

Lost Childhood

Out of School Adolescents in Telangana

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1. Introduction

This chapter seeks to understand the predicament of children both boys and girls in the 15-18 years age group who fall under the category of late adolescence¹, in the state of Telangana. These are older children who are out of school and engaged in some forms of work or the other, trapped in existential day to day hardships for fulfilling basic needs and are struggling for survival. It looks at their life experience and finds that their search for dignity has been systematically excluded because of State inaction in not providing these children their entitlements. Consequently, children remain marginalised and socially excluded. In this sense, more than any factor, exclusion stems from State inaction and more so its complicity in increasing their vulnerability and jeopardising them. This chapter is based on a study conducted by MV Foundation²

There has been a growing concern about the particular challenges faced by children as adolescents defined not just by chronological age, but also by the sociological, cultural, political, legal and ecological (urban and rural) contexts in which they are located

in and emphasising the rights of adolescence.³ Thus there are studies on emotional and social development of adolescence that shape the adolescents brain in terms of the 'skills of self-awareness, social awareness, and self-management'⁴ as well as the environmental factors such as 'meaningful relationships with adults, peers and partners; structure and boundaries for behaviours; encouragement of self-expression; opportunities for participation with their contributions being valued-educational, economic and social opportunities and minimal risk of injury, exploitation, or disease'⁵. The studies of adolescents involved in armed conflict as child soldiers as well as victims of conflict have also thrown insights on adolescent behaviour and the process of healing to come to terms with their horrible experiences of violence and moral ineptitude and the process of their psychological rehabilitation and reintegration can be located in the context of non- conflict situation as well⁶. Studies on adolescence have also largely

1 UNICEF.2011 *Adolescence: An Age of Opportunity, the State of Worlds Children 2011*. New York.p.6 https://www.unicef.org/adolescence/files/SOWC_2011_Main_Report_EN_02092011.pdf defines children in the age of 10-14 years falling under the category of early adolescents and those in 15-19 years as late adolescence.

2 MVFoundation is a registered Trust working on issues relating to children's rights since three decades and its current focus is no rights of adolescent children. See www.mvfindia.in

3 See Jacqueline Bhabha (ed) *Human Rights and Adolescence* University of Pennsylvania Press, 2014

4 Clea McNeely, 'Adolescent Social and Emotional Development: A Development Science Perspective on Adolescent Human Rights' in *Ibid*.

5 World Health Organization, *Broadening the Horizon: Balancing Protection and Risk for Adolescents'* Geneva, Department of Child and Adolescent Health and Development, WHO, 2002. http://apps.who.int/iris/bitstream/handle/10665/67242/WHO_FCH_CAH_01.20.pdf;jsessionid=9196FC03F03E10E892BCF2F8E50D32C2?sequence=1

6 Betancourt, Theresa Stichick 'Child Soldiers: Reintegration, Pathways to Recovery, and Reflections from the Field' ; Theresa S. Betancourt, Jessica Agnew -Blais, Stephen

focussed on sexuality and reproductive health care, adolescent marriage, gender violence and health risks of early pregnancies⁷.

In the context of adolescents and access to education there have been studies on the need to universalise secondary school education and greater investments of the Government of India in its flagship program of Rashtriya Mahayamik Shiksha Abhiyan (RMSA) to allow for greater opportunities for them⁸.

Further there has been a perspective considering the large youth population as an economic advantage, and a dominant view is that if only they were skilled, they would contribute to productivity in industrial sector and foster overall growth of the country. This is often referred to as the youth force in India being a 'demographic dividend'⁹. This is an instrumentalist approach of regarding them as valu-

able assets or demographic dividend for the benefit of the economy and society.

At the same time, there is a growing pressure from some sections of the society to consider children committing heinous crimes in 15-18 years age group to be tried and incarcerated as adults. This is especially so after the 'Nirbhaya Case'¹⁰ where there was a demand to treat the juvenile who was involved in the rape of the victim to be tried as an adult and punish him through adult processes of jurisprudence. Such an approach isolates such children by condemning them as criminals and building a wider gap with those who are better endowed. There is an ignorance of the rapid advances made in research on brain development of adolescent children as unique that propels acts of impulsiveness over rational considerations¹¹.

The studies so far have not focused on out of school children in the age group of 15-18 years, their daily lives and the role of State in protecting them and their rights. It is in this context that MV Foundation¹² conducted a study in the state of Telangana to look at the lives of these young boys and girls- the 15-18-year olds -who are not attending any educational institution. What are they doing? What is their education background and if they are in the workforce what are their work conditions? What is the perspective of the children themselves about what they would like to seek? What are their daily life experiences, fears and anxieties, hopes and aspirations? And what is their interface with the State its institutions, programs, policies and the legal framework.

