

# NEED GAP ANALYSIS OF **CHILD DOMESTIC LABOUR** IN INDIA



**Bachpan  
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**GLOBAL MARCH**

Against Child Labour  
Contra el Trabajo Infantil  
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## Part I

# UNDERSTANDING CHILD DOMESTIC LABOUR IN INDIA

## CHILD DOMESTIC LABOUR – AN INTRODUCTION

**UNICEF estimates that around 150 million children aged 5-14, or nearly 1 in 6 children in this age group, are involved in child labour. According to the latest estimates from the International Labour Organization, 7.4 million children in the same age group are engaged in domestic work, which is disproportionately carried out by girls.<sup>1</sup>**

Domestic child labour is one of the worst forms of child labor and thus children working below the minimum age of employment should be completely banned. It is mostly observed that girl- child is preferred more as a domestic help which leads to more exploitation and abuse making it a gender based issue. This population usually goes unaccounted, remains invisible and unheard. Therefore, this group needs more attention, awareness and advocacy not just from elimination aspect but also to give them as well as the 'young workers' i.e. those who are in the permissible age to work (14/15-18 years) a platform to voice out any adversities they face in their life.

**It is estimated that 74 percent of child domestic workers in India are between the ages of 12 and 16.<sup>2</sup>**

In India, labour statistics is maintained quintessentially by the National Sample Survey Organisation (NSSO), a sample based statistics, and by the Office of Registrar General of India (ORGI) through population census. The 66<sup>th</sup> Round Report of the NSSO estimated 4.9 million children in 5-14 age groups to be economically active in 2009-10 and Census of India 2011 reported 4.3 million children employed as child labourers. Statistics based on processes and occupations carried out by child labourers is not provided by any of these two agencies. Any statistics on child labour in domestic work is merely estimation.

Despite constitutional provisions and legislations in **India**, prohibiting child labor under the following acts - The Child Labour (Prohibition and Regulation) Act 1986 and Juvenile Justice Act 2000 no concrete action was possible against trafficking and child domestic labour.<sup>3</sup> Only after a series of public interest litigations led by Bachpan Bachao Andolan and a number of judicial orders by the various High Courts and the Supreme Court of India, was concrete action for rescue, recovery and rehabilitation of child domestic labourers and prosecutions of employers and traffickers, and illegal placement agencies initiated. A landmark change was made in the Indian Penal Code in February 2013, with trafficking and exploitation of children being prohibited with

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<sup>1</sup> [http://www.unicef.org/media/media\\_69610.html](http://www.unicef.org/media/media_69610.html)

<sup>2</sup> <http://unicef.in/Story/1139/Assessing-Child-Domestic-Labour-in-India>

<sup>3</sup> Also referred as "Child Labour in Domestic Work" by the International Labour Organization (ILO)

stringent punishments in the Penal Code, on the basis of recommendation of the Justice Verma Committee.

Unofficial data given by civil society organization's estimated almost 1, 00,000 children working as domestic helps in Delhi homes and its satellite towns. According to the last available figures, 1680 violations of child domestic labour were detected in 2007 for over 100,000 child labour inspections carried out in the country, a gross underestimation.

The Respect for the rule of law and fundamental human rights is the core principle of the anti-child labour movement and of sustainable growth, democracy, and governance worldwide. Prohibition of child labour, forced labour, the establishment of a minimum age to work, along with the right to organize and bargain collectively, are basic democracy obligations each country owes to its workers.

Child Domestic labour does not exist in isolation; there are various factors and dynamics which unfortunately place the children in these exploitative and hazardous working conditions.

The **demographic and socio- economic factors** are as follows:

Children engaged in domestic work belong to weak socio- economic and socio-cultural family backgrounds. In most cases it has been observed that the adults are deprived of job opportunities and thus forcing the children to work. The families are often large in size and with adult members not finding suitable work the basic needs of the family are not met, such as – food, clothing and shelter. Lack of educational facilities leaves the children with no choice but to work and provide for their families.

