be linked to the Residential Bridge Centres under Sarva Siksha Abhiyan (SSA). It is the responsibility of the Education Department to conduct surveys of out of school children and also inform administration if a child is not coming to school for a long time.
2. **Municipal Authorities:** The role and support of municipal authorities are extremely important in the education of child labourers. As per the government provisions under the child care and protection acts, rescued children to be admitted in government schools without many formalities and certificates. For the convenience of the children of migrant labourers, the schools are permitted to take admissions of such children without considering a particular time of the year. Schools are even advised to take admissions even after October.

4.2.3 Challenges in the Educational Rehabilitation of Child Labourers

In the process of rehabilitation of Arjun, the process took more than six months to enrol him in a government school and still his court hearing is pending in the court. It is difficult to say how much time it will take for the whole proceeding to come to a close. As per the process of rehabilitation, the efforts were made to produce outcomes of his educational rehabilitation by getting him enrolled in the school. And, also his family's economic rehabilitation by financially supporting them to start poultry for their living.

But, in the end, the outcomes failed to sustain when Arjun stopped going to school for the following reasons:

1. **Lack of school readiness:** Arjun was 13 years old when he was rescued from child labour in Jaipur and got repatriated to his home in Gaya, Bihar with the help of the government department involved in the rehabilitation of child labourers. Till this age, he had never been enrolled in any school. In the 5 months he spent at the shelter home, he was supported by the teachers of the shelter home to learn the basics of school learning. However, at his home, after his enrollment in the school, he stopped going to school after three months.

On asking him about the reasons for not going to school, he said he was not able to keep pace with other students. He was unable to follow teachers in the class.

2. **Support from School:** On talking to the teachers available in the school, it was found out that none of the available teachers knows the case of Arjun. They said the child is coming for a long time. They discussed how the involvement of Arjun was almost nil in class. He used to sit in the corner and never used to say a word in the whole teaching period. However, he used to play with other children during break time or after school. It was surprising why no action was taken on behalf of the school on the long absenteeism of Arjun from the school. The school principal was on sick leave and not available to tell why he hadn't briefed the teaching staff on the situation of Arjun at the time of his admission to offer extra support from the teachers to cope up with the studies.
3. **Lack of family support for education:** Arjun's parents are migrant labourers. They work in Jaipur and he stays here with his grandmother, uncle's family and his siblings. On talking to family members, the researcher found out that the family members were also illiterate and other children of the house which were all girls also don't attend school. The elders, even after getting small economic support from the government of poultry, were more concerned about the poor economic condition of the house than the education of the children. As per Arjun's grandmother, children can only study when they get proper meals twice daily at least. According to them, they struggle to arrange food for the whole family so they can make arrangements for the child to get a good education.

Child Labour- A paradox to Right to Education: Right to Education, act flows from the right to life which guarantees free and compulsory education to all the children of India from age 06 to 14 years. Considering the instrumental role of education in the development of an individual being, these children when forcefully engaged in child labour get deprived of their right to education and right to life at the same time. They are kept in inhumane conditions and made to work for 16-18 long hours a day. These children are restricted to contact anyone around and are not even allowed to call their parents at home. Once a week or a fortnight they were allowed to call their parents that too under the surveillance of the unit owner or workers so that these children will not say the truth in front of them. The worst thing is trafficked children work as bonded labourers. Interview with the shelter home counsellor suggests many of these children have internalised the life of a bonded labour and have lost aspiration to see the real world outside the contracted space where they work, eat, and sleep.

Their whole experience leads to the prohibition of the overall development of children from three important dimensions:

Physical: Health issues like respiratory problems, developing visual impairment, cervical issues, bone dislocation, burns, deformed fingers and knees are some of the common problems found in the medical reports of rescued child labourers as per the respondents.

Mental/Psychological: These children experience a loss of self-confidence as they have been extensively abused and kept like servants for a long time, internalisation of the subjugation.

Social: With their previous background of poverty and social marginalisation when they have such terrible and horrific experiences it makes them completely numb. They lose their sense of belongingness with the society or family. This scenario was also seen in the case study covered in this research. He felt lost, didn't want to go to school or any other course. He could not relate with the other children of his age.

To conclude, it is important to understand why even after ten years of the enactment of Right to Education, Act, and 34 years of Child Labour (Prohibition and Regulation) Act 1986, millions of our children are forced into child labour and are deprived of their childhood and educational rights. It is important to reflect on the flaws in the processes of policy implementation to ensure the fulfilment of the policy objectives. It is even more important to act strongly in reducing the out of school children through a planned approach with integrated-inter-departmental planning.

