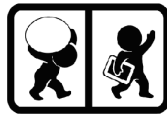


**Eliminating Child Labour Through  
Education:  
The Potential For Replicating The Work  
Of The MV Foundation in India**

**Damien Murphy**

**2005**



**MV FOUNDATION**

201/202 Narayan Apartments

Sri Hanumanji Cooperative Housing Society

Marredpally West, Secunderabad 500 026, Andhra Pradesh, India

[mvfindia.in](http://mvfindia.in)

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*by*

**Damien Murphy**

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## ABBREVIATIONS

BKVV	Bala Karmika Vimochana Vedika, Teacher's Forum for Liberation of Child Labour
CBO	Community-Based Organisation
CLPRA	Child Labour (Prohibition and Regulation) Act, 1986
CRPC	Child Rights Protection Committee
CRPF	Child Rights Protection Forum
CWOP	Child Workers' Opportunity Project
EFA	Education for All
EGS	Education Guarantee Scheme
ICDS	Integrated Child Development Services
ILO	International Labour Organisation/ International Labour Office
INDUS	technical co-operation project between the governments of India and the United States for the elimination of child labour
IPEC	International Programme for the Elimination of Child Labour
IWGCL	International Working Group on Child Labour
KGBV	Kasturba Gandhi Balika Vidyalaya; residential school programme for girls in educationally deprived areas of Madhya Pradesh
MDG	Millennium Development Goals
MIDS	Madras Institute of Development Studies
MVF	Mamidipudi Venkatarangaiya Foundation
NCLP	National Child Labour Project

NFE	Non-Formal Education
NGO	Non-Governmental Organisation
NPE	New Policy on Education
NPEGEL	National Programme for Education of Girls at Elementary Level
NRBC	Non-Residential Bridge Course
PIL	Public Interest Legislation
RBC	Residential Bridge Course
SSA	Sarva Shiksha Abhiyan, Indian government programme for the universalisation of elementary education
UEE	Universal Elementary Education
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
VEC	Village Education Committee

## GLOSSARY

<i>Adivasi</i>	scheduled tribal community, traditionally excluded from the Hindu social system and among the most disadvantaged social groups in India
<i>Anganwadi Centre</i>	village health and childcare centres, run under the ICDS scheme in India
block	administrative subdivision of a district, with approximately twenty villages
bonded labour	the exchange of labour as collateral for a loan, often considered akin to slavery
<i>Dalit</i>	scheduled caste, traditionally excluded from the Hindu social system and among the most disadvantaged social groups in India
<i>dhaba</i>	roadside truck-stop, diner or tea stand
district	administrative division of Indian states, themselves divided into <i>mandals</i> / blocks
<i>gram panchayat</i>	local government body at village level
in-charge	a programme supervisor at district, block or <i>mandal</i> level
<i>mandal</i>	administrative subdivision of a district in Andhra Pradesh, with a population of approximately 50,000
<i>panchayat</i>	elected village council
<i>sarpanch</i>	head of village <i>panchayat</i>



## ABSTRACT

The aim of the current study is to assess the potential for the replicability of the programmes of the Indian non-governmental organisation, the MV Foundation (MVF), which works towards the elimination of child labour through the promotion and provision of universal education in India.

The persistence of child labour in developing countries is often excused as an unfortunate, but necessary, consequence of poverty and underdevelopment. On these grounds, legislation and policymaking regarding child labour frequently concentrate on eliminating only those forms of child labour deemed to be most hazardous to the child, while trying to ameliorate the conditions in which other children work. This paper contends, commensurate with the views of the MV Foundation, that such an approach perpetuates child labour unnecessarily. The enormous success of the MV Foundation in removing child labourers from the workplace in India, and ensuring their access to, and retention in, the formal school system - despite their poverty - stands as a powerful empirical challenge to the accepted policy approach.

The effect of child labour on children's access to education is a central issue to the MV Foundation's approach. Ensuring access to education is seen as an important tool for the eradication of child labour, and it is contended that only through removing children from the workplace can universal education be achieved. This philosophy, set out in a charter of "non-negotiable" principles, is central to the MV Foundation's programme. The current study investigates the challenge of encouraging the acceptance of these principles by other organisations that seek to utilise the MV Foundation's model for their own purposes, and the potential of the model to achieve the elusive goals of universal education and the elimination of child labour, as set out in the Indian Constitution.



# 1

## INTRODUCTION

### 1.1. Global Child Labour Estimates

Worldwide, close to a quarter of a billion children between the ages of five and seventeen are estimated to be involved in some form of employment that impairs their access to education.<sup>1</sup> The great majority of this child labour is found in the developing countries of Latin America, Africa and South Asia. Children work in a vast and diverse range of occupations, from household chores such as looking after younger siblings to slave-like bonded labour in such industries as mining where, aside from working in appalling and dangerous conditions, they are paid very little, if anything at all. Furthermore, many children are exploited in the drug and sex trades, or are forced into armed conflict. These conditions persist despite the existence of numerous national and international laws, global conventions from the United Nations and International Labour Organisation, and the work of many non-governmental bodies to protect children from exploitation and from involvement in occupations harmful to their health, education and development. This is often the case because such measures are inadequate or poorly implemented, but their success is also frequently compromised by a widespread belief that children work because poverty leaves no other options open to them.

### 1.2. Child Labour and Education in India

This is a situation familiar to India, where the incidence of child labour remains one of the highest in the world and the education and literacy levels are among the lowest, despite explicit constitutional provisions for the rights of children in regard to both education and child labour. Many policies have been drawn up over the years, ostensibly to fulfil these provisions, but huge gaps exist between these policies and practice.

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1 ILO-IPEC (2005)

The primary legal instrument dealing with child labour in India is the Child Labour (Prevention and Regulation) Act 1986, which “prohibits the employment of children in certain occupations and processes, while regulating the conditions of work in other jobs”.<sup>2</sup> The rationale of such an act is the belief that, due to India’s pervasive poverty, child labour cannot be fully eliminated. The provision of non-formal education to working children seeks to offset the effect that children’s work has on their schooling, but illustrates the government’s failure to recognise the connection between the eradication of child labour and the achievement of universal education, as per the Constitution and the United Nations Convention on the Rights of the Child (UNCRC), which it has ratified.

Nevertheless, an increasing number of organisations are arguing that such assumptions at the policymaking level only serve to perpetuate the levels of child labour in India, while stymieing efforts to attain universal elementary education (UEE). Their view is that only by prohibiting *all* child labour can the government achieve its constitutionally-stated goal of UEE. Many of these organisations actively seek to remove children from the workforce and ensure their access to schooling. As such, they play an important role not just in filling in the policy gaps that exist in the government’s actions and abilities, but in pressurising governments into more effective policymaking and implementation. They act, as Upala Devi claims, first, as a catalyst in policy framing, and secondly, as an implementer of policy.<sup>3</sup>

### 1.3. Introduction to the MV Foundation

The MV Foundation<sup>4</sup> is one such non-governmental organisation (NGO) based in Secunderabad in the state of Andhra Pradesh, India. Since 1991, the Foundation has been working to eliminate child labour in the Ranga Reddy district of Andhra Pradesh, through the promotion and provision of full-time, formal education. To date, its efforts have eliminated child labour from over 200 villages in the district,<sup>5</sup> and more than 320,000 child labourers have been withdrawn from the labour force

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2 Weiner (1991), p. 78

3 Devi (2002), p. 20

4 M. Venkatarangaiya Foundation, named after the Indian educationist and historian, Prof. Mamidipudi Venkatarangaiya

5 Wazir (2002), p. 9

and successfully mainstreamed into the full-time education system. Fundamental to its achievement is the challenging of the deep-rooted social attitudes and norms of every level of Indian society regarding poverty's effect on children's work and education. On the basis of its success in Ranga Reddy, the Foundation has been working since 1999 to expand, and now operates in seven districts in Andhra Pradesh. Out of these seven, four cases have been of direct MVF expansion; the other three have involved small, local NGOs in those districts requesting support from the MV Foundation. More recently, other organisations have sought to replicate the model of the MV Foundation to achieve similar results in other regions of India. Assessing the potential for such replication, the challenges involved and the importance of the underlying ideology, forms the ultimate objective of this study.

#### 1.4. Outline of the Study

The discussion here moves from a consideration of the nature of, and reasons for, child labour, and its relation to educational attainment, to an assessment of the MV Foundation's use of this relationship to ensure children's rights. The issue of the replicability is central to determining if such a model, and the philosophy that underpins it, can be successful in securing what has been constitutionally promised to, but for so long been withheld from, the children of India - a free and valuable education, and the protection from economic exploitation.

Chapter 2 sets the scene by investigating the scale and nature of child labour and the inherent difficulties in measuring these, before moving on to examine the reasons for its prevalence, through a consideration of the relevant academic debates on the subject. Beginning with the benefits for employers of exploiting children's labour, the discussion turns to focus on the role played by accepted norms and attitudes both at local level and, crucially, at policymaking level. In particular, the widespread belief, that it is unfortunate, but unavoidable, for many families in the lower economic strata of developing societies to rely on the income of their children, is challenged. This chapter argues that while poverty is a factor affecting the supply of child labour, it is only one of a network of interacting factors. Policymaking based on the so-called 'poverty argument' results in the negligence of the role played by other important factors and, ultimately, as an apologia for the occurrence of child labour, undermines attempts to effectively tackle

the child labour problem. By examining the neglected inverse relationship between educational attainment and the prevalence of child labour, it is suggested that significant movements towards universalising education may be achieved through the eradication of child labour.

Chapter 3 examines the current and historical experience of India in the context of the theoretical discussions of the previous chapter. India has more working children and more illiterate people than any other country in the world, despite numerous legal and constitutional stipulations for the universalisation of education and the eradication of child labour. It is argued here that the disparity between policy and practice in the Indian context results from the widespread acceptance of many of the attitudes and norms addressed in the previous chapter, at every level from the legislative to the local. It is contended that only by confronting these entrenched ideas can the wholesale failure of the Indian government's attempts to achieve its constitutional promises be reversed.

Chapter 4 introduces the MV Foundation, which seeks to do just that. The tools and techniques are here described, with particular attention paid to the importance of the underlying principles of the Foundation, and its success in opening up the debate and challenging deep-seated notions at household, societal and state levels. The chapter then looks at the expansion of the programme by the MVF from working exclusively in the Ranga Reddy district of Andhra Pradesh into the Nalgonda district. The main focus is on the use of extant resources in the district, and the importance of social mobilisation.

On a nationwide scale, the MVF's own capacity is relatively limited. As such, the replicability of the programme - the ability of other like-minded actors to implement it - and the ability of the MVF to disseminate its objective to such actors, is a crucial factor. This is the focus of Chapter 5, which examines the replication of the MVF programme firstly by the government of Madhya Pradesh as a tool in implementing the national scheme for universalisation of education, and then by the Apeksha

Homoeo Society in the Amravati district of Maharashtra. The former focuses on the change in outlook at state governmental level and the implications of this for the national level, and the latter on the implications of implementation by an organisation with a different overall agenda to the MVF.

Finally, Chapter 6 considers the implications of research, postulating that, while the methods of the MV Foundation have been demonstrably successful in reducing child labour and increasing school enrolment and retention in India by challenging the dominant attitudes, the main challenge for ensuring the successful replication of its model on a greater scale is the assurance that those who seek to reproduce their results are fully committed to the core principles of the model itself and to the inflexible acceptance that the place for any and every child is not at work but in school.

## 1.5. Methodology

As a mainly theoretical study, much use is made of existing and secondary sources - books, journal articles and Internet resources, in order to present the context, both globally, and in India, to frame the operations of the MV Foundation. Primary research for this study was conducted while working as an intern for the MV Foundation in India between July and September 2005. This provided access to a wealth of MVF documentation and policy papers from the resource centre at its offices in Secunderabad, Andhra Pradesh. General information on the functioning of the MV Foundation projects, as well as the grassroots experiences of children, their families and those who work with them to ensure their education and freedom from labour was gathered during semi-structured interviews with MVF volunteers, with teachers, and with former child labourers enrolled in the MVF Residential Bridge Camps and local schools in the Ranga Reddy and Nalgonda districts of Andhra Pradesh, Hoshangabad district of Madhya Pradesh and Amravati district of Maharashtra, as well as district-level conveners of the Child Rights Protection Forum in Nalgonda.

Regarding the study of the replicability of the MV Foundation's programme, semi-structured interviews and focus groups were conducted with the following:

- ⊗ MV Foundation staff of all levels in the states of Andhra Pradesh, Maharashtra and Madhya Pradesh, including Secretary Trustee, Dr. Shantha Sinha, state co-ordinators, VV Rao and Venkat Reddy, 'in-charges' at district, block and *mandal* level as well as village-level volunteers
- ⊗ Members of community-based organisations, such as the BKVV - a teachers' forum for the elimination of child labour in Andhra

- Pradesh - Village Education Committees in Maharashtra and the Child Rights Protection Forum in all three states
- ✘ Core representatives of Sarva Shiksha Abhiyan (SSA), the Indian government programme for the universalisation of education, including Neelam Rao, the mission director of SSA in Madhya Pradesh, and senior bureaucrat in charge of education in the state
  - ✘ Core staff of the Apeksha Homoeo Society in Maharashtra, including director, Dr. Madhukar Gumble

### 1.5.1 Methodological constraints

While little problem was encountered in gaining access to resources and to interviews, the nature of the interviews themselves often presented significant challenges. Many were held as focus groups that were less formal - and thus more difficult to maintain control of - than had been anticipated. In particular, village-level meetings frequently resulted in very high attendance by many diverse stakeholders, resulting in occasions whereby research questions often triggered internal discussions and debates that strayed from the primary focus. Furthermore, issues of potential social desirability response bias inevitably arose; however, these were relatively easily overcome through comparative



## 2

# CHILD LABOUR AND EDUCATION

## 2.1 The Extent of Children's Work

Child labour is perhaps associated in the Western mind most closely with images of young people in developing countries working long hours in poor conditions for little pay in huge 'sweatshops', producing sports shoes and clothes, toys and other goods for Western consumption. Yet, while it is neither an exaggerated or unrealistic example of conditions in which children work, it is not representative of the situation of the average child labourer.

These most recognised forms of child labour tend to be those the International Labour Organisation (ILO) considers to be the "unconditional worst forms of child labour". They are so familiar because they are those most abhorrent to Western perceptions:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.<sup>6</sup>

These situations involve children being employed in work that is intrinsically exploitative, dangerous by nature, often illegal and may even be commonly questionable for adults to perform. However, while the number of children involved in such forms of child labour is huge (an

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6 ILO, Convention: C182 - Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted 17<sup>th</sup> June 1999; Date of coming into force 10<sup>th</sup> November 2000. Accessed online on 7th June 2005, at [www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm](http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm).

estimated 8.4 million<sup>7</sup>), it constitutes only a very small proportion of the total.

Neera Burra identifies four broad and non-exclusive categories of child labour: firstly, industrial work in factories, mines and workshops; secondly, bonded labour, in both agriculture and industry; thirdly, work by street children in the service sector in urban or semi-urban areas; and lastly, work carried out by children within the family context, whether in the household, on the family farm or in family-owned industries.<sup>8</sup> While the most visible forms of child labour fit into niches of the second and third categories, the greatest majority of children's work is to be found in the fourth. According to Human Rights Watch, 70 percent of working children are to be found in agriculture - ten times as many children as work in factories.<sup>9</sup> Thus, the majority of child labour takes place in the informal sector, often unrecorded by censuses and surveys, and untouched by the inspection and control of those who implement the (frequently inadequate) legislation that purports to protect children from danger, exploitation and harm, in accordance with their rights as enshrined in the United Nations Convention on the Rights of the Child.

Accurate estimates of the extent of child labour are, therefore, exceedingly difficult. By all estimates, however, the number is huge. The ILO's International Programme on the Elimination of Child Labour (ILO-IPEC) has put the figure at 246 million children under the age of eighteen, three-quarters of whom -186 million - are aged between five and fourteen years.<sup>10</sup>

## 2.2 “The Definitional Conundrum”<sup>11</sup>

A crucial underlying factor in the underreporting of children's work is an inherent ambiguity in determining what is, and what is not, child labour. A basic definition of child labour may be “any work that interferes

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7 ILO (2005).

8 Burra (1995), p. 11. See also Bajpai (2003), p. 148.

9 Human Rights Watch (2002a).

10 ILO-IPEC (2005); Stop Child Labour Campaign website ([www.schoolisthebestplacetowork.org](http://www.schoolisthebestplacetowork.org), > Campaign Toolkit). Other estimates put the figure even higher. Luis F. Lopez-Calva, strangely also citing the ILO, claims that “estimates ... show that approximately 250 million children under the age of 12 are working for a salary around the world.” Lopez-Calva (2001), p. 59, emphasis added.

11 This phrase is borrowed from Majumdar (2001).

with a child's physical or mental development"<sup>12</sup> yet this in turn raises the further definitional problems of determining what constitutes "development", and - even more crucially - who is considered a "child".

### 2.2.1 Defining Childhood

According to the ILO distinctions above, childhood is defined by age, but here already there is ambiguity, since figures based on the definition of a child as below the age of eighteen, and separately, as between five and fourteen, have been given. Similarly, the UNCRC allows for individual countries to determine when childhood ends.<sup>13</sup> In practice, and when examining the experience of child labour in various countries and contexts, such a definition is not adequate. The International Working Group on Child Labour (IWGCL),<sup>14</sup> in a survey of thirty-five countries, found that:

Chronological age is often used as a benchmark for legislation that prohibits children from engaging in a range of activities until they reach the age of consent. Comparisons of the information provided in country reports reveal that there can be a large degree of variation in the way that cultures conceptualise terms that are sometimes thought to be 'universal'.<sup>15</sup>

In developing countries, where the majority of child labour takes place, most working children are found in rural areas, and often their work is part of the everyday reality of their family life. The cultural context that they have been born into, and live in, often determines that they take an active productive role in the work of the family from a young age. In fact, Myron Weiner notes that the notion that children should be protected and prevented from working is a relatively recent - and cultural - construct:

The traditional conception in most societies is that children should be socialized to contribute to the maintenance of the family. Early in life children begin the process of entering adulthood through a period of work apprenticeship. The family... develops a strategy that is conducive to its collective well-being.<sup>16</sup>

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12 Majumdar (2001), p. 284.

