

Rehabilitation of Rescued Children from Worksites in India

Sanjai Bhatt and Atul Pratap Singh

A large number of children in India still work under highly exploitative working conditions. In spite of magnificent efforts, the problem of child labor has compounded into more complex issues intertwined with child trafficking, forced labor, missing children, and many other worst forms of childhood struggles. There is a general postulation that in reality the rehabilitation measures are not so effective. The phenomenon of the recycling of child labor divulges that the rescued children again join the workforce after a small gap either at the same place in the same city or at different places in different cities. The paper is aimed to study the realities of rehabilitation in order to understand intertwined issues relating to rehabilitation of rescued children from worksites as well as the present state of affairs. The paper has specifically explored the process of rescue challenges, the mechanisms devised and implemented for rehabilitation of these children, and the effectiveness of initiatives intended for reintegrating rescued children in societal mainstream. It discovered that the realities of rehabilitation are quite painful and a sad commentary on our efforts of rehabilitation. The compensation, back wages, or rehabilitation money has passes through different layers before reaching the rescued child. Once received, it is generally used for different purposes –such as buying animals, construction/repair of house, daughter’s marriage, and repaying to contractor who provided the employment. In some cases, cut/convenience money is also paid to the person responsible for releasing compensation. The time frame for receiving compensation/rehabilitation money varies from 6 to 36 months. As an estimate, approximately one-fifth of the rescued children never join school after rehabilitation because of poor economic conditions of their families, and many drop out to rejoining workforce. The paper has also explored various gaps in their rehabilitation and suggested

Sanjai Bhatt, MA, is Professor, Department of Social Work, University of Delhi, Delhi (India). Atul Pratap Singh, MA, is Associate Professor, Department of Social Work, Dr. B.R. Ambedkar College, University of Delhi, Delhi (India). Sanjai Bhatt can be contacted at sanjaibhatt@gmail.com, and Atul Pratap Singh can be contacted at atulpratapsingh2010@gmail.com

recommendations for more efficient, effective, and efficacious rehabilitation of children freed from worksites.

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Introduction

The issues related to children at work have received wide attention in 1973 when the International Labour Organization (ILO) adopted a convention concerning minimum age for admission to employment (ILO Convention 138). The Government of India (GoI) constituted Gurupadswamy Committee to find out ways and means to tackle child labor. Since labor has been a subject matter in the concurrent list provided in the Constitution of India, it is a matter on which both central and state governments can pass legislations and make programs and schemes of welfare. A number of legislations have been enacted and a good number of government initiatives have been taken to resolve issues relating to working children. Judicial interpretations and efforts by nongovernmental (NGO) and international organizations have added value to the actions taken for the overall wellbeing of children in and out of workplaces. In spite of magnificent efforts, the problem of child labor has become more complex as issues intertwined with child trafficking, forced labor, missing children, and other worst forms of child struggles have emerged in past two decades. The term “rehabilitation” normally refers to “the process of helping somebody to have a normal, useful life again after they have been very ill or in prison for a long time” (Oxford Dictionary), or “the process of returning to a healthy or good way of life” (Cambridge Dictionary). In the context of children rescued from worksites, it means to provide a normal and useful life to children to fulfill their basic, social, and developmental needs related to physical, financial, and social requirements and emotional support, including trauma-counseling and social support.

Rehabilitation of Rescued Children

Researchers have explored different aspects related to children at work such as concept, causation, consequences, and concerted efforts by government and NGOs. However, there have not been many scientific investigations, evaluations, or impact studies on the rehabilitation measures undertaken for rescued children from worksites. The study conducted by Satpathy et al. (2010) could be considered as the first large level, path-breaking study on the subject, but this too was limited to the National Child Labour Projects (NCLPs). Jaya and Vezhavendan (2018) also studied the current status of the NCLP and thoughts of people on the scheme. A few other studies (Bhatt, 2011, 2015; Sekar, 2002; Zutshi & Dutta, 2004) on rehabilitation are praiseworthy. However, there is a general postulation that rehabilitation measures are not so effective in reality. The phenomenon of the *recycling of child labor* divulges that rescued children again join the workforce after a certain

gap either at the same place in the same city or at different places in different cities. Those who are concerned with the rights of children univocally agree that the right place for a child is in school, not the workplace. Consequently, our commitment to rescue children from work places to break the phenomenon of recycling of child labor gets stronger and propels to ensure the best of their rehabilitation and social integration. There are measures taken by the government to support rescued and released children under judicial interpretation and pronouncements.