Chapter 5

Discussion

The 86th constitutional amendment in 2002 mandates the state to provide Free and Compulsory Education to all the children from age 6 to 14 years and also puts legal responsibility on parents for sending their children to school for basic education. But, years before that, the National Child Labour Project was initiated in the year 1988 by the government of India under the plan of action for implementing the National Child Labour Policy. The project plan is supported by several national, state, and district-level programs to strengthen child care and education of the children rescued from child labour in India. The recent update in the guidelines of NCLP came in 2017 that has linked the educational rehabilitation of child labourers with section 4 of RTE, 2009. Section 4 of RTE gives provision for admission in the age-appropriate class to the child in the age group of 6-14 years who has never been admitted to any school or dropped out of the school before completing the elementary education. The section promises to give such children the right to receive special training through Special Training Centers (STCs) that bridge their learning gap and increase their readiness to join their age-appropriate class in any government school in the vicinity of their neighbourhood. Apart from the RTE, and NCLP, there are a significant number of prominent policies and program as discussed under policies and programs in the introduction of the study that firmly stands to prevent the prevalence of child labour and protect the right to education of every child. These policies aim to create an environment that can strengthen the educational opportunities for the unfortunate children who remained out of school due to child labour. These policies have created institutions for delivery the right to education to the most vulnerable children, rescued from child labour.

At this backdrop, the present study traced the struggle of a rescued child labourer in exploiting his educational opportunities with the existing socio-economic hardships of his family. The study revolves around the journey of a 13-year-old child from Gaya, Bihar who was working as a child labourer and was rescued from the bangle making workshops of the handicraft industry of Jaipur city of Rajasthan. Through his journey, the researcher found that the prevalence of child labour in Jaipur is in such a large scale that accessibility to work for poor children is more than the accessibility to schools. It reconfirmed the increasing cases of child trafficking for child labour (NCRB, 2019).

The case study when unfolded the determinants of child labour in the journey of Arjun from his home to the child labour workshops, it reconfirmed the impact of dominant factors such as social exclusion, income inequality, migration, and illiteracy on the prevalence of child labour in India even today. The findings of the present study confirm the reflections of Sanghera (2016) on social hierarchy, structures, relations and institutions as factors responsible for discriminatory practices. Sanghera emphasised the importance of linking the issue of child labour and children's right with the other important issues concerning human rights, Dalit, minorities, women, Adivasis, and the environment. He reflected on the deeper social hierarchy, structures, relations and institutions that have been standing on the exploitative practices of discrimination and oppression such as caste, gender, class, and religion. Arjun belongs to the *Manjhi* caste of *Musahar* community and caste is still the most dominating factor which keeps certain communities away from their educational rights. As emphasised by Weiner (1991) in his book *The State and the Child*, the unequal caste system in Indian society believes in limiting the social mobility of lower castes and classes which consequently leads to denial of equal access to educational opportunities for them. It was reflected in the case studied in the present research how an indebted socially excluded family was compelled to use its child as an asset in hard times. Parents themselves send their children with the broker in exchange for money or in expectation of getting money from the wages of their children as happened in the case of Arjun.

Following each step in the rehabilitation process of Arjun, loopholes in the process involved in the rehabilitation of child labourers withdrawn from the worst form of child labour were studied. After analysing the process of the rescue, post-rescue, and legal proceedings through the case study of Arjun, technical issues were found in the FIR which eventually weakens the charge sheet against the accused of child labour. The delay in the initiation of the legal proceeding has high possibilities to turn the child hostile against the accused. As in many cases, the accused is known to the family of the rescued child and influences the family and the child for not stating them in the court. This aspect of rehabilitation of child labourers is hardly covered in any of the qualitative studies on the issue of child labour and need further probing for its consequences leading to a low conviction rate of the accused of child labour and on the prevalence of child labour in India at large. This part of the study tried to cover the difference in the ways scholars and grassroots practitioners have viewed the issue of rehabilitation of child labourers.

The repatriation of the child to his hometown and the initiation of his rehabilitation in terms of educational and economic opportunities emphasised on the need and functioning of fast track

courts in dealing with the crimes against children. The duration of the court proceedings can directly be related to the outcomes of the socio-psycho rehabilitation of the child as the proceeding creates a flashback of the physical and psychological trauma a child has gone through during his time as a child labourer. This calls for evidence-based policy for the psycho-social rehabilitation of child labourers. Some studies have proved the importance of the psychological need for satisfaction in educational re-engagement (Nicholson & Putwain, 2018). The ILO has proposed a psychosocial approach in the process of rehabilitation of child labourers based on the Civil Society Organisation in Central and Eastern Europe. According to this approach, a space for dialogue is created with the victim (child) and his/her family for ensuring meaningful participation of the child in his/her social and learning environment. This initiative was mainly to target the mental conditioning and behaviour of the children who are a victim of child labour and their families so that they can come out of their mental barriers to growth. This holistic plan has customized rehabilitation plans as per the specific case (International Labour Office & ILO International Programme on the Elimination of Child Labour, 2007). However, no such program was planned or initiated in India till date.