E.Gilman, David R Williams , B. HeidEllis'Past horrors, present struggles: The role of stigma in the association between war experiences and psychosocial adjustment among former child soldiers in Sierra Leone'; World Perspectives, Social Science & Medicine Volume 70, Issue 1, January 2010, Pages 17-26; and Theresa S. Betancourt, Ryan McBain, Elizabeth A. Newnham, and Robert T. Brennan, 'Trajectories of internalizing problems in war-affected Sierra Leonean youth: Examining conflict and post-conflict factors' Child Dev. 2013 Mar-Apr; 84(2): 455-470. Published online 2012 Sep 24. doi: 10.1111/j.1467-8624.2012.01861.x <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3656826/>

7 K.G. Santhya, Usha Ram, Rajib Acharya, Shireen J. Jejeebhoy, Faujdar Ram and Abhishek Singh 'Between Early Marriage and Young Women's Marital and Reproductive Health Outcomes: Evidence from India'. *International Perspectives on Sexual and Reproductive Health*. Vol.36, No.3 (September 2010) , pp. 132-139

Also WHO *Guidelines on Preventing Early Pregnancy and Poor Health Outcomes Among Adolescents in Developing Countries*. Geneva. WHO, 2011

SJ Jejeebhoy, MP Sebastian, *Actions that protect: promoting sexual and reproductive health and choice among young people in India*. - 2003 - popline.org

8 Document of The World Bank , *Secondary Education in India: Universalising Opportunity*, Human Development Unit South Asia Region January 2009 <https://www.education-forallinindia.com/secondary-education-in-india-universalizing-opportunity-by-world-bank.pdf>

9 Naik Kasturi, Bobade Anita, ' Youth in India: Demographic Dividend or Demographic Disaster' https://www.researchgate.net/publication/316082015_YOUTH_IN_INDIA_DEMOGRAPHIC_DIVIDEND_OR_DEMOGRAPHIC_DISASTER

10 In the year 2012, a 23-year-old female physiotherapy intern 'Nirbhaya' succumbed to gang rape that resulted in a national outrage on safety and justice for women. It resulted in the Criminal Law Amendment Act 2013. At the same time there was a massive public and media pressure to try the juvenile who was one of the accused in the case be as an adult. This was overruled by the Juvenile Justice Board as it went against the existing Juvenile Justice (Care and Protection) Act, 2006

11 See Dahl Ronald E.. *Adolescent Brain Development-A period of Vulnerabilities and Opportunities* https://www.researchgate.net/profile/Ronald_Dahl2/publication/8457353_Dahl_R_E_Adolescent_brain_development_a_period_of_vulnerabilities_and_opportunities_Keynote_address_Ann_NY_Acad_Sci_1021_1-22/links/0c960515db7da63dfa000000.pdf

12 See www.mvfindia.in

2. Education and Work Profile of 15-19-year olds in India and in Telangana

The children under the study are part of 120.5 million persons constituting 10% of India's population in the 15 to 19 age group¹³ of whom 48 million i.e. 40% are out of school with 30.2 million (27%) of them in the workforce and 18 million (17.8%) neither in the workforce nor attending any educational institution (Census 2011). There is a 5% increase in the total workforce in this age group in the year 2011 when compared to 2001. There are a greater percentage of girls in India who are neither in school nor in workforce.

Those who have higher rates of exclusion from schooling are mostly from marginalized communities like Schedule Tribe (ST) and Schedule Caste(SC) and Muslims who are also from the impoverished sections. The incidence of poverty is highest among the STs at 49.6 per cent, followed by the SCs at 32.3 per cent, and then the Muslims at 30.6 per cent. Girls in rural areas – specially from SC and ST background and Muslims – are the major sufferers. (UNICEF 2004: 49)

In the state of Telangana there are 3.4 million children in the 15-19 years age group and constitute 9.8% of population of whom 1.1 million (33%) are out of school with 0.9 million (23%) of them in the workforce and 0.2 million (6%) children neither in the workforce nor attending any educational institution (Census 2011). Significantly there has been an overall 27% decrease in the participation of children in 15-19 years in the workforce in Telangana when compared to Census 2001. There are a greater percentage of girls even in Telangana who are neither in school nor in workforce.

The male workforce constitutes 27% and the female workforce 25%. However, the data in Telangana and the country does not capture the work rendered by girls at home, within closed walls. As they do not get included as part of the workforce their hardship goes unseen, unnoticed and unrecognized.

The situation of 15-19-year-olds in the state of Telangana is better than the national average with 67% of them attending educational institutions. The

percentage of girls not attending schools is greater when compared to that of boys in the country and in Telangana as well.

According to a study, covering school dropout out children from age 15-18 of Telangana, 38% of children in Telangana who enrolled in class I did not reach class X (Dey 2016: 655). Another study that analyses enrollment and dropout rate of children from Schedule Caste and Scheduled Tribe communities for the period of 2001 to 2011 states that, “nearly 68% ST and 62% per cent SC children drop out by the time they reach upper primary level and 88% per cent ST children and 84% per cent SC children dropped out by the time they reach secondary level” (Pandita 2016: 97).

Once out of school, they are forced to being part of unskilled casual laborers at a low end of economy. Even as they grow up, such children struggle to find employment that is steady and are faced with the difficult reality of everyday survival. They live precariously and aspire to get back to schools but lack the capacity to negotiate in an exploitative atmosphere. Lacking in measures for child protection, some of them are out of their families and on streets. They are vulnerable and a few of them get manipulated into illegal activities and in conflict with law.

