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Hope for Child Laborers in India

Child labor in India

Given estimates ranging from 60 to 115 million, India has the largest number of working children in the world.¹ Even so the government of India maintains that there are 11.29 million child workers ages five to fourteen.²

Kinds of child labor

Many of these children work in some of the [worst forms of child labor](#), mainly: forms of slavery and slavery-like practices, such as the sale and trafficking of children, debt bondage and forced labor; and hazardous work, which is likely to harm a child's health, safety or morals.

Sometimes child labor is exchanged for a loan of as little as forty U.S. dollars. However, often the loan increases because of added costs and families are never able to pay it off. This is a form of slavery called *debt bondage/bonded labor*.

Which children work in India?

Most child laborers in India belong to the poor **Scheduled Castes and scheduled tribes** (a separate category) **and nomadic groups**. The scheduled tribes refer to people who have historically had their abode in the forest. Traditionally, they have been animists, not Hindus.

Background on the caste system in Hindu Society

In India there is a caste system whereby people are born into different castes or groups. The Hindu society is traditionally arranged in descending social order by four primary caste groups:

1. Brahmins (priests),
2. Kshatriyas (warriors),
3. Vaishyas (business community) and
4. Sudras (menial workers)

The first three castes are assumed to be "upper" or "higher" in social status. They are generally referred to as "caste Hindus," or constitutionally as the General Castes. The General Castes are distinctly distanced from the Sudras (menial workers) or "lower" caste group, which is traditionally referred to as "untouchable" and officially called **Scheduled Castes**.

How the caste system is determined

The caste system is determined by notions of purity and pollution, themes which are identified as central to the Hindu culture. The essence of caste hierarchy is social differentiation between the caste groups, historically based on occupational practice. *Brahmans* are considered to be the purest group as a result of their occupational involvement in ritual and religious activities, which are considered to be the most superior of all social activities. At the other end of the social continuum, the *Sudras* are identified as defiled as a result of the dirty activities to which they have been traditionally assigned, i.e. cremating the human dead, handling dead animals and human feces, cutting hair and nails, and cleaning bodily excrements. These tasks are considered impure

in Hindu culture. Like the tasks, Sudras are considered to be eternally polluted and polluting.

Caste-based restrictions

Social differentiation in the caste system is established by three basic characteristics:³

1. An individual is born into the caste to which his parents belong. It is not possible to change one's caste.
2. Caste units are separated by **endogamy**. That is, every member of a caste must marry a member of the same caste, and may not marry outside it. A marriage between members belonging to different castes results in various forms of social ostracism, which are severe and irreversible if the marriage is between an "upper"/General Caste person and a Scheduled Caste person.
3. There are restrictions regarding the acceptance of certain types of food and water between members of different castes. In the context of caste-based pollution, water and food is only accepted from persons of the same or "higher" castes. Although members of "higher" castes practice different degrees of strictness between themselves, all three "upper" castes are completely restricted from accepting food and water from the Scheduled Castes.

There are other prominent manifestations of differences in social rank in the segregation of places of residence and the prohibited common use of drinking water-facilities (e.g., water fountains), especially in rural habitats. Both of these restrictions on the Scheduled Castes are enforced in an attempt to minimize social contact and pollution.

Efforts to break caste barriers

In an effort to break the caste barriers, Mahatma Gandhi termed the scheduled castes as "Harijans", or, literally, the "people of God." This terminology is strongly discarded by the scheduled castes, who prefer to call themselves Dalits or the "oppressed".

The Government of India has passed counter-caste legislation. For instance, the 1954 **Harijan Act** makes vocal, physical and social abuse of the Dalits punishable by law. In order to counter social oppression, this legislation also ensures *positive discrimination* (reserved seats) for the Scheduled Castes (as well as Scheduled Tribes and "Backward Castes") in education, employment and political representation in local institutions, state legislatures and the central government (parliament seats).

While they are rich, the **Backward Castes** are the lowest group in terms of human development, the male and female literacy rate, infant mortality rate, maternal mortality rate, male and female life expectancy, etc.

Despite counter-caste law, poverty and social "backwardness" remain widespread among the socially disadvantaged, and many of these constitutional privileges remain acutely distant and unapproachable for persons unable to access and benefit from them. In practice, these tools have been politicized to benefit various Backward Caste groups for whom oppression has not been a social reality.

Some causes of child labor

Local-political issues

Local political issues - such as class, ethnicity, gender, culture and rural areas - contribute to the use of child labor and hinder children's access to, and completion of, primary school as well as the effective enforcement of relevant child labor and education law.

Class

Rich landholders and moneylenders sometimes trap the lower caste, poor and landless peasants into situations where the latter are deprived of adequate livelihood opportunities. Additionally, too often, government officials - district magistrates, policemen, labor inspectors, and judges - are more sympathetic to wealthy employers than to working children from poor families.⁴

The Elite

Many government officials in India have ties to industries, making legal remedies out of the question. Some bond masters are government employees, who are more likely to own land, have money available to lend, be local leaders, and have ties to the local and district administration. The caste system and the social and political hierarchy of the community connect moneylenders, local officials, police officers, factory inspectors, and other local authorities - those normally expected to safeguard the rights of children. These factors all tend to inhibit their prosecution.

