

**Effective Administration of the Right of Children to Free and Compulsory
Education (RTE) Act: An Essential Step towards Eradication of Child
Labour from India**

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Abstract

There are many children who are still out of school, the hardest to reach, will be pulled in by the efforts emanating from 'The Right to Education (RTE) Act'. It is expected that an estimated over one crore children, who have either dropped out of school or who have neither been to any educational institution or school will get free and compulsory education, as it would be binding on the part of local, State and Central governments so as to ensure that all children in the age six to 14 years age group get schooling. But we find that all the efforts made by the Government and Non-governmental organizations are not able to bear any fruits so far as most of the children are engaged in child labour industries and factories. More than 16 percent of the total child population between 5-14 years of age are involved in child labour. In 2010, the International Labour Organization estimated that 12.6 percent of children aged 10-14 in India are part of child labour and more than 20 million children are out of schooling system. One out of every seven children is a victim of some sort of social evil. Rampant child labour is violation of human rights and yet is considered to a 'necessary evil' in a developing country like India. Raising awareness of the problem is one of the most important roles for International action to increase educational opportunities for child labourers. Effective administration of RTE-Act, 2009 would be able to solve many of the problems being faced by the children who are working in hazardous small scale and other cottage industries. Community participation and mobilization can also help to eradicate child labour effectively. The author in the present paper tries to highlight the need of free and compulsory education for all children between the age groups 5-14 years, so as to effectively

combat the menace of child labour. The present paper also focuses on the role of Non-governmental organization in eradication of child labour form the Indian society.

Key Words: *Right to Education Act-2009, Child Labour, Non-governmental organizations.*

Introduction:

Education is the most potent mechanism for the advancement of human beings. Education is a constant process of development of innate powers of man which are natural, harmonious and progressive. It is said that twenty first century, “a nation’s ability to convert knowledge into wealth and social good through the process of innovation is going to determine its future”, accordingly twenty first century is termed as century of knowledge. Education is the very foundation of good citizenship. Today, it is principal instrument in awakening the child to cultural value, in preparing him for later professional training and in helping him to adjust normally to his environment. It is said that child is the future of nation. The quality of education of the child will determine the quality of life in a nation. Both at national and international level efforts are being made to educate more and more people as education contributes in the development of the society which is consistent with the dignity of the human being. With the establishment of UNESCO in 1945, United Nations, on 10th December, 1998 adopted Universal Declaration of Human Rights. The right to education is recognized as a human right and is understood to establish an entitlement to education. According to the International Covenant on Economic, Social and Cultural Rights the right to education includes the right to free, compulsory primary education for all (1), an obligation to develop secondary education accessible to all in particular by the progressive introduction of free secondary education(2), as well as an obligation to develop equitable access to higher education in particular by the progressive introduction of free higher education in particular by the progressive introduction of free higher education (3). The right to education also includes a responsibility to provide basic education for individuals who have not completed primary education. In addition to these accesses to education provisions the right to education encompasses also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality(4). The right to education is enshrined in the Article 26 of the Universal Declaration of Human Rights and Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights.

The Universal Declaration of Human Rights 1998, states that, “everybody” has the right to education, hence the right accurse to all individuals, although children are understood as the main

beneficiaries. Although, education is a fundamental human right and essential for the exercise of all other human rights, still nearly 200 million children in the age group between 6 and 14 years, more than half do not complete eight years of elementary education; they either never enrol or they drop out of schools. Of those who do not complete eight years of schooling, the achievement levels of a large percentage , in language and mathematics, is unacceptably low.

It is no wonder that a majority of the excluded and non-achievers come from the most deprived sections of society- Dalits, OBCs, tribal, women and other financially backward—precisely those who are supposed to be empowered through education.

Indian Scenario for the Right to Education Act

Finally sixty three years after the independence, India enforced a historic the Right of Children to Free and compulsory Education Act that promises freedom from illiteracy for this vast and diverse country. The RTE guarantees every Indian child the most basic fundamental right, ‘the right to education’. The Act—with its latest amendment—that operationalized on 1st April, 2010 guarantees every child in the age group of 6-14 years and up to class 8th, both free and compulsory education. The Act seeks to achieve 10 broad objectives such as free and compulsory education, quality education, focus on social responsibility and the obligations of teachers and debureaucratization of admissions.