Children as young as seven years old are found employed in domestic work. Adolescent children are preferred when it comes to working at home and more so adolescent girls. As culturally, women and girls are seen as home –makers and they are considered to be more submissive, less demanding and well-versed with household chores.

“I was only 11 when my 'uncle' from the same village took me away the day I ran away from home to escape my father's wrath. He sold me in a house where I was forced to work almost 20 hours a day.”

- Rajesh, a male survivor of child domestic labour

- **Recruitment** – Children in domestic work are victims of trafficking for forced labour living in a situation similar to slavery. Children in domestic labour are trafficked by placement agencies illegally operating in destination areas with the help of their agents at sources. These children and their family are lured, enticed, induced by agents citing a better future and education for them. Most of these children are brought to destination areas and kept in inhuman conditions. They are usually sold and re-sold and sent to different location in various homes against lump-sum payments by employers given to placement agencies.

“I was 14 when a lady (trafficking agent) from my village lured me to work in Delhi on a false promise of Rs. 5000/- in advance to my family. She sold me to a placement agency where I ended cooking for 40 odd men. On complaining, the owner sold me for Rs. 40,000/- for the first time and for Rs. 30,000 for the second time to work in different homes.” said Sriwathi, a 14 year old from Assam.

- **Remuneration** - According to non-official data produced by civil society organizations, many a times child domestic labourers do not receive any type of remuneration. Remuneration meant for them is meals and lodging or some help with their everyday needs.

Reena was induced, trafficked, sexually exploited, beaten and employed twice in Delhi. Her effort to run away from the first employer landed her in a more precarious situation in the hands of the second employer. “The second one got me enrolled in a school but did not allow me to go to the school and study. I worked for three and half years but none of the employers gave me any money for my services”, said Reena.

Sometimes advance money is paid to the parents at the time of recruitment of the child. If employed through a placement agency, after recruitment the salary is paid to the placement agencies which is confiscated by them and never paid to the child labourer.

- **Working condition** – Children employed in domestic setup at private households carry out tasks related to housework, such as cleaning the home including premises, cooking, washing, ironing, taking care of infants, accompanying and serving the old or the disabled (often sick), pet sitting or running errands like shopping. They also serve family members at any time they require, especially if they live at the employer’s home.

Their work is generally unpaid and they are usually kept on a poor diet, without any appropriate lodging facilities. These children are often verbally, physically and sexually abused.

**Education:** We need to make education as one of the key elements in a political agenda. As only then will there be an increase in education budget which will in turn provide more educational facilities and this will act as one of the agents to eliminate child domestic labour.

The 2013/14 Education for All Global Monitoring Report shows that a lack of attention to education quality and a failure to reach the marginalized have contributed to a learning crisis that requires urgent attention. About 250 million children, many of them from disadvantaged backgrounds, are not learning the basics, making it challenging for them to acquire skills for decent work and living. Education for All in India: mentions an estimated 8.1 million children between 6-13 years are out of school in India (*source: All India survey of out-of-school children of age 6-13 years, SRI-IMRB, 2010*), and millions more do not attend school regularly.

- Of these, 4.1 million (3.9 per cent) are boys and 4.11 million (4.7 per cent) are girls
  - A significant proportion belongs to disadvantaged groups including 5.9 per cent to Scheduled Castes, 5.6 per cent to Scheduled Tribes and 2.6 per cent to Other Backward Classes
  - An estimated 4.5 per cent are from rural areas and 3.1 per cent from urban areas
  - Nearly 34 per cent of children with disabilities are out of school.<sup>4</sup>
- **Causes** - The causes of child domestic labour are diverse. Nevertheless, the direct relationship with poverty drives children to this form of work. Cultural aspects also play an important role (as accepting child domestic labour is seen as a gesture of benevolence, particularly for the girls and women). A culture where gender discrimination is predominant, it is considered normal for a girl, to work as a domestic worker. In fact it is considered as her only way of getting access to the labour market.