Girls who have dropped out of schools are confined to closed spaces, in their homes doing domestic chores, in home based non-wage work in the informal sector and even wage work outside the house in farms or factories, always among older persons. They miss not having a peer group, being part of ‘youth’ or mobility as free willed individuals in markets, street corners or any public space. Overall, experiencing insults, humiliation and discrimination due to their caste background and marginalisation, facing injustice in their everyday lives, all children in this age group who are out of schools live with low self-esteem.

3. The Study and Sample

A total of 552 adolescent children in the age group of 15-18 years who were out of school and did not complete 10th class board examination was included in the sample of whom 51.1% adolescent boys and 48.9% adolescent girls were interviewed in the state

13 Census of India, 2011. The data in Census is available for the 15-19 years .

of Telangana and the sample for the study included the following:

- The districts with least literacy and in those districts the Mandals¹⁴ with least literacy and the least literacy villages in these Mandals. The most backward districts in terms of literacy are Adilabad, Mahbubnagar and Medak. Among these districts the most backward mandals are Bejjur and Bhimini with 39.7% and 39.5% literacy; Gattu and Maganur in Mahbubnagar district that have 39.8% and 30.8% literacy and Kangtimal in Medak district that has 39.8% literacy. These villages coincidentally had a large tribal population followed by the scheduled castes. This is reflected in the demographic profile of the respondents.
- One urban slum of Ramagundam which is a town in the mining area of Karimnagar district, one slum each in the industrial areas of Hyderabad and Ranga Reddy district and one slum in the Bahadurpura area that has concentration of minority population in Hyderabad District.
- 72% of the sample was from rural and 27% from urban areas.

14 Mandal is a sub district administrative unit with a population of 50000 to 75000.

Qualitative information in the form of narratives and focused group discussions in their neighborhood both in urban slums and rural areas with boys and girls separately was collected.

3.1 Exclusion- out of school children

The study shows the education background of children and the circumstances under which they were pushed out of schools; their occupational patterns, struggle for survival and forms of exploitation; their precarious health condition and how all these factors add up to a systemic exclusion of these children. It brings to the fore how they have just not been in the reckoning of the State its laws and policies resulting in lack of education, health, security, shelter and rights to dignity and freedom.

Most adolescent children in the study belonged to poor families with 53% of them being STs, 26% SCs and 2% BCs in the rural areas and in the urban areas 34% of the sample were BCs. Having been born to SC, ST and minority communities they are also to contend with social exclusion.

Their parents were agricultural labourers, daily wage earners in the rural areas and engaged as casual labour in urban areas. One third of the families went out on migration in search of work. They lived with uncertainties of being without work. Their access to

Children without parents – A lost battle for Education

'I studied up to class 8 and dropped out as my mother committed suicide by consuming pesticides. We were cheated by my aunt, who is my mother's sister. She sold our herd for Rs.5000 which she never gave us. When my father was seriously ill, my mother went to my aunt to claim her money and my aunt refused to give it in spite of all the pressure from the village elders. My mother became desperate and committed suicide. Father was depressed by all this and never recovered. One night when he was doing night watch on his farm he was bitten by a snake. He was taken to a local quack and rushed to a hospital, but succumbed and died. My younger sister Amala is studying class 6 in Social Welfare SC hostel. I am now working on a construction site in Hyderabad with my uncle. My sister comes and stays with me at the work site in Hyderabad for her holidays. We sometimes go to the village for festivals. All along I had no contact with relatives while all this was happening, they too did not get in touch with us. Perhaps they thought we would start depending on them. They are now reaching out as I am earning a bit. I would like to educate my sister well.'

(Venkatesh, 16 years, class 8, SC.Salindapur Village, Bommarasipet Mandal, MHB Dt)

State food security through the Public Distribution System has been minimal.

The burden of the state's inability to provide social protection, food security, employment, universal health care, access to credit and livelihood support for their parents, ensuring just labour laws and safety at workplace has fallen on their children.

Although 90% of the parents in the sample were illiterates almost every family aspired to send their children to school despite odds. Most of them sent their children to government schools and 4% of rural and 26% of urban parents sent their children to private schools investing in their children's education beyond their means. Yet their children were pushed out of schools excluded from the reach of the State and left to find their own path overcoming every obstacle.

3.2 Education and Exclusion of Children

It is found that 44.6% of children in the sample were school dropouts between classes 6 and 8, followed by 28% school dropouts before completion of primary school (classes 1-5). This is although under the 'Right of Children Act' for Free and Compulsory Education, 2009 every child in the 6-14 years has a right to education and until completion of elementary school education, i.e. up to class 8. 14.5% dropped out in class 10 and 12.5% in class 9.

It is noted that despite dropping out of schools 62% of rural school dropouts and 38% of urban school dropouts attempted to somehow go back to school but failed in doing so. Forty per cent stated that their inability to get readmission was because of being absent for a long time; followed by the fact that the school insisted on documentation or a transfer certificate that they were students at one time; some schools had asked them to repeat the same class or just rejected to admit them without assigning any reason.

Many of them who have failed in the class 10 examinations made a couple of attempts to complete class 10 examination. Sixty-one per cent of adolescent boys and 39% of adolescent girls made one attempt, an equal percent attempted twice and 56% of boys and 44% of girls attempted thrice. It must be noted that completion of class 10 is crucial for availing several opportunities and choices for further education as well for careers.