13 See Bajpai (2003), p. 2.

14 The IWGCL is a body established in 1992 by the NGOs Defence for Children International (DCI) and the International Society for the Prevention of Child Abuse and Neglect (ISPAN).

15 McKechnie and Hobbs (1998), p. 59.

16 Weiner (1991), p. 109.

The suggestion here is that to differentiate between childhood and work is, in many cultures, an alien concept, since work is considered to be a part of what it is to be a child. McKechnie and Hobbs support this conclusion and note that:

In many societies, work is regarded as an important educational process... to see childhood as 'naturally' a time for education rather than work fails to take account of the fact that education may be defined in many different ways, some of which may overlap with the concept of work.<sup>17</sup>

Childhood, it would seem, is not a universally monolithic concept, and what is expected of the child is very much dependent on the cultural context in which they live. If childhood is deemed a preparation for adulthood, then training - in the form of work - may be considered necessary, depending on what adulthood in that environment is expected to bring. In the developed Western world, this preparation has only relatively recently been postponed to the later, intermediary, stage of adolescence. With the advent of this notion of adolescence, Western society has come to view childhood as a time of innocence and protection, as opposed to productivity and preparation for adulthood. In many traditional societies, this stage of human development does not exist, and its functions are performed in childhood.<sup>18</sup>

### 2.2.2 Defining Child Labour

If work is seen in some societies to have important formative function in childhood, then it is imperative to determine what are, and what are not, suitable occupations for a child to be engaged in. This has become for many commentators a debate on the distinction between child *work*, which is considered by some to be productive, constructive and good for child development - though in need of regulation; and child labour, which is distinguished as being undesirable, exploitative and harmful to child development, and should be prohibited.<sup>19</sup> One particularly clear elucidation of the differentiation being made here is given by the IWGCL:

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17 McKechnie and Hobbs (1998), pp. 27-28. See also Dube in Rodgers and Standing (1981), pp. 185, 193; Bajpai (2003), p. 5.

18 See Ennew and Milne (1989), p. 8 ff; Mehta (2000), p. 40.

19 Clearly, the earlier debate on the definition of the child is intertwined in this discussion also.

When the business of wage earning or participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour. The function of work in childhood is primarily development and not economic. Children's work, then, as a social good, is the direct antithesis of child labour as a social evil.<sup>20</sup>

Yet, how this distinction is to be made throws up a number of difficulties of its own. McKechnie and Hobbs note that "the *labour-work* distinction is couched in generalities,"<sup>21</sup> and that in order to avoid these, the authors of the Indian country report to the IWGCL specified a number of criteria (drawing on Judith Ennew's work) of detrimental child labour:

- ⊗ Children are too young
- ⊗ Hours are too long
- ⊗ Pay is too little
- ⊗ Work is too dull or repetitive
- ⊗ Work is too dangerous
- ⊗ Work is too much responsibility
- ⊗ Child workers are too unfree<sup>22</sup>

However, this assessment seems simply reductionist, since it raises questions of what is meant by many of these terms in turn, how such criteria as 'unfreedom' are to be objectively and consistently measured, or how one is determine *how young* is "too young" for a child to be engaged in a particular economic activity. Each of the above conditions is based on a degree of suitability, without any specific frame of reference for the measurement of this degree.

The toleration of children's work that is assumed to be developmental and not economic, in McKechnie and Hobbs' distinction, is somewhat misleading. Accordingly, much household and agricultural work by children has been overlooked as 'developmental' simply because it is not overtly 'economic'. This is not necessarily the case, however. A child caring for her younger siblings while its parents go to work could be considered economic by proxy, since she is facilitating the economic activity of the parent.<sup>23</sup> Moreover, such work may *not* actually be developmental, but rather be too advanced and thus unsuitable work

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20 McKechnie and Hobbs (1998) p. 33. See also Nieuwenhuys (1994), particularly Chapter One.

21 *ibid.*, p. 34. See also Boyden and Rialp, in Hines (1995), p. 186.

22 *ibid.*, p. 35.

23 See Nieuwenhuys (1994), p. 21: "It is not necessary for children to engage in activities that directly add to the marketable surplus for their work to be transformed into economic value, nor need their work to be performed for that express purpose."

for a child.<sup>24</sup> The argument assumes that much of children's work prepares them for their adult working life, but empirical studies have shown that children often do not actually learn any useful skills in their work.<sup>25</sup> Many children's occupations are simple, tedious and repetitive. Even when they do learn a trade, the result is often that they are, from a young age, pigeonholed, prepared only for that kind of working life.<sup>26</sup> Their choices of employment in adulthood become severely limited, particularly since children's work almost always takes place to the greater or lesser detriment of their formal education. In this sense, it may be asserted that child work is anti-developmental. Weiner's retrospective examination of the experience of child labour, in industrialising Europe and America in the 19<sup>th</sup> century, notes that:

A distinctive feature of modern societies is that they break with the principle of social reproduction. It is no longer assumed that children necessarily ought to do what their parents have done. Indeed, given the ways in which the occupational structure of modern societies constantly changes, it is essential for the continued expansion of the economy that children be educated to take jobs that are different from those of their parents. One key to such generational mobility is education. Education does not ensure occupational mobility, of course, but without education occupational mobility in modern industrial societies is exceedingly difficult.<sup>27</sup>

This deprivation of education is among the more abstract, lesser-acknowledged hazards of children's work, resulting even from children's engagement in supposedly non-hazardous occupations, yet it will later be argued that it is one of the most widespread and deleterious dangers of children's work. First, however, the validity of the explanations for the perpetuation of child labour on such an enormous scale will be examined.

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24 In terms of the sibling care example given here, there is the added danger to the younger sibling, who has been left in the care of someone who is not mature enough to cope with such a task.

25 Bequele and Boyden (1988), p. 6; Weiner (1991), pp. 31, 33, 62; Burra (1995), p. 97.

26 In the next chapter, this will be seen to be particularly the case regarding the caste system in India.

27 Weiner (1991), p. 109. See also Boyden and Rialp, in Hines (1995), p. 211.

## 2.3 Reasons for Child Labour

### 2.3.1 Commercial Exploitation of Child Labour

Vested economic interests are frequently at the root of the demand for child labour. On a macro scale, many multinational firms have come under fierce criticism - and even boycott - from human rights advocates who suspect the use of children in workshops contracted to manufacture goods in developing countries for sale on Western markets. The simple reason why many of these firms employ overseas production is that costs are reduced and profit margins therefore widened, thus enhancing the firm's competitiveness. The owners of the contracted factories in turn seek to reduce their own costs of production, and children - who will command a smaller income and be less assertive of their rights; less likely (and in many cases unable) to unionise - are preferable from an economic perspective. While this appears to be clearly exploitative, there are attempts to justify such practices, which commonly draw on the notion of child labour as an unfortunate economic necessity, either for the industry itself, or for the children and their families.

Many employers in industries such as textile manufacture, matchmaking and gem cutting - all common occupations for Indian children - argue that children are physically better suited to the intricate nature of this work, because of their size and dexterity. They claim that adults could not tie so many knots per inch in a carpet, nor produce as many matches per hour, as a child. This has come to be colloquially known as the "nimble fingers" argument. It is often cited,<sup>28</sup> but little corroborating evidence exists. A study of the match industry in Sivakasi - one of the most notorious instances of child labour - carried out by the Madras Institute of Development Studies (MIDS) found that:

Children are employed in all twelve of the piece-rated or contracted operations... these are all simple tasks requiring a speed of movement and co-ordination of action but no special aptitude, which children might possibly have, and adults lose. In fact... [adults'] modal rate of physical production was more than that of children. There is no reason, therefore, to accept the 'nimble fingers' argument either on the grounds of adults' inability to work or due to their allegedly lower *pace* of work.<sup>29</sup>

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28 See, for example, Dube, in Rodgers and Standing (1981), p. 188; Boyden and Rialp, in Hines (1995), p. 196; also Weiner (1991), particularly Chapter 3.

29 MIDS, The Match Industry in Sivakasi, Kassar. Towards Removal of Child Labour, quoted in Burra (1995), pp. 193-194.

Employers frequently argue that parents rely on the income of their children, and therefore see themselves as providing the important social service of helping the poor by employing their children.<sup>30</sup> However, this argument loses credence when one notes that it was used to justify child labour in similar situations in countries that succeeded in abolishing the practice, while simultaneously *reducing* poverty.<sup>31</sup>

Another common justification stems from the fact that children are cheaper to employ. This has already been presented as an example of how children are exploited by their employers, but oftentimes the employers themselves offer this as a justification for their recruitment of children. The reasoning behind it is that certain industries could not survive unless they were to make use of the least costly labour available. The match industry again provides a good instance by which to examine this claim.

The manual match industry in Sivakasi employs 45,000 children, three-quarters of whom are girls.<sup>32</sup> Children work both in factories and in home-based units producing matches, and in many places studies have found rampant violations of the existing child labour laws. One of the justifications offered by employers - and accepted by T. Harbans Singh, the state official conducting the investigation that found these violations - was that without child labour, they would not be able to manufacture handmade matches at a low enough cost to compete with the multinational WIMCO, which used mechanisation and therefore could afford to employ just 6,000.<sup>33</sup>

Weiner goes on to show that this argument, though accepted by the government, is not plausible. A study was undertaken by MIDS, to determine whether child labour was as necessary to the industry as factory owners gave to believe. Though hard data was lacking, the study suggested that since WIMCO was already financially protected, the government should have no difficulty in raising the protective excise duties to cover the factory owners' raise in payout of wages to adults replacing child workers. The reason the government may be loath to do

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30 See, for example, Burra (1995), p. 198.

31 See Weiner (1991), p. 117: "As late as the 1920s, the New York state legislature killed a proposal that cigar making in tenements should be prohibited, persuaded by manufacturers that the proposed bill would throw needy families out of work."

32 Burra (1995), p. 193; Weiner (1991), p. 24; Majumdar (2001), p. 289.

33 Weiner (1991), p. 26.



so, he suggests, is “because there is a nexus of the employers, the politicians and the families.”<sup>34</sup> The contention that the employment of children is regrettable, but economically necessary, is again found wanting, and as a result constitutes a case of economic exploitation of children.

### 2.3.2 The Poverty Argument

This argument for the economic necessity for child labour is widespread, not only in academic literature on the subject, but in social norms and attitudes in developing countries and, most worryingly, in legislative and policymaking arenas also. This concept is commonly termed the poverty argument. The objective here is to illustrate that the *perceived* necessity for children’s supplementary remuneration is not the same as *actual* necessity, and that it is the acceptance of child labour as necessary, rather than actual necessity, that serves to perpetuate the continuance of child labour.

Since child labour occurs predominantly in developing countries, and has been greatly reduced by industrialised countries in apparent concert with their development and poverty reduction, it becomes clear why child labour is frequently linked with notions of poverty and underdevelopment. Extrapolated from this, the poverty argument claims that, in developing countries, the high prevalence of poverty at the household level compels parents to send their children to work, in order to supplement the family income. Accordingly, child labour in developing countries is often deemed to be a regrettable necessity, a symptom of the scourge of poverty and inequality that exists in the modern world. A recent article in the Fraser Forum confirms that, in some circles at least, this is the prevalent wisdom regarding the causes of child labour:

Parents in poorer countries, just like those in richer countries, do not want their children to have to work. The children work from necessity; their families are unable to generate sufficient income to survive with only the parents working due to low productivity and correspondingly low wages.<sup>35</sup>

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34 *ibid.*, p. 50.

35 Karabegovic and Clemens (2005), p. 25. See also Mehta (2000).

On the basis of this assumed “harsh reality”<sup>36</sup> of child labour, recent decades have seen an ideological shift away from the elimination of all child labour, on the grounds that this would withdraw an essential source of income from poor families.<sup>37</sup> Instead, many academics and policymakers argue, priority of eradication should be given to those most exploitative and dangerous occupations; whereas *less harmful* labour - since circumstances regrettably precludes its immediate abolition - should be regulated, to ensure that those children who are unfortunate enough to need to work to support their families can at least do so in conditions befitting their tender years.<sup>38</sup> McKechnie and Hobbs claim that this differentiation between types of work has become the “dominant paradigm” for policymakers, including the ILO, an organisation that has traditionally been overtly prohibitionist in its stance on child labour.<sup>39</sup>

The ILO makes an important distinction regarding the so-called “worst forms of child labour” identified earlier. It distinguishes between worst forms “by definition” and worst forms “by condition”.<sup>40</sup> Worst forms “by definition” are those of which no change in conditions could be sufficient to make them acceptable for a child to engage in, earlier described as “unconditional worst forms of child labour”. Worst forms “by condition” are those that are dangerous for children to be engaged in by merit of their specific conditions. In many cases, it is alluded, these conditions could be improved in order to make the work less hazardous - and by extension, more acceptable - for children to be employed in. However, a measure of conditionality exists regarding the decision of

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36 Indian Ministry of Labour Annual report 1983-1984, quoted in Weiner (1991), p. 83. This phrase is commonly found throughout the literature on child labour.

37 See, for example, Karabegovic and Clemens (2005); McKechnie and Hobbs (1998), p. 58; also Boyden and Rialp, in Hines (1995), pp. 190-191: “Immediate and deliberate action to protect children working in hazardous or exploitative situations is the central plank of recent child labour policy ... Consistent with the policy of targeting high-risk groups is the deliberate interest in a progressive, overall approach to child labour and child work. This implies a gradual change rather than abrupt removal from work in all but the more extreme cases. A gradual approach is less likely than a more strident abolitionist strategy to cause economic hardship among poor families.”

38 It is unclear, however, how the prohibition of the worst forms of labour is possible, regardless of poverty, but not the prohibition of other forms, since there is no known correlation between the danger level of the work engaged in and the poverty level of the child worker’s family.

39 McKechnie and Hobbs (1998), p. 33.

40 ILO (2004), pp. 46-47.

what is hazardous for children. This decision is to be made, according to the ILO, by individual governments.<sup>41</sup> This allows for a large amount of subjectivity and freedom of interpretation, which makes universal standards of what is suitable for a child highly ambiguous.

Such differentiation between various types of child labour - while understandably and commendably attempting to protect those children most at risk - creates a dichotomy wherein only a small fraction of child labour is prohibited. As long as poverty remains, the vast majority of child labour will be permitted to continue. Yet, rather than child labour being a necessary *result* of poverty, there is evidence to suggest that child labour actually *perpetuates* poverty - and, if the 'poverty argument' is accepted, thus contributes to continuing child labour - by producing unskilled and uneducated workers with few, if any, opportunities for upward mobility and thus little developmental impact on the society.<sup>42</sup> Thus, to permit child labour to continue until poverty has been eliminated is to permit both poverty and child labour to persist indefinitely.

### 2.3.3 Bonded labour

The existence of bonded labour is perhaps the strongest argument for the case that poverty is the dominant explanation for child labour. Bonded labour is the practice of mortgaging labour in exchange for a loan. In developing countries, it is often children's labour that is mortgaged in this way, by their parents. It is, as Neera Burra writes, the harshest form of child labour as very small children, sometimes only eight or nine years old, are separated from their parents for life.<sup>43</sup>

Parents anywhere generally want the best for their children that they are able to provide. A situation in which parents feel they must part with their child, frequently for many years, and sometimes forever, for short term financial gain, seems a powerful indication of the constraints poverty places upon parents' decisions.

Bonded labour is a situation rife with exploitation. Even for a small

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41 ILO, Convention 182, Article 4.1: "The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999."

42 See Bajpai (2003), pp. 154-155.

43 Burra (1995), p. 15.

loan, children may often be bonded for life, since their pay is so little, usually below minimum wage, and the motivation of the employer is an indefinite supply of cheap labour.<sup>44</sup> Parents, often illiterate, have little way to ensure when the loan is fully paid and their child should be released from bondage.<sup>45</sup> However, the fact that the loan is never paid off implies that the child's work has clearly done little, if anything, to improve the family's welfare or alleviate its poverty. Thus, even in the case of bonded labour, the situation is clearly more complex than a simple need for additional household income:

Poverty contributes to bonded child labor, but it is not the only cause. A lack of access to credit and lack of a concerted social welfare schemes to safeguard against hunger and illness; inaccessible, low quality, and discriminatory schools; the lack of employment and living wages for adults; corruption and apathy among government officials; and historical economic relationships based on the hierarchy of caste are other key elements.<sup>46</sup>

Situations of bonded labour and exploitation clearly come about through a lack of choice and opportunities, but it does not follow that these constraints are necessarily economic.<sup>47</sup> Clearly, factors other than simple economic poverty affect both the supply and the demand for child labour. However, the focus on poverty as the transcendent criterion tends to ignore the significance of these other factors.

### 2.3.4 Non-Economic Factors Affecting Child Labour

Lopez-Calva identifies a number of variables that determine the supply of child labour. These are:

i) the poverty status of the household; ii) the wages of children and their parents; iii) the adult unemployment rate; iv) the education of the head of the household; v) the social norms and interactions; vi) the legal framework and restrictions against child labor; vii) the credit market imperfections; and, viii) the fertility rates and household size.<sup>48</sup>

Of these, only i., ii., iii. and vii. are economic, and credit market imperfections are more indicative of an ineffective or inequitable economic system than of poverty *per se*. Wages, whether of children or

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44 Bajpai (2003), p. 158.

45 Human Rights Watch (2003), p. 17; Burra (1995), p. 15-16.

46 Human Rights Watch (2003), p. 9.

47 On the constraints to parents' agency in decisions regarding their children, see Udry (2003).

48 Lopez-Calva (2001), p. 65.

adults, and the adult unemployment rate are not only determinants of child labour, but are frequently determined by child labour themselves. It has already been shown that a common reason for the employment of children is the fact that they command lower wages, but this availability of child labour simultaneously reduces adults' ability to command higher wages, and thus increases adult unemployment.<sup>49</sup> Therefore, even some economic factors present a contrary perspective to that of the poverty argument. The non-economic factors will now be considered.