Now that India’s children have a right to receive at least eight years of education, the gnawing question is whether it will remain on paper or become a reality. One hardly needs a reminder that this right is different from the other enshrined in the constitution, in that the beneficiary-six year old child cannot demand it, nor can she fight a legal battle when the right is denied or violated. In all cases, it is the adult society which must act on behalf of the child. In another peculiarity, where a child’s right to education is denied, no compensation offered later can be adequate or relevant. This is so because childhood does not wait. If a legal battle is fought on behalf of a child is eventually won, it may be of little use to the boy or girl because the opportunity missed at school during the childhood cannot serve the same purpose later in life. This may be painfully true girls because our society permits them only a short childhood, if at all. The RTE Act has become a law at a point in India’s history when the ghastly practice of female infanticide has resurfaced in the form of foeticide. This is symptomatic of a deeper turmoil in society which is compounding traditional obstacles to girls’ education. Tenacious prejudice against the intellectual potential of girls runs across our cultural diversity, and the system of education has not been able to address it. RTE has been a part of the directive principles of the State policy under Article 45 of the constitution, which is part of Chapter 4 of the constitution and rights in Chapter 4 are not enforceable. For the first time in the history of India, this right was made enforceable by putting it in Chapter 3 of the Constitution as Article 21. The National Commission for Protection of Child Rights (NCPCR) has been mandated to monitor the implementation of this historical right.

The major aims of the Act are expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantage children; ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to, and complete free and compulsory, primary education of good quality.

The main attributes of this right to education are:

1. Universal access to primary education free and compulsory for all;

2. Accessibility to secondary education in its different forms as well as technical and vocational

education which should be made generally available;

3. Capacity-based access to higher education;

4. Opportunites for continuing education and literacy programmes and life long learning.

5. Mammon international standards of quality education and of the teaching profession.

Right to Education Act, 2009

The Right of Children to Free and Compulsory Education Act, 2009 popularly know as RTE Act is one of the far reaching reforms that is trying to reconfigure the landscape of provision of education in free India. The Act is the first step in providing the children within a given age range a guaranteed opportunity to be provided with free and compulsory education. This is possibly one of the unique steps towards developing a comprehensive inclusive education policy in India. This is for the first time that a Fundamental Right haws been added to the constitution of India since its promulgation in 1950. Efforts are also being made for improving the quality of education by regulating student-teacher ratio and imparting requisite training to the teachers. The Act will benefit close to none crore children who do not go to school at present, but its implementation will be challenging for the government. The government will have to appoint 12 lakh teachers and these teachers will have to be trained within the next five years. The centre and the states have agreed to share the financial burden in the ratio of 55:45, while the Finance Commission has allotted Rs. 25, 000 crore to the states for implementing the Act. The centre has approved an outlay of Rs. 15,000 crore for 2010-2011.

Significant Features of the Right to Education Act-2009

According to Article 45 of the Indian Constitution there is a provision that every child should get free and compulsory education. It is also made clear that the fulfilment of this should come before 1950. But because of the increasing population, this provision could not be fulfilled not only until 1960, but till now. The Right of Children to Free and Compulsory Education Act which was passed by the Indian parliament on 4th August 2009 describes the modalities of the provision of free and compulsory education for children between 6 and 14 in India under Article 21 A of the Indian Constitution.

The salient feature of the Right of Children for Free and Compulsory Education Act are as follows:

1. Free and Compulsory education to all children of India in the age group of 6-14 years.
2. No child shall be held back, expelled, or required to pass board examination until completion of elementary education.

3. A child above is six years of age, who has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age; provided that where a child is directly admitted in a class appropriate to his or her age, then he or she shall, in order to be at par with others, have a right to receive special training, in such a manner, and within such time limits, as may be prescribed; Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.
4. Proof of age for admission: For the purpose of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1856 or on the basis of such other document, as may be prescribed. No child shall be denied admission in a school for lack of age proof;
5. A child who completes elementary education shall be awarded a certificate;
6. Calls for fixed student-teacher ratio;
7. Will apply to all of India except Jammu & Kashmir;
8. Provides for 25 percent reservation for economically disadvantaged communities in admission to Class One in all private schools;
9. Mandates improvement in quality of education;
10. School teachers will need adequate professional degree within five years or else will lose job.
11. School infrastructure (where there is problem) to be improved in three years, else recognition cancelled;
12. Financial burden will be shared between State and Central government.
13. No child shall be subjected to physical punishment or mental harassment.
14. To constitute a school management committee consisting of the elected representatives of the local authority, parents or guardians of children.
15. No teacher shall be deployed for any non-educational purposes.
16. No teacher shall engage himself or herself in private tuition.