I belong to ST community and failed in English in class 10. We never had a teacher in English. Even if there was one or two during my entire schooling, they never came nor did they teach well. I live 30 kms away from Bejjur in the forest with no road. I am preparing to take the exam again. I also work on cotton and soya farms. There is no primary school, no buses and very inaccessible. (T. Madhukar, 17 years, Bijpur, Adilabad)

Most of them stated that they dropped out of schools because they did not understand what was being taught in the classroom. This was followed by

Migrant Adolescent Workers – Struggle and Aspiration for Education

'There was severe drought in my village and in all the villages around. Families after families left the villages on migration. Our family too. I dropped out of school in class 7 and engaged as a bonded labour for 3 years against a loan taken in another village. After 3 years when there was rain all of us went back home and began working as agricultural labourers. I would like to do my higher studies through open schools and qualify for a constable's job. My parents discouraged me from this as they felt I couldn't go back to studies.

(Jeedimetla Narender, 18 years, Harijanbasti, Sanathnagar, Balanagar, Rangareddy) .

'We migrated from Mahbubnagar to Balanagar 10 years ago in search of work. We live in a rented house. My parents had to pledge everything they had to pay as advance for taking the one room on rent. I have one older brother and a younger brother and sister who are going to school. My older brother completed intermediate. Parents work for daily wages in construction. They do not have regular work. I do piece work tailoring. At present I earn Rs.3000 to 4000 per month.

(B.Yadamma, 17 years, Vinayaknagar, Balanagar, Rangareddy)

the fact that children dropped out of school due to corporal punishment, bullying and teasing of their peers. In addition, health problems either of one's own or of persons in the family was stated as an important reason for dropping out of school. The fact that they had to support the family indicates the lack of health or social security for the poor. The appalling conditions in the hostels forced the boys and girls to drop out of the education system.

Their memories of going to school, whether government or private school, are not pleasant at all. Teachers do not come. If they do, they do not teach, if they did teach, they are just not able to understand and if they sought clarifications they are punished. In the tribal areas there is a school only up to class 5 and after that children are to walk through the forests for 8 kms at least. Many have discontinued their education. Those in the cities have been to school but soon dropped out because nothing was happen-

ing in school. Some boys took admission into private schools that signifies the aspiration of parents for their children and their education. But they have not survived due to the extraordinary expenses involved in being students of private schools. When such children sought to shift to a government school, they could not do so for want of a transfer certificate. The private schools would not issue a certificate till all dues were cleared. Thus, children dropped out to join the labour force.

"We are 4 members in family. I was admitted in a Private School and was punished all the time for no reason. I didn't want to study in that school. The TC the school issued was lost and they refused to give us a duplicate copy. I could not get admission in another school. So I had no school after that as my parents didn't know how to resolve this. I am now working in a saree shop. As the earnings were not enough my parents took me with them to collect garbage. I work from 6am to 6pm and the bad smell is affecting my health. I have already been

School and Teacher – Bad Experience

'I am from a scheduled caste dalit community and we are five members in family. I dropped out of school in Class 7 as I couldn't learn Maths. The teacher started beating, scolding, harassing, punishing and humiliated me using my caste name, when I asked for help with maths. My parents also supported the teacher. I joined my father in building construction work. I made friends and got addicted to alcohol. My father is also addicted to alcohol and it has affected his health. Now the whole household depends on my earnings'

(V.Prabhu Das, 16 years,Chennipadu, Manavapadu, MHB)

'I studied up to class 9 and dropped out as I couldn't cope with studies and more so because of bad experiences in school.. My teachers humiliated me by getting a girl to beat me up. I was too humiliated to continue to study. Father was paranoid and used to beat up my mother always and so I went to live with my grandmother. I learnt to drive a tractor. I am now running an auto and earning Rs. 3000 per month.'

(B.Madhukar, 17 years, Moormoor, Ramagundam, Karimnagar.)

Hostel – Bad conditions and Pushed out of School

'My parents are agricultural labourers. After class 5 in village school I joined a hostel. There were no toilets, no water in bathroom for bath, no drinking water, no room and nobody to bother. I like to study but could not follow the lessons. The older boys in hostel used to bully me. I finally ran away from the hostel and returned home. I went along with my friends for construction work. It is a real struggle to work. At 6am I go to work without food, I used to get blisters on my hand. Even so, the contractor used to put me to work. I would like to electrical or mechanical job work.

(B.Naresh, 19 years, Kondapalli, Bejjur, Adilabad)

treated for this. Mother is hoping there would be some help to put me back to school.’

(A.Kishore, 13 years, Nandanavanam, Saroornagar, RR Dt)

The education system has denied the fulfilment of aspirations of children to pursue their education and study further. This amounted to wastage of scarce resources of parents and more importantly adverse impact on the child’s life now and in future. There has been no effort preventing children from being pushed out of school. The school and the education system had little respect for the first-generation learners with its refusal to empathise with illiterate parents who have been for generations deprived of cultural practices at home that would support a school going child. Schools were not designed to retain children of SC, ST and minority communities and practised discrimination heaping insults and humiliation on poor children resulting in children losing their battle for schools. Eventually, excluded from State and its policies children sought joining the work force for survival.