It was earlier noted that, in many agrarian cultures, work in the home or on the farm was considered a part of childhood, as training for adulthood. This implies that societal customs and beliefs (v. above) regarding childhood and work also influence the decision-making process of parents. As Mendeleviech writes:

The notion of child labour is rooted in the traditions and attitudes of the regions where it is practiced, as a remnant of the past, a form of resistance to change.<sup>50</sup>

These attitudes, traditions and social norms will be considered in more depth in the Indian context in the following chapter, particularly in relation to the caste system.

The legal framework (vi. above) is also often deeply influenced by such attitudes. While poverty may not be the sole determinant of child labour, the acceptance of the inevitability of child labour due to poverty is at the core of much legislation and policymaking.<sup>51</sup> The implications are significant. In particular, by claiming that poverty necessitates child labour, the assumption is made that child labour cannot be eradicated without *first* eliminating poverty. If child labour is simply a *symptom* of poverty, then the symptom will only disappear when the underlying cause is cured. Thus, it becomes a long-term objective, and legal prohibition is effectively, and indefinitely, postponed. Hence, the notion of banning only those worst forms of child labour and regulating the 'necessary' work that children engage in, arises. As Shantha Sinha writes:

Once the validity of the poverty argument with its implication that child labour is an inevitable consequence of poverty is accepted, there is little

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49 Boyden and Rialp, in Hines (1995), p. 212; Burra (1995), p. 196; Bajpai (2003), p. 155; Sinha (2004b), p. 5.

50 Mendelievich (1979), p. 4.

51 In the following chapter, it will be shown to be fundamental to the Indian government's legislative dictates on the issue.

scope for withdrawing a child from work and the question of making a significant dent in the child labour situation does not arise... This poverty argument also limits the extent to which child labour can be legislated against. With child labour being inevitable, any legislation which strictly prohibits it would automatically become unimplementable. It is only some extreme forms of child labour which can be legislated against and the best one can do under the situation is to regulate child labour in other areas.<sup>52</sup>

Even if it is the case that poverty forces many families to send their children to work, it is certainly not the case for all families of working children. The existence of other non-economic factors, as listed above, shows that to build legislation regulating (and therefore permitting) the continuance of child labour, on the basis that poverty necessitates it, is to be in dereliction with regard to those circumstances where poverty is not the deciding factor.

Calva's acknowledgement that the educational history of the family (iv. above) affects the supply of child labour is crucial. It must be taken into consideration that, in very many cases, the parents of child labourers will themselves be uneducated and therefore all the more unaware of the benefits a formal education may have for their children. A recent study conducted by the MV Foundation illustrated that families who have enrolled at least one child in school will be more than twice as likely to send other children also, regardless of their financial status.<sup>53</sup>

The decision that parents make is not simply between whether or not to send a child to work, but rather between sending a child to work and sending her to *school*. As such, the factors affecting a child's education are often the same as those affecting her participation in the workforce. Work and education are not *necessarily* mutually exclusive, but as Majumdar writes, "school participation... is the analogous theme of most direct relevance to the discussion on child labour."<sup>54</sup>

## 2.4 Linking Child Labour and Education

The importance of education for development cannot be

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52 Sinha (2004b), p. 6.

53 Sinha and Nagarjuna (2004), pp. 5-6. The survey divided 217 scheduled caste families into two groups - one with at least one child at work, and the other with at least one child at school. It was found that 87% of the children belonging to the latter group were enrolled in schools as opposed to 39% in the former.

54 Majumdar (2001), p. 288.

underestimated. On an individual level, an education significantly increases a person's earning power, but also increases the capability to improve his or her quality of life. Education increases life expectancy through enabling people to increase their knowledge of healthcare and nutrition issues. In particular, women's education has a demonstrable effect in reducing fertility and infant mortality.<sup>55</sup> On a national scale, education improves a country's economic development as well as enhancing the confidence, and the freedom, of the populace to partake in political development, encouraging more equitable and representative governance.<sup>56</sup>

Gandhi stated that education was more than just literacy,<sup>57</sup> and though this paper does not subscribe to other elements of his ideas on education, this fact at least seems patently true. The wider effects of education are enormous.<sup>58</sup> Thus, anything that impedes the fulfilment of the right to education has similar knock-on effects for other aspects of socio-economic development. Child labour is such an impediment.

There is no question that a very strong and inverse link exists between child labour and education. However, this link is not always acknowledged as a causal one but rather as an incidental one, in that both the existence of child labour and the lack of education are considered *symptoms* of endemic poverty.<sup>59</sup> It is the intention here to establish that a causal link does indeed exist, and that policymaking which acknowledges this relationship guarantees much more forcefully the rights of children to education and to freedom from economic exploitation. At the heart of this contention is the assumption that poverty is not the stringent constraint it has been heretofore presented as.

Many of those hesitant to ban child labour, whether for economic or non-economic reasons, tend to do so on the grounds that bans would

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55 Sen (2005), p. 244-5. On the widespread developmental implications of improving women's agency and participation, partially through education, see Sen (1999), chapter 8.

56 See Bajpai (2003), p. 327.

57 Quoted in Weiner (1991), p. 61. See also Richards (2001), pp. 12, 52. Gandhi's recognition of this fact led him to advocate some forms of vocational education.

58 Tomasevki (2003, P-I) writes of the right to education as being a "multiplier", and education itself could be described as such.

59 See for example, Karabegovic and Clemens (2005), who make the barest, circumstantial mention of education in relation to child labour, in an article claiming that to ban child labour would prevent the formation of human capital. The far more substantial human capital that could be formed by education is not mentioned.

simply increase the hardship of the children. It is argued that those who advocate bans fail to consider the consequences for the children of simply removing them from the workforce.<sup>60</sup> However, such commentators themselves fail to consider fully the link between child labour and education, and the imperative potential for education to be used as a tool to reduce child labour without such dire consequences. Indeed, this is the procedure followed by many countries that have successfully reduced the incidence of child labour to an aberrant minimum.<sup>61</sup> Furthermore, it is often argued that the views and preferences of children must be taken into account, and that many working children express a preference for work over school.<sup>62</sup> Children's perspectives are indeed essential, but such apologists for children's work have a strong tendency to give children's views primacy, and to make them the final decision-makers, regardless of their inherent immaturity (and of children's natural aversion to accepting what those older and wiser than them know to be in their better interests).

The UNCRC makes the link between education and child labour explicit, stating in Article 32.1 that "states Parties recognize the right of the child to be protected from economic exploitation and from performing any work *that is likely to be hazardous or to interfere with the child's education*, or to be harmful to the child's health or physical, mental, spiritual, moral or-social development."<sup>63</sup> Article 28 focuses on the right to equal access to education and in order to achieve this stipulates that state parties must - amongst other things - "make primary education compulsory and available free to all... [and] take measures to encourage regular attendance at schools and the reduction of drop-out rates."<sup>64</sup> Despite this, those rights are not upheld in many countries. Indeed, it has been suggested that poor implementation of legislation

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60 As illustrated by the garment industry in Bangladesh: "In early 1993, many garment manufacturers began mass and abrupt dismissals of their child workers, under pressure from the Bangladesh Garment Manufacturers and Exporters Association which feared an international boycott of their products ... It is estimated that up to 55,000 children lost their jobs this way ... Not one of the dismissed children had gone back to school; half of them had found other occupations ... while the other half were actively seeking work." White (1996), p. 883. See also Karabegovic and Clemens (2005).

61 Bajpai (2003), pp. 176, 204, 369. See, for example, White (1994 and 1996).

62 See, for example, White (1994 and 1996).

63 United Nations Convention on the Rights of the Child, emphasis added.

64 *ibid.*



for compulsory education is a root cause of child labour.<sup>65</sup>

Nevertheless, a number of educational development initiatives have adopted this link in their implementation. The Millennium Development Goals, targets for global development adopted by the United Nations in 2000, do not make any specific reference to child labour; but the second goal - to ensure that all children will have access to full-time primary education by 2015 - has been interpreted by many agencies as incorporating the eradication of child labour as a means to achieve that goal. Similarly, the government of Madhya Pradesh, India, is focusing on working against child labour in order to implement the national programme for the universalisation of elementary education, though the programme itself makes scant reference to child labour.<sup>66</sup> What is crucial here is that, in recognising a causal link between child labour and attainment of education, children's work will be detrimental to their education - whether that work is officially hazardous or not.<sup>67</sup> Conversely, ensuring access to education for all children can be a fundamental tool for reducing or eradicating child labour. If the causal link that exists between the two is not acknowledged, efforts to reduce child labour and increase education will be compromised.

## 2.5 Factors Affecting Education

A version of the poverty argument also comes into play regarding the low levels of education in developing countries. It is contended that education for many poor rural children is simply not a feasible financial option.<sup>68</sup> Not only does school cost money - if not in fees, then in uniforms, books, lunches and other accumulative costs - but it also costs the family whatever income the child may have earned while working. However, like child labour, education cannot be considered purely from a simple economic standpoint. The decision may also be based on the belief that formal schooling is irrelevant for poor children whose future

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65 See Belletini and Ceroni (2004). The following chapter will show that the systematic failure of such legislation in India has severely undermined efforts to deal effectively with the endemic child labour problem.

66 This case will be examined in depth in Chapter 5.

67 See Majumdar (2001), p. 284: "The idea is to expand the definition of hazardous work to the point of claiming that work by children, if disruptive of the irreducible rights and needs of childhood, is intrinsically hazardous by virtue of its long-term deleterious effect on well-rounded development and capability formation. The issue is not only to focus on the damage done to children by the work itself, but also on the fact that work keeps them out of school."

68 See, for example, Bequale and Boyden (1988), p. 6.

occupation is unlikely to require it.<sup>69</sup> It has been seen that improving one's adult employment prospects is not the sole reason for education, though this attitude is prevalent in many developing countries. As Weiner states, this is as much a result of societal norms and attitudes as is the belief that children should work:

In some cultures, parents of low income are keen on the education of their children, while in other cultures, with similar economic conditions, parents choose instead to place their children into the labor force.

Moreover, in some cultures education is regarded as an intrinsic good, in others it is valued for its instrumental benefits.<sup>70</sup>

This is supported by the fact that literacy levels and household income levels rarely run in parallel. Thus DR Congo can achieve a literacy rate close to twice that of Benin, while the per capita income of Benin is significantly higher.<sup>71</sup> At a regional level, this disconnect is also apparent. In 1998, it was estimated that 1.9 percent of the population of the Middle East and North Africa lived on less than \$1 per day, whereas the comparable statistic in Latin America and the Caribbean stood at 15.6. Nevertheless, this region could boast an adult literacy rate of 88 percent as compared to just 63 percent in the Middle East and North Africa (though the latter had a wider gender divergence).<sup>72</sup> Even *within* countries, the assumption of a necessary or intrinsic poverty-based constraint on educational attainment is confounded. Kerala, a state with one of the highest incidences of household poverty in India, is also the state with by far the highest enrolment, retention and literacy rates in the country (in part thanks to a strong civil society and a supportive state government), illustrating that poverty is not a necessary barrier to education.<sup>73</sup>

If, given the links here established between child labour and education, the same can be said of child labour, then it calls for a new assessment of policies and legislation that accept the poverty argument

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69 This is particularly pertinent in the case of the Indian caste system, which traditionally determines the area of occupation, and entrenches what Myron Weiner terms "social reproduction".

70 Weiner (1991), p. 114.

71 UN Human Development Report 2005, Table 1, p. 222. See also Table 25, p. 302 for a more comprehensive estimate of average income than GDP per capita.

72 DfID (2001), pp. 42-43.

73 Boyden and Rialp, in Hines (1995), p. 185. Space does not allow for a full examination of the exceptional achievement of Kerala. On this issue, see Weiner (1991), pp.175-177; Nieuwenhuys (1994), especially Chapter One; Dreze and Sen (1995), pp. 195-202.

and the attitudes that underpin them. Poor children are denied their right to a quality full-time education - an important tool for escaping poverty - precisely because they are poor. Instead, policies dictate that they must make do with a second-rate, non-formal and supplementary education while dealing with the supposedly more pressing need of earning an income - a short-term relief that will not provide a long-term solution to their poverty, and thus perpetuate the apparent need for more child labour.<sup>74</sup> By their very nature, these methods cannot achieve the professed goals of either universalising education, or eradicating child labour. As Asha Bajpai writes:

Short-term strategies should always be steps to long-term goals and not limit themselves to removing the scum from the top of a boiling pot. Long-term strategies should concern themselves with the root causes of child labour and its perpetuation.<sup>75</sup>

## 2.6. Conclusion

Though poverty is often given as explanation why, in many poor countries, it is considered necessary to deny a child's right to education by denying her right to freedom from economic exploitation, it has been shown here that such arguments are not as valid as they may at first appear to be. Poverty is not a valid justification for the protection of these rights being withheld from so many children.

If it is true that child labour works to the detriment of children's educational development, and that the fundamental reasons justifying the continuance of child labour are found to be invalid or at least questionable, it can be said that by asserting and ensuring the protection of children's right to education, the incidence of child labour could be reduced. In this way, the attempts to achieve universal elementary education (UEE) - whether those of the United Nations Development Programme, or national governments of developing countries - stand to benefit greatly from the removal of the obstacle to education that is

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74 See Udry (2003), p. 6: "Households that are very poor are much more likely to send their children to work, and child labor contributes to poverty in the next generation by reducing schooling attainment. This circular pattern of positive feedback between poverty and child labor may lead to a vicious cycle of poverty, in which the descendants of the poor remain poor because they were poorly educated. This cycle can be the foundation of a classical 'poverty trap'."

75 Bajpai (2003), p. 197.

child labour. Similarly, if the link holds true, those agencies that seek to eliminate child labour will find that extending the capabilities of children to access education will provide an essential tool to achieving this goal. The result would also ensure that both the right to education and the right to freedom from economic exploitation as enshrined in the UNCRC are upheld. Before looking in depth at one agency that operates on that premise - the MV Foundation - the following chapter will investigate the particular Indian context in which that organisation works.

### 3.1. Introduction

India is a nation built on idealism. In 1947, India won its independence from Britain, inspired by the idealism of people like Jawaharlal Nehru and Mahatma Gandhi. Three years later, the Constitution of India was adopted and, through it, India looked forward to a utopian future. One aspect of this was to the attainment of free and compulsory education within ten years of enactment of the Constitution - that is, by 1960.<sup>76</sup> Another was the assertion that no child will be “forced by economic necessity to enter “avocations unsuited to their age or strength”.<sup>77</sup> Yet, despite Prime Minister Nehru’s institution of a series of five-year plans for development, and numerous laws and policies to fulfil these grand plans, fifty-five years after the adoption of that constitution, these goals are as elusive as they were then. As Gurcharan Das observes:

The failure is staggering: four out of ten Indians are illiterate; half are miserably poor, earning less than a dollar a day... If a small proportion of this money [that goes to pay civil servants’ salaries] had been spent wisely on education and health, it would have delivered far greater benefits to the average Indian.<sup>78</sup>

This chapter will seek to explain why this is so, why the ideals related to the rights of children enshrined in the legislative heart of the Indian nation remain just that - ideals. Drawing on the inverse linkages between education and child labour discussed in the previous chapter, the current chapter will investigate why policy measures dealing with child labour, and allowing for the universal education of children in India have been so ineffective. In particular, the attitudes and assumptions which have shaped these policies, and which have - it will be contended - contributed

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76 Constitution of India, Article 45.

77 *ibid.*, Article 39, emphasis added.

78 Das (2002), p. 28.

to their failure will here be examined, along with the social norms, underpinned by the caste system, that lead to acquiescence with these policies. At the centre of the discussion, it will be shown how the acceptance of the poverty argument by policymakers has shaped policies - in particular, the Child Labour (Prohibition and Prevention) Act of 1986 - in counterproductive ways, which make the ideals of the Constitution unattainable under their stipulations.

## 3.2. Education in India

In my view, the imposing tower of misery which today rests on the heart of India has its sole foundation in the absence of education. Caste divisions, religious conflicts, aversion to work, precarious economic conditions - all centre on this single factor.

Rabindranath Tagore<sup>79</sup>

### 3.2.1 The Scale of Educational Deprivation

Despite India's constitutional commitment to the attainment of UEE by 1960, the most recent census in 2001 shows that still, 40.9 percent of the adult population remains illiterate, which amounts to a real figure of approximately 248 million illiterate adults.<sup>80</sup> If anything, this is likely to be an underestimation of the true scale of the phenomenon.<sup>81</sup> Furthermore, such figures do not capture the grossly inequitable distribution of literacy in India, between different states and regions of the country, different castes and classes and even at household level. These factors can compound to create intractable difficulties for many Indians:

When different sources of disadvantage are combined (e.g. the handicap of being female is added to that of belonging to a scheduled caste and living in a backward region), the illiteracy rates for the most

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79 As quoted in Sen (2005), p. 114.

80 Calculated from Census of India 2001, Table C-8, taking 'adult' to mean those aged eighteen and older. Accessed online at [http://www.censusindia.net/results/C\\_Series/C\\_seriesydf1c8\\_india.pdf](http://www.censusindia.net/results/C_Series/C_seriesydf1c8_india.pdf), 8<sup>th</sup> September 2005; Bajpai (2003), p. 332, gives a total illiteracy figure of 460 million.

81 The United Nations Human Development Report of 2004 (p. 256) acknowledges that when censuses are used to determine the incidence of literacy in a population the results are not likely to be accurate for two reasons. One, by dividing the population into just two groups - literate and illiterate - it oversimplifies the issue taking no account of individual levels of aptitude. Two, it is based purely upon the honesty of the respondent and this cannot be guaranteed in an issue of this sensitivity. It is therefore vulnerable to social desirability response bias. As such, these figures are unreliable.

disadvantaged groups come down to miniscule figures.<sup>82</sup>

Even though India can boast a primary school within one kilometre for 95 percent of the population,<sup>83</sup> nevertheless at least 35 million six-to-ten-year-olds remain out of school,<sup>84</sup> which amounts to approximately one in four of that primary-school age group. While enrolment rates have increased, giving the initial impression of improvements to this situation, dropouts also remain high. Upto fifty percent of children who register in first class drop out before completing fifth,<sup>85</sup> though this is not recorded by enrolment rates. Enrolment does not assure attendance, and the Indian primary school system's poor record of retention of those children who enrol "has been the single greatest impediment to the achievement of universal primary education."<sup>86</sup> Even those who do reach the higher classes often have only rudimentary literacy and numeracy skills emphasising the often substandard nature of education in India.