Lack of educational opportunities in their areas of origin (rural and indigenous) is also a serious factor. The parents also desire that the children should get into domestic work and extend help to them by sharing the family expenses.

Poor families find it difficult to fulfill basic requirements of their large families and therefore the lack of study and work opportunities in the native places, encourage them to send their children to urban centers.

Most often lured by better future life and education, they fall prey to trafficking and forced labour where they do not have any income to cover their fundamental requirements like food, clothes, accommodation, fees, uniforms, etc. The families both in rural and urban areas give preference to the male child, the girls are therefore sent to work to help improve the family living conditions.

Children working as domestic labour are 'invisible' because under this private structure their work gets disguised and they are only projected as 'helpers' rather than 'workers'.

- **Hazardous effects and Consequences** - Child domestic labour entails a series of risks, like the violation of children's rights, exploitation, abuse, maltreatment or discrimination. Physical abuse faced by child domestic labourers often includes receiving beatings, pinches, skin diseases caused by exposure to hazardous products and handling of utensils without appropriate protection, exhaustion from long working hours with no leisure time or adequate rest, and malnutrition or a poor diet.

Psychological effects of child domestic labour entails low self-esteem, verbal aggression, accusations and threats, depression arising out of loneliness for being away from family, discrimination (for being indigenous or peasants), demeaning work, little or no salary, being submissive, overtly obedient, and resigned to their situation owing to lack of other options, leisure or friendships.

Social effects of child domestic labour cover limited educational opportunities, low academic performance, failure at school, abandoning education, isolation from their families, breaking of family ties and with those at the area of origin, and violation of their human and labour rights with some of them even becoming victims of trafficking and prostitution.

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<sup>4</sup> <http://www.in.one.un.org/task-teams/global-education-first-initiative>

## **PART II**

### **NATIONAL RESPONSES TO CHILD LABOUR, TRAFFICKING AND ASSOCIATED GENDER-BASED VIOLENCE**

Part II of the Report covers the current legal, policy and institutional framework in India with respect to addressing the issue of child labour in domestic work.

This section will help one develop knowledge, understanding and the various legal aspects of a country, which will further help the elimination of child labor, trafficking and gender-based violence.

#### **■ International & Regional Conventions**

India has ratified the following international conventions on child rights and child labour and trafficking and associated gender based violence:

- International Labour Organisation Convention No. 29 on Forced Labour in 1954, Convention No. 100 on Equal Remuneration in 1958, Convention No. 105 on Abolition of Forced Labour in 2000, Convention No. 115 on Discrimination (Employment & Occupation) Convention in 1960,
- UN Convention on the Rights of the Child, 1989 in 1992
- Optional Protocol to CRC on Sale of Children, Child Prostitution, Child Pornography signed in 2004
- Protocol to Prevent Suppress and Punish Trafficking in Persons especially Women and Children, 2004 in 2011.
- Declaration on the Elimination of Violence against Women in 1993
- Covenant on Economic, Social and Cultural Rights, Convention on Civil and Political Rights and Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1979
- Convention Against Torture in 1984
- SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia in 2002

#### **■ Constitutional Provisions and National laws**

Various constitutional provisions are the projections of safeguarding the rights of the children of the country by assuring them equal status.

- Article 14: of the Constitution of India states that everybody is equal before the law and qualify for equal protection of the laws within the Indian Territory.

- Article 15: prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. The Article empowers the States to make any special provision for women and children.
- Article 21: protects life and personal liberty except for the procedure established by the law.
- Article 21A: provides for free and compulsory education for all children aged between 6-14 years.
- Article 23: prohibits trafficking in human beings, beggar and other similar forms of forced labour and any contravention of this provision shall be an offence punishable in accordance with the law.
- Article 24: prohibits employment of any child below the age of fourteen years in any factory or mine or engagement in any other hazardous employment.
- Article 39(e): directs the States to have policy towards securing health and strength of workers, men and women and the tender age of children are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age and strength.
- Article 39(f): directs the States to provide children opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth shall be protected against moral and material abandonment.