Pressure of Work and Exclusion

To understand what children in 15 – 18 years who were out of school were doing data about their work experience for the period August 2014- July 2015 was collected which also included their experiences as a worker, beginning with tracing of initial induction into the work force, the number of months they worked, the nature of work they were engaged in, the conditions of employment and so on. Once children have been pushed out of schools, they would not sit idle. The question of being totally unemployed did not arise.

It is found that soon after dropping out of school 24% joined workforce, 35% of them joined between 3-6 months of dropping out of schools and 40% after one year or more. 57% of children had their first occupation as agricultural labourers followed by 17% as casual labour, 6% as construction labour under a contractor. Along with this, 27% of children went on seasonal migration for work.

Ninety-eight per cent were engaged in work during the current year but they did not have continuous work all through the year. Among the boys 59%

had work for 8 to 12 months, 42% of them had work for 4-7 months and 37% had work for 1-3 months. Among the girls 41% had work for 8 to 12 months, 58% of them had work for 4-7 months and 63% had work for 1-3 months. Many worked as agricultural labourers and belong to tribal and scheduled caste communities. Since there has been a drought in the last 2-3 years, most such children have migrated out of their villages to work on construction sites in the city or in road-laying or work as agricultural labourers travelling huge distances to pluck chillies and cotton. This is true of both girls and boys.

The next sector in which adolescent children from rural areas were engaged in after agriculture was employment in shops. Many adolescent boys from rural areas were also engaged in construction work and as casual labour for a long duration. Interestingly, four of them were reported that they worked in the NREGA programme which is for persons above 18 years of age. Girls were employed as domestic workers.

It was seen that nature of work in urban areas is more diverse. They depended largely on menial tasks and manual labour for survival with a few exceptions where they acquired some low-level skills on job in motor winding, welding and soldering, automobile repair, carpentry and construction. These were mainly boys from the Muslim community. What came across clearly was that the 15-18-year-old boys in urban slums, some of who had barely completed primary school and those who are in higher secondary create a milieu of self-importance as if to hide the deep insecurities of everyday life. They were fully conscious of an unfair and unjust reality and deluded themselves to be the strongest and that they could if they wanted, confront and change the system. They hardly worked for 10 days in a month, and depended largely on their parents for income, and were a fiercely angry lot who have disdain for power and authority.

It was also found during the study that, migrant labours from districts around Hyderabad have settled in squatter colonies working in small units that make electrical equipment, glass, glue, plastic, biscuits, and so on. The issue of housing was a major challenge for children in urban slums. Most households lived in basic shelters and with very little to eat. They also did not have electricity at home, nor

Woes of Migrant Labour

'I studied up to class 4 from home. I joined class 5 in Bejjur ST hostel and was very home sick and dropped out. We have our own lands and we go to agricultural work. We also have goats. I go with my mother and we earn Rs.100 per day. I and my sister migrate to Khammam for red chillies crop for 2 months. We stay on the site sharing a room with 15 women and we cook our own food. We work from 7 to 9:30am plucking chillies and after lunch from 11 to 5 pm. We were paid Rs.150 per day for this.

(S.Chandrakala, 16 years, Karjalli, Bijpur, Adilabad)

'Over the past three years there has been drought in the village. My parents had to migrate to earn their livelihood as agricultural labourers on chilli farms in Khammam district. Due to their migration I dropped out of school in class 7 and joined them. Now we are all in Hyderabad city. Father earned a living as an auto driver and the mother was a construction worker and I accompanied her at Rs.200 per day wages. In the past 9 months I have started to work as a sales girl in 'ladies Shop Corner'.

(Swapna, 17yrs, Karkhastanda, Khanapur, Amangallamdal, MHB) Indrasena Reddynagar, Saroornagar

did they have toilets. Of the total number of children only 28% had latrines attached to their homes. Eighty-five per cent of rural children had no latrines at all. Fifty-seven per cent from rural and from urban areas had no electricity connection in their homes.

Both boys and girls were constantly in search of work and within a short span of their life they are exposed to multiplicity of tasks which they engage simultaneously. Therefore, in a year, during seasonal times they work as agricultural labourers and rest of the time they are either in construction work or casual wage labourers. This dynamism of their

movement from one kind of work to another for subsistence is difficult to capture. In this effort, even those who have dropped out of classes 9 and 10 have no advantage over those who dropped out at lower classes.

The forms of exploitation are diverse. Children were engaged as forced labour against advance taken by the family. They are often tied to a contractor or a farmer who has given them an advance, and so the terms of their work is essentially forced labour. Their exploitation gets reinforced due to caste oppression. Many of them were also employed by small units.

Bonded Child Labour

'I am an SC and studied in a hostel till class 8. After that as my mother was not well I had to stop studying and migrated to work on a construction site at the age of 13. I stayed on site and worked from 6 am to 6 pm as a bonded laborer. I used to carry head loads of sand, cement, small granite and bricks. My stomach muscles used to ache. The contractor used to give my pay to my mother and often used to beat me and abuse me. My earnings helped to pay for my mother's treatment. For my sister's marriage we had to sell away the house at a low price. After this my brother was married. We don't own any land and don't have our own house. My parents built a hut outside the village and that's how we lived. We are now trying to pay off the debts incurred for the sister's marriage. I have cleared my loan with the contractor and am now working in a restaurant. They are paying me Rs.5000 and this is more than what I was earning working on construction. This is also a difficult work as there are a lot of customers and I don't have even a minute's rest."

