

NOT MADE BY CHILDREN

Working with Children@Work

Realities, Responses and Responsibilities

Tool Kit



GLOBAL MARCH

Against Child Labour
Contra el Trabajo Infantil
Contre le Travail des Enfants

“Not Made by Children” is a campaign by **Global March Against Child Labour** aiming to contribute to the elimination of the worst forms of child labour and trafficking in the garment sector in India by supporting socio-economically viable and sustainable solutions to improve inspection and monitoring in the garment supply chains, by strengthening the labour inspectorate, providing comprehensive remediation for victims, and promoting decent work for adults, including trade union representation and collective bargaining. Activities under the campaign were carried out by Global March Against Child Labour in collaboration with **Developmental Initiatives for Social Causes (DISC)**, that hosts **Garment Workers' Union** (under the aegis of INTUC) and **Bachpan Bachao Andolan (BBA)** under a grant by UKaid from Department for International Development' (DFID) Responsible and Accountable Garment Sector (RAGS) Challenge Fund.

DESIGN OF TOOLKIT

The Toolkit is designed with the intent to present the conceptual, factual and actual understanding of child labour in a simple, short and systematic manner. The toolkit is also designed to suit differential requirements of various stakeholders such as companies, employers, non-government organisations (NGOs), trade unions, child development workers, child right activists as well as for all citizens and any person having concern for the issue of child labour. The toolkit is divided into three segments: **Understanding Realities, Responses and Responsibilities**.

This toolkit is intended to bring all sections of society together in order to make concerted efforts to understand issues related to working children, to eliminate child labour and to improve the conditions of employment of young persons above the minimum age of employment for a child friendly society. This toolkit is an outcome of our learning while working with different stakeholders related to working children. It has been prepared with a two fold objective:

- *first*, to extant different aspects of child labour in our context to stimulate thought processes in general, and
- *second*, to share experiential learning with the purpose to spawn action by readers, if possible.

“ Child labour fosters a vicious circle of poverty because such children remain uneducated and keep performing unskilled repetitive tasks that erode their employability in future. ”

- Kailash Satyarthi, Chairperson
Global March Against Child Labour

WHO IS A CHILD?

A child means every human being below the age of 18 years. (UN CRC, 1989)

Though the age of child varies in different legislations depending upon purpose, In India the **Juvenile Justice (Care and Protection of Children) Act, 2000**, defines a child in need of care and protection as any person who has not completed eighteen years of age. (Section 2 (k))

WHAT IS CHILD LABOUR?

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by:
 - depriving them of the opportunity to attend school;
 - obliging them to leave school prematurely; or
 - requiring them to attempt to combine school attendance with excessively long and heavy work.

- International Labour Organization (ILO)

WHAT ARE CHILD RIGHTS?

Child rights are specialised human rights that apply to all human beings below the age of 18 years.

Child rights include the children's rights adopted in the United Nations Convention on the Rights of the Child (UN CRC) on 20 November, 1989 and ratified by the Government of India on 11 December 1992. There are four categories covering all civil, political, social, economic and cultural rights of every child:

**Right to
Survival**

**Right to
Protection**

**Right to
Participation**

**Right to
Development**

“Humanity has to do its best for the child.”

Child labour includes those children (minors under age 18) working in the worst forms of child labour as outlined in ILO Convention 182 on the worst forms of child labour and children engaged in work that is exploitative and/or interferes with their ability to participate in and complete required years of schooling, in line with ILO Convention 138 on minimum age of employment.

Hazardous child labour, is popularly “Work, which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”

1. work which exposes children to physical, psychological, or sexual abuse;
2. work underground, under water, at dangerous heights or in confined spaces;
3. work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
4. work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
5. 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

The national laws or regulations define and prohibit “work which by circumstances” is hazardous to children. In India, according to the **Child Labour (Prohibition and Regulation) Act 1986**, no child shall be employed or permitted to work in any of the prohibited occupations and processes as defined.

Some of the Hazardous Occupations:

Transport of passengers, goods or mails by railway; Cinder picking; Clearing of an ash pit or -building operation; Work in a catering establishment at a railway station, involving the movement into or out of a moving train; Construction and building industry; Work relating to selling of crackers and fireworks in shops with temporary licences; Abattoirs/slaughter Houses; Automobile workshop and garages; Foundries; Handling of toxic or inflammable substances or explosives; Handloom and powerloom industry; Mines (underground and underwater) and collieries; Plastic units and fiberglass workshops.

Some of the Hazardous Processes:

Bidi-making; Carpet-weaving; Cloth printing, dyeing and weaving; Manufacture of matches, explosives and fire-works; Mica-cutting and splitting; Tanning; Wool-cleaning; Building and construction industry processing, polishing of granite stones; Slate pencils (including packing); Processes using toxic metals and substances, 'Printing; Soldering processes in electronics industries; Aggarbatti' manufacturing; Automobile repairs and maintenance; Brick kilns and roof tiles units; Fabrication workshops (ferrous and non-ferrous); Gem cutting & polishing; Stone breaking & stone crushing; Tobacco processing, Utensils making, polishing and metal buffing; 'Zari' making; Diamond cutting & polishing; Rag picking & scavenging and many more...

Children often work in dangerous, unhealthy or unsafe conditions that could result in a child being killed, injured or becoming ill.