### Provisions in Indian Laws

The Indian laws aim towards the protection of children against child labour, various Acts under the laws have provisions for favorable working conditions for all

- The Child Labour (Prohibition and Regulation) Act, 1986 prohibits child labour and provides for punishments and penalties for employing children below the age of 14 years in various hazardous occupations and processes.
- The Bonded Labour System (abolition) Act, 1976 (act no. 19 of 1976) defines and prohibits bonded labour in any form. It also penalizes the offenders and has provisions for rehabilitation of the freed bonded labourers.
- Criminal Law Amendment Act 2013 lays down provisions of punishment for exploitation of a trafficked minor/child
- Juvenile Justice (Care and Protection of Children) Act 2000 ensures care and protection of children. The law provides for measures for the repatriation and rehabilitation of the children.
- Minimum Wages Act, 1940 ensures payment of minimum wage and overtime to the workers employed as per the State rule.



- The Indian Penal Code 1860 punishes trafficking, kidnapping, procurement of minors, buying and selling of minors for immoral purposes and penalizes the offenders.
- The Contract Labour (Regulation and Abolition) Act 1970 abolishes contract employment in some situation and regulates the conditions of workers of contract labour.
- Protection of Children against Sexual Offences (POCSO) Act, 2012 punishes any sexual offences against children and also penalizes its abetment.
- Domestic Workers Welfare and Social Security Act 2010 states that no child shall be employed as a domestic worker or for any such incidental or ancillary work which is prohibited under any law for the time being in force. (Section 18)
- The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 provides institutional machinery for safe migration opportunity for labour and ensures safe conditions of service and for matters connected therewith.
- Maharashtra Control of Organised Crimes, 1999 provides for punishment of persons indulging in organized crimes related to prostitution.
- The Goa Children's Act, 2003 and Rules, 2004. Though it is a state legislation, the Act gives holistic care and protection of children especially from sexual abuse and sex tourism.

### ■ Legal Intervention

Besides the laws mentioned above, judiciary in India has played an important role in protecting and promoting children's rights, particularly from exploitation through landmark judgments by the Supreme Court of India and various High Courts. These judgments include the issue of children in domestic work.

### **Judgments by Supreme Court of India**

- People's Union for Democratic Rights vs. Union of India (1982, 3 SCC 235) defined Forced Labour vis a vis Article 23 of the Constitution of India.
- Bandhua Mukti Morcha vs. Union of India (AIR 1984 Supreme Court 802) rehabilitation of bonded labour ordered and vigilance committee constituted in bonded labour affected area.
- Bachpan Bachao Andolan v/s Union of India and others (2011, SCC (5) 1) recognized trafficking as an organized crime and defined trafficking as per Palermo Protocol. AHTUs, JJB, CWC and children's homes to be constituted in all districts across India for trafficking victims and children in need of care and protection.

- Bachpan Bachao Andolan v/s Union of India and others (2010, 12 SCC 180) National Commission for Protection of Children made the Nodal Agency for training and implementation of Special Juvenile Police Unit.
- Public Union for Civil Liberties vs Union of India 1998(8) SCC 485 Compensation to be paid to child victim of trafficked/ bonded for labour.
- Gaurav Jain v Union of India AIR 1984 SC 1099 State had a duty to rescue, rehabilitate and enable women to lead a life of dignity.
- M C Mehta vs. State of Tamil Nadu 1996 6 (SCC) 756 laid down various measures which need to be taken in order to provide rehabilitation and support to the rescued child labourers and their families.
- Madhu Kishwar Vs. State of Bihar (1996) 5 SCC 125 In this case, the Supreme Court considered the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW) and held the same to be an integral scheme of the Fundamental Rights and the Directive Principles.