(Vippa Shankar, 18 years, Karjalli, Bijpur, Adilabad)

The exploitation of children in such circumstances is further compounded as they seldom get paid their wages. Several children worked for their own households who are themselves vulnerable and struggling for survival.

The pressure on children to find work and fend for themselves and their family is a reflection not just of its inaction and failure but its complicity in perpetuating exclusion of children and the families of SC, ST, and marginalised sections.

3.3 Health and Exclusion

Illness of even one member of the family, the enormous costs incurred for treatment, loss of work and wages of family members during this period reduces the entire family to destitution and penury. The episode of ill-health is inter-generational as children are forced out of school to work and keep the family going.

“I am a tribal girl and went to school only up to class 3. I was pulled out of school because my mother’s health was getting bad to worse and she needed my support in the family. Since then I have been working as an agricultural labourer. I was married at the age of 10. My husband was 16 years and he studied till class 7. Both of us work as agricultural labourers. We have a girl and a boy and both are studying. I have become very weak, unable to work and feel very exhausted and have suffered weight loss.”

(S.Sunita, 16 years, Karjalli, Bijpur, Adilabad)

Almost every child has experienced some health condition like aches and pains, injuries at work place and other ailments due to their work. Most children engaged in agriculture work complained of cuts and bruises and being forced to work despite having fever. Normally, they are unable to take off from work for more than 3 to 6 days.

The work of construction labourers, brick kiln workers, headload carriers, tractor drivers, bore well site and mining have caused injuries resulting in fractures of limbs and head injuries, wounds, debilitating them for a month and even more. They have chronic back aches and no place to go for making a complaint and getting treated. The homebased labour and domestic worker complained about fever and head ache. Workers in factories have also complained of weakening of eye sight and aches and

pains. The hotel and dhaba workers had head injuries and burns. Children working on garbage dumps have complained of lack of appetite, headaches and fatigue. Such work atmosphere put them at risk of serious health issues.

The study reveals how precarious is the lives of all children. They do not have any support system from the government to mitigate their health condition, nor are the employers held responsible to provide a safe working environment and compensate for the health hazards. This has resulted in enormous expenditure on their health, anxiety and affecting their capacity to work. They remain unhealthy and do not complain or seek medical advice till they become totally incapacitated. By then the health risk is greater and gets more expensive. This adds to their anxiety as they experience their body withering away.

3.4 Gender discrimination and Exclusion

It was observed from the study that gender discrimination was prominent in the lives of girls compared to boys. Both urban and rural girls were bound to their own homes, and came into public spaces to travel in groups only to work. There was excessive control of mobility of girls in the public spaces that denied them with experiential knowledge. In the course of their life, they lived a monotonous life within closed walls. Due to this, girls have very less interactions among peers, their outdoor activity is minimalistic and they often lack the capacity to make choices for themselves. Girls resigned themselves to marriage and are generally silent on what they wished for themselves.

The respondents (both boys and girls) in the study were asked about their perceptions regarding the challenges and difficulties girls face vis-a-vis boys while at work. The perception that girls suffered more at the workplace was held by 65% of adolescent children. Most of them stated that girls worked longer hours for lesser wage, followed by the factor of sexual abuse and lack of toilets. The below table list the factors that caused difficulties for girls at workplace according to the respondents.

Factors Causing Difficulties for Girls	
<i>Particulars</i>	<i>% of Respondents</i>
Low wages when compared to men	52.3
Long working hours	58.5
Lack of facilities like toilets	36.2
Sexual abuse	39.7
Teasing	26.8
Burden of domestic chores	11.8
Others (ill health, lack of mobility)	25.0

Control over girls' mobility begins from the time of birth and intensifies soon after they start to menstruate. They are forced into marriage and exercising control over mobility and bodily integrity becomes explicit through arguments such as safety and security of the girl. However safety of a girl remains least priority when they are sexually abused in marriage, face domestic violence, suffer ill health and multiple pregnancies. Their safety is of no consequence when girls walk miles to fetch water or firewood, migrate for labour or work as agricultural labourers, trafficked for child labour and sex work. The inherent and invisible gender based discrimination and violence that controls a girl is a serious matter of exclusion from all services of the State.

4. State Complicity-Perpetuation of Exclusion of Children

It is found that the vulnerability of such children while living with uncertainties and loss of self-esteem is unimaginable. Their dreams are limited to tomorrow perhaps a day without servility and humiliation. They hope to wade through moments of uncertainty in anticipation that they would find work. They move from one kind of work to the other looking for their next meal throughout their childhood and adolescence. Many of them live in fractured families with alcoholic fathers, witnessing domestic violence and grow up feeling helpless. Yet, it is their family and their home that gives them stability while the State and its instruments are totally absent in their lives.

Although the Constitution of India guarantees all citizens that includes youth fundamental rights

to equality (Article 14), nondiscrimination (Article 15), special provisions for women and children (Article 15(3)), life and liberty (Article 21), and under the Directive Principles of State Policy Articles 39 (e) and (f) which makes explicit the State's obligation to protect childhood and youth. It has been more honored in the breach as far as out of school children in the 15-18 years are concerned. The State has failed these out of school children at all stages of their education from primary school to secondary education and has tolerated and ignored the reality of these children being out-of-school. It is totally oblivious to the extent of exploitation and suffering of innumerable adolescent children who remain unhealthy and keep working till they become totally incapacitated, experience their body withering away.

