

PRESS RELEASE

Make in India Child Labour and Tourism

EQUATIONS

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In the 2015-16 budget, only 0.41 per cent of GDP is earmarked for children who constitute 40 per cent of the population of India, as compared to 0.63 per cent of GDP in 2014-15. Similarly, total child budget as a percentage of total Union budget shows a declining trend since 2012-13 and it stands at a paltry 3.26 per cent in the Union budget of 2015-16. The budgetary allocation is a clear indicator of the priority granted to a sector in public policy. Hence, declining budgetary allocation raises serious concerns and doubts about the governments commitment towards child welfare. Budgetary analysis shows that the allocation for child protection continues to receive the smallest share. HAQ, Centre for Child Rights, points out that just as the world community through the UN Human Rights Council is declaring its commitment towards better investment in the Rights of the Child, it is ironic to see India, which was one of the few countries to have recognized the importance of Child Budgeting, takes a step back on its commitment through its reduced allocations for children.

Government of India's recent proposed steps towards regulating of child labour also reflects the same picture. After a prolonged wait and the constant push by the child rights groups, the Union Cabinet recently gave its approval to banning all kinds of child labour under the age of 14 years. The set of proposed amendments, however, are not full proof. One of the proposed amendments allows the employment of children below 14 years in family enterprises, audio-visual entertainment industry and sports industry except circus on condition that such work does not interfere with their education. Through the amendment the government has failed to recognise that these industries can be equally exploitative and oppressive. The move to allow children to work in family enterprises is also problematic as it moves to a space which is extremely difficult to regulate.

The proposed amendment potentially opens loopholes that will sustain or even encourage exploitation of children. Employers will use the exemption by showing that the children employed were their next of kin and it was a family business. The first and foremost question is, how does one define family business or family enterprises? Most of the time it is contextual and dynamic in nature and can be interpreted differently by the stakeholders. There is every possibility that family enterprises will be interpreted to include menial labour and caste-related professions, limiting a child's freedom to choose a profession.

The informal entertainment sector is part of tourism, the acrobatic and fire work performances of children from adivasi communities, the cultural performances of children from local groups in tourism destinations are all directly related to tourism. This is an aspect that the current amendment has not taken into consideration.

The government instead of tinkering with the 1986 Act, needs to comprehensively overhaul it. Priority should be given to focussing on taking preventive and protective steps to ensure that every child has a dignified life and there is no compromise on the rights of the child. Rehabilitating the rescued children from traumatic working conditions should follow systemic and structural approach to address the issues related to child labour rather than the schematic approach. The first step to move ahead should start with interlinking of 'rescue, rehabilitation and schooling' through greater coordination among Ministries and organisations, and the inter-locking of the provisions of existing laws. In October 2006, upholding the demands of the civil society organisations, the Indian government amended the Schedule to the existing legislation thereby banning employment of children as domestic workers or servants and also employment of children in eateries such as dhabas (roadside eateries), restaurants, hotels, motels and tea shops.

This Notification was a recognition by the Government that child labour existed in the tourism sector and as domestic labour and that children were being exploited, both physically and mentally.

Looking back into the 2006 Amendment, it shows that without proper regulatory mechanisms in place the implementation of the ban has been an illusive one. Government has failed to demonstrate serious intent. The Ministry of Labour & Employment has carried out 13,60,117 inspections and launched 49092 prosecutions under the

Child Labour (Prohibition & Regulation) and the percentage of conviction is just 1%. In the name of effective implementation of the ban, children were picked up from the streets, from small hotels, roadside eateries and were put in juvenile homes, as indicated by a study conducted by EQUATIONS in Kerala. Ironically, local authorities in most states were asked to accommodate these rescued children in government run shelters. Given the way these institutions are run, they were rescued from one oppressive and abusive environment and put into another, where they were subjected to further abuse and exploitation. The actual problem continues to be pushed under the carpet. As a result, child abuse cases have become even more hidden and covert. Also children from under privileged sections of the society who work out of dire poverty will be pushed into further bondage. It will hamper the government's bid to provide elementary education to all children below 14 years.

All these years there has been constant debate by the child rights organisations that the Child Labour (Prohibition and Regulation) Act, 1986 needed vital changes. The concern has been that the law has proved to be weak and ineffective in regulating and reducing child labour. Moreover, it does not follow the principles of Article 21-A of the Constitution of India on Right to Education, is in contradiction with the Right of Children to Free and Compulsory Education Act, 2009 that makes schooling compulsory for all in the age group of 6 to 14 years and does not regulate adolescent labour as mandated by ILO Conventions 138 and 182.

The slogan of Government of India is "Make in India". A review of the budgetary allocations show that the budget focuses heavily on infrastructure, renewable energy, agriculture and defence. To fulfil its image of market oriented and market driven, financial allocations have been curtailed from an area where it is most needed. Therefore the question remains, how can a country where children are not considered to be important be declared to be SAFE and PROTECTED? In the hurry to SKILL INDIA and MAKE IN INDIA we should not sacrifice RIGHTS of the CHILDREN.

* EQUATIONS is a research and advocacy organisation studying the social, cultural, economic and environmental impact of tourism on local communities. (www.equitabletourism.org)

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