Challenges Lying Ahead in Effective Implementation of Right to Education Act

The RTE Act is an essential step towards improving each child's accessibility to secondary and higher education, bringing India closer to achieving national educational development goals, as well as the Millennium Development Goals (MDG) and Education for All (EFA) ⁸. Highlighting the importance of RTE Act, UNESCO Director-General said that,

“without India, world cannot reach the MDG of having every child complete primary education by 2015. It is expected that the Act will propel to even greater heights of prosperity and productivity for all, guaranteeing children their right to quality education and a brighter future. But the RTE Act, that promises to provide compulsory and free elementary education to all children of India, is set to face many challenges in its implementation. First hurdle is shortage of funds. In the first year, the Act is likely to face shortage of Rs. 7,000 crore. The RTE will have a funding system similar to the Sarva Shiksha Abhiyan which is already being carried out successfully in the country. The central and state funding pattern for the scheme will be 55:45. However, for executing the scheme in all eighty North Eastern States the central government will be responsible for the 90 percent of the cost of the scheme. So, if all the states cooperate with the centre, the scheme will have about Rs. 27,000 crore including the Rs. 15,000 crore with the HRD Ministry, but with a shortage of Rs. 7,000 crore, the scheme will require an estimated sum of nearly Rs. 34,000 crore for a period of five years. States like Orissa, UP and Bihar have already conveyed the message that they require funds for implementation of the Act to HRD Ministry in their respective states. The Orissa government has also demanded that the state should be considered as a special category like states in North East. Karnataka, Madhya Pradesh and Gujarat and have also expressed reservations about the huge financial burden, the ground breaking legislation will entail for them.

Second challenge is related with infrastructure. The Act will monitor the infrastructure in schools including the number of classrooms, separate toilets for boys and girls, facility of drinking water, kitchen for mid-day meal, playground and barrier free access for physically challenged students. But thousands of schools still do not have required infrastructure. Infrastructure facilities and other general conditions of private and public schools in India are very dismal and inadequate (Table-1). In a survey, conducted by National University of Educational Planning and Administration (NUEPA), it has been found that almost half of the recognised elementary schools in the country do not have accessible separate toilets for girls. District Information Systems for Education (DISE) Report (2008-09) on elementary education in India gives a bleak picture –of the 1.29 million government and private schools covered, over 60 percent did not have electricity, 46.4% did not have toilets for girls and almost 50% did not have boundary walls so as to ensure safety of the students. For example, Uttar Pradesh needs to construct 100,000 rooms to satisfy the norms laid down by the RTE Act. This goes out to prove and depict the sorry state that our schools are in and going to be a challenge to provide the requisite infrastructure that the Act expects.

Third important challenge and problem with the implementation of the Act is related with accountability aspect of the schools defined by the Act. In the most private and public schools the accountability among the teaching staff is lacking. The ultimate victims of these malpractices are the innocents who would like to excel in life. To ensure the culture of accountability, the Act requires that all schools, except those that are unaided, constitute School Management Committee (SMC). But, the Act is not clear why unaided schools are left out of purview of accountability with regard to the provisions contained in Section 21.1,

disclaimers that are provided. Section 37 of the Act also maintains that legal proceedings against such actions of the government cannot be initiated in the event that these have been undertaken in good faith and in the best interest of children. Rather than pursuing an objective vision, the Act is ridden with loopholes.

Fourth Herculean challenge in implementation of Right to Education Act, is the massive shortage of qualified and trained teachers. Both the government and private schools lack many thousands of teachers. But major shortages of teachers are in government schools—especially schools situated in rural areas and semi-urban areas. There are numbers of untrained teachers in the countries that range from 10-40 per cent of the total strength. This problem is mainly related with private schools as in the government schools teachers are appointed as per the government rules. The Annual Status of Education Report (2009) says half of India's children in Class V cannot read a class II level textbook and fewer still can do basic mathematics in rural areas. A major cause for this is the lack of trained teachers (Table-1)

Table-1 Conditions of Private and Public Schools in India-2009

S.No.	Infrastructure for Teaching in Schools	Government	Private
1.	Percent teacher present in school	87.6	89.4
2.	Percent of teacher trained	85.9	43.9
3.	Percent teacher with college degree	43.7	64.4
4.	Percent student present in school	86.9	91.9
5.	Some subject taught in English	26.8	51.1
6.	English Instruction begins in 1 st standard	53.2	88.2
7.	Toilet facility	60.9	78.3
8.	Chairs/desk for all students	29.2	63.5
9.	Blackboard in all classrooms	95.4	98.1
10.	Computer available for students	5.9	29.2
11.	School has fans	28.4	63.3
12.	Kitchen has cooked meals	41.3	10.8
13.	Cook employed by school	74.9	11.1
14.	Any teaching material on the wall	77.3	78.9

15.	Children's work on the wall	67.6	73.9
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Source: Human Development Survey, 2008 by NCEAR

The average student-to-teacher ratio in a classroom at present stands at 50:1, and as the Act envisages that his ratio should be 30:1; it implies that at least 12 lakh more trained teachers will be required within six months of notification of the Act. However, inadequate staff is only par of the problem. A World Bank Report (2005) said that, 25 percent of teachers were absent form schools and only half of those present, taught anything. Added to this, even presently there are hundreds of students in some classes and there is a huge gap between the training imparted to teachers and what they practice on the ground. In the absence of competent teachers, who are considered the pillars of education, it would be next to impossible for the Act to realistically achieve its goals.