According to the report *Children in India 2012: A Statistical Appraisal by Government of India (2012)* children, under age 14 are often forced to work for as many as 18 hours a day. They are subject to malnutrition, impaired vision, deformities from sitting long hours in cramped overcrowded workplaces; they become easy preys to deadly diseases like serious respiratory diseases, T.B., and cancer. They are often forced to lead solitary lives away from their families, deprived of meaningful education and training opportunities that could prepare them for a better future.

GENERAL HAZARDS AND RISK

- long working hours, lack of rest periods, consecutive working
- work arrangements
- monotonous or poorly designed worked
- sexual, physical, verbal harassment and/or abuse
- bullying
- violence and aggression
- working alone or working in overcrowded spaces
- use of dangerous machinery (including electrical equipment, sharp tools, etc)
- use of harmful (including carcinogenic chemicals)
- ergonomic hazards
- extreme temperature (exposure to extreme heat or cold) and weather
- poor hygienic and sanitary conditions
- psychosocial hazards
- noise and vibration
- other serious health and safety hazards

The raid and rescue operations in the zari embroidery sweatshops exposed the sordid tale of child labour and trafficking. Hari (name changed), an 8-year-old boy originally from Bihar, was forced to work for 12-13 hours every day in a 10 ft x10 ft basement for no salary. When the lock of his factory was broken by the BBA activists and the labour department officials, he was shaven from head to toe and was working wearing only underwear. When asked why he was like that he said that it was because of the unbearable heat (New Delhi's average temp. in June is more than 42 degree celsius) and there was no fan or any other means of ventilation.

(Bachpan Bachao Andolan)

GLOBALLY

- 168 million children are in child labour, accounting for almost 11 percent of the world population. More than half of these children, 85 million in absolute terms, are involved in hazardous work that directly endangers their well-being.

IN INDIA

- according to a latest government report¹, India has 4.98 million child labourers, while NGOs estimate it to be approx. 50 million.
- Government reports² 452,679 children trafficked across the country between 2008-09 and 2011-2012.

TRAFFICKING OF CHILDREN FOR FORCED LABOUR

Large number of child labourers are also victims of trafficking. "Trafficking of persons" is defined in the Indian Penal Code (IPC) Section 370 as:

"(1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d)

transfers, or (e) receives, a person or persons, by—

First.— using threats, or

Secondly.— using force, or any other form of coercion, or

Thirdly.— by abduction, or

Fourthly.— by practicing fraud, or deception, or

Fifthly.— by abuse of power, or

Sixthly.— by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Explanation 1.— The expression "exploitation" shall include prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the forced removal of organs.

Explanation 2.— The consent of the victim is immaterial in determination of the offence of trafficking."

'I was bought from my parents' village in (the northern state of) Bihar and brought to New Delhi by train,' he says. 'The men came looking for us in July. They had loudspeakers in the back of a car and told my parents that, if they sent me to work in the city, they won't have to work in the farms. My father was paid a fee for me and I was brought down with 40 other children. The journey took 30 hours and we weren't fed. I've been told I have to work off the fee the owner paid for me so I can go home, but I am working for free. I am a shaagird (a pupil). Since I am learning I don't get paid. It has been like this for four months.'

Global March Against Child Labour

1. National Statistical Survey Organisation (NSSO) Report 2009-10

2. Ministry of Labour and Employment

INTERNATIONAL FRAMEWORK

| Conventions | Status |
|---|--|
| UN Convention on the Rights of the Child | Ratified on 11 December, 1992 |
| ILO Convention No. 138- Minimum age of employment | Not ratified |
| ILO Convention No. 182- Worst forms of child labour | Not ratified |
| ILO Convention No.105 Abolition of Forced Labour, 1957 | 18 May, 2000 |
| Optional Protocol to CRC on Sale of Children, Child Prostitution, Child Pornography | Signed on 15 November, 2004 |
| Optional Protocol to CRC on involvement of Children in Armed Conflict | Signed on 15 November, 2004 |
| Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children | Ratified on 5 May, 2011 |
| SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002 and SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia | Signed on 5 January, 2002, at the Eleventh SAARC |