As early as in 1987, the GoI declared the National Policy on Child Labour containing the action plan for tackling the problem of child labor. It brought a specific legislation called “Child Labour (Prohibition & Regulation) Act, 1986” (CLPRA) to prohibit the engagement of children in certain occupations, and to regulate the conditions of child labor in other occupations. While state governments have been given responsibility to enforce the provisions of CLPRA, the central government has promoted convergence of its various welfare schemes to ensure that the families of working children are given priority in their upliftment. CLPRA has provisions of inspection and raids to identify and rescue children from worksites. The legislation also recognizes the provision related to repatriation and rehabilitation measures in case of migrant working children. Since education is the core area, there are meaningful efforts toward bridge education for mainstreaming it into the formal system of education, pre-vocational training, mid-day meals, food, and shelter, and likewise other initiatives for the children withdrawn from work.

The three “Rs—rescue, repatriation, and rehabilitation” are essentially required to withdraw children from work. The *rescuing* of child labor comprises gathering all the relevant information, as much as possible, about the employer, child, and the area where the child is working, and ascertaining his/her age, and the nature of engagement—hazardous or non-hazardous factory, as mentioned in CLPRA. This leads to raid and rescue. The second stage is *repatriation*, in which the child is taken to a temporary shelter home, provided basic necessities such as food, clothing, and security. Child’s medical check-up is done within 24 hours of rescue and they are produced before Child Welfare Committee (CWC) under Juvenile Justice Act. Later on, proper investigation is undertaken; lodging First Information Report (FIR) with police; and monitoring of child by the nodal agency till their restoration to the family. Finally, the process of *rehabilitation* of the child starts with admission to NCLP school or elsewhere for educational benefits. For the first time, the GoI has recognized the need of the convergence of programs of various ministries for rehabilitating rescued children. Besides Ministry of Women and Child Development, GoI and Ministry of Education, GoI, the convergence process has added ministries of rural development, urban housing, poverty alleviation, and Panchyati Raj for covering these children under their various income- and employment-generation schemes for their economic rehabilitation. In 1988, the GoI initiated the NCLP Scheme to rehabilitate working children in more than 266 child labor endemic districts of the country.

The Supreme Court of India (1996), in its path-breaking judgment in *MC Mehta vs State of Tamil Nadu and Others*, has given pinpointed directions on the issue of

elimination of child labor, which include survey for the identification of working children, withdrawal of children working in hazardous industries, ensuring their education in appropriate institutions, and contribution of Rs. 20,000 per child to be accrued by offending employers to a welfare fund established for this purpose. Besides these measures, the Supreme Court has also directed financial assistance to the families of the rescued children to be paid from the interest earned on the corpus of Rs. 20,000/25,000 deposited in the welfare fund for as long as the child is sent to a school. The Apex Court further directed to provide employment to one adult member of the family of the rescued child. If this is not possible, then a contribution of Rs. 5000 is made by the state government to the welfare fund. The Ministry of Labour (MoL) has been made responsible to monitor the compliance of these directions. One can feel happy and contended with such elaborate and thoughtful process for the rehabilitation of children rescued from worksites.

It is a well-established fact that children from poor families are generally engaged in manifold economic activities unaware of its nature and consequences. Satpathy et al. (2010, p. 24) have reported in their study that socioeconomic vulnerabilities of population groups are often reflected in extreme discrimination (overt and covert) at workplaces—access to jobs, wage disparity, nature of work, and lack of social and employment security. Therefore, it is a common knowledge that children hailing from economically deprived groups are more likely to join the workforce than their counterparts from affluent groups due to distressed economic conditions and poor enrolment in schools. These children sell their raw labor at the cost of their childhood for meager returns right from their early life to satisfy themselves and to supplement income of their families. Poor children always live under the wheels of hard work and are robbed of their childhood. Lack of awareness of child and workers' rights, and the problem of law enforcement, aggravates the muddle all the more.

Children in India are engaged as labor in different occupations and sectors—agriculture, manufacturing, services, and mainly in the unorganized jobs of informal economy. Data from the Gol's 2009–2010 National Sample Survey indicate that four-fifths of child workers reside in rural areas. Children who belong to scheduled castes and scheduled tribes are also more likely than other children to be engaged in child labor (Dhanya, 2013). Children engage in the manufacturing of goods, many in the informal economy and increasingly in home-based production (Phillips, Bhaskaran, Nathan, & Upendranadh, 2011). Sahu (2013) reported that the regression results reveal that family income has significant negative impact on the working hours of child labor. Family size is a noneconomic factor that significantly affects the working hours of child labor. Children's desire to work has a positive and significant effect on the employment of working children. Child workers are from poor and larger families who are forced to join labor force to supplement their family income.