Fifth, the RTE Act is to be implemented through the Public-Private-Partnership (PPP). It implies that the private sector will be encouraged to start primary and middle schools in non served areas and they will have to admit wards of the weaker sections up to at least 25% of their total intake in each class, in the case of unaided schools and up top the percentage of annual recurring grant-in-aid to their annual expenditure in the case of aided schools. This arrangement raised a question that at one hand it is feared that interfering in the functioning of private schools will have an adverse effect on the quality of education. These institutes claim to have brought some semblance of order to the education system in our country (Nitst, 2010)⁷. Sixth, Section 4 of the Act prescribes that a child must be admitted to a class appropriate to his age. This would mean that if a child aged nine years approaches a private, unaided school to get admission, the management would be bound to admit him to the appropriate class, in this case Class V or VI, irrespective of the fact he had no formal education in the past. This raises a very pertinent question whether the purpose of the Act is really to educate children or merely produce certificate holders.

Added to these challenges, the Act has many other limitations. The RTE Act is highly criticized primarily for setting an age limit of 6 to 14 years for the beneficiaries. The Act ensures compulsory admission, attendances and completion of elementary education by every child in the age group of 6-14 years. But, early childhood care and development (3-6 years) is currently left out of the RTE Act. This group is critical for brain development and sets the foundation for sound learning in later years. It is difficult to understand the logic of not including the child between age group 3-5 when more than 50 percent of children, five years old, are enrolled on regular basis. Another problem with the Act is continuation of the traditional emphasis on inputs without adequate attention to outcomes. If a child goes to school for two years, four years, six years or even eight years, what should his/her learning achievement be? If some basic minimum learning is not achieved, should it not be considered a violation of the child's right to education (Nitst, 2010)⁷. Last but not the least; it is tough task to bring together children from varying economical and social backgrounds on the same platform. It would be indeed be challenging for the teachers to maintain equilibrium and create an environment for them to blend together.

Child Labour and its Magnitude in India

Child labour is not restricted with I a particular place, particular district, particular country but it is to be considered as a global; problem. Across the globe, to a lesser or greater degree, visible or invisible, admittedly or otherwise, child labour exists. Laws exist in all continents of the world to prevent the exploitation of the child. Various seminars are being held, resolutions passes and plans of action drawn up on the protection of children, yet not much could be done about child protection and the problem goes out of proportion day by day. So, child laws have to be radically re-thought and re-written from the perspective of rights of the child, in terms of policy and accountability.

The employment of children is a curse not only for the child but also for the society as a whole. Moreover, socio-economic reasons such as poverty, backwardness, illiteracy etc. Force children in to the workforce. The child who goes to work forfeits not only his childhood but also fair chance to leave behind his gloomy past. He loses his chance to leave to receive education and raise his status in life. Article 24 of the constitution of India provides that no child labour below the age of 14 years shall be employed to work in any factory or mine to be engaged in any hazardous employment. Article 45 says: “the state shall endeavour to provide, within a period of ten years from the commencement of the constitution, to free and compulsory education for all children until they complete the age of fourteen years”. The child labour laws were cleverly violated and by passed by the unscrupulous employers due to the inadequate and ineffective enforcing as well as monitoring machinery.

India has the dubious distinction of employing largest number of children in the world. According to the 2011 census, 16.2 million children in the age group of 5 to 14 years are employed in our country. This accounts for 13.5 percent of the total population, 4 percent of total working population and 3.6 percent of the total child population of the country. More than 90 percent of the working children are in the rural areas and most of them are employed in agriculture and allied activities. International Labour Organization (ILO) has estimated in 1998 that 250 million children between the ages of five and fourteen work in developing countries –at least 1290 million on a fulltime basis, 61 percent of these are in Asia, 32 percent in Africa and 7 percent in Latin America. In Asia 22 percent of the workforce are children and in Latin America, 17 percent of the workforce are also children. The proportion of child labours varies a lot among countries and even regions inside those countries.

Table 2: Percentage of Child Labour in Developing and Developed Countries

S.No.	Country	Percentage of Child Labour
1.	Africa	26.3
2.	Latin America	9.8
3.	India	14.4

4.	China	11.6
5.	Pakistan	17.7
6.	Turkey	24
7.	Kenya	41.3
8.	Brazil	16.1

Source: ILO (2010)

Table 2 explains that the problem of child labour is more severe in underdeveloped or developing economies. Depicted in the table are the top eight countries with the problem of child labour. Over here we see no developed country. The problem is worst in Africa, Sub-Saharan region where more than 30 percent of children are inflicted by it. Although India had only 14.4% of total child population working as child labourers but the actual numbers are quite high. China and Latin America have the minimum percent of child labour (in this group) as both these areas are developing at a very fast pace.