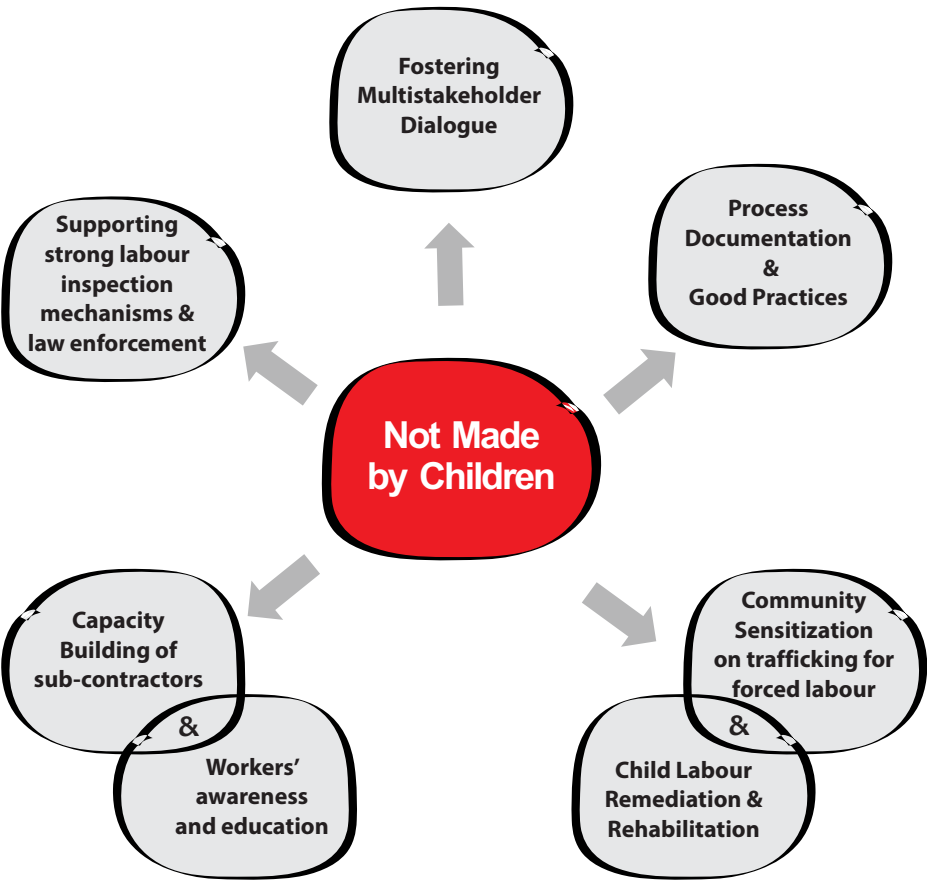
NATIONAL CONSTITUTIONAL FRAMEWORK

| Articles | Commitment |
|-----------------------|--|
| Article 23 | Traffic in human beings and <i>beggar</i> and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law |
| Article 24 | No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment |
| Article 21 (A) | The State shall provide free and compulsory education to all children of the age six to 14 years. |
| Article 39 (e) | The State shall direct its policy towards securing that the health and strength of workers, men and women and the tender age of children are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age and strength |
| Article 39(f) | Children shall be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth shall be protected against moral and material abandonment |

Responses

While most reputable companies use internal or external auditors to prevent child labour being used in the manufacturing process, it is widely acknowledged that these procedures are not always effective. Global March aims to contribute to the fight against child labour by establishing effective and efficient solutions and good practices involving key stakeholders at all level of manufacturing supply chain.

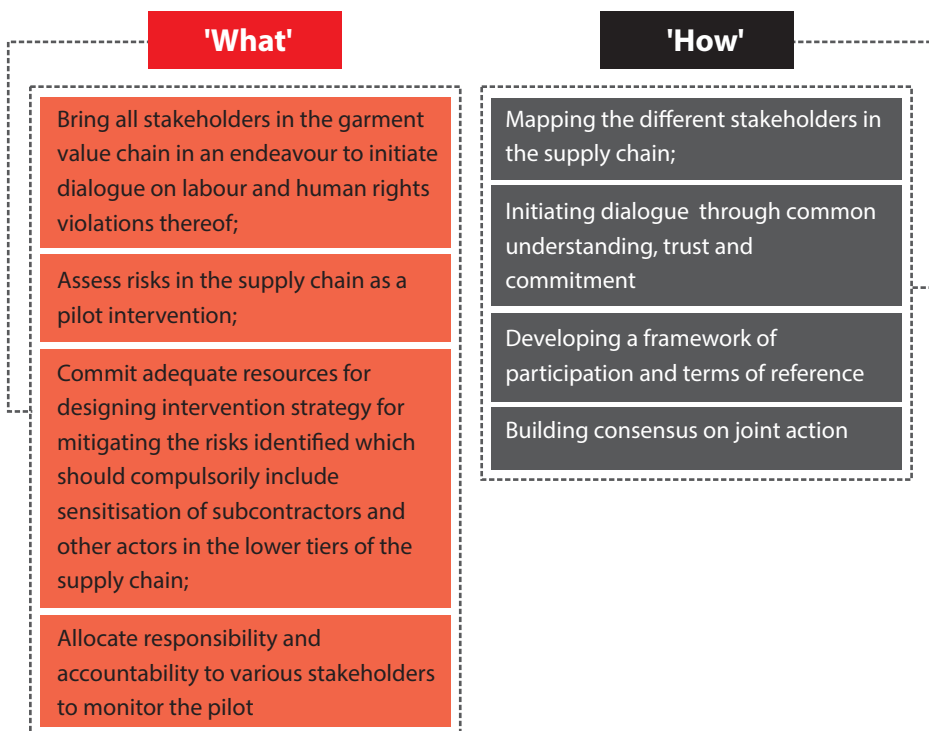
Under the NOT MADE BY CHILDREN programme, a multi-pronged approach was adopted.



Not Made by Children

Interventions for eliminating child labour from the garment manufacturing sector can be successful only when all stakeholders coherently and consistently work towards the collective goal with a shared understanding on upholding the “best interest of child”. In early 2010 Global March was able to bring all stakeholders like apparel brands, manufacturers/ subcontractors, manufacturers' associations, trade unions, child rights organisations on a common platform for discussing and devising sustainable interventions for child labour elimination from garment supply chains. The Multi Stakeholder Garment Steer Group on Child Labour was formed with Global March as facilitator and ILO in an advisory role. Senior officials from the Ministry of Labour and Employment were also invited as special observers in the proceedings. The mission of this Steer Group has been to provide strategic and technical guidance to facilitate coordination amongst the stakeholders to share knowledge, foster partnerships and build good practices between and within different stakeholders for elimination of child labour in the garment sector with the aim to institutionalise the Steer Group for long term sustainability.