Ecological theory suggests that there are several levels of interaction that are important to be distinguished in understanding risk factors. The first is between the child and his/her immediate family, and the second is between

various social systems in the child's environment that give meaning and significance to the child's experience, such as schools or community events. This level becomes increasingly significant as child passes into school-age years. The third level of social system is represented by the larger forces, such as government, cultural values, or legal systems, which define the climate of child's environment (Bronfenbrenner, 1993). The theory of vulnerability talks about how parents and children are influenced with the surrounding environment of sustenance. A model of exploitative child labor is essential for understanding both how to target policies and their likely effects. Basu and Chau (2003) developed a model in which the only way for rural families to smooth consumption across lean and harvest seasons is through an interlinked credit-labor contract (bonded labor). The authors observed that if bonded child labor occurs in equilibrium, then households would have been better off had parents made a commitment to keep their children out of work. An effective commitment would have led to much higher parental wages. On this basis of this implication for household welfare, Basu and Chau (2003) classified bonded child labor as exploitative. In this theory, parents must decide whether to keep their child at home or to send them out for work. If the child stays at home, the parents contribute to the child's consumption (Basu & Chau, 2003). Ahmad (2012) stated that child labor is commonly associated with poverty. It is generally assumed that as household wealth increases, children would be progressively withdrawn from labor activities in favor of schooling. Being out of school and deprived of education, the world of prospects, possibilities, and opportunities is closed to them. Any work that denies children their right to education must, therefore, be regarded as hazardous (Ahmad, 2012). In a qualitative study on Child Labour in District Bahraich, Uttar Pradesh, India, Prasad and Ali (2015) stated that family members do not reveal the exact situation of their children when they are working outside the state. After rehabilitation, it is assumed that children are back safely and would stay with parents and continue their education. The study points that it was rather difficult to ascertain exactly the number of children gone back to work, as it was reported that of the 81 children interviewed, 54 were present in the village. Therefore, it can be presumed that the rest had gone back to work. However, almost none of them could read or write. About 67% rescued children reported that they went to very distant places through prospective employer or his agent. As far as the rehabilitation fund is concerned, the report states that 5% of the children reported as receiving financial assistance, while an overwhelming 95% reported as not receiving any financial assistance (Prasad & Ali, 2015).

Child labor is one of the major problems that takes place due to responses to economic problems faced by vulnerable children. Mendelievich (1980) presented framework for studying different aspects of child labor. The study conducted by Narayana (2014) in a few selected districts of Andhra Pradesh, India, found the root cause as being the connection with globalization and economic progress of the country, which affect the rural areas as well as poor families of the state. In spite of globalization of Indian economy, the poor households in considered

villages could not find better alternative source of income and employment except farm operations. Source of income of rural poor is restricted to daily wage labor in agriculture and Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). The findings of the study highlight that the growth of small, micro, and medium industries is almost negligible in villages. As a result, the pace of rural–urban migration of distressed families is accelerating year after year because nonavailability of gainful employment except MGNREGS and seasonal agricultural operations. Therefore, the poorest of poor, disturbed families, and helpless rural households are making a beeline to migrate to sub-urban and urban areas, mostly district headquarters. As a result, children hither admitted in schools are shifted to urban areas, but ultimately their education is discontinued and they are tagged with “out of school children” or child labor, which is a major cause of concern. Mobilization of support from parents, civil society organizations, Red Cross, employers, and convergent departments is lacking.

The rehabilitation of working children withdrawn from hazardous occupations and processes in the age group of 9–14 years through special schools is the single most important activity of the NCLP and a direct responsibility of district project authority. NCLP school teachers are putting all their efforts along with NGOs to run NCLP schools. The initial enthusiasm and collective responsibility of convergent departments is gradually getting evaporated since inception of the program (Narayana, 2014). Barman and Barman (2014) observed in their study that the age of working children affects the growth and development of their life, the works effected by boys and girls differ in financial terms. The study states that very young children (aged 5–7 years), both boys and girls, mainly indulge in unpaid work for someone who is not a member of their household. The older boys, aged 12–14 years, are mainly engaged in paid work and family work, whereas girls in this age group are involved mainly in household chores and family work.

To conclude, it can be said that children are engaged in different work settings for extensively long working hours. While there are pathetic working conditions, their working conditions are undefined, arbitrary, and unfortunate. Most of the working children are living in unhygienic conditions. Poverty is really the most important reason for child labor and consequently low school participation. According to Bhatt (2015), the “Grate Three Lacks”—lack of livelihood opportunities, lack of parental motivation for education, and lack of strong socio-legal environment are the main determining factors for high incidents of child labor. Despite the clearly laid down rehabilitation measures by GoI and the Supreme Court, the issue of rehabilitation has still not become the main issue, especially in the rhetoric of emotional and saleable aspects of the life of child labor.