The reasons for unsuccessful educational rehabilitation of Arjun that he stopped going to the neighbouring school in which he was enrolled in throw light on the challenges of educational rehabilitation of child labourers withdrawn from the worst form of child labour. The experience of educational rehabilitation of Arjun unfolded the non-functionality of the National Child Labour Project Scheme. As even after having an NCLP centre in Gaya, there are no provisions to make it accessible to the children in need. This indicates the weak processes in policy implementation and calls for the re-evaluation of the NCLP scheme which was last done in 2010 by V.V Giri National Labour Institute, an autonomous body of the Ministry of Labour and Employment, Government of India.

There was no arrangement to access the NCLP centre for the child. In the absence of NCLP, the child is entitled to receive special training as per section 4 of RTE so he will be at par with the other student. However, his stay in school was as short as 3 months. At this note, it is extremely important to look and analyse the loopholes in the implementation of two promising government initiatives that couldn't help a child to exploit his fundamental right to education. Apart from personal reasons such as lack of family support and economic disadvantages, the factors of institutional failures from school management are responsible for not being able to retain this child in the school. Lee (2013) mentioned the role of the government for institutional reforms in

achieving the provision for free basic primary education. Only having the right can't stand alone for children who though have the right but can't act on it. According to her, the effectiveness of rights is only possible if an individual would be able to do something with it and improve his standard of living. The ground reality indicated that creating institutions for policy implementation doesn't guarantee justice. The existing institutions need to be strengthened, and focus has to shift towards making the existing processes effective for policy implementation for the target group.

It was made possible only through a qualitative approach to study the challenging realities which are often ignored behind the data of successful rehabilitation that just ends with the enrolment of the rescued child in a neighbouring government school. The findings of this research study unfolded some key issues in the rehabilitation of child labourers that can become the reasons enough for their re-trafficking and school dropout. The findings of the study about the grassroots challenges in the educational rehabilitation of child labourers are significant to re-examine Right to Education Act from the right-based framework that focuses on reducing the out of school children.

Chapter 6

Conclusion

The present study was undertaken to reflect on the right to education from the lens of the educational rehabilitation of child labourers and factors that adversely affect some children to exploit the educational opportunities. A child cannot independently take decisions for himself and therefore, his developmental opportunities depend upon the decisions of his caretakers. Apart from the parents, the government is the rightful guardian of all the children of India for providing them equal educational opportunities after the right to education becomes a fundamental right of every child aged 6-14 years.

India has committed to stand strong against the practice of child labour in the country. It has passed legislation, ratified the UN Declaration of the Rights of the Child, and planned and implemented policies and programs under its impetus. But, child labour still stands as a hard-hitting reality on the face of India even today. The rehabilitation process of the child labourers is planned and implemented with an objective to mainstream these children into the formal schooling system. The aim is to provide them with an equal opportunity to education to develop to their full potential. However, in the presence of several loopholes in the rehabilitation process, the child becomes more vulnerable to get re-trafficked and drop out of the school. Consequently, the outcome of the policy fails at the grassroots level to achieve its objective in the absence of strong processes in implementing the policy on the ground. The gap between the policy and practice becomes the major reason for the weak implementation of any policy or program. Following are some of the major findings of the research undertaken that had unfolded the gaps in the whole process of rehabilitation of child labourers and their educational scope.

6.1 Major findings of the research

The case study tried to capture the grassroot problems of policy implementation for the rehabilitation of child labourers which gets covered under the official records of the government data of rehabilitation but leaves the child struggling to identify his existence on this mother earth which nurtures each of her creation but leaves innocent children like him with haunted memories and difficult alternatives. This research work reveals that child labour is an outcome of the systematic exploitation of the marginalised, and vulnerable sections of the society. And, ultimately it's the economically weaker section that becomes most vulnerable to this exploitation that ruins the childhood of millions of children. To cope with the poor economic conditions, families have