## High Courts

### Judgments by the High Courts of India

- Save the Childhood Foundation vs. Union of India and others (wp (Crl) 2069/2005. The Delhi High court orders complete ban on child labour, defined roles and responsibilities of all government agencies in child labour. Additionally, it directs law enforcement agencies to lodge FIRs in all child labour cases, compulsory recovery of back wages and fines and cancellation/ suspension of licenses of the establishments.
- Bachpan Bachao Andolan v/s Union of India and others WP (crl) 82 of 2009. The Delhi High Court issued orders for regulation of placement agencies to prevent trafficking of domestic labourers, registration of placement agencies working with domestic labourers and payment of wages to domestic workers as per the Minimum Wages Act 1948
- Bachpan Bachao Andolan v/s State of Bihar and Others (cwjc no: 11819 of 2010) the High Court of Bihar Governments to identify and rescue child labourers as per state action plan.
- Prerana v/s State of Maharashtra (2003) MLJ 105 clearly held that children who have been trafficked should also be considered as children in need of care and protection and not as children in conflict with the law.
- Court on its Own Motion vs. Govt of NCT of Delhi ILR (2009) 6 DEL 663 Action Plan to combat child labour in Delhi. It also lays down guidelines for post rescue care and protection of children.
- Munni Vs. State of Maharashtra Criminal Writ Petition No. 227/2011 (Bombay High Court) Child Welfare Committees have the final say to

dispose of the cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs, protection and restoration to their family.

- State of A.P. Vs. Bodemsundararao [(1995) 6 SCC 230: 1995 SCC (Cri) 1097] Courts should grant stricter punishment for crimes of sexual offences. It stated that courts have an obligation while awarding punishment to impose appropriate punishment so as to respond to the society's cry for justice against such criminals. Public ignorance /abhorrence of the crime need a reflection through the court's verdict in the measure of punishment.
- State of Punjab Vs. Gurmit Singh [(1996) 2 SCC 384: 1996 SCC (Cri) 316] Sexual offenders should not be shown leniency. Examination of the victim should be in camera and anonymity of the victim should be maintained. No questions should be asked on a victim's character.

### ■ Government Policies

The Government of India has made various policies to safeguard the rights of the children. Several provisions and guidelines for rehabilitation and overall development of the children are an assurance towards their bright future.

- Ujjawala – A comprehensive scheme for prevention of trafficking and rescue, rehabilitation and re-integration of victims of trafficking and commercial sexual exploitation launched by Ministry of Women and Child Development (MWCD) in 2007. The beneficiaries are the women and children vulnerable to trafficking and commercial sexual exploitation.
- Integrated Child Protection Scheme (ICPS) – It was launched by the Government of India in 2009 and implemented by MWCD with an aim to bring improvement in the well-being of children in difficult circumstances as well as to reduce vulnerabilities to situations and actions that lead to abuse, neglect exploitation, abandonment and separation of children.
- Other institution and statutory mechanism under ICPS are: Child Tracking System, Child line, Children Homes, Sponsorship, Child Welfare Committee, Special Juvenile Police Units,
- National Child Labour Project (1988) – This is a centrally sponsored scheme to rehabilitate rescued child laborers. The scheme is implemented through District Magistrate. Under this scheme, rehabilitation assistance of Rs. 20,000 is to be given to the survivor.
- State Action Plans on Child Labour - Andhra Pradesh, Bihar, Gujarat, Jharkhand, Karnataka, Maharashtra, Orissa, and Tamil Nadu have formulated state action plan to eliminate child labour. The state action plan details working plan and processes of a State government in order to eliminate child labour from hazardous industries. It calls for the coordination of social protection programs and services provided by government and civil society organisations to support the livelihood of households vulnerable to child labour. This has resulted in the creation of

task forces at the state, district, and village levels.