The Study

The main aim of the study was to analyze the features, extent, and delivery of welfare mechanisms devised and implemented by GoI to rehabilitate rescued children from worksites. The study aimed to understand realities of rehabilitation

intertwined issues relating to rehabilitation of rescued children from worksites as well as the present state of affairs. The study has specifically explored the process of rescue challenges, the mechanisms devised and implemented for rehabilitation of these children, and the effectiveness of initiatives intended for reintegrating rescued children in societal mainstream. The study also explored various gaps in their rehabilitation and suggested recommendations for more efficient, effective, and efficacious rehabilitation of children freed from child labor. The “exploratory research design,” which is used for a research problem where the researcher has no past data but only a few studies for reference, was adopted. The study was conducted in the state of Bihar, which is characterized as labor-supplying state to other parts of the country. Since two districts, namely Sitamarhi and Kishanganj, have received maximum number of rescued children from different parts of the country, these were selected for the study. Both these districts are known for their migration of workforce in the state. Situated in the northern part of Bihar, district Sitamarhi is also flood-prone and known for the river Bagmati’s wrath, which regularly inundates this district. Almost 94% of the population lives in rural areas. Its topographic and socio-demographic characteristics, as well as low economic development indicators, speak volumes that the inhabitants are more vulnerable putting a good number of children into vicious circle of poverty, work, and child labor. District Kishanganj is dominated by Muslims and is also known for its labor supply. The district shares inter-state and international boundaries, as it is surrounded by district Araria in the west, district Purnia in the south-west (both districts are in Bihar), Uttar Dinajpur district of West Bengal in the east, and Darjeeling district of West Bengal and Nepal in the north. District Kishanganj has similar development indicators as Sitamarhi, with high migration pattern.

There were three categories of rescued children: (a) Children who have been awarded compensation and rehabilitation scheme; (b) children who have only been declared bonded laborers and have only received release certificates; and (c) children who have not benefited from any rehabilitation program or scheme. A sample of 100 rescued child laborers was drawn from these two districts purposively. Representation of all geographical regions and all three predetermined categories of children was ensured. The following steps were taken in this regard:

- (a) **Step 1.** A list of rescued and rehabilitated children was prepared with the assistance of Bachpan Bachao Andolan’s (BBA) local staff members who were personally known to these children and their families.
- (b) **Step 2.** All the listed children were divided into four geographical regions covering villages from all four directions of these selected districts.
- (c) **Step 3.** Following the inclusion criteria, only 94 respondents could be included in the study.

Of the 94 respondents selected, 52 were actually rescued children and the remaining were their parents. Finally, 56 respondents were from district Sitamarhi and

38 were from Kishanganj district. In addition, researchers also included view points of government officials and members of NGOs.

Findings of the Study

Respondents interviewed for this study were chosen in three predetermined categories. First, children who have received rehabilitation benefits as a result of receiving release certificates; second, children who have only received release certificates; and the third category comprised children have not been benefited from statutory rehabilitation program after their rescue. Researchers presented the following data related to profile of respondents, their work details, and details related to rescue and rehabilitation:

- (a) **Profile of respondents:** Most of the children (74.47%) were in the age group of 16–21 years. The average age of children at the time of interaction was 15.67 years. In the case of majority of children (69.15%), their father worked as a laborer and all except 3.19% mothers were engaged in domestic chores; hence, this lead to the conclusion that most of the targeted children were from weaker economic background. More than half of the children (55.32%) were available at the time of interaction. However, a sizeable number of children were not available at the time of interview and on probing their family members, it was found that some of them had gone back to work. Interestingly, family members were at unease with such probing. The researchers interacted with a senior officer of labour department in Sitamarhi and a labour inspector in Kishanganj districts. Both of them were of the opinion that

out of total 38 districts of Bihar, 8 districts, including Sitamarhi and Kishanganj, share their borders with Nepal. These are flood prone districts and usually affected by Kosi, Burhi Gandak, and Ghagra rivers. The deprivation of the people of these districts is caused by natural calamity and geographical reasons; as a result, people are forced to move for livelihood outside the area. These circumstances cultivate [sic] the vicious circle of poverty, vulnerability, and marginalisation. In such a situation, parents themselves send their children for remunerative work with the help of middle men or employers own in many cases.