The 2001 Census put the number of child labourers to 12.66 percent million whereas the figure is 11.28 million as per 1991 census. Regarding percentage of total workforce, there has been a slight decrease from 5.37 to 5 percent between 1991 and 2001 census. It can be seen from the table-3 percentage of child labour (Gender-wise) in different sectors.

Table- 3 Percentage of Child Labour in different Sectors

S.No.	Different Sectors of Indian Economy	Boys	Girls
1.	Cultivators	38.9	31.8
2.	Agricultural Labourers	40.6	52.7
3.	Manufacturing in Household industries	19.4	11.7
4.	Others	1.1	3.8

The recent round of the National Sample Survey organization (NSSO) estimates suggests that the child labour in the country is around 9.07 million in 2004/2005 with a workforce participation rate of 3.4 percent (NSSO 2004/2005). The 61st round of NSS (2004-05) shows a declining trend compared to two earlier rounds (table-4) in the magnitude of child labour.

Table-4: NSSO Estimate of the Magnitude of Child Labour in India, 1993-2004/05 (in million)

Year (Round)	Boys	Girls	All
1993-94 (50 th Round)	7.35	6.51	13.86
1999-00 (55 th Round)	5.37	4.76	10.13
2004-05 (61 st Round)	4.76	4.31	9.07

The Causes of Child Labour in India

In a country like India where over 40 percent of the population is living in conditions of extreme poverty, child labour is a complex issue. Child labour is the cumulative effect of a number of factors.

Following are some of the causes of child labour:

1. Extreme poverty is the chief cause of child labour.
2. Death of father/mother.
3. Bog size of the family.
4. Child labour is deliberately created by vested interests to get cheap labour.
5. Low level of parental education.
6. A majority of parents prefer to send their children to work rather than to school at the going age, primarily on account of their need for a supplementary income.
7. Demographic characteristics of factors (family size, composition of the family, educational status of respondent, earner-dependent ratio, occupational patterns, working conditions and wage structure, etc.)
8. System of education
9. Psychological factors
10. Migration.

11. To repay of old debts of the family.
12. To bear and share family expenses.
13. Female literacy.
14. Inequality structure of the economy and income inequality.
15. Lack of parental motivation and high opportunity cost of schooling.
16. Non-availability of cheap adult labour.
17. Domestic help.
18. Lack of interest in studies
19. Lack of infrastructure development.
20. Position of labour in society.
21. Occupational immobility of the parents.
22. Sex Ratio.

Right to Education Can Alleviate Child Labour

Thousand and millions of children crouch behind looms in the dingy and dangerous working conditions in the factories and industries. Any evaluation of the interaction between child labour and educational opportunity must take into account the diversity of child labour. Work involving degrading of psychologically damaging conditions must be seen for what it is: a crime against child. Long hours of work, leading to fatigue and impaired intellectual development, are also inconsistent with the right to education. Yet not all child labour is harmful. Many children are working in stable and safe environments, in which labour is part of family socialization; and in which desperately poor parents are trying to balance their children's need for education with the household's need for labour. According to the International Labour Organization about 350 million children between the ages of 5 and 14 are working in developing countries. Most of these live in Asia, but the proportion of working children is highest in Africa, where one in three is estimated to be engaged in some form of economic activity, principally in agriculture. Premature and extensive labour is depriving many of these children of their only chance to acquire the literacy, numeracy, and learning skills that they need to escape poverty.

It is observed that, "Labour becomes an absolute evil in the case of child when he is required to work beyond his physical capacity, when heaves of employment interferes with the education, recreation and rest, when his wages are not proportionate with the quantum of work done, and when the occupation in which he is engaged endangers his health and safety". Education is one of the critical elements of any effective attempt to purge child labour. According to National Human Rights Commission of India, child labour can never be

eradicated unless compulsory education up to the age of 14 years is implemented. The elimination of child labour is interlinked with the provision of free, full-time, formal quality education. Experience shows that many children do not have a choice but to work because there are no good schools available or because they are not inspired to attend the school. The need of the hour is to bring some revolution in the area of school education so as to implement right to free and compulsory quality education to combat the child labour. Education for all, concerted efforts to reduce poverty, enhancement of social protection and political commitment have been identified as the measures to tackle child labour. It has been often argued that child labour comes at the expense of schooling, thereby creating a vicious cycle of poverty for children from poor families. Schooling comes into a direct competition with labour-intensive jobs for children, and such jobs mostly take precedence over education for the poor families. Belletini et al. (2004) have satisfactorily shown that child labour is due either to firms' reluctance to innovate or to households' unwillingness to educate, or both. Jafarey and Lahiri (2005) have examined two policy options for reducing child labour, "food for education" and "investment in quality education". They concluded that, with an imperfectly elastic supply of credit, an increase in food subsidy is more effective in reducing child labour than an "income-equivalent" increase in expenditures in education quality. They claimed that an earmarked increase (financed with foreign aid) in spending on school quality becomes more effective in reducing child labour as credit opportunities facing poor families improve in the sense of a greater elasticity of supply of credit. A policy of subsidizing food for education always reduces child labour with the concomitant availability of credit having an ambiguous influence on the effectiveness of this policy. While child labour is often a much needed contribution to the income of the family, education is so costly that the decision whether to send a child to school or to work is difficult for many poor parents. To bring back the child labourers to schools, the Government of India has launched some of the initiatives in 2001, namely; Sarva Shiksha Abhiyan, Universalization of Elementary Education by Community ownership. Rajiv Vigyan Mission is also helpful to provide education for the needy children. Rajiv Udyog Mission is taking part in providing employment to the children who have attained 14 years by ensuring sufficient training in the skilled work. Project based plan of action envisages starting of projects in areas of high concentration of child labour. On the similar lines, in 1988, the National Child Labour Project (NCLP) Scheme was launched in 09 districts of high child labour endemicity in the country. The Scheme envisages running of special schools for child labour withdrawn from work.