- Advisories by Ministry of Home Affairs on -
  - Preventing and Combating Human Trafficking in India on 09.09.2009
  - Sexual Offences against Women – Measures needed to curb – on 22.12.2012
  - Human Trafficking as organized crime on 30.04.2012
  - Measures to be taken by States/UTs for combating trafficking of women and children for commercial sexual exploitation on 12.10.2011
  - Missing children-measures needed to prevent trafficking and trace the children on 31. 01. 2012
  - Hon'ble Supreme Court's direction to file First Investigation Report (FIR) in case of Missing Children on 25th June, 2013
- Standard Operating Procedure on –
  - Investigation of Crimes of Trafficking for Forced Labour by BBA, UNODC and MWCD
  - Handle trafficking of children for child labour- measure to be taken for rescue of trafficked child labourers and action against the traffickers/ employers.
- Executive Order on-
  - Regulation of private placement agencies in Delhi on 25-09-2014 for registration, license for running private placement agency, issuance of passbook to domestic workers, written work agreement, penalty for non-compliance, duties of the Delhi Commission for Women and the child welfare committee, etc.

### ■ Institutional Mechanism

- Anti-Human Trafficking Units are established in 225 trafficking prone districts across India to investigate cases of human trafficking at the local level, including cases of child labour.
- Child Welfare Committee (CWC) is the final authority in case children are in need of care and protection where care, protection, treatment, development and rehabilitation is given to the children
- Central Social Welfare Board is responsible for taking welfare services to the disadvantaged sections of society, especially women & children, and also developing a nationwide infrastructure of voluntary agencies through which these services could be made available.
- National Commission for Women deals with welfare of women and girl child. The commission also looks into the matter of trafficking in women and

children. In late 90s, it undertook two studies entitled 'The Lost Childhood' and 'Velvet Blouse – Sexual Exploitation of Children'. In 2001, it undertook another study

Entitled 'Trafficking – A Socio-Legal Study'. Later in 2004, a study on 'Coastal Sex Tourism' was carried out by it.

- Child Line Services are a response to the emergency needs of the children in difficult circumstances and provide referral services to ensure protection of rights of the child and provide an opportunity to communities to respond to the needs of children in difficult circumstances.
- District Child Protection Units (DCPU) are established in all the districts for care and protection of children in difficult circumstances.
- National Institute of Public Cooperation and Child Development (NIPCCD) carries out voluntary action research, training and documentation in the overall domain of women and child development. It is a nodal agency of Ministry of Women and Child Development for imparting training on Child Rights and Prevention of trafficking of women and children.
- National Human Rights Commission - The main focus of the NHRC is to find out the trends, dimensions, factors and responses related to trafficking in women and children in India. Besides, it also looks into various other facets of trafficking, viz., the routes of trafficking, transit points, the role of law enforcement agencies, NGOs and other stakeholders in detecting and curbing trafficking.
- Commission for Protection of Child Rights (CPCR) - set up to protect, promote and defend child rights at central level as well as in each state.
- Police – It is responsible for registration, investigation and prevention of cases of trafficking and child labour.
- Ministry of Women and Child Development: Nodal ministry for the implementation of Juvenile Justice (Care and Protection of Children) Act 2000, formulation of the National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children and monitor initiatives being undertaken by them with regard to prevention, rescue, rehabilitation, reintegration and repatriation of victims of trafficking by formulating Central Advisory Committee and State Advisory Committees. The ministry is also responsible for formulation of protocols and manuals for rescue and rehabilitation of trafficking survivor's, carry out researches, studies and trainings, convergence among various agencies like Anti Human Trafficking Units (AHTUS), other departments and ministries on the issue of human trafficking.
- Ministry of Home Affairs –Nodal Cell for Prevention of Trafficking and coordinate, network and provide feedback to the State Governments and other related agencies to prevent and combat trafficking in human beings. It also documents 'best practices' in preventing and combating human trafficking and shares data inputs with other stakeholders. Training and sensitization of Police and prosecutors, issue advisories on human trafficking, organizing judicial colloquiums and act as catalyst for

convergence in fight against human trafficking also fall within its ambit.