MULTI STAKEHOLDER GARMENT STEER GROUP ON CHILD LABOUR



Between March 2011 and September 2013, 2578 child labourers were rescued/withdrawn by 'Not Made by Children' project partner Bachpan Bachao Andolan in India from the garment production units, and 1408 were successfully provided with state sponsored rehabilitation measures. The total rehabilitation amount accrued for bonded child labourers among those rescued was approx. INR 7,780,000 (~GBP 80,000). The total financial assistance mobilized for child labourers rescued from the garment production units is a minimum of INR 23,167,639 (~GBP 234,016). Of these, more than 1855 children were provided education through mainstream schools. Thus, rescue, remediation and rehabilitation of child labourers employed in the supply chains is an effective and important strategy against child labour.

Child labourers are found in the lower tiers of garment supply chains spanning across the informal sectors of the economy. These child labourers work for unregulated hours, are paid little or no wages and are beyond the purview of Labour Inspectorate's surveillance because the inspectors do not visit the unregistered workshops in the informal sector.

Three R's – Rescue, Repatriation and Rehabilitation are essentially required to withdraw children from work. These three R's represent:

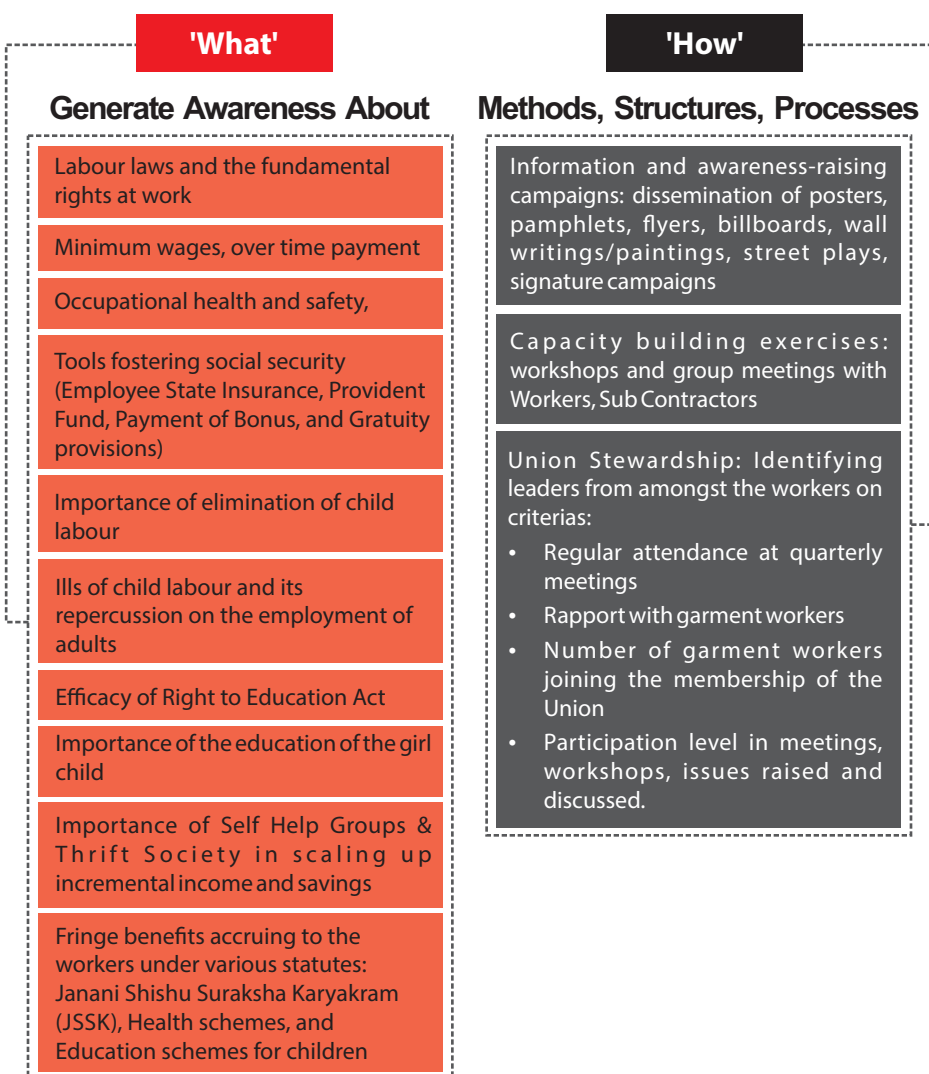
| Rescuing Child Labour | Repatriation of the Child | Rehabilitation of the child |
|---|---|---|
| Ascertain the age of the child and whether s/he is working in hazardous conditions in violation of the different laws | After rescuing, the child should be taken to the temporary shelter homes, where basic necessities such as food, clothing and security of the child should be taken care of. | Admitting the child in NCLP or in SSA bridge centres for educational benefits. |
| Gathering all the relevant information as much as possible about the employer, child and area where the child is working. | Medical checkup of child within 24 hrs of rescue. | Ensuring that the family of the child receives benefits under, NREGA, Schemes for BPL families, other poverty alleviation schemes |
| | Producing the child at Child Welfare Committee (CWC) | |
| | Investigation of the FIR lodged against employer and others. | Partnerships with ground level institutions, such as Village Panchayat should be incorporated to monitor the rehabilitation of the child. |
| | Monitoring of child by nodal agency till his restoration. | |
| | Restoring the child to the family | |