### 3.2.2 Reasons for Poor School Attendance

The reasons why children drop out of school are varied. As might be expected, poverty is commonly assumed to be the main instigator. Though this may seem intuitive, since schooling costs money (if only the supposed lost income of the child who would otherwise be working), it is not empirically found to be the case. In fact, in the course of the current research it was found that the most common form of work done by those children who had dropped out from school was not waged labour but domestic labour and sibling care. Furthermore, increased family income does not necessarily lead to a reduction in child labour, or increased school attendance.<sup>87</sup>

Other factors besides poverty are also found to play very significant roles in keeping children out of school. A considerable majority of the

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82 Dreze and Sen (1995), pp. 114-115.

83 Govinda, "Educational Provision and National Goals in South Asia: A Review of Policy and Performance", in Kabeer, Nambissan and Subralunanian (2003). p. 175; Bajpai (2003), p. 332.

84 Govinda, in Kabeer, Nambissan and Subrahmanian (2003), p. 176. Govinda also notes the difficulties in attaining reliable figures. On this point, see also Weiner (1991), p. 71-72.

85 Govinda, in Kabeer, Nambissan and Subrahmanian (2003), p. 176; Sarva Shiksha Abhiyan (2004), p. 1. Surprisingly, the *higher* figure comes from government estimates.

86 Weiner (1991), p. 68.

87 Weiner (1991), p. 72: "Contrary to the view that improved family income would increase school attendance ... projects to improve self-generated rural income such as raising dairy cattle tended to increase child labor."

children interviewed for the current study were the first in their families to attend school, and in many cases parents were found to be more suspicious of the education system than they were reliant on their children's income. There are two common views that lead parents to see little value in schooling. Firstly, the frequently poor quality of education provided by unmotivated and unsupportive teachers may drive children away from school.<sup>88</sup> Secondly, many parents feel that formal schooling is irrelevant for children who are likely to have the same occupation as they themselves have had without education. Kanbargi found that children "said they did not like school and that it was pointless to attend since they would in any case end up working on farms or weaving carpets."<sup>89</sup>

Poor academic performance is also likely to cause children to leave school. If a child needs to achieve a certain standard, or pass exams, to proceed onto the next academic year, and the poor quality of the teaching that is widely in evidence across India does not encourage the child to achieve those standards, then it would appear that the system itself stands in the way of retention of children, and therefore of universalisation of education.

Finally, and perhaps most tellingly in an Indian context, social divisions of caste and gender play significant roles in school attendance rates. Girls are frequently withdrawn from school by their parents at an earlier age than boys, either to engage in domestic work and sibling care, or to get married. Despite legislation that sets the legal age of marriage for girls at eighteen, social norms often dictate that girls marry much younger, which has a clear detrimental effect on their educational attainment.<sup>90</sup> Often, girls' education beyond a certain basic level is discouraged, since an educated girl is considered harder to marry off.<sup>91</sup>

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88 In one MVF Residential Bridge Course visited in the course of the current research, it was found that, of twenty- nine dropouts, seven had left school because the teacher had beaten them. Survey conducted of children in Abdullaganj RBC, Bhopal, Madhya Pradesh on 1<sup>st</sup> September 2005.

89 Kanbargi, "Child Labour in India: The Carpet Industry of Varanasi", in Bequele and Boyden (1988), p. 102. See also Narayan, "Child Labour Policies and Programmes: The Indian Experience", *ibid.*, p. 158.

90 A focus group of MV Foundation staff (SSA Headquarters, Bhopal, 2<sup>nd</sup> September 2005) revealed that it was customary in some tribal groups for girls to be married before the age of sixteen, commonly between eight and twelve. Legislation is puzzlingly ambivalent on this issue. Bajpai (2003, p. 5) notes that "the minimum age of marriage for girls is eighteen but the age of sexual consent... is sixteen and it is fifteen *if she is married*" (emphasis added).



The lower castes are much less likely to complete primary education also.<sup>92</sup> It may be argued that this is because they are poorer and less able to afford to send their children to school. Certainly, in the cases of *Dalits and Adivasis*, children who drop out engage in wage labour to a greater extent than average<sup>93</sup>, but it is not necessarily the case that poverty drives them to wage labour, but that the caste system determines the nature of their occupation. The reason for the high dropout rate of low-caste children may be economic, but this poverty is incidental to the entrenched cultural attitudes.

This is not to suggest that economic constraints are never a cause of dropout, but that there are many other reasons also. Indeed, the empirical fact that poor parents often *do* send their children to school rather than to work<sup>94</sup>, illustrates that poverty is neither a necessary nor an insurmountable constraint on their decision-making. However, it is widely accepted, whether or not the *necessity* for children's work is the reason for their dropping out of school - or their never having enrolled in the first place - that children who are not in school are very likely to become engaged in some form of work, whether waged or not, whether formal or informal. What is certain about the poor school attendance rates across India is that they are indicative of a high rate of child labour. It is unlikely to be simply coincidental that India is "the largest single producer of the world's illiterates"<sup>95</sup> and also has probably the highest number of child workers in the world.<sup>96</sup>

### 3.3. Child Labour in India

#### 3.3.1 The Scale of Child Labour in India

Official census figures of working children in India put the number at 12.59 million<sup>97</sup>, though depending on how child labour is defined, independent estimates place this number much higher - at between 44

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91 McKechnie and Hobbs (1998), p. 29; Weiner (1991), p. 63.

92 Nambissan, "Social Exclusion, Children's Work and Education", in Kabeer, Nambissan and Subrahmanian (2003), p. 116-118.

93 *ibid.* p. 114.

94 See, for example, Bajpai (2003), p. 189; Sinha and Nagarjuna (2004).

95 Weiner (1991), p. 4.

96 UNICEF, *Children and Women in India: A Situational Report 1990*, (1991; New Delhi: UNICEF India Office), p. 60; quoted in Burra (1995), p. 14.

97 Shri Sis Ram Ola, Minister of Labour and Employment, quoted in Thukral, E.G., Purkayastha, M. and Manisha, M. (2005), p. 53.

and 115 million.<sup>98</sup> Government figures are - once again - extremely unreliable for the reasons of definition and measurement considered earlier. The Indian government's legislative definitions of what constitutes child labour, or what is 'hazardous' work, do not take into account a wide variety of children's occupations that, quite empirically, are damaging to the child's development. Furthermore, since so much of children's work is informal - around eighty-five percent of working children in India are in the agriculture sector<sup>99</sup> - it does not feature in such statistics.<sup>100</sup> According to the 1991 census, there are more than 92 million so-called "nowhere children" in India - children who are not enrolled in school but who do not show up in the child labour statistics.<sup>101</sup> Yet, very many of these children *are* working, though not in the formal gainful economic activities to which the official statistics refer. Hence, measures to tackle the child labour problem based on such criteria are largely insufficient. The government does acknowledge the existence of such work by children, but explicitly ignores it in legislative measures related to child labour.<sup>102</sup>

Neera Burra's four categories of child labour are all in evidence in India. The glass, carpet and match industries are perhaps the most notorious for the employment of children, but children can also be found working in brick kilns, in gem mining and polishing and in construction. Almost without exception, these are extremely detrimental to children's health and welfare - be it from exposure without protection to the extreme heat of the glass- and brick-making industries, the toxic chemicals and dust of match manufacture and mining, or the damage to eyesight and posture prevalent in the carpet industry.

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98 The Operations Research Group cite 44 million children working according to Naila Kabeer, "Competing Explanations for Child Labour and Educational Failure" in Kabeer, Nambissan and Subrahmanian (2003), p. 352, whereas Human Rights Watch (2003), p. 18, claims 60 to 115 million are working in India.

99 McKechnie and Hobbs (1998), p. 10; Majumdar, (2001), p. 288. The figure Majumdar provides is even higher, at 92 percent.

100 Bajpai (2003), p. 152: "Census enumerates only those workers who are engaged in economically productive work and only such working children are counted as part of the labour force."

101 See Kabeer, in Kabeer, Nambissan and Subrahmanian (2003), p. 352. At the time of writing, the relevant statistics from the 2001 census had yet to be officially released.

102 In response to a parliamentary question as to "whether government proposed to regulate the domestic labour [of children] to ensure their rights," Shri Sis Ram Ola, Minister of Labour and employment answered, "Domestic workers are a part of the large unorganised sector. Government feels that a separate legislation to regulate domestic workers is not necessary at this stage." Quoted in Thukral, Purkayastha, and Manisha (2005?), p. 53.

Secondly, street children, many of whom migrate from rural to urban areas, are commonly seen clearing tables in restaurants and roadside *dhabas*, or working at petty trades. More worryingly, and increasingly more common, very small children, perhaps as young as four or five years old, are frequently seen begging on the roadside, or scavenging through dumps for saleable refuse - a practice referred to in India as 'ragpicking'. These children are regularly exposed to hazardous waste and extremely unsanitary conditions.

Thirdly, and by far most commonly, children work in domestic or agricultural work, often left at a very young age to mind younger siblings while their parents work, or frequently accompanying their agricultural labourer parents into the field where they are often considered not to be working but *helping* their parents.<sup>103</sup> In other agricultural situations, children are employed because they are deemed to be nimbler than their parents (at tea-picking, for example), whereas superstitions in other areas encourage child labour. Prepubescent girls are preferred in the hybrid cottonseed industry ostensibly on the grounds that they are purer, whereas adolescent girls cause the seeds to wilt. As a result, girls aged seven to fourteen constitute 90 percent of the cottonseed workforce.<sup>104</sup> In such farm work, children work long hours and are frequently exposed to such hazards as toxic pesticides, which may have lifelong effects on their health. Domestic labourers often have to endure severe physical and psychological abuse.<sup>105</sup>

Finally, whether working in agriculture or in industry, the debt bondage of children is extremely prevalent in India<sup>106</sup>. Despite the illegality of bonded labour, the work of an estimated fifteen million Indian children is pledged, mainly in repayment of loans to their families.<sup>107</sup> These children, who are predominantly lower-caste, are also often subjected to forced labour and abuse.<sup>108</sup>

### 3.3.2. Prevalent Attitudes

The attitudes that underpin the pervasiveness of child labour are closely interlinked with those that keep children out of school: parents

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103 Weiner (1991), p. 51.

104 Wazir (2004a), p. 4.

105 See, for example, Bajpai (2003), pp. 156-157.

106 Coursen-Neff (2003); Human Rights Watch (1996 & 2003).

107 Human Rights Watch (2002); Coursen-Neff (2003).

108 Burra (1995), pp. 15-27.

feel that work is more relevantly educational and preparatory for many Indian children than formal education; employers argue that children are more suited to certain jobs, and are also more economically viable; and the government and policymakers (and many employers also) claim that children's work is necessary because of the endemic nature of poverty in India. It is the combination of these perspectives that conspire to entrench child labour - and, by extension, poor educational standards - in Indian society. In none of the interviews and focus group meetings conducted at local level for the current paper was poverty cited as the primary reason for children's employment, and it is not the eradication of this poverty or increasing the productivity of the rural family that will solve the child labour problem - it is challenging the acceptance of these pervasive attitudes, which "have been readily internalized, including by the poor, and are accepted as received wisdom."<sup>109</sup>

Policy and legislative practice have enabled the persistence and passive acceptance of the notion that India is not yet developed enough to ensure children's protection; yet this in turn is retarding development. That this is the case in a country with constitutional commitments concerning child labour and education that mirror the UN Convention on the Rights of the Child, and a history of legislative protection for children that reaches back well into the nineteenth century, points to extreme problems in the fulfilment of those commitments and the implementation of policy. An examination of these laws and policies is illustrative of the nature of these problems.

### **3.4. Child Labour Legislation and Policy in India**

The legislation that has long existed to protect children in India has been largely ineffective, or at least insufficient, as is evidenced by the sheer numbers of children estimated to be out of school, or engaged in some form of employment. The reasons for the failure of the legislation are twofold. Firstly, in a country of India's vast size, where much of the population dwell in remote rural areas with poor infrastructure, ensuring effective implementation, monitoring and enforcement of laws and policies is difficult. Secondly, many of the policies and legislative tools are deeply flawed, allowing for contravention through the exploitation of loopholes. While these may

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109 Wazir (2002), p. 4.

appear at first to be technical issues of administration, and are frequently justified as such, it will be shown that there is considerable human neglect involved, often arising from the aforementioned attitudes towards children's work.

### 3.4.1. The Factories Act 1948

Prior to independence, the British authority established a number of minimum age conventions for work in mines and factories, and in 1938, the first specific legal tool defending children came into effect. The Employment of Children Act specified a number of occupations in which children must not be employed. Ten years later, the Factories Act stated that children below the age of fourteen were not to be employed in factories, which were defined as "premise[s] employing at least ten persons where manufacturing is being carried on with the aid of power, and above twenty where no power is employed".<sup>110</sup> The Factories Act remains in force, but suffers from poor implementation and the existence of loopholes that render it ineffective. As seen in the previous chapter children under the age of fourteen have been routinely found working in the Sivakasi match industry, and Neera Burra interviewed underage children, as young as seven, working in the lock factories of Aligarh. Some of these children were also working through the night, which is also expressly forbidden by the Factories Act.<sup>111</sup> Furthermore, the very specific definition of a factory according to the Act allows for the same processes being carried out in smaller, informal, and less regulated, operations with all the concomitant hazards still present:

The main effect of the Factories Act was to transfer the bulk of carpet-weaving production to homes, where children work behind closed doors.

The clandestine nature of the work makes it particularly difficult to regulate child participation.<sup>112</sup>

It is important to note that this is not simply an oversight in legislation. There are important interests at play in creating loopholes and being less than thorough in the enforcement of the law. The previous chapter explored the benefits of child labour for commercial enterprise, but these are also important economic considerations for the

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110 Weiner, (1991) p. 79.

111 Burra (1995), p. 65; Weiner (1991) p. 28.

112 Kanbargi, in Bequle and Boyden (1988), p. 107; cf. p. 95.

government also:

The Indian government finds itself in a double bind. It wants to encourage the export of luxury goods to bring in foreign currency, but the most profitable way for such luxury goods to be made is on a small-scale, labour intensive basis.<sup>113</sup>

However, export industries only account for a very small fraction of children's work in India. More recent legislation has a far more wide-ranging influence.

### 3.4.2. The Child Labour (Prohibition and Regulation) Act, 1986

The change in the thinking on child labour that became apparent in the 1980s, from total abolition to selective prohibition and regulation, significantly influenced what is the most important legislative measure regarding child labour that has been put into place since independence. The 1986 Child Labour (Prohibition and Regulation) Act (CLPRA) represents the Indian government's re-examination of its policy on child labour, and is quintessentially an expression of the growing acceptance of the poverty argument for the existence of child labour in India. Both the Ministry of Labour and the seventh Five-Year Plan asserted that child labour was a "harsh reality" in India and its abolition under the current level of underdevelopment was simply not feasible.<sup>114</sup> As Bequele and Boyden explain:

Although the Constitution of India prohibited the employment of children below 14 in factories and hazardous occupations and although a number of legislative acts covering or focusing specifically on child labour had been enacted at both national and state levels, the Government felt that child labour could not simply be wished away. The phenomenon was widely prevalent throughout India and was likely to persist in the foreseeable future, *given the extent of poverty in the country*. The goal of public policy, it was felt, should be shifted from abolition to providing increased protection to child workers and gradually reducing the incidence of child labour.<sup>115</sup>

The result is an act that prohibits child labour only in certain industries with 'regulation' of other activities. The proscribed occupations correspond to those specified in the 1938 Employment of

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113 Ennew and Milne (1989), p. 116; See also Weiner (1991), p. 50.

114 Weiner, (1991) pp. 78, 83.

115 Bequele and Boyden (1988), p. 13, emphasis added.

Children Act, but are not termed “hazardous” in the new Act.<sup>116</sup> Hence, while children’s work is banned in carpet weaving, it is still permitted in the glass industry, which may arguably be more dangerous for children to be employed in.

Reinforcing the Factories Act of 1948, the Child Labour Act prohibits children’s employment in certain activities, but states that “nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family.”<sup>117</sup> Such industries thus fall beyond the remit of the legislation, though the same nature of work is being carried out. Clearly, then, the government of India does not deem such industries to be hazardous, though as Kanbargi shows, the dangers to children’s health and welfare are very real:

Continuous squatting can lead to leg and back deformities or water retention in the knees. Constant attention paid to colour combinations and intricate designs while weaving can lead to eye fatigue and illness. Another health risk is the handling of chemically treated raw wool, which can cause swellings or infection to the fingers. The inhalation of wool dust can in the long-term cause breathing problems, lung infections and even tuberculosis. The risks are aggravated by other factors, such as inadequate light, the absence of windows and ventilation, dirt floors and a lack of washing facilities.<sup>118</sup>

Furthermore, in many cases, such as the carpet industry of Varanasi, the government has overtly legitimated children’s employment, by providing training programmes. Kanbargi notes the existence of government training centres for child workers, which have increased the skill of the workers and therefore the marketable productivity of the product. Such initiatives, combined with the legislative measures that have engendered them, are seen by Kanbargi as evidence of the “considerable concern” of the Indian government for the welfare of the country’s children.<sup>119</sup> However, government-run training programmes merely illustrate the level of entrenchment and the scale of the acceptability of child labour. In fact, the wording of the Child Labour Act specifically exempts these training centres from the stipulations of

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116 Burra (1995), p. 248. See also Bajpai (2003), p. 174.

117 Child Labour (Prohibition and Regulation) Act, 1986; quoted in Weiner (1991), p. 78.

118 Kanbargi, in Bequele and Boyden (1988), p. 102.

119 *ibid.*, pp. 93, 106.

the Act regarding workshop labour by children.<sup>120</sup> Thus, work carried out by children under the aegis of either their families or the government itself is considered acceptable, even if it is qualitatively identical to work carried out in a factory.