A 17-year aged child who was rescued and rehabilitated with his family revealed the following:

I belong to a marginal farmer family having 8 *beegha* (measurement of land in local dialect) agricultural land. My father was missing since 2008 and finally our family got some factual evidences about

confirmation of his death. My family is consisting of grandfather, widow mother, and four brothers younger to me. They were studying when I joined work. I have no option.

Child labor is a socioeconomic phenomenon arising essentially from poverty and lack of development. There have been increasing evidences to show that parents or guardians do not like to make their children work unless compelled by circumstances (Grootaert & Patrinos, 1999). The “circumstances,” however, range from simple factors such as pecuniary position of the family to more complex social, political, and infrastructural situations at a particular point of time (Satpathy et al., 2010, p. 2).

- (b) **Details related to work:** Most of the children (82.98%) went to work at a very minor age during 2003–2011. Almost 9.57% children went to work in last 3 years, that is, during 2012–2015. The overwhelming majority of children (88.30%) were rescued from Delhi and Jaipur (6.38%). “Poverty” has been the most important factor to push children into exploitative and remunerative work. In case of the majority of respondents (74.47%), poverty was solely responsible for their vulnerability, whereas in case of a small group of children (7.45%), they joined work force as they were not interested in studies. More than half of the children (61.70%) were engaged in *Zari* (embroidery) work and another significant number of children were found working in button manufacturing factory (23.41%). They were largely working in groups, doing specific *Zari* work or making buttons on machines. In the case of more than half of the selected children (64.89%), about 1–20 other children were also working with them. As far as the duration of child’s engagement in such works is concerned, in the majority of cases (70.21%) it was less than a year before they were rescued. However, few of them (4.26%) had worked for more than 3 years before they were rescued. Researchers found that in more than half of the cases (64.89%) no one from the family was working with these children. However, there was a large group of children (29.79%) whose family members, relatives, or known persons were also working with them; of these, in most of the cases (67.86%), real brothers were working together. In almost one-fourth of the cases (27.66%), the employers were connected with working child as a family member. In an informal interview, a young child who was rescued and rehabilitated, made an important remark:

I was sent to Delhi with my uncle who was already engaged in *zari* work in Kardampuri, Delhi, known as a hub of such type of work, in order to learn some hand work and earn some money through it. No one asked my consent or desire; I have to go because of [sic] my circumstances demanded.

- (c) **Rescue-related details:** The study confirms that almost half of the children were rescued (44.68%) during 2011–2013, whereas 35.10%

children were rescued during 2009–2011 and few of them (3.20%) before 2009. Some of the children (11.70%) were also rescued in past 3 years. The overwhelming majority of these children (74.16%) were rescued by BBA workers. Although it is generally the joint responsibility of district authorities in whose jurisdiction children work (deputy commissioner/district magistrate, police, Child Welfare Committee [CWC], and the specifically established District Task Force [DTF]) to rescue children engaged in work, it was found that NGOs/BBA have always played a very important role in all such cases. In addition to acting as a whistle-blower after receiving information about the presence of child labor, BBA was involved in the complete process of rescue even after the rescue-related work such as short-term stay arrangement, production before CWC, issue of the release certificate, repatriation process, ascertaining release of compensation money under rehabilitation process. However, a few children reported that they were rescued by Police (31.46%) and government official (16.85%). After rescue from workplace, most of them (71.28%) stayed at BBA's *Mukti Ashram* in Delhi, India. As many as 19.15% children were even did not know the place of their stay after rescue and a few others mentioned the names of Child Line, *Prayas*, and *Narela Sanskar Ashram*. More than half of children spent less than 1 month (61.70%), followed by 2–3 months in some cases (21.28%). Some of the rescued children (21.28%) confessed that they were struck by the place of stay and its activities in terms of motivation toward importance of education.

On enquiring any unforgettable incidence during the period of their engagement at work place, about half of the children (53.33%) reported “beating” (physical thrashing), extra work (40.00%), and improper food (6.67%). A rescued child's remarks revealed the raid outcomes:

In June 2013, I was sent to Delhi with my aunt and uncle who were engaged in belt making work in a resettlement colony named Nand Nagari, Delhi, so that I could learn some work and earn some money through it. In September 2013, a raid for rescue was conducted by BBA with the help of police and other Govt. officials in nearby area through which I was rescued and sent to Bal Ashram (Children Home of BBA) for one-and-a-half month. In November 2013, I was rehabilitated and sent back to my home. After that, I was enrolled with the school situated in the village and still continued with the same.