Many recent studies have concluded that eliminating child labour and putting children into education would have huge aggregate development benefits. Gains would be primarily through the added productive capacity of future generation that had the benefit of education as opposed to having worked as children. A number of policy initiatives and programmes to combat child labour have been undertaken at International and National level. There has been multiple entry points in dealing with child labour problems but the greatest progress has been in recognising the link between eliminating child labour and guaranteeing, "Education for All". China, Brazil, Sri

Lanka are the glaring examples to show that in addition to poverty reduction, mass education has been critical in combating child labour. For instance, dropout rates are very high in states of Bihar and Andhra Pradesh where there is high incidence of child labour. On the other hand dropout rate is the lowest in Kerala, which has the lowest incidence of child labour. UNICEF's research proves that children who grow up without the basic education find it harder to sustain themselves and their families. Evidences show that due to lack of awareness and education of parents also, many children are sent to work because these illiterate parents are unaware of the importance of education. Thus, the fact that the lack of appreciation by parents of the role of the education in improving the life and living condition, has contributed to the prevalence of child labour. Therefore, adult education and overall removal of illiteracy is also needed to cope up with this social evil. Schools for every child as well as adult education programmes are the need of the present day. The example of Kerala asserts the fact that education is one of those instruments that illuminates the social fabric, combats child labour and speed up the process of modernization and development.

Social mobilization, economic incentives, adequate infrastructure and resources are very important for government to implement the "Right to Education" Act. Therefore, one way to minimize/reduce the incidence of child labour is to enhance the school enrolment by making proper utilization of the recently enacted Right to Education Act, 2009. It enables the poor people to access school and attains free education up to the age of 14 years. Any cost that prevents a child from accessing school will be borne by the state which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 08 years of schooling. No child shall be denied admission for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take the admission test. Children with disabilities will also be educated in the mainstream schools. All private schools shall be required to enrol children from weaker sections and disadvantaged communities in their incoming class to the extent of 25 percent of their enrolment, by simple random selection. No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the state at the rate of average per learner costs in the government schools. All schools will have to apply for recognition, failing which they will be penalized to the tune of rupees 1 lakh and if they still continue to function will be liable to pay Rs. 10,000 per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. The national Commission for Protection of Child Rights (NCPCR) has been mandated to monitor the implementation of this historic right. A special division within NCPCR will undertake this huge and important task in the coming months and years. A special toll free helpline to register complaints would be set up by NCPCR for this purpose. NCPCR also invites all civil society groups, students, teachers, administrators, artists, writers, government personnel, legislators, members of the judiciary and all other stakeholders to join hands and work together to build a movement to ensure that every child of this country is in school and enabled to get at least 08 years of quality education. RTE has entitled children to have right to education enforced as a fundamental right. The Second Labour Commission of the Government of India also noted, "The only way to prevent child labour is to recognize

that the rightful place of children is in school, not in the work place or in the house". RTE is a powerful tool to make sure that children are not working and should be in school where they belong. The varied experiences and rationales behind children working as labourers as well as employers hiring them shows a clear gulf behind the actions plans and needs of the society. The current policies may therefore need a revision in order to identify such children and bring them back to mainstream education.