The positive aspects of the Child Labour Act remain poorly implemented. Though the Act notionally applies harsher punishments than previous child labour legislation, there are in practice very few convictions for transgression, and those convicted usually receive the more lenient penalties. These consequences result both from technicalities, such as insufficient evidence, and laxity of implementation, based on apathy, corruption or a simple lack of enforcement infrastructure.<sup>121</sup>

Setting aside such practical shortcomings of the Child Labour Act, the central point to the current discussion is the basis of this act in the logic of the poverty argument. As shown in the previous chapter, this argument is not only insufficient as a justification for child labour, but also empirically flawed. Countries with higher levels of poverty than India (based on per capita share of national income) have been able to reduce child labour incidence and have illustrated that it is possible for the very poor to send their children to school rather than to work. In India, the same is true. A survey - referred to earlier - conducted by the MV Foundation into the effect of household poverty on the choice of parents between labour and schooling for their children found no discernible correlation between the poverty of the family and the *necessity* of their children's employment.<sup>122</sup> Furthermore, as Ennew and Milne point out, it is disingenuous to claim that poverty necessitates child labour in a country where adult unemployment is extremely high, and where child labour may itself be seen to contribute to those unemployment levels.<sup>123</sup>

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120 Weiner (1991), p. 78; Bajpai (2003). pp. 165-166.

121 Bajpai (2003), pp. 166-167, 178-180; Boyden and Rialp, in Hines (1995), p. 189.

122 Sinha and Nagarjuna (2004). See also Bajpai (2003), p. 333.

123 Ennew and Milne (1989) p. 115; Boyden and Rialp, in Hines (1995) p. 195; also Mendelievich (1979), pp. 5-6: "There is in fact a vicious circle here: on one hand child labour increases unemployment among adults and reduced their income; and on the other, the unemployment and low wages of adults force them to put their children to work in order to boost the family income. Thus child labour simultaneously increases and reduces the family income; but, as is clear, it reduces rather than increases that income."



### 3.4.3. National Child Labour Policy

The Child Labour Act gave rise to the National Child Labour Policy (NCLP) in 1987, which seeks to tackle the social and economic conditions influencing child labour through “the establishment of special schools to provide non-formal education and pre-vocational skills training; promoting additional income and employment generation opportunities; raising public awareness, and conducting surveys and evaluations of child labour.”<sup>124</sup> But, as Upala Devi points out, because the NCLP looked at non-formal education as a supplement to child labour and a substitute for formal full-time education, they have comprehensively failed to achieve their objective.<sup>125</sup>

### 3.4.4. The INDUS Project

The INDUS project is a joint venture between the governments of India and the United States to work towards the elimination of child labour in India by focusing on 80,000 children working in selected hazardous industries in four states.<sup>126</sup> The project is implemented in partnership with the NCLP and the national education programme, Sarva Shiksha Abhiyan (SSA). The project is still in the early stages of implementation, having started in 2003, but the focus on only certain industries and neglect of the formal sector, combined with the NCLP concentration on provision of supplementary, non-formal education to child workers suggests that its impact will be less than comprehensive. As with the CLPRA, only a small fraction of working children will benefit.

## 3.5. Education Legislation in India

### 3.5.1 Compulsory Education Legislation

Perhaps the main reason why the constitutional commitment to compulsory education has yet to be achieved, fifty-five years after the fact, is that, ironically, making education compulsory is not itself compulsory. The decision to make education compulsory is not taken at a national level, or even at a state level but is left up to local government bodies, which are not actually *compelled* to activate compulsory education legislation, but *may* do so. The reason for this

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124 ILO-IPEC (2004), p. 3.

125 Devi (2002), p. 18. The problems inherent in providing non-formal education as a complement to children’s work and as a substitute for full-time formal education will be examined in more depth in Section 3.5

126 Uttar Pradesh, Madhya Pradesh, Maharashtra and Tamil Nadu.

would appear to be the fact that the government's ambitious intention of achieving UEE within ten years would have been prohibitively expensive.<sup>127</sup> Successive Five-Year Plans set further deadlines for the achievement of universal education but - with the budgetary allotment for elementary education declining with each Plan, and a greater focus on higher education<sup>128</sup> - these dates have each passed without success. Gradually, the government's emphasis on compulsory education has been reduced and the focus is now more on "education for all".<sup>129</sup>

Considering the established linkages between child labour and education levels, it is unsurprising that the reason for this is framed, once again, in the context of India's endemic poverty. It is held that if families cannot afford to forego the income of their children, then to compel them under threat of litigation to send their children to school instead would be unfair. Hence, since the abolition of child labour is seen as unrealistic, education programmes since the enactment of the 1986 Child Labour Act have been moving more towards providing non-formal, part-time, and non-compulsory education to working children while allowing them to continue their work.

Yet, if it is argued that if a child has to work, she or he cannot attend full-time school, then, by the same rationale, if the child is compelled to attend school full-time, she or he cannot be at work. If, as shown in the previous chapter, poverty is found to be much less of a constraint than was previously assumed, then the child does *not* have to work. Thus, the obligation to attend school is not as financially ruinous to the family as critics of compulsory education legislation would suggest - nor can such legislation be seen as unfairly punitive to the poor. Proponents of compulsory education argue that non-formal education simply maintains the *status quo*, provides only nominally for "education for all", while doing nothing to ensure that that education is of an acceptable quality, and entrenches, through apologia, the continuance of child labour in India.<sup>130</sup> This conclusion is supported by the fact that

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127 As illustrated by Weiner (1991), p. 107; see also pp. 56-58.

128 Bajpai (2003), p. 329. See also the reply of Shri Arjun Singh, Minister of Human Resource and Development to parliamentary questions on the government's efforts to improve educational standards, July 13<sup>th</sup> 2004, as reported in Thukral, E.G., Purkayastha, M. and Manisha, M. (2005), pp. 28-29. The emphasis is strongly on programmes benefiting higher education institutions such as National Institutes of Technology, but regarding elementary education the situation is much more vague.

129 See Weiner (1991), pp. 68-69.

compulsory education legislation has proven vital in reducing the incidence of child labour in other countries.<sup>131</sup>

### 3.5.2 New Policy on Education

The New Policy on Education (NPE) was devised in 1985, concurrently with the Child Labour Act. While acknowledging the failings of past policies, it still accepted the rationale of the poverty argument and sought to achieve the universalisation of elementary education through the extension of non-formal education (NFE). NFE programmes seek to complement children's work with at least some part-time education, usually after the day's work has been completed. However, this means that a child's education prospects are hampered by the necessity of work, a situation that the UNCRC compels states to take measures against.<sup>132</sup> The Indian government here would seem to have allowed child labour to take precedence over education, whereas the UNCRC explicitly makes education pre-eminent. That the government's previous efforts to universalise education through compulsion were ineffective may seem to support the argument for non-formal education, but, as Weiner counters, the NPE was far from successful either.

Observers of the program noted that states had failed to match the funds that the center had budgeted, that teachers in the program were not properly trained, that many of the centers had closed down, that a large proportion of the children in the program were below the age of nine and thus were supposed to be attending regular schools, and there was no effective monitoring and evaluation of the centers. Critics were skeptical that the goal of enrolling and retaining all school-age children was achievable through the government's new policy on education. There was no evidence that the government was planning the kind of massive increase in elementary school education expenditure that was needed to achieve universalization. One critic said that the government was making token investments in non-formal education without any

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130 See, for example, Belletini and Ceroni (2004) who argue that child labour can be explained by failure to enforce compulsory schooling legislation.

131 Weiner (1991), pp. 111-113; Bajpai (2003), pp. 176,204. See also Shantha Sinha, "The Sunday Debate: Is it possible to have free and compulsory education?" in *The Times of India*, July 24<sup>th</sup> 2005.

132 United Nations Convention on the Rights of the Child, Article 32.1, 2: "States Parties recognize the right of the child to be protected ... from performing any work that is likely ... to interfere with the child's education ... [and] shall take legislative, administrative, social and educational measures to ensure the implementation of the present article".

real commitment to developing the existing schools.<sup>133</sup>

The target date for NPE to universalise education - 1995 - has also passed without the goal being achieved.

### 3.5.3. The 86<sup>th</sup> Constitutional Amendment

With the 86<sup>th</sup> Amendment Bill of 2001, the Indian government formally recognised that “free and compulsory quality education up to elementary level” was a fundamental right of all Indian children, “thus making it mandatory for the Central and the State Governments to provide for such education to each and every child.”<sup>134</sup> Yet, critics deem this amendment, like previous policies that failed to achieve their purported objectives, to be fundamentally flawed. Not only does the amendment make no mention of the financial means by which it will be enforced and implemented, but it also contains significant loopholes “which meet the letter of the law, but not its spirit”.<sup>135</sup> In particular, it says nothing regarding the quality of the education (despite the government assertion above). Instead, it states that education will be provided in a manner to be decided by the government itself,<sup>136</sup> and that may mean low quality schooling for many.<sup>137</sup> Indeed, in one school researched for this study, it was found that government provision did not go nearly far enough. The school building had neither enough desks nor classrooms - one class was taking place under a makeshift shelter of wood and banana leaves, another under a nearby tree. The headmaster claimed that the government would not provide any funding beyond the wages of four of the teachers. The school had expanded in recent years to incorporate the increasing demand, but that expansion had only been made possible through the efforts of the community, the support of the MV Foundation and the philanthropy of the local doctor.<sup>138</sup> These restrictions certainly affect the quality of the education received by the children at this school.

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133 Weiner (1991), p. 100.

134 Government of India (2002), p. 4. See also Devi (2002), pp. 21-22.; India Together, “Finally, education for all? Parliament to debate 93rd Amendment Bill.” 28<sup>th</sup> November 2001. Accessed online at [www.indiatogether.org](http://www.indiatogether.org), 21<sup>st</sup> April 2005.

135 India Together, “An incomplete education program: NCAS critiques the draft 93<sup>rd</sup> Amendment Bill”, Nov. 28<sup>th</sup>, 2001. Accessed online at [www.indiatogether.org](http://www.indiatogether.org), 21<sup>st</sup> April 2005.

136 Constitution of India, Article 21A.

137 Bajpai (2003), p. 338.

138 Interview conducted with headmaster of Anajipur village high school, Ranga Reddy district, 4<sup>th</sup> August 2005.

The 86<sup>th</sup> Amendment also stands as a further example of the inconsistency of Indian legislative measures regarding child labour and education:

On one hand you have the ninety-third Constitutional amendment<sup>139</sup> stating that it is a fundamental right of children between six and fourteen years to be in school, and on the other hand you have the Child Labour (Prohibition and Regulation) Act 1986 laying down that children below fourteen can work in non-hazardous occupations and processes.<sup>140</sup>

It appears, then, that government education policy remains unsynchronised with policy on child labour, indicating that the connection between the two is not recognised at a directive level. It is suggested here that without co-ordination the professed aims of these policies are unobtainable.

#### 3.5.4. Sarva Shiksha Abhiyan

The Sarva Shiksha Abhiyan (SSA) programme for the universalisation of education was established in 2001, its stated objective to ensure that “all children complete eight years of elementary schooling by 2010”, by which time universal retention should be achieved.<sup>141</sup> If the SSA is to achieve more positive results than other educational policies, the reasons for the failures of previous plans must be clearly understood and avoided. However, SSA continues to place considerable emphasis on “non-formal education, distance education, inclusive education... as supplementary systems to reach the unserved and unreached areas on the one hand and disadvantaged sections of society on the other.”<sup>142</sup> Furthermore, UNESCO’s Education for All monitoring report claims that India is “at risk of not achieving the millennium

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139 The 86<sup>th</sup> Amendment to the Indian Constitution arose from the Constitution (Ninety-third Amendment) Act, 2001, and was originally known as the 93<sup>rd</sup> Amendment. However, given the failure of other subsequent amendment bills to become actual amendments to the constitution, the 93<sup>rd</sup> Amendment Act was instituted as the 86<sup>th</sup> Amendment. As such, older literature on the amendment frequently refers to the “93<sup>rd</sup> Amendment” as opposed to the 86<sup>th</sup>.

140 Bajpai (2003), p. 14.

141 Shri Arjun Singh, Minister of Human Resource and Development, Parliamentary Session, 5<sup>th</sup> July 2004, quoted in Thukral, Purkayastha, and Manisha (2005?), p. 33. Clearly, with so many children remaining out of school, this target is already arithmetically unachievable.

142 Sarva Shiksha Abhiyan (2004), pp. 1-2.

development goal of universalisation of education by 2015".<sup>143</sup>

Nevertheless, there is some indication that - in some quarters, at least - the SSA programme is being driven by an acknowledgement of the need for synergy between education and child labour policymaking. The government of Madhya Pradesh has incorporated programmes seeking the elimination of child labour into its implementation of SSA in that state. This case will be considered in greater detail in Chapter 5.

### 3.6 Reconsidering the Legislation

I was often struck by the fact that people in India often say the right things but so little seems to get implemented. The relationship between rhetoric and behavior in India seems so different from in the West... We have the impression that Indians see mantras as potent, that if they say the right words often enough they will change the world.

MYRON WEINER<sup>144</sup>

Legislation is essential to the eradication of child labour and the achievement of universal education. Even when ineffective, it still stands as a gauge of progress - and the lack thereof. "Its very existence," writes Asha Bajpai, "creates an enabling provision whereby the state can be compelled to take action."<sup>145</sup> However, for such compulsion to take place, those affected by that legislation must be willing and able to hold the government to account for it. Fundamental to the failures to achieve India's constitutional commitments to its children are the attitudes that have guided policymakers. It has become increasingly common for policies and laws to be shaped by the assumption that, under the current socio-economic circumstances in India, neither goal is realistically achievable in the short term.

Legislation does not go nearly far enough to prevent children's working in hazardous circumstances. In India, children are proscribed from working in factories because it is felt this is not fitting to their age, yet the same tasks are carried out in the home or in cottage industries. Legislation does not cover this work because it is deemed to be not hazardous, or because it exists now in the formal sector. Bonded labour

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143 UNESCO Education for All monitoring report, 6<sup>th</sup> November 2003, quoted in Thukral, Purkayastha, and Manisha (2005), p. 27.

144 Weiner (1991), pp. 170-171.

145 Bajpai (2003), p. 6. See also pp. 198,204, and Bequele and Boyden, in Hines (1995), p. 188.

is legislated against, yet remains rampant, despite the avocations of government officials. This is hazardous child labour that continues unabated despite supposed legislation against it.

There is a growing emphasis on non-formal, part-time and vocational education for working children as necessary substitutes for formal education, as *necessary* alternatives to full-time education, when in fact no such necessity exists.<sup>146</sup> Nor are they effective substitutes. They seek to universalise education but at the expense of the quality of that education. For these children, insufficient and substandard supplementary education must make do, if indeed they receive any education at all.

Until these issues are addressed by the Indian government, any and all time-bound initiatives to achieve universalisation of education, or to remove children from the workplace (even if only from the 'hazardous' industries) will be meaningless and predestined to failure. The greatest danger is that, by treating child labour as a condition of endemic poverty, the notion that only through ending poverty can child labour itself be eradicated becomes ingrained. This makes the abolition of child labour an extremely long-term objective, and one whose possibility is not even assured. It also leaves many millions of working children with an uncertain future of limited possibilities.

### 3.7. Social Attitudes, the Caste System and Children's Welfare

While legislation is often rendered ineffective by a lack of precision, by poor implementation and by a lack of complementarity between policies, it is important to note that the pervasiveness of rigid attitudes and certain social norms towards child labour and education augments the inadequacies of such legislation in maintaining the *status quo*. What makes the Indian case peculiarly susceptible to ineffectiveness on these issues is the caste system.

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146 Devi (2002), p. 33: "The education policy for the working child has been designed by those bureaucrats who have been conditioned to believe that in a poverty-stricken country, children must work to augment the family income. Thus, all education policies for the working children look at education not as an opportunity to eradicate child labour but as an alternative to regulating it."

Government training programmes for child carpet-weavers give preference to scheduled tribes and castes, ostensibly as a technique of 'positive discrimination', but this practice demonstrates acceptance of the social divisions, suggesting that, because those from scheduled tribes and castes are *fundamentally* poor, they are more reliant on child labour than others. Thus, these groups can avail only of a lower quality, part-time education, than that obtainable by higher castes and classes. While appearing to disburse welfare benefits more equitably, such a system in practice removes from the poor many opportunities for development.

Kanbargi, in studying the carpet industry of Varanasi, notes that most of the working children were migrants from other states, though plenty of available child labour was to be had in Varanasi. A reason for this seems to lie in the "local cultural barriers to juvenile participation",<sup>147</sup> in other words, caste and class. These appear to be even more responsible for the child labour here than Kanbargi suggests. Earlier, he makes reference to the "local attitudes concerning children and their role in society",<sup>148</sup> and given the poor adult literacy rate in the region, it is likely that little stock is put by parents in education, whereas the financial benefits of labour are evident and more immediate. This does not definitively suggest the conclusion reached by Kanbargi, that families have little choice but send their children to work, but rather that accepted social norms and attitudes significantly tailor that choice. It would seem that more 'preference' than 'constraint' - to adopt Lopez-Calva's terminology<sup>149</sup> - is involved here.

The fact that the majority of child labourers are *Dalits*, *Adivasis*, and of other low caste groups, may seem to support the poverty argument. But what is rarely asked in the literature supporting the poverty argument is "why are the poor poor?" The social system maintains people's relative status, and the labour they perform is determined by that social system, allowing little room for upward mobility. Not only are people's occupations decided by their caste, but their poverty is also. It is argued that child labour is the inevitable result of the poverty of certain people. But that poverty is not necessarily inevitable. Asking why the poor in India are poor may lead to the

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147 Kanbargi, in Bequele and Boyden (1988), p. 98.

148 *ibid.*, p. 97.