- (d) **Rehabilitation-related information:** Before the process of rehabilitation is started, a rescued child has to pass through complicated legalities of the process. The Sub-Divisional Magistrate (SDM) in whose jurisdiction children were found working issues a “release certificate” under the provision of Bonded Labour Act, 1976 to rescued children. After this, rehabilitation money is provided to each child through the office of the

District Magistrate of child's native place. The Ministry of Labour has provided guidelines for rehabilitation of the released bonded laborers. As per these guidelines, out of the approved package of Rs. 20,000 per released laborer, Rs. 1000 should be provided at the time of release and remaining Rs. 19,000 should be paid at the time of grounding the scheme. More than half of the children (53.20%) said that they had received release certificate. However, a large number of children (35.10%) had not received release certificate and they were not aware of any reason for the same. The compensation money/rehabilitation package was not received by half of the rescued children (50%). Children and their parents practically had no knowledge of laws, rules, or procedures related to their rehabilitation. Half of the rescued children (50%) had no personal bank accounts, which simply meant that they would not receive rehabilitation money. Most of the rescued children (66.67%) reported delay in receiving money. The rehabilitation money was generally used for different purposes such as buying animal, construction/repair of house, daughter's marriage, and giving back to contractor who provided them employment. In some cases (23.81%), cut/convenience money was also paid to the person involved in releasing rehabilitation money. The duration in receiving such rehabilitation money varied from 6–36 months. A group of children (21.28%) did not join school after rehabilitation because of poor economic condition of their families.

Of the total number of children who joined school, more than half (60.29%) had dropped from school after some time. In such cases, some of the children were forced by parents to rejoin work, even after rehabilitation, whereas others (20.21%) rejoined the work voluntarily. As far as the present engagement of these rehabilitated children is concerned, more than half of the children (57.45%) are engaged in some income-generating activities. While interviewing and interacting informally with a rehabilitated boy, the researchers encountered the following remarks:

My family has received release certificate as well as rehabilitation money through cheque provided for this purpose as per the prescribed guidelines in this regard. I don't want to say anything about Govt. officials and other concerned ones. I think education should be provided to all the children.

The realities of rehabilitation are quite painful and a sad commentary on the efforts of rehabilitation. Compensation, back wages, or rehabilitation money passes through many layers before it reaches the rescued child. A group of children (one-fifth approximately) did not join school after rehabilitation because of poor economic condition of their families and many reported to be dropping out from school and rejoining workforce. India's noted child rights activist and Nobel

laureate Kailash Satyarthi (2019) has remarked that “India’s policy for economic, social, psychological and educational rehabilitation of children freed from the child labor or slavery is very strong. Of course, corruption, apathy and delay are the issues we have to continue to address.”

Analysis and Discussion

Mechanism Developed by the Government to Ensure Rehabilitation

Government of India’s Ministry of Labour has provided guidelines for rehabilitation of released bonded labors. The Ministry also provides guidelines about the types of income-generating activities that the rehabilitated bonded labor should be helped to start with. The Ministry of Labour’s guidelines suggest land-based, non-land-based, and skill-based schemes (income-generating activities/enterprises) for rehabilitation. Ministry of Labour sanctions and releases its share of rehabilitation grants upon request from respective state governments. It is the responsibility of state governments to identify, get released, and rehabilitate the released laborers as per the guidelines. State governments may confer powers to District Magistrates to ensure that the provisions of the Bonded Labour Act, 1976 are properly carried out. District Magistrates and the officers specified by them shall take such actions as may be necessary to eradicate the enforcement of forced labor. Ministry of Labour has also asked the state governments to constitute a vigilance committee in each district and sub-division as it may deem fit and notify it in official gazette. District Magistrate or a person nominated by him/her shall be the chairperson of the vigilance committee. Similarly, there will be a vigilance committee at sub-division level. Unfortunately, there is a delay in formation and functional operations.

Effectiveness of Rehabilitation Initiatives

Owing to lack of livelihood options and opportunities, the problem of child labor has aggravated. Government agencies also have limited resources. Moreover, the government has insufficient agencies to rehabilitate rescued child workers. Consequently, it is difficult to break the vicious cycle of vulnerability. Further, it gets complicated due to lack of coordination between different government departments. For instance, the benefit of *Indira Awas Yojana* (IAY) should be given to the family of rehabilitated rescued child on a priority basis through Block Development Office (BDO), but there is no simple mechanism of information-sharing of such cases between government departments. It was found during the study that in both the districts, Child Protection Unit (CPU) has been looked after by Asst. Director, Department of Social Justice/Security as an additional task. Moreover, Child Protection Officers (institutional and non-institutional) in both districts were performing additionally. An interaction with a BDO in Sitamarhi revealed

that most of the rural poverty alleviation schemes and programs are implemented through BDO. He was of the opinion that:

Information pertaining to the rehabilitated child withdrawn from worksites is not provided to us at block level. Moreover, delay in getting information from other concerned Govt. agency is also a problem which delays the entire process and defeats the purpose of rehabilitation”.