Rescue, Repatriation & Rehabilitation

SUGGESTED STEPS



Decent work emphasises on four main elements, work and employment, social protection, rights at work and social dialogue. Through the Garment Workers Union in Karnataka in the Not Made by Children project, Global March directly reached 10,537 garment workers, of which 98% were female garment workers. These garment workers were educated on decent work standards, including collective bargaining and the right to freedom of association, various problems related to health and safety, unavailability of adequate number of toilets, unpaid overtime and steep production targets faced by the workers. The other important aspect are child labour, its harmful effects and its repercussion on the employment of adults, the efficacy of Right to Education Act, and importance of the education of children.



Subcontractors are a key stakeholder for elimination of child labour in the supply chains, but one that are often not addressed adequately. Often, themselves at the end of a long supply chain, the sub-contractors are unregistered, informal and non-compliant engaging child labourers, trafficked workers and in hazardous conditions. Through the Not Made by Children project, Global March made a strategic engagement with the subcontractors to sensitise them on decent working conditions, including minimum wages, non-discrimination, zero tolerance for child labour including legislation related to child labour, mechanism to establish true age of child labour, their social and legal responsibilities. Overall 416 subcontractors were trained, and a subcontractors association was formalised.

'What'

Sensitisation About

The risks of employing child labour and the importance of decent working conditions for productivity

How they could build a competitive edge for their business by not employing child labour, as the buyers are moving towards zero tolerance for child labour in their supply chain

Legal action that could be taken against the subcontractors if they employed child labour in their establishments

Rescue & Rehabilitation of children working in the lower tiers of the supply chain

Remuneration of workers in conformance with the Minimum Wages stipulated by Government of respective State

Nuances of various acts prohibiting child labour

Mechanisms of establishing true age of child labourers

Nature of relationship that they share with immediate buyers, lean and peak cycles in business, and initiatives taken by them for improving the working conditions of the workers

'How'

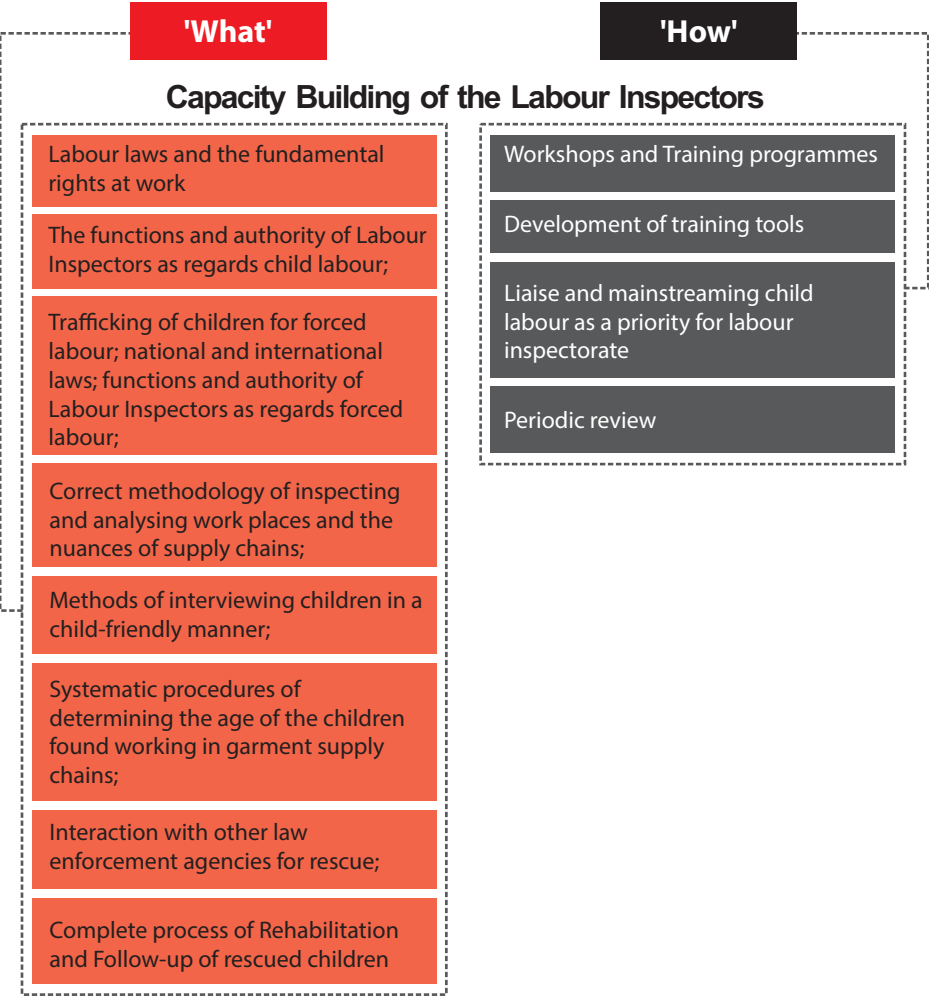
Methods, Structures, Process

Capacity building exercises: workshops and group meetings with Workers, Sub Contractors