Suggestions towards Successful Implementation of RTE Act

The plight of millions of children and adults with no access to basic education in today's knowledge society' calls for sweeping measures to guarantee education for all. RTE Act gave new impetus to an international movement for achievement of the right to education for all. Despite many limitations, the Act has many remarkable provisions. However, the successes of the Act will depend on the successful implementation of these provisions. In fact, it is the first step taken by the Government of India, but more is needed to be done to achieve its objectives. There are some suggestions towards successful implementation of RTE Act. First, as stated above, there is acute shortage of trained and qualified teachers and without qualified trained teachers it is almost impossible to equip the children with knowledge. It is therefore absolutely critical that the government makes clear budgetary provisions to appoint new teachers and impart training to them to make them capable to deliver the knowledge what is really needed in 21st century. Second, the RTE Act can only become real when it gives all children, be it the 3-6 age group or out of school children, equal opportunity to realize their fundamental right. It is therefore, important for the government to pay more focussed attention to pre-school education and to primary education by enhancing financial as well as academic resource to create good quality school accessible to all children (Ramachandran, 2009)⁵ Third, to attract and retain the children of poor families in the schools, it is possible through neither the compulsion alone, nor it a question of opening of schools in the neighbourhood. The children of these families remain uneducated because of the mere accident of their birth in such families. They must not be allowed to suffer for no fault of theirs. They have right to be educated like many others. The state has to take some initiatives in this direction. Schooling may be provided when the children are freed from domestic duties or paid or unpaid work through the night schools, mobile schools and the like. This will involve no cultural break and no cost of the family. Involvement of NGOs and teacher entrepreneurs would be necessary in such conditions (Mehta and Kapoor, 2010)⁴.

Fourth, convergence of various schemes, with the right to education is needed. All families with working children should be covered under below poverty line (BPL), the houseless families whose children have no address should be provided with housing; the children of migrants' labourers should be admitted in boarding schools and so on so forth. Similarly, convergence could be in terms of creating infrastructure as well. For instance, National Rural Employment Guarantee (NREGA) should be used to create schools, playgrounds, etc. The specialized agencies like Sports Council or Art schools need to be linked with the efforts of implementing RTE Act. When the Child Labour (Prohibition and Regulations) Act, 1986 allows a child to be hired and taken for work during school hours, the

right to education cannot be ensured. The Child Labour (Prohibition and Regulations) Act, 1986 should be amended to ban any kind of work up to 14 years of age. Under Chapter VII entitled Miscellaneous, a new section be added to remove these inconsistencies. It should be specifically mentioned in this section that, “provisions of this Act shall override the provisions of any other Act that are inconsistent with this RTE Act”. The Child Labour (Prohibition and Regulations) Act, 1986 should be specifically mentioned in this section as a reference. Sixth, schools to which children of the underprivileged have access are run by the state or local authorities. The curriculum and teaching methodologies in these schools stand obsolete and outdated, with the emphasis being on rote-learning and merely developing reading and writing skills instead of holistic education. Lack of vocational training and non-availability of such courses renders students with barely any employable skills at the end of their schooling (Shubhi, 2009)⁹. By and large, these have a poor record of performance and there is no mechanism specified for ensuring quality education. The present Act is also silent in this regard. Therefore, there is dire need of specified mechanism for ensuring quality education. It is suggested that in Chapter 2 a new section should be added, “especial provisions for first generation learners”. The section should specify special tuitions, counselling and care of the children whose parents are illiterates and know nothing about education.

Further, the Act has made only three penal provisions with regard to charging of capitation fee (Sec 13 (2), running an unrecognised school {Sec 18 (5)} and running of derecognized school {Sec 19(5)}. There is no general penal clause for violation of the provisions of the Act. There are several important provisions which do not specify penalty for violation. For instance, if a non-aided school does not fill-in 25% free seats; no penal action has been specified. There should be a general penal provision that should penalize any one who violates any provision of the Act. This penal provision should be included in Chapter VI. The penalty clauses should include monetary, derecognizing of a school and imprisonment. There should be a minimum monetary penalty specified. Last but not the least, private schools have been given the freedom to form their own management committees, however, there are no rules and guidelines regarding community participation in the management of private schools. Therefore, a set of guidelines needs to be developed by the government so that the communities are included.

Child Labour Eradication: Role of Government and NGOs

Integrated efforts are being made to eradicate child labour. The efforts are being made at global, National and regional level to eradicate child labour. At International level child rights are assured and organizations like UNICEF are totally involved in child welfare. At national level, different countries have passed convention bills and laws to eradicate child labour are also being enforced. At regional level, non-governmental organizations, are working efficiently to bring the children from their work place to the schools. Non-governmental organizations have played a multifaceted role in the eradication of child labour. The following are the dimensions of it:-

1. They create awareness among people in their respective areas about the prevalence and its consequences.
2. They link families of child labour with trade union for political lobbying, so that instead of children their parents are sent to work.
3. The NGOs may come forward with more and more income generation schemes so that the adults can get job easily.
4. They run innovative development programme.
5. They provide free formal and informal educational facilities and achieve the objective of 'Each one teach one'.
6. NGOs encourage, initiate and undertake practical action oriented programmes to improve the conditions of working children.
7. To improve the health conditions, recreational and educational status are the main objectives of the NGOs.
8. They insist on strict implementation of laws and regulations prohibiting child labour.
9. They assist the policy makers to rectify the minimum wage conventions.
10. They create informal public opinion and pressure to control child labour.