- Ministry of Labour and Employment – Protect and safeguard the interest of workers in general and the poor, deprived and disadvantaged sections of the society. It also aims to create a healthy work environment, to develop vocational skill training and employment, to formulate policies relating to special target groups such as women and child labour.

### ■ Budget and Resources

- In 2012-13 INR 16667 crores have been spent for child welfare under ICDS, ICPS, Dhanalakshmi Yojana, SABLA, SAKSHAM, STEP, Short Stay Homes, Awareness Generation Programme, various schemes for the welfare of working children and children in need of care and protection, etc. Under women welfare which covers girl child also INR 263 crores have been spent for Awareness Generation Programmes, to NCW, under RMK, Ujjawala, etc.<sup>5</sup>
- In financial year 2013-14 INR 16242 crores have been earmarked for the above mentioned child and women welfare schemes.
- Apart from these aims to be fulfilled there is also the aim of universalization of education of children under RTE Act, INR 43126 crore have been allocated for elementary education in the financial year 2014-15.

Even though India has signed or ratified international conventions on child rights and at the national level we have laws which safe guard the rights of the children, still the condition and number of child domestic labour remains abysmal in our country.

One cannot overlook the work done by various CSO's and the various judgments and policies passed by the Indian law in the interest of children by propagating for their rights in various form – education, safety, health and prohibiting them to work. Yet the growing population of child domestic labour and the negative impact it is causing in their lives cannot be ignored.

Many CSO's and specially Global March Against Child labour and its partner organizations are strongly lobbying and advocating for ratification **ILO** Convention No. 138 on the minimum age for admission to employment and work, ILO Convention No. 182 on the worst forms of child labour, 1999 and Convention 189 - Convention on Decent Work for Domestic Worker in India . All the three conventions, if ratified along with increasing the political will on this issue, addressing the socio-economic factors, building more awareness and a strong advocacy against domestic child labour will help in elimination of child labour and child domestic labour.

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<sup>5</sup> Ministry of Women and Child Development, Budget 2014-15, Govt. of India

## **PART III**

### **GAPS AND RECOMMENDATIONS**

Despite the measures taken by the government and legal fraternity, significant gaps still exist and needs to be addressed in order to eliminate the problem of child domestic labour. These gaps are of the following kinds:

- **Laws and policies to tackle child labour in domestic work**

There needs to be a separate law on child labour in domestic work as the law on this still remains absent. Due to disguise and exploitative nature of domestic work it usually remains hidden within the four walls of homes. There is serious problem in implementation and monitoring of government schemes and programmes and undue delay in statutory rehabilitation amounts to re-trafficking.

- **Participatory governance**

Lack of political and administrative will at local, state and district administration level causes delay in rewarding rehabilitation benefits and compensation to the rescued child labourers. This situation results in vulnerability towards re-trafficking of victims.

- **Lack of human as well as financial resources**

Insufficient funds restrict timely disbursement of rehabilitation benefits to the survivors causing them to re-engage in employment. Inadequate staffing makes the process of identification and rescue of the child labour victims and rehabilitation of survivors lackadaisical.

- **Lack of proper follow-up**

The status of rehabilitation of rescued child labourers remain unknown due to ineffectiveness in the process of follow-up adopted by the government. Ineffectiveness mostly caused by delay in visits to the victims, lengthy paper work and formalities adopted before starting follow-up, etc.

- **Knowledge management/sharing of good practices**

No centralized system to record and register number of child labourers in domestic work. There exists heavy reliance on unofficial estimates given by NGOs working on the issue of child domestic labour.

There is lack of awareness on ill-effects of child domestic labour among the community. Even, the concerned departments dealing with the issue of child labour are not well sensitized and lack in capacity building and training to deal effectively with the problem.

There is inefficiency of skills regarding specific care of children at risk and victims of child domestic labourers. Documentation of good practices on domestic child labourers are inadequately available and there is an absence of rapid detection and diagnosis regarding children involved in domestic work.



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