Sub-Contractors' Association to give impetus to the sub-contractors in terms of their bargaining and negotiation abilities with their buyers

the subcontractors could collectively bargain for fair and uniform market rates and terms and conditions with the buyers

The role of labour inspectors is important in enforcing different labour laws pertaining to safeguarding the rights of children in various commercial set-ups. The inspectors are an important mechanism in ensuring child labour free supply chains. Under the project, the capacity building of labour inspectors was initiated for child friendly approaches by labour inspectors, enforcement of laws and procedures, compliance of standards, and for fostering collaboration and convergence with other relevant law enforcement agencies.



In order to create child labour free hub, it is necessary that there is no employment of child labour which is only possible if there is community awareness and sensitisation about child labour and education among all its stakeholders which demands ethical sub-contracting, sensitisation of sub-contractors, decent work environment, need-based training and livelihoods programmes in the community such as skill enhancement of home-based women garment workers to whom work is normally outsourced. This should be in tandem with monitoring by government officials, NGOs and withdrawal and education for children.

'What'

'How'

Child Labour free hub in identified communities

Ethical sub-contracting and entrepreneurship with child labour free and decent work environment

Community awareness and sensitisation about child labour and education

Need based Training and Livelihoods programmes in the community. For instance, skill enhancement of home-based women garment workers to whom work could be outsourced without apprehension of child labour involvement

Baseline survey:

to identify potential stakeholders, particularly women for livelihoods training. For instance women engaged in home based garment manufacturing work on piece-rate basis

identify children engaged in work in home based setups or other subcontracting units and hence out of school

Identify the appropriate institution / resources to conduct the training programme

Course delivery

Forward market linkages after course completion

The concerned NGO/CSO could liaison with the school authorities, local councillor, parents for admission of the children in school

Formation of Bal Panchayats (Children's Council/Assembly) to ensure that children were regularly going to school and not engaging in child labour

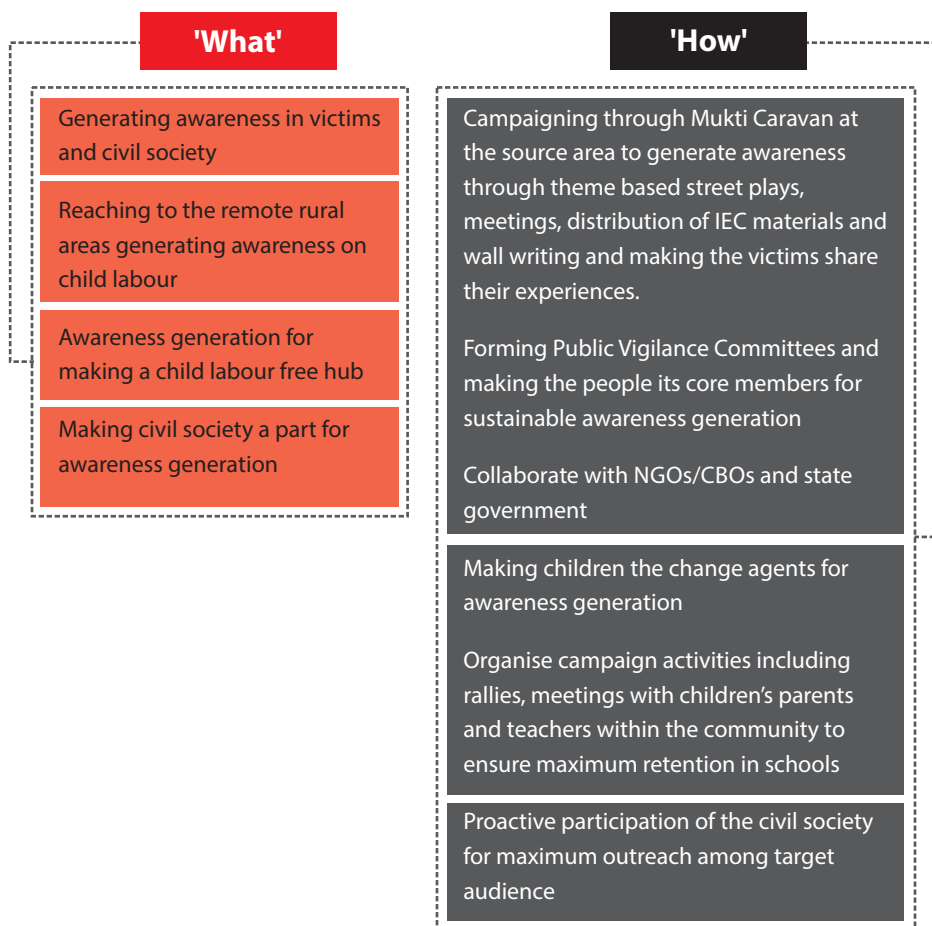
Identify volunteers from the community who could serve as a connect between the schools and parents to ensure regularity of children in schools

Prevention of child labour is the most preferred aspect. Child labour can be prevented by multiple ways. No doubt, the information, awareness and communication about harmful effects of engaging children for work to all play a significant role.