NGO movement in India has been very strong in creating pressure on government to address the social development issues and create awareness for child rights. The Bachpan Bachao Abndolan (BBA) and its partner organizations under the banner of South Asian Coalition on Child Servitude (SACCS) have been in the forefront for creating awareness towards child rights. The major activities of BBA and SACCSA partners has been to release and withdraw children from the worst forms of labour particularly from bondage and forced labour, through direct action, secret raids, legal intervention, persuasion and pressure building while ensuring their social, psychological, economic and statutory rehabilitation through quality transitory rehabilitaion measures and state efforts. Other NGOs like M.V. Foundation, Pratham, CREDA, Project Mala, CININ-ASHA and other regional NGOs have demonstrated project based approach. The main focus has been to provide educational support to out-of-school children, through bridge course/camp schools/non-formal schools and mainstream the children in formal schools. The case of Bandhua Mukti Morcha (BMM), Child Relief and You (CRY), Salaam Balak Trust (SBT) may also be cited here.

The Government of India has selected Gulbarga district under National Child Labour Project. Accordingly the National Child Labour and Rehabilitation Society has been established and registered under Karnataka Society Act 1960. The child labour survey work has been assigned to 75 NGOs in the entire district. Gulbarga city has 15 NGOs working on eradication of child labour and rest of NGOs have spread across 10 talukas of the district. Out of 75 NGOs 52 have identified 3,822 child labours, among these 1,740 child labourers are found working in hazardous work and remaining 2,071 are found working in non-hazardous work. A total of 35 rehabilitation centres have been sanctioned to Gulbarga district by NCLP but only 30 centres are working. In each centre, there will be six teachers out of these two are regular and remaining four are supportive teachers imparting education to child labourers. Under State Plan of Action for Children (SAPC) project a total of 15 rehabilitation schools have been sanctioned out of which seven are working at present. Previously these schools were running under UNICEF pilot project.

Another recent example of working NGO is a programme set by the M.Venkatarangaiya Foundation (MVF) in the Indian State of Andhra Pradesh. Working with local communities whose high levels of house hold debt have forced families to send their children to large scale cotton plantations. MVF has developed practical responses. Its programme has now been integrated into a State-wide strategy for reducing child labour. The starting point of MVF was a campaign of mass mobilization, targeting the owners of cotton farms, as well as the parents of child labourers. More than 1500 teachers have joined a Forum of Teachers Against Child Labour, going out to villages to talk to the parents of out-of-school children about the pressures facing the household, and to identify ways of releasing children for education. These teachers are helped to train large number of 'para-teachers', most of them from local villages. Since its inception, the MVF approach has been scaled up through action by State education authorities. The government of Andhra Pradesh has developed its own 'Back-to-School' programme, which borrows from many of the ideas piloted by MVF.

Conclusion

The future of the nation depends on the present day children. Therefore efforts should be made to provide the children a pleasant present and a bright future. It is generally seen that most of the children who are enrolled in schools do not attend the schools regularly, because these children are working as child labourers. Child labour is one of the social problems especially prevalent in developing countries. Widespread child labour is closely associated with poverty. Although 86th Constitutional amendment and the RTET Act have provided us the tools to provide quality education to all our children, but still most of the children are out of school and working as child labourers in factories and in an unorganized sector. Child labour is rooted in house hold poverty and the social and economic environment that causes it. Change at the local level to reduce the pressures associated with poverty is the first requirement of ensuring that labour demands do not deprive children of their opportunity for education. The family may depend on the contribution a working child makes to the household income, and place more emphasis on that income than on education. A poor family may be unable to afford school fees, uniforms or other costs. Moreover, when a family has to

make a choice between sending either a boy or girl to school, it is often the girl who loses out. A child who is in school full-time is more likely not to engage in child labour. Hence, expanding access to free and compulsory education is crucial to reducing child labour, as is the provision of quality education. As long as the children need not attend school, they will enter child labour force. Education has the potential to eradicate child labour/poverty, so emphasis has to be laid upon reducing drop out rate in the schools. It is our responsibility to bring each and every child to school and implement the RTE Act effectively so that most of the children have access to quality education and there is complete eradication of child labour from the country.

NGOs can play a significant role in the protection and eradication of child labour. But, they will have to adopt a different approach if they really want eradication of child labour. Firstly, they will have to interact with each other to put up a collective demand on the basis of their common approach. Secondly, they will have to lobby to pressurize the government to accept the time-bound goal of banning child labour from all activities and to ratify the ILO Convention No. 138 for the purpose, which establishes that no child can be employed in any economic sector below the age designated for the completion of compulsory education and not less than 15 years. Thirdly, they will have to be vigilant about the enforcement of government regulations regarding child labour. And fourthly, they will have to join hands with other outside organizations to create pressure group at the International level. Lastly NGO s must make the government realize that children are the only hope for a developing country like India.

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