to treat their children as assets who can work and help them in difficult situations. Many families send their children with the broker in exchange for money or in expectation of getting money from the wages of their children. Such circumstances make these children and their parents develop 'false beliefs' that their exploiters are their patrons and supporters. Therefore, a menace like a child labour becomes acceptable even to those who are a victim of it. In this study, we have seen how parents of Arjun themselves sent him with the brokers for their financial support. The migration workers and their families become easy targets of child labour due to these socio-economic factors. In the process of rehabilitation of child labourers, some major loopholes lead to failure in achieving the intended outcomes. In the case study covered, the rescue operation was done by the local police. After the rescue, there have been technical issues raised by the civil society organizations on the effectiveness of the rescue operation. To file a strong charge sheet against the accused, there was a delay for the medical checkup, several problems arose in the transit process of the child to his native place, delay in starting the legal proceedings, delay in getting the compensation, etc. Due to the institutional setbacks and loopholes in the process of post-rescue and legal proceedings, the process took six months for repatriating the child to his home-town in Gaya, Bihar. It is important to note that during these six months after rescue, the legal proceeding of this case did not even initiate. The Jaipur District Court will summon the child through the child welfare department of the government of Bihar for the witness once the trial of this case starts. So, the role of fast track courts in the cases of children in need of care and protection plays an important role in the prohibition of child labour and securing their educational opportunities.

The child was sent back to his hometown safely but, without any legal hearing. There are high chances that the child becomes hostile and the accused find an easy escape from the punishment if the court proceedings take too long a time to hear the plea of the cases of child labour.

The labour department of the government of Bihar in partnership with local NGOs had the responsibility of the educational rehabilitation of this child. Considering all his documents, Arjun was enrolled in class sixth in the nearby government school in his village. The admission was done under section 4 of the Right to Education Act, 2009 that makes the provision of age-appropriate admission for the children who either have never been admitted to any school or dropped out of the school. The section on Policy and Programmes in the first Chapter elaborately discussed the role of NCLP in the educational rehabilitation of child labourers. Gaya district has one NCLP centre but it is very far from Arjun's house. The government school was close by so he was enrolled in the nearby government school. This indicates the weak processes in policy implementation. There is no arrangement to access the NCLP centre for the child. A poor family can't afford the travelling expenses to travel to the NCLP centre every day. This provision is also made without

making supporting provisions for the beneficiary of the NCLP Scheme to take its advantage. In the absence of NCLP, the child is entitled to receive special training as per section 4 of RTE so he will be at par with the other student. The responsibility of providing special training is of the school in which the child is enrolled. However, in the case of Arjun, he stopped going to school after three months of his admission as he has never been to school before and couldn't follow with the syllabus. The school didn't arrange extra classes for him. The teachers weren't even aware of the child's history of child labour. Also, the school administration didn't take any effort to enquire about his long absence from the school.

There are several factors discussed in this study that make children more vulnerable to child labour or trafficking. Some of these factors are at the family unit level, some are at the community level, and some are at the society level. Considering these factors, the process of rehabilitation of child labourers calls for a comprehensive, interdepartmental, and multidimensional approach to this problem. The sustainability of educational rehabilitation on paper becomes a major concern in reality. Therefore, to support educational rehabilitation, the socio-economic causal factors at family, community, and society level are needed to be addressed.

6.2 Implications

“The true measure of any society can be found in how it treats its most vulnerable member.” This quote of Mahatma Gandhi perfectly concludes the present case study.

Based on the logic of inductive reasoning, the policy implications of the present case study encourages to take planned and strategic action to systematically work on the root causes of child labour at a different level as discussed above.

Section 4 of RTE will not be effective if the provision of special training doesn't convert into a plan of action to improve the learning competencies of the out of school children who get admission in schools directly as per the criteria of age appropriateness. Many of these children are first-generation school learners and therefore, the role of school administration and management plays a key role. An assessment of the learning competencies of the child should become a prerequisite for enrolling him in his age-appropriate class. Based on his learning competencies, multigrade teaching methods to be adopted by school teachers to help build a positive learning environment for such students. To implement the provision of this section the Government must know the strength of out of school children, for this purpose, the appropriate government, local authority and school management committee along with teachers shall conduct a neighbourhood survey to know the actual strength of out of school or dropped out children as per the act. However,

this section needs a strong implementation and monitoring plan to become functional. A dashboard of such children can be created block-wise so that it is easy to monitor the attendance and learning progress of the children admitted under this section in their neighbouring schools. This will set accountability on the part of the school administration and management, and the family as well.

The case study also reveals the non-functionality of the NCLP scheme. Therefore, there is a need to understand the factors that prohibit the target group of this scheme, the rescued child labourers to receive its benefits.