Four aspects of prevention:

- Quality, relevant, and affordable education
- Support for vulnerable families
- Respect for children's rights and enforce child labour laws
- Norms for child friendly community

More than 700,000 people were reached through the awareness and communication outreach of the Not Made by Children in the trafficking prone source areas and the market (destination) areas. A range of awareness raising tools and tactics were employed for enhancing public attention and action towards prevention of child labour and trafficking of children for forced labour.



Responsibilities

Government

- Ensure the enforcement of the child labour laws including effective remediation and rehabilitation of child labourers.
- Promote communication, coordination and collaboration between various government departments and law enforcement agencies for “child friendly” policies, programmes and action.
- The Right to Education Act 2009 should be enforced efficiently and rigorously throughout the country to ensure free and compulsory education to all children up to 14 years of age.
- Ensure the registration of an establishment under relevant legislation.
- Labour inspectorate mechanism should be strengthened through enhanced capacity building towards effective monitoring and understanding of the changing faces of slavery and exploitation.
- Labour inspections and relevant law enforcement agencies should regularly inspect sub-contracting units to detect violations, protect the rights of the workers including migrant workers and ensure decent working conditions.
- The penalty under various labour laws should be enhanced to a realistic one in order to have a deterrent effect on the delinquent employers.
- Enhance enforcement of anti-trafficking legislations, including speedy investigation and trial to curb trafficking of children for forced labour
- Ensure convergence and collaboration among law enforcement agencies for prevention of violations and protecting the rights of all children.

Trade Unions

- Trade unions should have a wider perspective in discouraging child labour as a violation of decent work standards.
- Trade unions should focus on promotion of organised workforce, including the migrant workers.
- Workers education and awareness on decent work standards should be undertaken in outsourcing and sub-contracting units as well.
- Workers are the backbone of any monitoring mechanism, and the trade unions should focus on effective workplace monitoring through workers.

Corporations & supply/production chain actors

- Adhere to national and international labour standards and laws
- Clear policies, procedures and responsibilities should be established for identification, withdrawal and remediation of child labour from the supply/production chains.
- Supply/production chains vulnerabilities on account of exploitation of child labour and violations of other labour standards should be identified through diligent systems, and corrected.
- Establish clear responsibilities for individuals and policies to affix accountability if children are found working in the supply chain.
- Ensure the implementation of company codes of conduct, and other ethical standards and norms throughout the supply/production chain.
- The drivers of child labour and labour exploitation in outsourcing and sub-contracting units should be identified and remedied.
- Invisible links of the supply/production chain should be identified and trained on labour standards, child labour and ethical practices.
- Awareness, training and capacity building of the supply/production chain should be carried out on labour standards, elimination of child labour and ethical practices.
- Greater engagement, collaboration and communication among all stakeholders in the supply/production chain, including the workers and their families on child labour and decent work standards.

Civil society

- Community groups, non-government organisations, teachers organisations should focus on fostering an enabling environment that addresses the drivers of child labour.
- Support the development of knowledge tools and programmes for child labour elimination, protection of workers including the special needs of the migrant workers, trafficking for forced labour, etc.
- Support in public awareness and positive policy change in favour of child and education rights.
- Ethical consumerism should be promoted by civil society organisations.
- Civil society organisations should craft a culture of communication, collaboration and engagement with different stakeholders (between civil society, civil society and government, civil society and industry, etc.) to end child labour and other labour violations.
- Training and development of stakeholders, including industry stakeholders should be undertaken to bridge the capacity gap.

| LEGISLATION | PROVISIONS |
|---|--|
| Child Labour (Prohibition and Regulation) Act, 1986 | <p>It has provisions which prohibit child labour for persons under 14 years of age in hazardous occupations and processes. The law has provisions for rehabilitation of child labour.</p> <p>This act is currently under the process of amendment to prohibit all hazardous work by children under 18 years of age, and all forms of work by children below 14 years of age in consonance with the Right to Education Act 2009.</p> |
| The Juvenile Justice (Care and Protection of Children) Act, 2000 | <p>Defines a child and provides provisions for care and protection of children. It has provisions which provide for protection measures for the repatriation and rehabilitation of children.</p> <p>Section 26 of this Act deals with the Exploitation of a Juvenile or Child Employee, and provides in relevant part, that whoever procures a juvenile or the child for the purpose of any hazardous employment and keeps him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall also be liable for fine.</p> <p>In some States, including Delhi, Karnataka and Maharashtra, this provision has been used effectively to bring to book many child labour employers who are otherwise not covered by any other law and to give relief and rehabilitation benefits to a large number of children.</p> |
| Right of Children to Free and Compulsory Education Act, 2009 | <p>Provides for free and compulsory education to all children aged 6 to 14 years. This legislation also envisages that 25 per cent of seats in every private school should be</p> |
| The Protection of Children from Sexual Offences Act, 2012 | <p>For the first time, a special law enacted for the protection of children from sexual abuse and exploitation, covered under different sections of Indian Penal Code (IPC) which does not distinguish between adult and child victims. Provide protection from sexual offences such as sexual assault, sexual harassment and pornography to a child below the age of 18 years provides for stringent punishments as per the gravity of the offence.</p> |
| Bonded Labour System (Abolition) Act, 1976 | <p>Defines and prohibits Bonded Labour. It has provision for punishment for bonded labour and also provides for rehabilitation measures.</p> |
| Inter-State Migrant Workmen (Regulation of Employment Conditions) Act, 1979 | <p>It provides for institutional machinery to provide safe migration opportunities for labour..</p> |
| The Goa Children Act 2003 | <p>As a State Legislation, it provides for holistic care and protection of children. It also has the definition of human trafficking as per the UN Protocol.</p> |
| The Criminal Law (Amendment) Act, 2013 | <p>For section 370 of the Penal Code, the following sections shall be substituted, namely:-370. (1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by-<i>First</i> – using threats, or <i>Secondly</i>– using force, or any other form of coercion, or <i>Thirdly</i>– by abduction, or <i>Fourthly</i>– by practising fraud, or deception, or <i>Fifthly</i>– by abuse of power, or <i>Sixthly</i>– by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.</p> |