The Child Labour (Prohibition and Regulation) Act, 1986 which covered children up to 14 years has been amended as the Child and Adolescent Labor (Prohibition and Regulation) Act 2016 to cover children up to 18 years of age and introduces the term adolescent to mean a person between 15-18 years of age. In prohibiting adolescent child labour only in mines, production of inflammable substances or explosives and hazardous process assigned to it in clause of the Factories Act 1948, the Act gives a legal sanction for employment of adolescent children in all other sectors. In effect this amendment is a half-hearted expression of the State's attitude towards adolescent children and their childhood and dignity. The Act is of no relevance to the lives of the vast numbers of children who are forced to work and instead keeping them out of the purview of Child Labour Act, their exclusion becomes legitimate by law.

It is the Juvenile Justice Act 2015¹⁵, which provides for care and protection of all children up to 18 years has a universal approach as it states that 'whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes shall be punishable with rigorous impris-

¹⁵ Juvenile Justice (Care and Protection) Amendment Act, 2016 Some of the principles to be followed in administration of rules are as follows: Principle of dignity and worth; Principle of safety (no harm, no abuse, no neglect, no exploitation and no maltreatment; Principle of equality and non-discrimination. http://www.cara.nic.in/writereaddata/uploadedfile/NTESCL_635761161594843239_jjact-amendment.pdf

onment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.¹⁶ All such children which include child labour, children trafficked, children subject to violence and abuse are to be referred to the Child Welfare Committee which is responsible to provide for their care and protection for such children. There has not been a single case of children in 15-18 years under the study that have been protected under the Juvenile Justice Act, 2015.

Instead, the State was quick to pass an amendment to the Juvenile Justice Act 2015 lowering the culpable age from 18 years to 16 years to incarcerate children in the 16-18 years if they have committed a 'heinous crime'¹⁷.

The Right of Children to Free and Compulsory Education Act 2009, guarantees children right to education for all children in the 6-14 years of age, children in the age group of 14-18 years are left out. The state does not plan for all children to study beyond class 8, nor does it adequately support those willing to go the extra mile to study further. This is also an aspect of children being excluded from education resources. They should under normal circumstances continue with their education after elementary school. But they get pushed out of the education system as the investment in secondary school is inadequate.¹⁸ The state does not even plan for or factor in adolescents' entry into formal education. By default, it assumes that adolescents' entry into the workforce precludes them from joining schools. Adolescents are also covered under the adult education program, Sakshar Bharat – National Literacy Mission and the National Institute of Open Schooling (NIOS). There

are no special efforts made by the state to enable adolescents' access to these schemes. Of potentially 100 million children in this age group in the country, merely 1% is covered by the NIOS.

The Prohibition of Child Marriage Act 2006 sees no role for the State in providing protection and safeguarding girls from violence and abuse and entrusts the sole responsibility to make space for them as members of either the natal or marital family. There are also interventions that link financial incentives with raising the age of marriage of the Government of India, conditional cash transfers such as Balika Samriddhi. They assume that a happy ending to a girls' life is in marriage and that such incentives enable girls assert themselves and access education without addressing the power structure and gender discrimination within the family, influence of caste and economic exploitation.

In the study it is found that none of the girls were covered under the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (SABLA) the Ministry of Women and Child Development of the Government of India that addresses the nutrition and health of girls in the age group of 11–18, encourages children below the age of 14 to go to school, while equipping older girls with 'vocational skills' scheme. The budget has decreased from 600 crores in the year 2013-14 to 400 crores in the year 2017-18 reflecting the non-seriousness of the government towards girl's empowerment.

There are several programs of skill development that address out of school children.¹⁹ The National Policy on Skill Development and Entrepreneurship, 2015 under the Ministry of Skill Development and

16 *Ibid*, Clause 79 of the 2015

17 The newly enacted Juvenile Justice (Care and Protection) Act, 2015 Act introduced clauses to try a juvenile who has committed 'heinous crimes' as under:

18 For details see CBGA, *Inequalities in Secondary Education: A Study of Rashtriya Madhyamik Shiksha Abhiyan (RMSA)* In order to provide quality secondary education to all by 2017, Rashtriya Madhyamik Shiksha Abhiyan (RMSA) was introduced in 2009. Later, to address the issues of equity, vocationalisation in education and to bridge the digital divide among students of different backgrounds, four independent programmes viz. Information and Communication Technology in schools (ICT), Vocational Education (VE), Girls Hostels (GH) and Inclusive Education of the Disabled at Secondary Stage (IEDSS) were subsumed under the umbrella RMSA.