Role of Concerned Government Officials in the Process of Rehabilitation

As per the guidelines for rehabilitation, concerned government officials are responsible for rehabilitation of rescued child in proper sense and also get him/her admitted to school. Many schools do not admit such children and some of them wait for orders in writing. A section of government official strongly believes that rehabilitation means providing Rs. 20,000/- per released child worker. It is evident that there is no clarity of roles and responsibilities, and standard operating procedures are also not known to most of the officials.

Mechanism to Check and Stop the Rejoining of Remunerative Work by Rescued Child

There is no such an effective mechanism to check and stop the rejoining of remunerative work by rescued children. Generally, it has been found that rescued and rehabilitated children are again engaged in remunerative work. More often, children from a single family join such remunerative work at different periods of a particular year with the same employer or contractor; this shows acceptance by family members, especially parents, for rejoining remunerative work. It seems to be happening due to lack of understanding about importance of education. However, the District Child Protection Unit (DCPU) and Anti-Human Trafficking Committee (AHTC) have been set up in each district. The main functions of DCPU are to monitor all government homes, such as children's home, to assess the needs of vulnerable children and do mapping of need for additional *anganwadi* centers for such children. The main function of AHTC is to remove all types of human trafficking. This Committee is headed by District Magistrate (DM) as its chairperson. It organizes seminars, workshops, and awareness-generation campaigns in order to create sensitivity in population toward such inhuman practices prevailing in the society. Hence, DCPU and AHTC work on preventive and curative aspects, respectively. No such devise/mechanism is evident that can stop the rejoining of remunerative work by rehabilitated children. A police officer in Kishanganj district opined the following:

More often, the efforts related to anti-child labor do not move in the right direction because all the respective agencies are not doing what they are

supposed to do. Besides, Department of Social Welfare, Department of Education, Department of Women and Child Welfare, etc. must be involved inclusively and share their resources mutually with each other at every level.

Role of Voluntary Organizations (NGOs) in Post-rehabilitation Phase

NGOs have a greater role to play in rehabilitation process. Right from identifying family to placement of child in the school, an NGO has a role to play. It can act as a bridge between government and family of the rescued child. NGOs can take up vulnerability mapping of source areas of child labor, which could be essentially used for developing prevention plans. There is a need for coordination between NGOs within and across the states. It is essential to set up a national integrated grid of NGOs on anti-trafficking/child labor, which should be linked with NGO groups across the border in Nepal. The role of NGOs has been found commendable in securing the future of such children, as they provide educational services along with residential facilities. Inexpensive schools, more resources, educating the parents, in particular mothers, can make a huge difference in educating children.

Gaps in Rehabilitation Initiatives

There are five major gaps from policy to implementation. These at different levels are identified as gaps in policy, knowledge, procedures, resources, and institutional framework.

1. **Policy gap:** Most of the provisions related to the protection of children spring from the Constitution of India as its Directive Principles of the State Policy declare that the state shall provide opportunities and facilities to all children to develop up to the age of 14 years. A number of legislative initiatives have been undertaken at both levels. Moreover, in 1989, UN Convention on Rights of the Child (CRC) provided a base for the rights of children all over the world. It is noteworthy that in the last three decades, several major policies and action plans have been announced for improving the status of children. Unfortunately, it is to be noted that in India no comprehensive policy, including the constitutional and legislative, has been introduced which could completely prohibit all forms of child labor and lay down provisions for educational opportunities for the rehabilitated children. There is an urgent need to provide convergence between Bonded Labour System (Abolition) Act, 1976 and CLPRA 1986 because both legislations are supportive and complementary to each other.
2. **Knowledge gap:** Owing to lack of education and awareness in different stakeholders, they are unable to stop child labor. On the other hand, lack of awareness in people deprive them from availing the benefits of various developmental and poverty alleviation schemes and programs and are forced to send their children for remunerative work.