149 Lopez-Calva (2001), pp. 61-65.



conclusion that they are *kept* poor. If that is so, then that part of the responsibility for child labour usually attributed to poverty is, in actuality, borne by the social circumstances that underlie people's wealth and status in relation to others. The place of social attitudes in parental decision-making processes, often too quickly attributed to the necessity of poverty, is illustrated by Myron Weiner's conversation with the Labour Secretary of Uttar Pradesh, himself from a scheduled caste background:

I don't think my father was so poor that he had to send me to work, but it was not the custom in his family to send children to school. Many parents do not think, but just send their children out to work. If we in the government emphasize that children should not be sent to work, then they will go to school. Now all my children are in college. If I had listened to my father I would still be working in the village.<sup>150</sup>

### 3.8. Conclusions

The ingrained social perspective determined by the caste system is one example of the role that societal beliefs play in shaping the policies that affect children's welfare in India, and the widespread societal acquiescence to those policies.<sup>151</sup> Superstitions such as those regarding girls' employment in the cottonseed industry, acceptance of the necessity of social reproduction of labour, combined with an unawareness of the benefits of education and a suspicion of the system that purveys it, conspire to create a situation whereby education is considered irrelevant, and work necessary, for the children of the poor. Breaking down these fallacies - at legislative and grassroots level - is crucial to the establishment of an effective, worthwhile and universal education system, and this should be the aim of any responsible government that stands by its oft-repeated commitment to these goals. But, by claiming that poverty precludes the ability to attain these goals, the Indian government stultifies the consideration of the impact of these other, non-economic factors on the situation, ignores the empirical fact that many poor people can and do send their children to school rather than to work, and thus condemns India to a long future of under-

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150 Weiner (1991), p. 55.

151 Boyden and Rialp, in Hines (1995), p. 189: "The shortcomings of legislative reform are frequently heightened by public indifference to the problem. This means there is insufficient pressure on public authorities to bring about change."

education and child labour. As Neera Burra writes:

It is undoubtedly true that the children in the glass factories of Firozabad - like children elsewhere in India - work because their families are poor. But the argument that child labour is therefore necessary must be rejected. To blandly blame the abstract notion of poverty is to ignore the particular economic and social circumstances that contribute to the persistence of child labour. Once these circumstances are analysed and understood, the possibility of changing them now arises rather than wait for that distant day when there is no more poverty.<sup>152</sup>

Social mobilisation towards such a change, through encouraging attitudinal transformation, is the objective of the MV Foundation, an analysis of which the current study now turns to.

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152 Burra (1995), p. 52.

# 4

## THE MV FOUNDATION

### 4.1. Introduction to the MV Foundation

Andhra Pradesh has historically had the highest incidence of child labour in India, combined - as would be expected - with very low literacy rates.<sup>153</sup> The majority of the population is illiterate and more than 50 percent of children are out of school.<sup>154</sup> However, it seems that, in recent years, the seeds of change towards a positive emphasis on education have been sown. Education Acts already exist on the legislature there and the state appears to have been better primed for development in this field than others.<sup>155</sup>

The MV Foundation has been working since 1991 to eliminate child labour in the Ranga Reddy district of Andhra Pradesh through the promotion and provision of full-time, formal education. It acknowledges the inverse, causal relationship that exists between education and child labour. The persistence of child labour is considered to be a major explanation for low enrolment, and therefore low literacy rates, whereas the achievement of UEE is considered by the MVF to be achievable only in conjunction with an absolute abolition of child labour. In recent years, the MVF has expanded its programme into other districts in Andhra Pradesh and other Indian states. At the same time, other organisations - from other NGOs to state governments - have shown increasing interest in utilising the MVF formula.

### 4.2. The “Non-Negotiable” Principles of the MV Foundation

In practical terms, the MV Foundation operates on a village-by-village basis to withdraw children from the workplace and ensure their enrolment and retention in the formal school system. This is achieved through a programme of social mobilisation, involving people at every

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153 Weiner (1991), p. 21; Bajpai (2003), p. 154.

154 Wazir (2002), p. 9.

155 Devi, 2002: 16, 38.

level, from the governmental to the local, combined with the modification and strengthening of the infrastructural system. However, it is not simply a practical project. The crux of the programme is the fundamental philosophy that drives it.

The MVF programme is guided by a Charter of Basic Principles, consisting of five so-called “non-negotiables”. These are as follows:

- ✘ All children must attend full-time formal day schools
- ✘ Any child out of school is a child labourer
- ✘ All work/ labour is hazardous; it harms the overall growth and development of the child
- ✘ There must be a total abolition of child labour
- ✘ Any justification perpetuating the existence of child labour must be condemned<sup>156</sup>

Acceptance of these principles is fundamental to the success of the MVF programme. They postulate an irreducible connection between the eradication of child labour and the universalisation of education. However, they are frequently opposed to the pre-eminent attitudes of policymakers - and often also to the views of society at large - that have been discussed over the course of the previous two chapters. The MV Foundation explicitly does not make the distinction between different types of children’s work, some hazardous, some beneficial, that has been seen to underpin the rationale of Indian policymakers and legislators.

Furthermore, these principles are often not fully accepted by other agencies and organisations working in the same field. Encouraging acceptance of these “non-negotiable” principles thus illustrates perhaps the foremost challenge facing the MV Foundation in implementing and, as the following chapter will show, replicating its programme.

While the MV Foundation would appear to fit solidly into the “idealist” perspective to child labour by seeking the abolition of child labour and the establishment of compulsory education<sup>157</sup> (as opposed to the “realist” position of those who accept that poverty makes such ideals at least presently unachievable), its approach is particularly pragmatic, and the results - while they have not yet had time to exhibit definitive long-term results - would seem to suggest that both goals are indeed achievable, despite India’s pervasive poverty.

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156 MV Foundation Policy Document, [www.mvfindia.org](http://www.mvfindia.org).

157 Kabeer, in Kabeer, Nambissan, and Subrahmanian (2003), p. 353-4.

The MV Foundation began its work with the release of thirty bonded labourers in 1991. These children were enrolled in a Residential Bridge Course (RBC) established by the Foundation to enable them to reach a level of education - as well as socialisation with other children - that would allow them to be mainstreamed into the formal education system without lagging behind. This is the crucial function of the RBC in that, by ensuring the children are able to keep up, it removes the danger of their dropping out due to academic failure, and thus being likely to be absorbed back into the labour force.

This raises an issue pivotal to the MVF's ideological assertion that all children out of school be considered child labourers. Simply withdrawing *individual* children from illegal bonded labour does not prevent employers from replacing them with other out-of-school children. Extending this logic beyond just bonded labour, it can be seen that efforts to eradicate child labour, or universalise education, by merely moving children from the workplace to the classroom would be Sisyphean without a complementary effort to eliminate the "reserve pool" of potential child labourers.<sup>158</sup> Hence, by expanding to include all out-of-school children, the MV Foundation seeks to remove the conditions that perpetuate child labour. It is the belief of the Foundation that if this approach were to be accepted at a policymaking or legislative level, any policy addressing child labour would encompass all children out of school. As such, eliminating child labour and establishing universal education would become synonymous.<sup>159</sup>

### 4.3. The MVF Model

The most basic target group of the MV Foundation - beyond the individual or family - is the village. At this level, and covering any outlying habitations, the MVF will have a single volunteer, usually local and therefore familiar with the particular needs and issues pertaining to that village. A number of villages is organised into a cluster and the supervisor of each cluster meets with the volunteers of her or his cluster. These supervisors in turn report on the issues in each *mandal*<sup>160</sup> to the "*mandal-in-charge*". At district level, an assistant co-ordinator meets

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158 Wazir (2002), p. 12.

159 Sinha (2004b), p. 12.

160 A *mandal* is an administrative subdivision of a district, in Andhra Pradesh, with an average population of approximately 50,000.

with each of the *mandal*-in-charges. In this way the head office of the MV Foundation is kept informed as to the operations of each level of the organisation. However, it must be stressed that this hierarchy is for expediency only and that the communicative links within the Foundation itself are equitable.

The first step in a new village is to conduct a household survey to determine how many children are already in school, how many are out of school and how many are working. Volunteers and community leaders use cultural activities, such as drama, song and dance, to raise awareness of child labour, education and the MV Foundation. Volunteers - who are usually from the same village, and therefore create a sense of community ownership of the programme - carry out door-to-door campaigning, to encourage parents to send children to school rather than to work. Support groups are mobilised in the village, with the full support of the MV Foundation - primarily the youth groups but also, political groups, community leaders and women's groups - and these groups form the interactive arena between the MVF and the village, organising exposure visits and motivation centres. These centres are used to encourage and reassure families who are reluctant. Short-term camps perform the same function. Through these activities, other neighbouring villages and habitations may become aware of the work of the MVF and this in turn provides an entry point to those villages also.

Withdrawing children from the workforce is perhaps the most difficult element of the programme. It is not just the parents and the community who need to be convinced but the employers also, and this is particularly difficult, since - unlike the parents - they will have little to gain from releasing children from the workplace. This is even more the case in relation to bonded labour. The MVF's technique changes according to each circumstance. If appealing to their sense of justice is not enough, employers are made aware of the legal repercussions and, with the growing weight of public support behind them, this has proven an effective formula.

There are a number of eventualities for children who are mobilised through the MV Foundation's programmes. Those children under nine years of age are enrolled directly into the formal school system, as they are deemed to not yet have fallen too far behind to integrate completely. There are two options open to those children between nine and fourteen

years of age. Those who have never been to school before are enrolled into Residential Bridge Courses (RBCs), which prepare them for the formal system. Those children who have been to school previously but dropped out to work may be in a position to return directly to school. If not, they may join the bridge camp.

The RBCs aim to provide former child labourers with an intensive preparatory course to ease the transition from work to schooling and simultaneously ensuring against dropout. Children joining the government education system often may have to travel to a different *mandal* to attend school, particularly at upper primary or high school level, since there are fewer facilities catering to these levels. In such cases, children are given accommodation in the social welfare hostels, and the MV Foundation provides support through ensuring the conditions in the hostels are adequate. Volunteers visit the hostels in the evenings to offer additional tuition, and support with health matters. Such activities also work to reduce incidences of dropout.

One of the most important points of entry for the Foundation is identifying the youth group in the village. It is the objective of the organisation to utilise, strengthen and develop already existing structures in each village where possible, and working with established youth groups to gain the first foothold within the village among the targeted beneficiaries is an important move in establishing a sense of community ownership of the project. If the project of getting every child into school and abolishing child labour within the community is to be accepted, successful, and - most importantly - self-sustaining, it is crucial that the whole community is involved. To this end, the MV Foundation involves locally existing groups in the implementation of its projects, and encourages the creation of such groups where they do not already exist. Such community-based organisations include the following:

- ✦ **Child Rights Protection Committees (CRPCs):** these are village-level groups established by the MV Foundation, which work for the release of local child labourers, ensure acceptable standards are maintained in local schools and take part in awareness-raising and lobbying in other communities. They are co-ordinated at *mandal*, district and state level by the Child Rights Protection Forum (CRPF). The affiliated Girl Rights Protection Forum (GRPF) works to ensure equitable educational access for girls, healthcare promotion and prevention of child marriages.

- ✘ **Bala Karmika Vimochana Vedika (BKVV):** a forum of government teachers, committed to the eradication of child labour and the protection of child rights, who have organised themselves across Andhra Pradesh. The BKVV recognises the importance of the teacher in ensuring quality education and in creating a constructive and supportive atmosphere for children in the school. As such, it aims to undermine the lack of confidence in the education system that has dissuaded parents from sending their children to school.
- ✘ **Parent-Teacher Associations (PTAs):** Aside from the importance of teachers' motivation, the building of parent confidence in the school system is crucial if the programme is to be effective. Through PTAs, parents can have the opportunity to have their say in the education of their children. The existence of such a forum also helps to encourage other parents who have not yet sent their children to school.

The notion of using the existing structures, as opposed to establishing new structures parallel to those extant, is imperative. This technique illustrates that the MV Foundation is committed to working within the government's existing framework and this alone puts pressure on that framework to improve its service delivery.

These approaches are the key to the MV Foundation's achievement. To date, the Foundation can claim its programmes to have been successful in mainstreaming 320,000 children to full-time education.<sup>161</sup> Achieving such success, however, involves more than strengthening the enabling infrastructure and facilities. To ensure the efficacy of this infrastructure, much work must go into sensitising parents, employers and children to the benefits of education over labour. At the most basic level, the goal is to inculcate a norm - at village level, first and foremost - that every child must go to school. This involves tackling accepted attitudes and assumptions that poverty is the sole cause of child labour and that formal education is irrelevant to rural or underprivileged children. Once this has been achieved, these villages are in a better position to demand changes to the system at *mandal*, district and state level.

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161 Arvind Kumar of MV Foundation, personal communication, 22<sup>nd</sup> August 2005. According to Mr. Kumar, this figure has recently been updated to 370,000 though this figure has yet to be officially published.



## 4.4. Changing Attitudes

Adapting the existing structures illustrates how the system can be changed, how the people themselves can take control of the institutions in order to suit their better interests. One good example of this is seen in the success of the MVF supported lobby in changing the official practice with regard to school enrolments. Typically, in Andhra Pradesh, enrolment takes place between June and July, yet these are generally the most important agricultural months, when children's labour is supposedly most needed on the farm. Furthermore, for children removed from the workplace through the MV Foundation's efforts at other times of the year, such a restricted enrolment procedure makes it very difficult to ensure that those children are not drawn back into the labour force in the interim. It is another example of how the existing situation makes it more difficult for children to go to school and more likely that they will be employed in some form of labour. However, following negotiations instigated by the MV Foundation and its associated groups, the government of Andhra Pradesh has now changed the enrolment procedure making it possible for children to be enrolled at any time of the year.<sup>162</sup>

An example of the MVF's influence on political approaches to the child labour and education issues is the current nationwide campaign to lobby Members of Parliament in Delhi to amend the 1986 Child Labour Act. At the same time as promoting this campaign, the MV Foundation raised the issue of the inherent problems of the Act in the Supreme Court, and therefore simultaneously conducting a political lobbying campaign and a challenge of Public Interest Litigation (PIL). In this campaign, it was noted that the response from the political parties and the consensus between them on the issue was even stronger and more consistent than that of NGOs, which often have conflicting agendas.<sup>163</sup>

Though caste remains very much a contentious issue with regard to work and education, with the children of the lower castes having

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162 Arvind Kumar of MV Foundation, personal communication, 1<sup>st</sup> August, 2005. See also Sinha, "Schools as Institutions for the Elimination of Child Labour: The Experience of the MV Foundation in the Ranga Reddy District", in Kabeer, Nabissan and Subrahmanian (2003), p. 330.

163 This will be shown in the following chapter to have originally been the case of the Apeksha Homoeo Society's interactions with the MV Foundation.

considerably less access to schooling, the MV Foundation focuses on the issue of child rights above that of caste, promoting the notion that it is the right of every child, *regardless of class, caste or status*, to be free from economic exploitation and to have equal opportunity to avail of full-time education.

#### 4.5. Expansion of the MV Foundation into the Nalgonda District

With regard to the growth of the MV Foundation and the replicability of its programmes, the Foundation's policy is one of response to a demand. As such, it does not actively seek to expand, but waits until approached by representatives of other villages, *mandals*, states and educational bodies before expanding its programmes. Staff of the Foundation carry out an assessment of the status of such regions and, wherever it has the capacity, it tries to expand into that area. Generally speaking, the fewer structures that need to be replaced, the more conducive the village or mandal is for replication of the MV Foundation's programme. This is in keeping with the wish to utilise and develop existing structures in the community in the implementation process. The current section will examine the expansion of the MV Foundation to Nalgonda district of Andhra Pradesh, which the following chapter will juxtapose with the replication of the MVF programme by other like-minded organisations.

The MV Foundation has been operating in Nalgonda district since 2001.<sup>164</sup> This was the Foundation's first venture outside of Ranga Reddy district, and in accordance with principle, expansion only took place after invitation from the people of Nalgonda. In 1999, policy makers and youth groups from Nalgonda contacted the MV Foundation in Ranga Reddy, and arranged for an *exposure visit*, the usual initial procedure for expansion. This led to a request from the youth groups for MVF expansion to Nalgonda district, and preparatory work began to this end

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164 The chronology and method of MVF expansion into Nalgonda district is drawn from a meeting held with a core group of thirty-two mandal-in-charge at the MVF district office in Suryapet, 3<sup>rd</sup> August 2005. All the trainees present had emerged from grassroots, community-level involvement as locally based volunteers in Nalgonda, working up to supervisor and mandal-in-charge positions. The one exception was one from Ranga Reddy, who was transferred to Nalgonda district at the time of the establishment of MVF programmes in the district in 2001.

in 2000.

At this point, there was no specific funding for expansion and the beginning of the expansion was based on voluntary and informal efforts of the youth in the area. A full-fledged programme, based around the opening of a bridge camp, was started in one *mandal*, which was followed by exposure visits of other interested youth to Ranga Reddy. Recruitment of children from other *mandals* to the bridge camp provided an entry point to other regions.

The trans-district response to this voluntary and self-motivated mobilisation was a conference attended by between 1600 and 2000 youths from all *mandals* of Nalgonda district. Following this conference, each *mandal* adopted a method to rally support for the programme. These rallies led to a growing interest among children in the district, and through the voluntary mobilisation efforts of the local youth, children began to withdraw from work and seek enrolment in the bridge camps. The household surveys, which are generally conducted by MVF volunteers, took place through the voluntary efforts of the youth groups, to whom the MV Foundation provided support.

By 2001, these efforts had expanded the work of the MV Foundation to three more *mandals* on Nalgonda, through the same processes. 2001 proved to be a turning point for the success of the programme in Nalgonda, as communities began to engage in debates on the finer points of the matter - how and why children should go to school rather than to work, the issue of minimum wage, of poverty and the supposed need for child labour, and the poor quality of the existing education system. A one-day meeting to challenge the acceptance of child labour in Nalgonda attracted a crowd of 20,000. The core group of MVF advocates in the district consisted of 600 youths (out of 10,000) who had shown themselves to be strongly committed to the non-negotiables of the MV Foundation. Currently, the MV Foundation operates in ten *mandals* in Nalgonda district.