Once the rescued child labourers are sent back to their native places, there is a lack of appropriate measures of rehabilitation of these children for their economical, educational, and psychological development. As the consequences of these loopholes along with the weak monitoring mechanism, re-trafficking of such children become another big concern as they again drop out of the school. If the problem of not sending children to school and engaging them in the child labour persists from the side of the family, then a collaborative effort of the local government and NGOs can play an important role in supporting such families economically and building their mindsets for educational opportunities.

The case study opened the black box of “mainstreaming the out of school children”. The more systematic it sounds, the more impossible and unreal it is for a child to go through so much trauma during a lifetime and continue his/her basic education with no hand-holding from the family, community, and the government’s side. When RTE becomes the fundamental right it makes parents responsible for sending children to the school and makes the state responsible to create the necessary infrastructure for the same. Here, both the guardians of the child, the parents, and the state failed to secure the educational right of a child. The process of educational rehabilitation lacks the essential component of psycho-social rehabilitation to strengthen the confidence and aspirations of a child that has suffered a high degree of continuous psychological and physical trauma at a very tender age.

The ground reality indicated that creating institutions for policies implementation doesn't guarantee justice. The existing institutions need to be strengthened, and focus has to shift towards making the processes effective for policy implementation for the target group. Following are some suggestions for future research to understand the dynamics of the issue of child labour and their educational rehabilitation.

6.3 Suggestions for future research

The present research covers the case study of a single child withdrawn from the worst form of child labour, using purely qualitative data in the limited timeframe. However, in future, similar qualitative studies can be done with a large sample size. A mixed-method of qualitative and quantitative research can also be used to examine the current status of the online portals of tracking the status of the rescued child labourers, maintained by the Ministry of Labour and Employment, Government of India. Quantitative data can be useful in assessing the trend across the states and districts for the prevalence of child labour. The issue of child labour can also be explored in other industries and sectors that reports high incidences of child labourers like the coal and mining sector, textile industry, glass industry, home-based industries etc. There's a need to unfold the dynamics of supply and demand side of child labour as all the factors revolve around the helplessness of poor families and unending greed of the employers of child labourers which only sees these small children as means of their cost-cutting and increased profit margins.

The issue of migrant labour is also one of the important aspects of the exploitation of children of migrant labourers and lost opportunities in their education. The absence of any educational plan or program for the continuity of the school education of the children of migrant labourers is also one of the evidence of hidden curriculum of social discrimination and inequity in the education system that can be further researched.

At last, it can't be denied that the proactive policies on education have significantly improved the literacy rates in India and opened diverse employment opportunities for the youth. However, the persistent prevalence of child labour in India calls for an urgent need to study the relationship between the trend in education and trend in the working child population. In an analysis of the educational level of the main child workers across various states in India within the age group of 5-14 years divulge a striking trend of the majority of workers is literate. This signals towards the strength of other factors which are socio-psycho, economic, and institutional.

In the future, research from the policy perspective may be conducted to understand, analyse, and evaluate the policy premise from the effectiveness of its implementation at the grassroots level. The philosophical lens of Amartya Sen's practical rationality and theoretical rationality can be used to study this issue in depth. Additionally, the capabilities approach can be taken as a theoretical framework to examine the process of rehabilitation of child labour in strengthening the capabilities of children withdrawn from the worst form of child labour to exercise their right to education and right to live a dignified life in the long run. A longitudinal study in this regard will help understand

the dynamics of child labour issues and impact evaluation of policies that aims to prevent child labour and reduce out of school children.

6.4 Limitations

1. **Coverage:** The process of rehabilitation covers a wide area right from the place of work where the child labourers were engaged, to the home town where they have been repatriated after the rescue. In this case study, the researcher had to travel to Jaipur and Gaya for the same purpose. In a short span of time taking perspectives of the stakeholders in two different locations becomes challenging.
2. **Continuity of Communication:** The researcher has emailed several stakeholders of the rehabilitation process of child labourers in Jaipur for the support in the study undertaken. These include shelter homes, advocates, and NGOs operating in Jaipur. Continuity of communication due to delay in responses, with different stakeholders was one of the most challenging tasks of this research study.
3. **Decoding legal procedures:** It is challenging to understand and translate the legal terms and documents involved in the whole process.
4. **Language:** It was difficult to understand the local language of the child's family for the researcher, and the child's family to understand the researcher. She finally had to take the help of a local NGO in that area for taking interviews and having informal discussions with the family members and locals.