The Ministry of Home Affairs (12 August 2013) have issued standard operating procedure to handle trafficking of children for child labour as follows:

| Situation of the child | Statute | Offence (Provision) | Section | Classification | Punishment |
|---|--|---|------------------------------|---|-----------------------|
| Children are lied to and enticed to be brought to work | Indian Penal Code | a) Cheating | Section 417 & related | Bailable and non-cognizable | Up to 1 year or fine |
| | | b) Abduction | | | |
| | | I) Abduction for wrongful confinement | Section 365, 367 and related | Non bailable and cognizable | Upto 7 years and fine |
| | | ii) Abduction for slavery | Section 367 | Non bailable and cognizable | Upto 10 years or fine |
| | | c) Kidnapping through enticement | Section 363 | Cognizable and Bailable (Non Bailable in Delhi) | Upto 7 years and fine |
| | JJ Act 2000 | Procurement of a child for hazardous employment | Section 26 | Cognizable and Bailable (Non Bailable in Delhi) | Upto 3 years and fine |
| By paying some money to the parent as consideration or as advance | a) Indian Penal Code,1860 | Buying of a person as a slave | Section 370 | Bailable and cognizable | Upto 7 years |
| | b) The Bonded Labour System (Abolition) Act, 1967 | Punishment for advancement for bonded labour | Section 17 | Bailable and cognizable | Upto 3 years and fine |
| Giving away the procured (Trafficked child) to the employer for monetary consideration for the purpose of employment | a) Indian Penal Code 1860 | Selling minor for the purpose of prostitution | Section 372 | Non Bailable and Cognizable | Upto 10 years |

| Situation of the child | Statute | Offence (Provision) | Section | Classification | Punishment |
|---|---|--|--------------|-----------------------------|---|
| Employing the child | CLRP Act 1986 | Employing the child in prohibited occupations and processes | Section 3/14 | Non cognizable and Bailable | Upto 1 year. Repeat offence ,Upto 2 yrs and fine upto 20,000 as per Supreme Court Guidelines |
| Not allowing the child to move freely, return home as per his/her will | Indian Penal Code, 1860 | Wrongful confinement of a kidnapped or abducted person/ children | Section 368 | Cognizable and Bailable | Upto 10 years and fine |
| Not paying wages or paying less than the minimum wage | a) The Bonded Labour System (Abolition) Act, 1860 | Enforcing forced or bonded labour | Section 16 | Bailable and Cognizable | Upto 3 years and fine |
| | b) Indian Penal Code | | Section 373 | Bailable and Cognizable | Upto 10 years and fine |
| | | | Section 374 | Bailable and Cognizable | Upto max 1 yr. and fine |

In all of the above Situations it may also be noted that Section 370 of the Indian Penal Code shall be applied in situations where an Act, Means and End (i.e., a form of exploitation) exists as elaborated below:

| Statute | Section | Act | Means | End (Exploitation) |
|--------------------------|---|------------|---|------------------------------|
| Indian Penal Code | 370 whoever for the purpose of exploitation | Recruits | Using threat | Physical exploitation |
| | | Transports | Using force or any other form of coercion | Sexual Exploitations |
| | | Harbours | Abduction | Slavery |
| | | Transfers | Practicing fraud, or deception | Practices similar to slavery |
| | | Receives | Abuse of power | Servitude |
| | | | Inducement | Forced removal of organs |

DO'S

- Be aware of child labour and child rights issues
- Report incidents of child labour around you
- Raise your voice against child labour
- Question your seller regarding the use of child labour in manufacturing their products
- Say "No" to products which use child labour
- Do follow the laws of the land with regard to child labour/ pressurise governments to keep their promises on issues of child labour
- Employ the elders rather than employing the children of the same family
- Create pressure groups to force the government for enforcing child labour laws
- Join a campaign/group to support the issue of child labour
- Respect adult workers and pay them decently in order to discourage child labour
- Provide skill-based training to adolescents for capacity-building
- Encourage education of children
- Align yourself to an organization fighting against child labour
- Pressurise companies/write to them to not use child labour for manufacturing their products

DON'TS

- Do not make poverty an excuse for child labour/ Do not justify child labour
- Do not discriminate against the girl child
- Do not hesitate to call the police/NGO/labour department when you spot an incident of child labour
- Do not employ children in your own house or support the employment of children
- Do not be blind to the issue of child labour
- Do not give up on the fight against child labour

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