Nalgonda provided a different political atmosphere for the MVF programmes, presenting implementers with new challenges to those faced in Ranga Reddy district. Nalgonda is a heavily communist area, with hammer-and-sickle graffiti and red flags clearly visible in many places. For communists in the region, allegiance to the party is of primary importance. This adds an additional obstacle to the work of the MV Foundation in the region, since local level issues are subordinate to party

issues and every campaign is seen as a political one. It is thus more difficult to encourage people to address local-level issues, such as child labour and children's rights, outside of the context of party interests. Therefore, it was deemed appropriate by the MV Foundation to address these issues through specifically political avenues. All parties in Nalgonda have now included the importance of promoting education in their manifestos. This provides a forum in which consensus between the parties can be developed, making it a crucial issue for all parties to address, irrespective of other political differences.

The experience of Nalgonda district illustrates the importance of the existing local youth groups in the expansion of the MV Foundation's programmes. The youth is the entry point to the community, and in turn the youth goes to the community and begins the debate. This situation has been particularly acute in Nalgonda, due in large part to the primacy of politics in the region. Youth groups in the district were already well established and organised and were considerably more politically aware than the youth of Ranga Reddy. As such, youth groups in Nalgonda were more likely to involve themselves in pertinent social issues.

The challenges and obstacles in Nalgonda also required a different response to those in Ranga Reddy, particularly regarding the sources of resistance of the region and how to address them. When questioned as to which sector of the society presented the toughest challenge, the *mandal-in-charges* claimed that parents, for the most part, were relatively supportive of withdrawing their children from the workforce in order to send them to school. The biggest challenge stemmed from the employers and landlords, suggesting not an ideological objection, but a pragmatic one. Nevertheless, in order to meet this challenge it was found - consistently with the beliefs of the MV Foundation - that internal pressure from the community itself and not the organisation, was most effective. A common procedure to prevent landlords re-recruiting children was the novel tool of publicly honouring and rewarding landlords who release bonded child labourers, so that any recidivism would be considered shameful. The supposed necessity of child labour has been challenged in the aftermath of such programmes by observing the manner in which the labour gap left by the children has been filled. According to the group of *mandal-in-charges*, out of fifty released bonded child labourers, twenty-four were completely

replaced by adult workers, the remaining twenty-six positions being filled by “leasing” to adult labourers. The evolution of such new processes as “leasing” and temporary contracts between landlords and adult labourers shows that the accepted and ingrained practices taken for granted in the past are, in fact, open to change and development towards more just labour practices.

It was noted earlier that key to the success of the MV Foundation’s expansion is the flexibility of its programme. In response to the question of whether there was a change in the MVF’s focus resulting from the Nalgonda experience when compared with the agenda the Foundation approached Nalgonda with based on its experience in Ranga Reddy, one of the assembled *mandals*-in-charges explained that whereas the original idea was rehabilitation of child labourers through the MVF’s resources of mobilisation and bridge camps, this has become the secondary focus. Now, the shifting idea is that the success of the programme is the responsibility of civil society and not of the MV Foundation. The Foundation’s primary concern has moved from ensuring the welfare of the child to building the capacity of local bodies and institutions to do the same. This does not mean a resulting negligence of the individual child by the organisation, but rather expanding the potential to reach more children. This concentration on capacity-building of civil society institutions, as opposed to simply the village or *mandal* community, has the resultant effect in Nalgonda of breaking down factions and political differences, and engendering a popular and political consensus that the children of Nalgonda belong in the classroom and not in the workplace.

#### 4.6. From Expansion to Replication

In Ranga Reddy, the MVF programme has been remarkably successful. Between 1991 and 2000, child labour has been completely eradicated from more than two hundred villages,<sup>165</sup> bonded labour from 509 villages,<sup>166</sup> and the demand for formal education has increased exponentially. It has also helped to open up the debate around these issues and to challenge and change entrenched conceptions at household, societal and state levels. The Foundation is now operational

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165 Wazir (2002), p. 9.

166 Sinha (2004), p. 101.

in seven districts in Andhra Pradesh. Out of these seven, four cases have been of direct MVF expansion; the other three have involved small, local NGOs in those districts requesting support from the MV Foundation.

Fundamental to the success of the MV Foundation's expansion is the malleability of its technique. The core mission is rigid, as evidenced by the term "non-negotiables" to describe its charter of basic principles. However, the methods used to ensure the implementation of these principles is necessarily variable, in order to ensure compatibility with the nuances and idiosyncrasies of the individual situations. This flexibility is two-way: the Foundation *intentionally* modifies and adapts its technique to the specific needs of the community in which it is seeking to implement its programmes, but it also *allows* its practices to change and evolve according to the experiences gained through working in individual situations. Accordingly, the focus of the MV Foundation has shifted since its first expansion beyond the Ranga Reddy district. Initially centred firmly on the practical task of withdrawing children from work and establishing bridge courses for their rehabilitation and enrolment into the formal education system, this concern has since become secondary to the function of building the capacity of the local civil society to carry out these tasks themselves. This shift in focus has been crucial to the replicability of the Foundation's programme.

## REPLICABILITY AND REPLICATION

### 5.1. The Importance of Replicability

The MV Foundation has shown, through its success in Andhra Pradesh, that by accepting that *no* child labour is unavoidable, there is a way in which UEE can be theoretically achieved. However, the MVF's own capacity is relatively limited and if its objective that no child must work, and every child go to school, is to be achieved, it cannot remain simply an implementing body. As such, the replicability of the programme - the ability of other like-minded actors to implement it - and the ability of the MVF to disseminate its objective to such actors, is a crucial factor. Already, it has been seen that the Foundation's methods rely strongly on strengthening the capacity of existing civil society structures and institutions to work autonomously for children's rights. This is a central element in the replication of its model, but it is also essential to encourage the acceptance of its core principles. If this is successfully achieved, then the underlying philosophy can be passed on without the need for direct involvement of the Foundation. As such, that philosophy can theoretically become a norm, leading to widespread ideological change in those fields where entrenched attitudes have themselves served to entrench the practice of child labour and the obstacles to education.

In assessing the replicability of the MVF programme, the current chapter will first examine the adoption of the programme by the government of Madhya Pradesh, as a tool in implementing the national SSA scheme for universalisation of education. This will focus on the change in outlook at state governmental level and the implications of this for the national level. The recent adoption of the MVF formula by the Apeksha Homoeo Society in the Amravati district of Maharashtra will then be investigated. This will focus on the implications of implementation by an organisation with a different overall agenda to the MVF, and the strengthening of civil society organisations towards the eradication of child labour.

## 5.2. Sarva Shiksha Abhiyan and the Government of Madhya Pradesh

### 5.2.1. Background

Sarva Shiksha Abhiyan (SSA) is the Indian government's current nationwide programme for the universalisation of education. It is "a partnership between the Central, State and the local government" and involving *panchayat*-level organisations, parent-teacher groups, school management committees, education committees, among others, aiming for "useful and relevant" education for all six- to fourteen-year-olds by 2010, bridging "social regional and gender gaps, with the active participation of the community in the management of the schools."<sup>167</sup> The strategies used include institutional reforms to improve the efficiency of the delivery system, community ownership through decentralisation and involvement of community-based organisations, institutional capacity building, and focusing on the education of girls and "special groups".

Crucially, it is a bottom-up, decentralised and participatory process, which "not only creates a sense of ownership among the stakeholders, but also generates awareness and helps in the capacity building of personnel at various levels".<sup>168</sup> The particular significance of this for the purposes of the current study is that the needs-based structure of SSA is theoretically compatible with the MV Foundation's programme. However, as a purely educational programme, SSA takes little official account of child labour. The framework for implementation contains only the most minimal reference to child labour. Section 5 of the framework is entitled "Coverage of Special Focus Groups" but not until subsection 4 - "Strategies for out of school children" - are working children mentioned.<sup>169</sup> Even then, they are referred to as just one of the various examples of "special groups" in need of specific strategies, and this itself is just one of the "four broad focus areas" of the new Education Guarantee Scheme. The following subsection on urban deprived children contains the most substantial discussion of child labour, and even this is a single paragraph which states no more than that the education of working children presents one of the "special problems" associated with

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167 Government of India (2002), p. 1.

168 Government of India (2005), p. 9.

169 Government of India (2002), p. 50.



urban areas. Nothing more than district planning in partnership with NGOs is mentioned as a policy measure, and no mention of rural working children is mentioned. Through not acknowledging working children, SSA would appear to be underrating one of the most critical areas to be addressed if universalisation of education is to be possible.

Despite this, the state government of Madhya Pradesh approached the MV Foundation, with a view to utilising the MVF's bridge course technique as the basis of its implementation of the SSA programme. It has already been shown that the central government's child labour policy is based upon the acceptance of the poverty argument. This in turn has affected its policy on the universalisation of education (SSA), since it must cater for the education of working children through the promotion of non-formal and part-time education. This is in contrast with the MVF perspective on these issues, raising the question of how the two can be made compatible, and whether the government of Madhya Pradesh, if not the central government, has come to accept the non-negotiable principles as set out by the MVF.

### 5.2.2. Implementation of the Programme

The motivation behind the adoption of the RBC programme, according to Neelam Rao, the mission director of SSA in Madhya Pradesh,<sup>170</sup> derives from the main factors that constrain school enrolment - children remaining at home to care for younger siblings; the distance children must travel to schools, particularly for the many tribal children of Madhya Pradesh; and the need to mainstream older children who have never attended school into the relevant class for their age group.

The SSA programme has sought to tackle these issues with targeted programmes relevant to each problem. Firstly, to deal with the sibling care issue, Early Childhood Care Centres and *Anganwadi* centres<sup>171</sup> have been established so that older siblings can go to school while the younger are looked after.

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170 Interview with Ms. Neelam Rao conducted 2<sup>nd</sup> September 2005 at SSA Headquarters, Bhopal, Madhya Pradesh.

171 *Anganwadi* centres are village-based centres, run under the Integrated Child Development Services (ICDS) scheme, for providing "basic health, nutrition and early childhood care and development services to address the interrelated needs of children below the age of six, adolescent girls, and expectant and nursing mothers from the disadvantaged communities." Bajpai, (2003), p. 28.

Secondly, in terms of the distance children must travel to school, efforts have been made to strengthen residential schools and to provide incentives to encourage children's attendance. In particular these include free textbooks and uniforms as well as the provision of mid-day meals.<sup>172</sup>

Finally, to ensure effective mainstreaming of older children, the government looked to the success of the MV Foundation's RBCs in achieving this objective. In particular, the focus was on ensuring the equitable access of girls to education. As such, one of the main beneficiaries was the SSA's Kasturba Gandhi Balika Vidyalaya (KGBV) project, which specialises in extending educational benefits to girls in deprived and tribal areas. In 2004, a pilot project of forty-seven RBCs was established under the supervision of the MVF. On the basis of the success of that project, and the demand for education stimulated by it, 2005 has seen the number grow to 900, along with 11,000 NRBCs (Non-Residential Bridge Courses, similar to motivation centres, run for a few hours a day). This rapid expansion has been possible because of the Madhya Pradesh government's capacity for greater funding. However, crucial to being granted such funding is the demonstrable success of the MVF model, which has given the Madhya Pradesh government the confidence to bargain with the central government, and the central government the confidence to invest in the programme on such a scale.

### 5.2.3. Addressing the Problems

There remains an ideological disconnect between the MVF's objective and that of the Madhya Pradesh government. According to Neelam Rao, child labour is only a part of the problem of low attendance. Tackling child labour as part of the SSA programme is specifically aimed at the "middle age group" (children aged five to ten years), when children are most likely to be drawn into waged labour (which is more likely to be exploitative) if they are out of school. Secondly, there is an emphasis on preventing transition losses - dropouts between primary and high schools, which is a problem due to the lower number of high schools than primary schools. The bigger issue than child labour, says Ms. Rao, is the problem of access; hence the emphasis on issues of sibling care and the distance between schools that keep children out of school. This suggests that sibling care is not considered child labour, and strongly

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172 See Boyden and Rialp, in Hines (1995), pp. 214, 216.

implies that not all children out of school are considered to be child labourers.

In response to the question of whether or not the Madhya Pradesh government accept, as the MVF do, that all children out of school are child labourers, Ms. Rao answered with an unequivocal “No”. The grounds given were that two percent of children in Madhya Pradesh are children with “special needs”. Therefore, these are children who will be out of school, but not working. This concurs with SSA policy documentation in which considerable emphasis is placed on this issue of special needs children, and very much less on child labourers, who - whatever definition of child labour is accepted - make up a far greater percentage.<sup>173</sup>

Furthermore, the issues relating to access to school, that Neelam Rao differentiates from child labour, are problematic from the MVF perspective also. If the problem is reduced to one of access, then the emphasis is placed on issues like sibling care and distance, though the problem is more than these issues. Dr. Shantha Sinha, Secretary Trustee of the MV Foundation points also to cultural norms and traditions, to lack of government assistance and of local support structures as factors affecting access to school. Furthermore, there is little mention of distance when it comes to children’s access to the labour force:

People are willing to send their children long distances for work. In order to work they will go to the next village, which is fifteen kilometres distance ... and the child walks fifteen kilometres to work. She tends to go all alone... [in such cases] distance is never given as an issue. But when it comes to the child going to school in a neighbourhood that is just two kilometres away, then we talk of distance... It’s happening even now, today, in middle-class homes [that] children travel twenty kilometres, taking two buses, to go to the school. But we give this distance argument only when it comes to the poor.<sup>174</sup>

Given the attitudes expressed by Ms. Rao, it is clear that the SSA programme is not as clear-cut a replication or duplication of the MVF model as may have been intended. Yet, though there may appear to be a conflict of interest here, in practical terms the agendas of the

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173 See Government of India (2002 and 2005).

174 Dr. Shantha Sinha, personal communication, MVF Head Office, Secunderabad, 13<sup>th</sup> September 2005

government and the local, implementing level appear to gel. On one hand, the government has a particular agenda to achieve universal education; on the other, the people at local level are implementing an anti-child-labour programme to achieve the same goal. The relation between the two may be incidental, but it appears to be effective.

The MVF-based programme may still be able to work well in Madhya Pradesh, without the government explicitly accepting the non-negotiable principles that underpin it. This is because, like the MV Foundation, the planning for SSA in Madhya Pradesh is bottom-up and participatory, and it would seem that motivation on the non-negotiables is most important for the grassroots level since it is at this level that the practical implementation and planning, as well as the final decisions about whether or not children go to work or to school, will be undertaken. The exposure visits that preceded the acceptance of the programme were attended by people from village level, cluster level, block level, district level and state level. Planning is done at village level - it is needs-based. For this reason, the focus is on strengthening these local community-based organisations (CBOs) and facilitating self-reliance.

However, although the local level is at the forefront of the implementation of the programme, the CBOs and parent-teacher associations are quite weak. This is where the greatest challenge lies. It was found that, in the village of Managaon, for instance, parents were still more likely to withdraw their children from school if they felt the education system was poor, rather than working through a parent-teacher association to address the issue.<sup>175</sup> These attitudes and suspicions of education are still deeply embedded, despite the SSA programme. More needs to be done to tackle such obstacles.

The failure of the state institution to fully commit to the non-negotiable principles of the MVF programme may suggest a difficulty for replication at state-level. If the model is effective at achieving UEE in Madhya Pradesh and it is taken on by other states on the basis of that success, it will be purely on the grounds of education. Thus, the focus on the eradication of child labour is reduced. Nevertheless, in the long run, the promotion at local level of the need to eliminate child labour suggests the potential, with the strengthening of the confidence and

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175 Interviews with parents, as part of group meeting, 1<sup>st</sup> September 2005, Village of Managaon.

influence of civil society, for grassroots networks, and public opinion, to exert pressure on the upper echelons to accept that need also.

## 5.3. Apeksha Homoeo Society in Maharashtra

### 5.3.1. Background

The Apeksha Homoeo Society is an NGO operating in three districts (Amravati, Buldhana and Akola) of Maharashtra state.<sup>176</sup> Unlike the MV Foundation, Apeksha is not simply concerned with child rights regarding labour and its impact on education. The Society was established in 1980 by Dr. Madhukar Gumble, and initially focused on health care through homoeopathy. Gradually, its agenda broadened into socio-economic programmes targeting the health problems associated with poverty. These included community health programmes, livelihood security, sanitation, and land and natural resource management. In the course of this development, the Society placed particular emphasis on the needs of women and children, establishing CBOs such as women's self-help groups and village education committees (VECs). However, the breadth of Apeksha's agenda, while well-meaning, has led to a lack of effective focus. Prior to MVF involvement, it appeared to work on a purely charity basis, with little consideration given to effective strategising.

Among their past programmes - prior to MVF involvement - was the rehabilitation of 700 child labourers in thirty-five villages and fifteen urban slums, and the prevention of 2,000 children entering the labour force.<sup>177</sup> Between April 1999 and March 2004, Apeksha worked in partnership with Save the Children (Canada) and Save the Children (New Zealand) to establish a Child Workers' Opportunity Project (CWOP).<sup>178</sup> This enterprise focused primarily on exploitative and hazardous occupations in which children were employed. The project enabled the

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176 Information on the background of Apeksha and its projects prior to MVF involvement is taken from Apeksha project proposals (courtesy of MV Foundation) and unpublished policy papers of Apeksha Homoeo Society, furnished by MVF volunteer Krishna Reddy and Apeksha Director Dr. Madhukar Gumble.

177 These 2,000 children were on the school registers but were in irregular attendance and were therefore considered likely to be drafted into the labour force. Apeksha prevented this by ensuring they were regularised.

178 The Child Workers' Opportunities Project is a targeted programme established by Save the Children (Canada), which focuses on providing formal and non-formal and vocational education for working children, as well as income generating opportunities for their families in Maharashtra, as well as the states of Gujarat and Rajasthan. It is also involved in campaigning and advocacy at local and national levels. See Bajpai (2003), pp. 190-191.

enrolment and retention of 442 children into the formal school system and provided vocational training to 74 others, while supporting income-generating projects for families whose children have been withdrawn from the workplace. Through establishing village-based Child Opportunity Centres, Apeksha also sought to focus on so-called 'Life Orientated Skills Education', a non-formal education project that seeks to educate children with regard to practically-based life skills.