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Annexure

Annexure 1: List of all the districts covered under NCLP

S.No	Name of the State	Count	Names of the District of NCLP
1	Jammu and Kashmir	03	Udhampur, Jammu, Srinagar
2	Punjab	03	Amritsar, Jalandhar, Ludhiana
3	Uttarakhand	13	Bageshwar, Champawat, Nainital, Udam Singh Nagar, Dehradun, Tehri Garhwal, Pauri Garhwal, Pithoragarh, Almora, Haridwar, Uttar Kashi, Chamoli, Rudra Prayag
4	Haryana	3	Panipat, Faridabad, Gurugram
5	Delhi	1	New Delhi
6	Rajasthan	27	Ganganagar, Tonk, Pali, Kota, Jodhpur, Chittaurgarh, Ajmer, Alwar, Bikaner, Churu, Hanumangarh, Jaipur, Sikar, Dholpur, Barmer, Nagaur, Dausa, Banswara, Baran, Jalore, Jhalawar, Dungarpur, Bundi, Jhunjhunu, Bharatpur, Bhilwara, Udaipur
7	Uttar Pradesh	53	Bhadohi, Mirzapur, Mainpuri, Etawah, Jaunpur, Sonbhadra, Etah, Gautam Buddha Nagar, Hapur, Sambhal, Mathura, Lucknow, Unnao, Pratapgarh, Aligarh, Sant Kabeer Nagar, Kushi Nagar, Agra, Allahabad, Balrampur, Rampur, Maharajganj, Ballia, Bareilly, Sitapur, Ghaziabad, Kheri, Hardoi, Banda, Faizabad, Ghazipur, Mau, Kannauj, Gorakhpur, Firozabad, Budaun, Bijnor, Gonda, Shravasti, Shahjahanpur, Bahraich, Barabanki, Jhansi, Lalitpur, Rae Bareli, Basti, Azamgarh, Bulandshahr, Varanasi, Saharanpur, Sultanpur, Meerut, Moradabad
8	Bihar	23	Madhubani, Sitamarhi, Purnia, Purbi Champaran, Nalanda, Muzaffarpur, Pashchim Champaran, Jamui, Nawada, Gaya, Khagaria, Saharsa, Patna, Samastipur, Kishanganj, Banka, Saran, Bhagalpur, Araria, Madhepura, Begusarai, Supaul, Darbhanga
9	Nagaland	1	Dimapur
10	Assam	5	Nalbari, Nagaon, Lakhimpur, Kamrup, Bongaigaon

11	West Bengal	20	Hooghly, Nadia, Medinipur East, Murshidabad, Birbhum, Maldah, Dinajpur Dakshin, Dinajpur Uttar, Jalpaiguri, 24 Paraganas South, Purulia, Kolkata, Darjeeling, Coochbehar, Paschim Bardhaman, Purba Bardhaman, Medinipur West, Howrah, Bankura, 24 Paraganas North
12	Jharkhand	8	West Singhbhum, Garhwa, Palamu, Pakur, Sahebganj, Hazaribagh, Ranchi, Dumka
13	Orissa	24	Nabarangpur, Cuttack, Gajapati, Kalahandi, Ganjam, Jharsuguda, Balangir, Mayurbhanj, Jajapur, Kendujhar, Dhenkanal, Khordha, Malkangiri, Bargarh, Deogarh, Koraput, Baleshwar, Anugul, Bhadrak, Sundargarh, Sambalpur, Rayagada, Nuapada, Nayagarh
14	Chattisgarh	8	Surguja, Raipur, Raigarh, Rajnandgaon, Durg, Bilaspur, Korba, Dantewada
15	Madhya Pradesh	22	Jhabua, Rajgarh, Barwani, Jabalpur, Rewa, Shajapur, Mandsaur, Gwalior, Indore, Dhar, Ujjain, Sagar, Ratlam, East Nimar, Khargone, Katni, Chhindwara, Sidhi, Guna, Satna, Damoh, Shivpuri
16	Gujarat	9	Kachchh, Rajkot, Panch Mahals, Ahmadabad, Banas Kantha, Bhavnagar, Surat, Dohad, Vadodara
17	Maharashtra	18	Nanded, Jalna, Parbhani, Pune, Amravati, Aurangabad, Yavatmal, Jalgaon, Gondia, Thane, Buldhana, Sangli, Solapur, Beed, Nandurbar, Nashik, Mumbai Suburban, Dhule
18	Andhra Pradesh	12	Visakhapatnam, Vizianagaram, West Godavari, Prakasam, Guntur, Anantapur, Krishna, Chittoor, East Godavari, Spsr Nellore, Kurnool, Srikakulam
19	Karnataka	17	Ballari, Raichur, Kolar, Tumakuru, Haveri, Bagalkot, Bengaluru Rural, Belagavi, Mysuru, Koppal, Vijayapura, Chitradurga, Bengaluru Urban, Davangere, Kalaburagi, Mandya, Dharwad
20	Tamilnadu	18	Krishnagiri, Namakkal, Salem, Coimbatore, Dharmapuri, Thiruvallur, Dindigul, Theni, Vellore, Kanchipuram, Chennai, Tiruchirappalli, Erode, Tiruvannamalai, Pudukkottai, Virudhunagar, Tuticorin, Tirunelveli
21	Telangana	31	Siddipet, Jagitial, Hyderabad, Jangoan, Bhadradri Kothagudem, Warangal Rural, Nirmal, Mancheri, Kamareddy, Mahabubnagar, Sangareddy, Vikarabad, Ranga Reddy, Khammam, Nizamabad, Karimnagar, Peddapalli, Nalgonda, Medchal Malkajgiri, Medak, Suryapet, Jogulamba Gadwal, Kumuram Bheem Asifabad, Warangal Urban, Nagarkurnool,

