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Act against domestic child labour

Rights Angle: By Shantha Sinha

Banning of employment of children as domestic help or servants at roadside dhabas, restaurants, hotels, motels, teashops, resorts, or in other recreational centres under the Child Labour (Prohibition and Regulation) Act 1986 must be welcomed. This gives a signal that the middle classes, intellectuals, bureaucracy, political elite and the business sector can no longer get away with employing children as domestic workers.

There cannot be any justification or rationalisation for the exploitation of children, as this would be construed as aiding and abetting the violation of the Act. The punishment is to the tune of three months to two years and the employers could be fined Rs 10,000 to Rs 20,000. More than anything else, it must provoke a sense of shame in the employers who are brought to book.

The lack of such a provision prevented legal recourse for several children who were rescued from domestic child labour in Hyderabad city last year. For example, Mary, a young girl who was hardly 14 years of age, committed suicide, unable to bear the tensions of working under the pressure of her employers. No action could be taken and the issue was closed by saying that it was an “unnatural death.”

Krishnaveni, who was hardly 11 years of age, was beaten brutally by her employers. No longer able to take the violence, she escaped. Her employers did not inform her parents or the police that she was missing. A week later, when her parents needed her details for applying for a ration card, they found out that the girl was missing.

Later, she was accidentally found in a home by a TV network covering a story. It was found that the police had been bribed not to reveal her whereabouts. Even here no complaint could be entertained under the Child Labour Act because domestic labour was not prohibited under law.

It is interesting that in all the 34 cases of domestic child labour taken up by M.V. Foundation last year, the employers — among whom were schoolteachers, nurses, officials and businessmen — had access to the chief minister’s office to hush up the cases. The ease with which they could seek protection, showed how “understanding” society and the system as a whole are towards the perpetrators of domestic child labour.

According to the district collector, in Hyderabad city alone there are 40,000 children working as domestic servants. It is true of all cities and towns in the country. Millions of children work in apartment complexes or in houses. While some stay with their families and go for work, several of them are trafficked from their villages to work on a full-time, 24-hour basis.

These children are recruited through family members, friends or other contacts. Sometimes, even agents arrange their work. Most of them who employ them are quite powerful and have tremendous influence with the authorities. Several of them work against the advances taken by the parents and it seems that the loans never get repaid. In fact, they are to be regarded as bonded labourers.

Such children are not allowed to go home and visit their parents for months and sometimes years together. They lead a lonely and friendless life, labouring every moment for someone else to benefit at

the cost of their self-development. On top of this, their living conditions are usually inhuman. Some children sleep under the staircase or on the balcony, regardless of the weather.

Most of them don't get enough sleep. The food they are given are mostly leftovers which lead to malnutrition. They are the first ones to get up in the morning and are at the beck and call of more than one "master" in the family, earning everybody's wrath. They do all the household chores, sometimes are locked up by their employers who fear that they would rob them. They work under the threat of being branded as thieves. More important is the mental violence they are subjected to.

There is a generally held myth among the middle classes that they are doing these children a favour by providing them with food, clothing and shelter. Sometimes attempts are made to arrange for their education, but it is felt that these children do not care for it and the effort has been wasted on them. One has seen such children in public places accompanying families while they are in restaurants, movies, at shopping complexes and in parks. Blatant double standards — one for one's own children and another for these young boys and girls — are practised and condoned.

Thus, a notion of benevolence and charity masks the hidden exploitation and the long-term harm for such children and their lives. It is not true that children are benefiting as domestic child labour because they earn an income and get food and shelter, good clothes and so on. The reality is, these children are being exploited as they are a source of cheap labour who will work long hours without any question. This view reflects society's tolerance of child labour and violation of children's rights.

The inclusion of domestic child labour in the Act must be utilised for the best interests of the children. First of all, there must be social pressure on all those employing these children. Concerned citizens have a vital role to play in this, by making everyone aware that child domestic work is socially and culturally unacceptable. One must ensure that no child is employed in the neighbourhood or among relatives and friends. Specific instances of violation must be publicised widely. In fact, employers must volunteer to release these children instead of getting caught violating this Act.

Simultaneously, the government must swing into action. It must give publicity to the Act, set up citizens' committees to act as watchdogs. The labour department must take up the responsibility to issue notices to employers in a systematic fashion. The National Child Labour Programme must focus attention on monitoring domestic child labour.

Further, coordinated efforts of the labour, police, and revenue and education departments at the local level must provide immediate relief for children rescued under the Act. There is a need to review the progress made in the cases that have been booked under the law. All this must be taken up in right earnest to make the law effective in eradicating child labour in all its forms.