An overriding theme of Apeksha's broad agenda is the importance of community participation, and it is this that has stimulated its interest in the MVF programme. Yet this has not always been the case. In its previous work against child labour, Apeksha was purely an implementing agency. There was little social mobilisation with local bodies or organisations, and the work was carried out on a piecemeal, case-by-case basis. Clearly, this method was unsustainable, and incapable of ensuring comprehensive, permanent removal of child labour. Since implementation needs to come from the community itself to be self-sustaining, the need arose - as with MVF - for Apeksha to evolve into facilitation. As such, interest in the MV Foundation's success with establishing and nurturing CBOs, such as the Child Rights Protection Forum, led to the exposure visit of Apeksha workers, VEC members and a village sarpanch to the MVF project area in Andhra Pradesh in August 2004. Over the course of this visit, training and explication of the non-negotiable principles was given.

The MVF model would seem to give some much-needed direction and a chance for sustainability and growth. Apeksha's current programme is based almost entirely on the ability of the CRPF (and its implementing offshoots, CRPCs) to eradicate child labour. Though a temporary bridge course was set up in 2004, this was for the express purpose of mainstreaming fifty specific child labourers into the school system and was closed down once that was achieved. At the time of the current research, there were plans to open one RBC in October 2005 to cater for children from the tribal districts into which Apeksha has recently expanded. However, the main focus of its programme is on establishing CRPCs for the elimination of child labour.

The question arises of what is different about the Maharashtra situation that enables Apeksha to place such little emphasis on the Residential Bridge Courses. One reason for this may be suggested by the relatively high enrolment in the villages visited.

### 5.3.2. The Village of Malegaon

Apeksha has been operating in the village of Malegaon for eight years and, in 2004, a Child Rights Protection Committee was established.<sup>179</sup> Aside from CRPC, Apeksha has helped to establish other CBOs in the village, including a Child Parliament (inspired by Save the Children), self-help groups, and adult-and-girls group. These groups appear to have clear ideas of their objectives and what is needed to achieve those objectives. Good communication and complementarity exists between them, as is evident from the crosscutting participation in the meeting. A common agenda, regarding the education of all children in the village, is apparent.

Malegaon is a poor village, with most families living below the poverty line. Prior to the establishment of the CRPC, most of the children were working. The education system was felt to be poor, and this was the reason given for parents not sending their children to school. According to the village *sarpanch*, teachers often had other jobs that would affect their attendance and their ability to teach effectively. The CRPC has been addressing this issue through parent-teacher associations - strengthening the teaching practices, encouraging teachers to take responsibility for the children's education, and also discouraging the use of corporal punishment.

Ensuring the regular attendance of the children at the school has been a major issue. The CRPC undertook a door-to-door campaign to ensure that all children between five and fourteen years of age were not only enrolled in the school, but regularly attending. Rallies and other festivities were held to publicise the start of the school year. To prevent against transition losses between one school year and the next, the CRPC has been instrumental in lobbying for a reduction in the length of the summer holidays, while Apeksha's Child Opportunity Centre has been used for a non-formal summer school to create continuity from one year to the next. Furthermore, given that Malegaon's village school only runs up to the seventh class, and that the nearest high school is six kilometres away, transition losses between primary school and high school are common. The CRPC approached the manager of the local

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179 Information on the implementation of Apeksha's programme in Malegaon taken from group interview conducted with CRPF block president, district and area co-ordinators, local CRPC members, *gram panchayat* representatives, and the village *sarpanch*; village of Malegaon, Amravati district, Maharashtra, 4<sup>th</sup> September 2005.

public transport system about changing the times of the buses between the two villages, to facilitate the children's access to the high school.

Since the CRPC has been established, every child in the village is in formal education, with the exception of fifteen children from migratory families. These children are in very irregular attendance at the school, but there are efforts underway to establish a residence for them in Malegaon, so they will not drop out when their families migrate.

The CRPC in Malegaon is now moving from implementation and mobilisation to facilitation and quality issues. It has approached three other villages to encourage them to set up child rights groups of their own, an example of what Rekha Wazir terms "ripple transmission" or "self-propelling dissemination".<sup>180</sup> Apeksha has recently withdrawn from Malegaon, and the CRPC and CBOs are now operating on their own, with monthly supervision from Apeksha. This is similar to the situation reached by the MV Foundation in Ranga Reddy.

However, despite the apparent success of Malegaon's implementation of the MVF's social mobilisation techniques, and the creation of an independent, grassroots movement towards universal education, there is some cause for concern of its sustainability. Without the facility of a Bridge Course, those older children, whose school attendance had been irregular, may now find themselves unable to keep up with the rest of the children their age. The efforts of the CRPC to ensure regular attendance does not ensure the efficacy of the education of such children, even if teaching conditions have been improved. Furthermore, the comparison with Ranga Reddy is important, for MVF has only recently begun to grant autonomy to CRPCs in that district, having often spent more than a decade in capacity-building before withdrawing. In the case of Apeksha, that support has been withdrawn in just one year. It is too soon to tell whether this will create problems in the long term, but the experience of the village of Pimpalkhutta only serves to reinforce those concerns.

### 5.3.3 The Village of Pimpalkhutta

A painted sign outside the school in the village of Pimpalkhutta announces proudly that it is a child labour free village. This was corroborated by the CRPF Block Vice-President, who was among the

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180 Wazir (2004a), p. 20.



small group who attended the interview, despite the local festival that was taking place in the village that day.<sup>181</sup> However, there was reason to be sceptical.

As with Malegaon, the CRPC has been in operation in Pimpalkhutta for one year. Apeksha had been working in the village for five years prior. According to the vice-president, when Apeksha began its work in Pimpalkhutta, the enrolment rate in the village was 70 percent. Pimpalkhutta has two government schools as well as a private school, which caters for eighth to tenth classes. It thus seems well equipped with educational facilities. This would seem to be necessary since, according to the vice-president, the child population of the village is 700.<sup>182</sup> Under the influence of Apeksha, this enrolment rate had reached approximately 97 percent by 2003, with just twenty-five children remaining out of school. These results were achieved through Apeksha's meeting with parents and teachers, and its organisation of campaign rallies focusing on the importance of education. The Anganwadi centre in the village had been under-utilised by the villagers in the past, but Apeksha promoted its use for the care of infants, freeing children who had been engaged in sibling care to go to school. Initially, non-formal education had also been a part of the programme, but since the involvement of the MV Foundation, this is no longer the case. While these results appear impressive, begging the question of why a CRPC was considered necessary, it is also highly likely - though no information was available on this - that the attendance and retention rates were less impressive. When questioned on how retention was assured, the answer from the vice-president was vague, and lacked the systematic approach seen in Malegaon. Beyond repeated references to "convincing parents", "talking to headmasters" and "a lot of campaigns", little detail was discernible.

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181 All information on the implementation of Apeksha's programme in Pimpalkhutta drawn from group interview conducted with CRPF block vice-president and local CRPC members; village of Pimpalkhutta, Amravati district, Maharashtra, 4<sup>th</sup> September 2005.

182 This figure seems extraordinarily high for a village whose population, according to Apeksha's records is 1,866. The village level information chart at the Apeksha district office suggests that the total number of children enrolled in the village of Pimpalkhutta is 308. If Pimpalkhutta is indeed a "child-labour-free" village, it would suggest that the child population figure (absent from the chart) would equal, or at least approximate this figure. However, it is unknown whether the chart is up to date, or if the figure of 700 included children from other villages commuted to Pimpalkhutta to avail of its school facilities. Repeated questioning of the group did not provide a definitive answer to this matter.

The CRPC was set up in Pimpalkhutta seemingly because the twenty-five children who remained out of school were “hard-core cases” of child labour, for whom individual motivation would not have been effective. Yet, when questioned on what differences existed in the techniques used by CRPC and those used to achieve the impressive figure of 97 percent enrolment, the answers received were once again extremely vague. The impression Pimpalkhutta left was of a village and an operation decidedly unsure of its agenda, unclear on how to ensure retention to support its purportedly 100 percent enrolment and certainly very far from being in a position to ensure effective self-sustainability. As such, it is disturbing to note that, as with Malegaon, Apeksha have withdrawn from Pimpalkhutta also, a village that would still seem to need facilitation for effective implementation of the CRPC.

#### 5.3.4. Addressing the Problems.

These issues were raised during a meeting with a core group of Apeksha staff at Apeksha’s headquarters in Mozari.<sup>183</sup>

In the one year of its co-operation with the MV Foundation, Apeksha has established CRPCs in 147 villages in its project area. In the case of fifty of those villages, Apeksha has now withdrawn to leave the CRPCs to operate autonomously. When questioned as to whether this was a long enough period to sufficiently strengthen the CRPCs and to ensure that community-based organisations were fully mobilised on the non-negotiable principles to guarantee the successful replication of the MVF’s programme, Dr. Gumble answered that it takes one year to form a CRPC and three years to strengthen, but that since Apeksha had been in Malegaon for eight years and CBOs were already established, one year seemed sufficient. Pimpalkhutta, he claimed, was a similar situation, yet this did not empirically appear to be the case.

Apeksha has recently expanded to 60 new tribal villages in which it intends to set up CRPCs. It appears to be expanding beyond its effective means, beyond its resources to ensure quality. The capacity of the CBOs in Pimpalkhutta has not been assured before withdrawal. If this is the case in other of the fifty villages from which Apeksha has withdrawn, then their ability to effectively ensure the sustainability of the

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183 Meeting attended by ten block supervisors, and Apeksha Homoeo Society Director, Dr. Madhukar Gumble, Apeksha Headquarters, Mozari, Amravati district, Maharashtra, 5<sup>th</sup> September 2005.

programme, to guarantee continuing high enrolment and retention and a definitive eradication of child labour in those villages, is undermined.

The central issue facing Apeksha appears to be - as with the SSA in Madhya Pradesh - that it is a much more hierarchical structure than the MVF. The final decision-making on expansion or on the schedule of withdrawal lies with the director, and thus far it would appear that such steps have been undertaken in a less than productive manner. In spite of this, there exists here the same potential as in the Madhya Pradesh case, since the practical implementation of the programme continues to happen at grassroots level, and when the institutions at this level are well developed, as appears to be the case in Malegaon, the results are promising. Ensuring continuing support of these institutions until they are fully capable of self-sustainability is crucial.

A further positive sign is the fact that the grassroots implementers are beginning to challenge the hierarchical system, to question the decisions being taken at the top and to promote the practical needs of the programme. It is such developments that, according to Dr. Shantha Sinha, give the MV Foundation confidence to allow the programme to develop. It would not be expedient, she claims, to simply withdraw support for Apeksha's programme because it is currently following an agenda that diverges somewhat from the MVF's. The challenge for the MV Foundation is to correct Apeksha's methods not through coercion, but through continuing education, motivation and encouragement to accept the basic principles of the programme.<sup>184</sup> It seems then, that the Foundation's approach to replication works on the same principle as its approach to the mobilisation of child labourers - the principle of negotiating resistance.

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184 Dr. Shantha Sinha, personal communication, 13<sup>th</sup> September 2005.



# 6

## CONCLUSION AND IMPLICATIONS

The achievement of the second United Nations Millennium Development Goal<sup>185</sup> relies on the commitment of governments to effective policymaking to ensure access to education for all children. Government policies in India with the same intention have been notoriously unsuccessful. The acceptance of the MV Foundation's core idea that, to ensure universal education child labour must be eradicated, is an important, but until recently underrated, criterion for accomplishment of this objective. The MV Foundation seeks to inculcate this notion as a norm that educational directives can be guided by. This involves changing the perceptions of policymakers and implementers also, as well as those of parents of child labourers. In the same way that parents and educators need to accept the non-negotiables if the model is going to work on the ground - at policy level, those who are to replicate the model need to accept them also. To ensure they do, it is essential that they understand why those principles are non-negotiable. For this reason, it is crucial that MVF is very careful and attentive to those who seek to replicate their programme.

The MVF model is certainly replicable, but it is also manipulable. It may be diluted by the agendas of those who seek to replicate it. Part of the nature of the MVF model is that it is malleable, and can shift and change to fit the situation, while remaining faithful to the underlying ideology. This is clear from its expansion into Nalgonda. Once the core ideas are accepted, the way that those are ensured can change according to the circumstances. The methods of implementation are needs-based. But while the model can adapt to fit its needs, it would seem that organisations with different agendas or viewpoints might seek to change

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185 "To ensure that, by the same date [2015], children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education." United Nations Millennium Declaration, Section 19. Accessed online on 22nd August 2005 at <http://www.un.org/millennium/declaration/ares552e.pdf>.

not only the methods of implementation, but also the non-negotiable principles themselves, defeating their purpose and reducing the efficacy of the programme.

The concept of the non-negotiability of those principles is as central to the model as the individual principles themselves. This study has sought to illustrate that the MV Foundation has designed these principles as tools to address specifically those issues that have been shown to perpetuate child labour and low education standards in India. Re-examining these principles now illustrates how compromise undermines the potential for success of the model:

- ⊗ **All children must attend full-time formal day schools.** If this principle is not adhered to, a two-tier education system results, which perpetuates existing social inequality in which the children of the poor receive a lower standard education, on the fallacious grounds that their work is necessary. Neither universal education nor the abolition of child labour can be achieved, by allowing for non-formal or part-time education.
- ⊗ **Any child out of school is a child labourer.** Allowing for the possible exception of the small percentage of special-needs children, children out of school are highly likely to be drawn into the labour force. Incomplete acceptance of this principle, in the implementation of the model, leads to the exclusion of children from the programme, and the probability of their employment. As such, universal education and the abolition of child labour cannot be achieved without full acceptance of this principle.
- ⊗ **All work/ labour is hazardous.** It has been seen that much work considered beneficial for children bears no developmental benefits for them, and that all work negatively impacts on a child's education, limiting their developmental potential and their future opportunities, capabilities and choices. Excusing some forms of children's work from the programme undermines these children's right to equitable education.
- ⊗ **There must be a total abolition of child labour. Any justification perpetuating the existence of child labour must be condemned.** These final two principles are derived from the previous three, and are tautological with the primary objective of the Foundation and its model. It should be therefore clear that, unless fully accepted, some measure of child labour will persist and children's

right to education will be consequently undermined.

If the non-negotiables are only partially accepted by those seeking to replicate the MVF model, the model cannot be effectively implemented. It is therefore imperative for the MVF to monitor, to educate and to motivate those who are seeking to replicate the programme to commit to, and practise the non-negotiable principles fully and without ulterior motivation.

In the Madhya Pradesh case, this would appear to be less problematic. Here, the non-negotiables are accepted by default. However, there are more problems in the Maharashtra example, and without monitoring and regulation it runs the danger of undermining not only the programme's effectiveness but also the replicability of the MVF programme.

The commonality between Apeksha and SSA is that, whatever the perspective of the people at the top of the hierarchical structure, the practical implementation is happening at the grassroots level and is as such bottom-up development. This is the level that is most crucial for the replication of the MV Foundation model, all the more so for the populist ideology that underpins the programme. What the MV Foundation is itself doing, says Dr. Shantha Sinha, is simply replicating what many poor parents have been doing despite their poverty in India all along: sending their children to school rather than to work.

What we are doing is replicating that model of the poor sending their children to school, and scaling it up to see that *all* poor parents send their children to school... It is replicating the innate desire of the parents who have demonstrated that they can send their children to school in spite of poverty... The non-negotiable principle is that of the parent, and not of MVF. MVF learned from the poor parent.<sup>186</sup>

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186 Dr. Shantha Sinha, personal communication, MV Foundation Head Office, Secunderabad, 13<sup>th</sup> September 2005.





## LIST OF INTERVIEWS AND FOCUS GROUPS

### Andhra Pradesh

Arvind Kumar, MVF Training Centre, Chevella, Ranga Reddy, 1<sup>st</sup> August 2005.

Core Group of *mandal*-in-charges, MVF Training Centre, Suryapet, 3<sup>rd</sup> August 2005.

Salaiah Boddu, CRPF *mandal* convenor, Village of Mothey, 3<sup>rd</sup> August 2005.

Shantha Sinha and R. Venkat Reddy, MVF Head Office, Secunderabad, 13<sup>th</sup> September 2005.

Shantha Sinha, MVF Head Office, Secunderabad, 12<sup>th</sup> August 2005.

Shantha Sinha, MVF Office, Secunderabad, 29<sup>th</sup> July 2005.

Staff and Children of Aloor Girls' RBC, 1<sup>st</sup> August 2005.

Staff and Children of Dharur Boys' RBC, 1<sup>st</sup> August 2005.

Staff and Children of Mothey Boys' RBC, 3<sup>rd</sup> August 2005.

Staff and Children, Members of BKVV, Anajipur Village School, 4<sup>th</sup> August 2005.

Venkat Reddy, State member of CRPF for Nalgonda District, Village of Mothey, 3<sup>rd</sup> August 2005.

### Madhya Pradesh

Anita Dubey, SSA District General Co-ordinates, Regional District Office, Hoshangabad, 1<sup>st</sup> September 2005.

MVF State and District Resource Staff, SSA Headquarters, Bhopal, 2<sup>nd</sup> September 2005.

Neelam Rao, SSA Mission Director for Madhya Pradesh, SSA Headquarters, Bhopal, 2<sup>nd</sup> September 2005.

Rakesh Dubey, SSA State Co-ordinator and V.V. Rao, MVF State Co-ordinator, Bhopal, 1<sup>st</sup> September 2005.

Staff and Children of SSA Girls' RBC, Abdullahganj, 1<sup>st</sup> September 2005.

Staff and Children of SSA Girls' RBC, Sohagpur, 1<sup>st</sup> September 2005.

Village Council, KGBV staff, PT A and various CBO members, Managaon, 1<sup>st</sup> September 2005.

## Maharashtra

Apeksha Cluster Co-ordinator, CRPC President and members, Waderpura Slum, 5<sup>th</sup> September 2005.

CRPF Block Vice President and various CBO members, Village of Pimpalkhutta, 4<sup>th</sup> September 2005.

Dr. Madhukar Gumble, Apeksha Director, and Apeksha Block Supervisors, Apeksha Headquarters,

Mozari, Amravati district, 5<sup>th</sup> September 2005.

Village Council, CRPF block president, CRPC and various CBO members, Village of Malegaon, 4<sup>th</sup> September 2005.

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