19 For example, the Ministry for Rural Development's Aajeevika, 'Saksham'-Rajiv Gandhi Scheme for Empowerment of Adolescent covering all adolescent boys (both school-going and out of school) in the age-group of 11-18, subdivided into the categories of 11-14 and 14-18. 'Parvaaz' which is meant to mainstream the minority BPL youth of the country by empowering them with education, skills and employment. NIIT YuvaJyoti is a joint initiative of NIIT and NSDC (A Public Private Partnership initiative of Government of India), conceived with an objective of transforming over 7 million unskilled youth into readily employable professionals over the next 10 years: Learn and Earn / Seek-hour Kamao, is a joint venture of NSDC and IL&FS, Ministry of Minority Affairs to upgrade skills of minority youth in various modern and traditional vocations depending upon their educational qualification, present economic trends and market potential.

Entrepreneurship aims to cover 24 lakh youth to link skills development to improved employability and productivity.²⁰ Out of school children who have not completed class 10 do not come under the purview of this scheme.

The cost of State inaction results in whole generations of adolescent children getting more and more marginalized and excluded from their rightful share of State resources and action. Having missed out on education and benefits thereof, their fate is sealed. Each year there is a new cohort that gets added to a similar fate. It is seen that no law on children, especially in the 14 – 18 years age group has taken a categorical position in favor of their rights.

Recommendations

The challenge is in the State fully recognizing that out of school children are not a homogenous group yet has to reach out to each child who has been denied her basic entitlements to complete secondary school. Given such complex occupation patterns, education attainments, forms of exploitation and family situation the State must value their past which was an arduous journey. The State must accept that their entry into the work force has been due to State failure and so own up its responsibility and make every effort to encourage them to get back into the formal stream. Embedded in the constitutional principles of social justice and equality the recommendations concerning children in the 15-18 years age group are as follows:

- It is essential that the fundamental right to education for all children in the 6-14 years age group under the 'Right of Children to Free and Compulsory Education Act, 2009' is implemented in letter and spirit. This would ensure that children go to school as a matter of habit. It is also necessary that quality of education is provided in all schools to encourage them to continue in school without any disruption.
- Given that 10.6% of the 120 million children in the 15-19 years are illiterate and

40.2% are not attending any educational institution, in a perspective based on rights and investing in evolving capacities, there is a need to invest in giving them education just so that they are not marginalized and disempowered. The more there is a delay in universal coverage of every child at least up to 18 years of age or senior secondary school, the greater is the cost of inaction resulting in repetitive violations of human rights.

- There is a role for the education department, to ensure that every child that has been left out is covered and given education. It is often recommended that there is a need to step up vocational education program as youth are unskilled and cannot participate in any productive work at a higher end. It is important to recognize that young people have not been provided with education that would enhance their capabilities and functioning. No skill education can be provided for these children who have been denied basic education.
- Therefore, there is a need to have a plan to address the backlog of children below 18 years of age who have been left out, even as there is a need to ensure that they are in education stream that provides quality education and an opportunity to catch up with their peers. There must be a process of inducting them to gain lateral entry into appropriate formal streams through programmes of accelerated education.
- The emphasis on skill development makes sense only when all children receive same and equal education until completion of school up to class 10. This means that children in schools are tracked, retained in schools and with a zero tolerance of school dropouts. Further children in government schools are to be provided a learning guarantee. They just cannot afford to leave school feeling that they have learnt nothing and expected to become part of skilled labour force.
- The state has failed its children in terms of provisioning for secondary school education. Consequently, at the secondary school

²⁰ <http://www.skilldevelopment.gov.in/National-Policy-2015.html>, Ministry of Skill Development and Entrepreneurship website

level it is the private sector that is dominant making it impossible for poor children to continue in schools after elementary education. The Right of Children to Free and Compulsory Education Act 2009 should be extended to cover all children up to 18 years of age and go beyond guaranteeing the right to education to children in 6-14 years age group alone.

- More importantly the amended to the Child Labour Act that extends to cover adolescent children in work force in the 15-18 years does not recognise children working in agriculture sector as farm labour, on construction sites, on local units for welding, soldering, carpentry, painting, rolling beedies or working in household units in embroidery work, and those in small enterprises as child labour. In this sense the proposed amendment makes no sense to majority of children found in our study. Considering the exploitation of children and their work conditions, the new enactment must ban all forms of child labour up to 18 years of age.

All the above recommendations are based on the belief that these children want change and want to get out of their predicament and have full capacities to be equal partners to reconstruct their lives. Thereby, they will gain confidence to pursue education from the point where they have left off. This would unleash tremendous energy, build a confident youth force, and create options that go beyond a mechanical skill development program. State must shoulder the responsibility of reaching out to them and extend itself to constantly engage with them, consult and visibilise them.

This would correct the injustice meted out to them and give them a fair chance to participate in the process of nation building as well. Given the gross neglect of children, continuing violation of their human rights and the deprivation of their basic entitlements, it is a moral imperative to provide them all that is necessary in terms of education, health, food security and a condition that gives them a sense of self-worth and importance. If they are to exercise agency, they are to be given time and space where they could find their bearings, learn and catch

up with all that they have missed in terms of formal education, leisure, friendship, peer group, and a body that is not tired and exhausted.

It is in recognizing that in all fairness marginalized children require a wholehearted and uncompromising effort to pledge for children's wellbeing. It is in rousing the national consciousness to correct the wrongs that they have been subjected to and ensuring that their daily sufferings for survival become part of history. Only then is justice rendered to children as State's commitment enabling them to live with dignity and freedom.