			Mahabubabad, Rajanna Sircilla, Yadadri Bhuvanagiri, Wanaparthy, Jayashankar Bhupalapally, Adilabad
	Total	319	

Source: pencil.gov.in, Ministry of Labour and Employment, GOI

Annexure 2: Children rehabilitated under NCLP scheme from 2012-15

States	2012-13	2013-14	2014-15	Total (2012-15)	Total Child Workers (2011 census)
Bihar	1,162	3,736	14, 020	18, 926	451,590
Delhi					26,473
Uttar Pradesh	10, 616	7,310	10, 627	28,553	896,301
Tamil Nadu	3,671	3,436	3, 391	10, 498	151, 437
Telangana & Andhra Pradesh	7,840	5,715	2, 725	16, 280	404, 851
Total (All-India)	72, 976	64, 050	97, 833	234,859	4,353,247

Source: 'Child Labour', Rajya Sabha unstarred Question No. 1969, answered on 13 May 2015, Ministry of Labour and Employment, Government of India

Annexure 3 FIR of the child chosen for the case study

N.C.R.B/एन.सी.आर.बी
I.I.F.-I / एकीकृत बॉय कार्ड-1

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)
(प्रथम सूचना रिपोर्ट)
(धारा 154 दण्ड प्रक्रिया संहिता के तहत)

1. District (जिला): जयपुर शहर (उत्तर) P.S. (थाना): गलतागेट Year (वर्ष): 2019

2. FIR No. (प्र.सू.रि.सं.): 0020 Date and Time of FIR (एफआईआर की तिथि/समय): 08/01/2019 17:10 बजे

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धाराएँ)
1	भा दं सं 1860	344
2	भा दं सं 1860	370(5)
3	भा दं सं 1860	374
4	किशोर न्याय (बच्चों की देखभाल और संरक्षण) अधिनियम 2015	75
5	किशोर न्याय (बच्चों की देखभाल और संरक्षण) अधिनियम 2015	79
6	बालक श्रम (प्रतिषेध और विनियमन) अधिनियम, 1986	3
7	बालक श्रम (प्रतिषेध और विनियमन) अधिनियम, 1986	14

(a) Occurrence of offence (अपराध की घटना):

1. Day(दिन): मंगलवार Date From (दिनांक से): 08/01/2019 Date To (दिनांक तक): 08/01/2019

Time Period (समय अवधि): पहर Time From (समय से): 13:45 बजे Time To (समय तक): 17:00 बजे

(b) Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई): Date (दिनांक): 08/01/2019 Time (समय): 17:00 बजे

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 047 Date & Time (दिनांक एवं समय): 08/01/2019 17:10:00 बजे

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाने से दिशा और दूरी): उत्तर, 1 किमी Beat No. (बीट सं.):

(b) Address(पता): रहीमन कालोनी, दिल्ली बाईपास रोड

Particulars of properties of interest (Attach separate sheet, if necessary)
(सम्बन्धित सम्पत्ति का विवरण (यदि आवश्यक हो, तो अलग पृष्ठ नൽपी करें)):

S.No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य(रु में))
1	सांस्कृतिक सम्पत्ति	आभूषण	चूड़ी बनाने में प्रयुक्त होने वाले उपकरण चूड़ी बनाने का एक लकड़ी का बेसन, लकड़ी का हुत्था, चार प्लास्टिक की कड़ी चूड़ियाँ व 9 प्लास्टिक की पाँखी चूड़ियाँ, एक लोहे की चिमटी, चूड़ी पर छिपकाने के काम में आने वाले नगीनों का एक पैकिट तथा चूड़ी पर नगीनें छिपकाने के काम में आना वाला केमिकल सुग्दीनुमा एक पैकिट को जरिये फर्द बतौर बजह सबूत पृथक से जप्त कर एक सफेद कपड़े की थैली में सील्ड मोहर कर कब्जा पुलिस में लिया गया।	