3. **Procedural gap:** In 2008, the Ministry of Labour & Employment, GoI, brought out a *Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked & Migrant Child Labour*. The protocol provides practical guidelines to key stakeholders on crucial issues relating to prevention, rescue, repatriation, and rehabilitation of trafficked and migrant child labor. Although this attempt of GoI was praiseworthy, there was no seriousness on the implementation of this protocol. There was a lack of coordination between different government agencies concerned with the rescue and rehabilitation of child labor. Neither the roles of different stakeholders nor their accountability mechanism were clearly defined. As a result, the issue of child labor has not been taken seriously in the absence of standard operating procedure (SOP).
4. **Resource gap:** Government agencies alone are unable to perform the rescue operation because they do not have separate infrastructure and adequate resources. Presently, they have an additionally added task and responsibility of rescuing and rehabilitation of children based on Hon'ble Court's recent directives, but without any specific arrangements. Moreover, there is a huge gap between rehabilitated child laborers and various developmental and poverty alleviation schemes and programs, like MGNREGA, IAY, Swarnjayanthi Gram Swarozgar Yojana (SGSY), Sampoorna Grameen-Rozgar Yojana (SGRY), etc. Thus, the families of rehabilitated child laborers are unable to change their economic status of deprivation to stop their children from rejoining remunerative work in the future. It also reflects that government agencies have failed to ensure the optimum utilization of resources available to them.
5. **Institutional framework gap:** Owing to lack of good institutional framework, things do not move in the right direction because the respective agencies do not function as they are supposed to do. Besides, Departments of Social Welfare, Education, Women and Child Welfare, etc. are not involved intensively and effectively to share their resources at every level. Hence, a bigger framework to plan and implement the entire rescue and rehabilitation procedures in an integrated manner is missing. For example, according to a legal provision, the employers should be prosecuted in the Hon'ble Court. However, there is always a mismatch between the number of child laborers rescued and rehabilitated and the number of cases registered against employers.

Delay at each step stems out clarity of roles and responsibilities. It is desirable that released child laborers are rehabilitated as early as possible. However, in reality, a large number of children or their parents (sometimes even NGOs) do not receive release certificates, which are essential for receiving rehabilitation money. This gap between release and distribution of rehabilitation money is too acute in most of the cases. Failing action in stipulated time defeats its purpose. Generally, it is found that after rescue and rehabilitation, children are again engaged in

remunerative work. Thus, this leads to the conclusion that rescue of a child is a huge achievement, but it is diluted in the absence of pro-active approach in releasing certificates and distributing rehabilitation money.

Social Work Response on Realities of Rehabilitation

Rehabilitation is a complex process requiring engagement of multiple stakeholders, ranging from parents and family, school authorities, villagers, various government officials, panchayats, and NGOs. The task of rehabilitation requires understanding of convoluted socioeconomic and politico system on the one hand and understanding of human relations and child behavior on the other. Such jobs cannot be carried out by someone not having professional skills, sensitivity, empathy, realities of rehabilitation, and its societal context. Since inception, social work has been recognized across the globe as a human service profession that focuses on basic understanding of human relationships and social environment and their dynamic interplay. It is based on universal human values and democratic ideals as an emerging human service profession. Considering the sustainable social development as its major goal, social work ensures the engagement of people, institutions, and systems at different levels, not only for protecting and promoting social justice and human rights but also ensuring dignity of human beings and their overall wellbeing through specifically designed interventions suitable to their socio-cultural milieu (Bhatt and Sanyal, 2019). The National Association of Professional Social Workers in India (NAPSWI, 2018) states the following:

Professional social work is based on democratic values, humanitarian philosophy with central focus on the human relationships and human dignity. In India, the profession of social work draws its strengths from indigenous wisdom, constitutional commitment for equality, social justice and human rights, and scientific knowledge base. Its professional practice contributes to macro-level understanding and policy change while continuing to focus on people at individual, group, and community levels. As a practice-based profession, its interactions enrich institutions and systems at all levels through culturally responsive interventions [and] that aim at individual and social wellbeing. Its central concerns are empowerment of vulnerable, oppressed, and marginalized sections of our communities, and as a practice it endeavors to partake in social change [and] sustainable development through participatory and collaborative processes with people in need, institutions, and the state.

The problem of child labor is within the purview of the definition of profession of social work. It recognizes that issues of child labor require more serious interventions to address this problem as violation of human rights, and welfare approach alone is not sufficient. The commonly prevalent paternalistic “law and order perspective” and the predominantly moralistic “welfare perspective” have

to be substituted by a “human rights perspective.” The convergence approach demands a better coordination between government’s various poverty-alleviating schemes and rehabilitation measures. The rehabilitation of rescued child victims should be monitored by external independent agencies with the help of NGOs. The vulnerability mapping of source areas of child labor could be useful for planning, prioritization, and coordinated efforts. Mapping and micro studies have to be done keeping in view all parameters and dimensions, including law and order perspective. It should be participatory and involve the community and Panchayati Raj Institutions (PRIs). In nutshell, rehabilitation process should be built on the “rights-based approach,” rather than a narrow “welfare approach.” This task should be accepted by social work professionals to develop a model similar to a child line for arresting the problem of child labor.

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