10. Total value of property stolen(In Rs/-)
(चोरी हुई संपत्ति का कुल मूल्य(रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण न., यदि कोई हो):

S.No. (क्र.सं.)	UIDB Number (यू.आई.डी.बी. संख्या)
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12. First Information contents (Attach separate sheet, if necessary)
(प्रथम सूचना तथ्य(यदि आवश्यक हो, तो अलग पृष्ठ नल्पी करें)):

श्रीमान बानाधिकारी महोदय पुलिस थाना गलता गेट जयपुर (उत्तर)। विषय:- बंधक बनाकर बालश्रम करवाने वाले लोगों विरुद्ध आपराधिक प्रकरण पंजीबद्ध कर कानूनी कार्यवाही करने बाबत। महोदय निवेदन है कि आज दिनांक 08.01.19 को समय 1.20 पी.एम पर चाईल्ड हेल्प लाईन टीम, 22 महात्मा गांधी नगर डीसीएम अजमेर रोड जयपुर से श्रीमती सुमन सिंह कॉन्टेनर मय सदस्य श्री नूपेन्द्र सिंह, शान्ती, श्री विनोद, श्री नवरत्न के उपस्थित थाना आये व अवगत कराया कि बासवनपुरा इलाका में बालकों से कारखानों में काम करवाया जा रहा है। उक्त ईत्तला की तस्दीक व कार्यवाही हेतु मन् रामलाल सहायक उपनिरीक्षक मय हमराही जाता जगदीश कानि. 7392, बी बुद्धराम कानि. 6222, महिला कानि. संतोष 4693 मय जीप सरकारी चालक कर्मवीर मय अनुसंधान बॉक्स व चाईल्ड हेल्प लाईन टीम के साथ थाने से समय 1.25 पी.एम पर रवाना होकर टीम के बताये अनुसार रहीमन कॉलोनी के आगे दिल्ली बाईपास रोड जयपुर पर समय 1.45 पी.एम पर पहुँचे। चाईल्ड हेल्प लाईन टीम द्वारा बालश्रम करवाने वाले बताये गये स्थान मकान नम्बर 16 अजन्ता विहार कॉलोनी, ईदगाह दिल्ली बाईपास रोड जयपुर की तस्दीक सादाबख्तधारी कानि. श्री बुद्धराम 6222 को भेजकर करवाई गई तो उक्त मकान के ग्राउन्ड फ्लोर पर बने पूर्व मुखी कमरे के अन्दर कमरे को बंद कर छोटे छोटे बच्चों से बालश्रम करवाये जाने की पुष्टि की। जिस पर मन् सहायक उपनिरीक्षक मय हमराही जाता मय चाईल्ड हेल्प लाईन टीम के सदस्यों के मकान के अन्दर प्रवेश कर मकान के मुख्य गेट के पास स्थित पूर्व मुखी कमरे के बन्द गेट को खोलकर अन्दर प्रवेश किया तो कुल चार छोटे छोटे बच्चे चूड़ी बनाने का काम करते हुये मिले जिनकी फोटोग्राफी मन् सहायक उपनिरीक्षक ने अपने मोबाईल में की। कमरे के अन्दर बच्चों से काय करवाते हुये मिले शख्स से नाम पता पूछा तो उसने अपना नाम मोहम्मद शेरजहां पुत्र मोहम्मद कौशर जाति शेख मुसलमान उय 22 वर्ष निवासी मकान नम्बर 16, अजन्ता विहार ईदगाह दिल्ली बाईपास जयपुर बताया। चूड़ी बनाने

4) Transferred to P.S. (थाना):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .
F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the
complainant/informant free of cost.

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गई, सही दर्ज हुई या ना और एक प्रति निःशुल्क शिकायतकर्ता को दी गई)
R.O.A.C. (आर.ओ.ए.सी.)

District (जिला):

N.C.R.B./एन.सी.आर.बी
I.I.F.-I / एकीकृत जाँच फार्म-I

14. Signature/Thumb impression of the complainant / informant
(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

Signature/

Signature of Officer in charge, Police Station
(थाना प्रभारी के हस्ताक्षर)

15. Date and time of dispatch to the court
(अदालत में प्रेषण की दिनांक और समय):

Name(नाम): Hari singh

Rank (पद): SI (Sub-Inspector)

No(सं.):