Corruption among government officials charged with enforcement of labor laws is notorious and widespread in India. Labor inspectors are known to receive bribes⁵ from business owners. Medical officers and judges are also known to be susceptible to bribes. Besides bribing government officials, employers accused of labor violations intimidate, physically threaten, or abuse workers who complain.⁶ According to an attorney involved in bonded labor litigation, the workers who complain are "risking their lives."⁷ Allegedly there is collusion, whereby police return escaped workers to employers.⁸

Ethnicity and lower castes

Children belonging to certain marginalized ethnic groups (like indigenous peoples) and lower castes are often more affected by inadequate educational infrastructure and less access to education. This may be attributable to *discrimination*, cultural beliefs about education, or living in remote areas.

Gender

Societies have built complex long-standing ideological frameworks backed up by cultural value systems based on gender. Gender can limit access to primary education and affect retention rates. Girls face traditional attitudes about female roles and fewer female teachers. Girls are often expected to contribute to household work and childcare. Many

girls do not attend school because of low social status or domestic responsibilities. Often these girls end up doing domestic work.

When *gender and ethnicity* combine, educational disparities are even greater. For example, In **India** nearly all *upper-caste* Hindu children are enrolled in and attend school. However, there is a strong tendency for *girls* of "*backward*" *castes and scheduled tribes*, low-caste Hindus and Muslims, not to attend.⁹

Culture

Long-standing, entrenched and change-resistant cultural and/or traditional attitudes and/or practices in certain places or among certain people (for example, among migrant workers, indigenous populations and lower castes) play a role in the link between child labor and education. "Slavery in India dates back at least 1,500 years."¹⁰ While many local organizations oppose the use of child labor, it is tolerated by large segments of society, which accept it as normal.¹¹ In some cases, more hazardous work is considered to "belong" to ethnic minorities and disadvantaged lower classes. Children traditionally follow in their parents' footsteps. For example, if the family tans leather (a hazardous occupation) then the children will likely become leather tanners. Perpetuation of caste distinctions is deeply rooted in the society.

Cultural assumptions (myths), such as children's "nimble fingers" make them well-suited for certain kinds of work, perpetuate child labor. Some employers justify the recruitment of children by claiming that adults cannot perform the necessary tasks. From this viewpoint, child labor is a production necessity. However, it is not supported in cases where adults perform as well as children. In reality, for instance, only master (adult) weavers make the highest quality carpets.¹² Children make the cheaper goods.

Employers recruit children because they are the main source of "cheap labor." Even this argument is not always valid. Studies in a number of countries have shown that most of the unskilled work done by children is also done by adults. While children are paid less than their adult counterparts, the difference is *negligible*.¹³ If children are paid *virtually the same* piece rates as adults, instead of regular daily or weekly wages, then why are they still employed?

Employers also recruit children because they are easily intimidated, incapable of forming unions, and unable to make demands. They say children make "compliant, obedient and willing workers."¹⁴ They are more likely to take orders and perform menial tasks without complaining.¹⁵ It is ironic that India has very large number of adults unemployed and child labor creates more adult unemployment.

One of the challenges pertains to society's view of child laborers. Are they just unlucky, passive victims of circumstance cast into situations because of their parents' ignorance? Or, are they able to think and act on their own with a little bit of love and education? It is true, these children are victims. However, at the same time, they are able to reason and be proactive.

Very limited access to education institutions, for example in rural areas

In rural areas, education is often not equally accessible and the *quality* of available education is low. Rural areas lack educational infrastructure (schools and teachers) more often than urban areas. Children are less likely to enroll in school, and more likely to drop out before finishing it in rural areas. Parents, especially from farming communities where children work agriculture for survival, are more likely to see formal education as irrelevant to their children's future.

Poorly funded, trained and equipped education systems and teachers

In India there are not enough schools and many existing schools are not well-equipped. Although the [United Nations Educational, Scientific and Cultural Organization](#) (UNESCO) recommends that governments spend at least six percent of their National Income [or **Gross National Product** (GNP)] on education annually, the government of India spends only 4.1 percent of its Gross National Product on education.¹⁶ The government of India neglects its responsibilities to ensure the right to education by failing to set up a good educational system with proper nutritional amenities for the children of the "lower downs", so that they can excel in school.

Lack of law enforcement

India has child labor laws and the means to enforce them. Yet, enforcement is weak, due to the alignment of wealthy employers with government officials who are responsible for enforcing the law. In addition, resources are insufficient and inspections are ineffective.

Apathy among government officials responsible for enforcing India's child labor laws is reportedly endemic from India's top labor officials down to the local level.¹⁷ For example, the **Child Labour Prohibition and Regulation Act** (1986) requires each state to formulate implementation rules before the law can be applied. As of July 1996, most states had failed to formulate the necessary rules.¹⁸ The government's most egregious neglect of the **Bonded Labour System Abolition Act** (1976) is the nearly universal failure of districts to form the requisite "vigilance committees," which form the core enforcement of the act.

In India, as of 1992, not one "case of bonded labor had been prosecuted under the **Bonded Labour System Abolition Act** in the Varanasi district, where both the carpet and silk industries rely heavily on bonded child labor."¹⁹ Furthermore, the *maximum* fine imposed on the twenty-two convictions resulting from about fifty cases that had been brought against employers under the **Child Labour Prohibition and Regulation Act**, was one hundred rupees, or about *three U.S. dollars*.²⁰

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Relevant legal framework

Both national and international law regulate child labor, protect children from economic exploitation, and guarantee their rights to, for instance, education.

The Constitution of India, 1949, as amended in 2002²¹ states that India shall *provide free and compulsory education to all children of the age of six to fourteen years* (article 21a)²². Article 41 directs India, within its economic capacity and development, to endeavor to secure the right to education. Article 46 directs India to promote the educational interests of the weaker sections of the people, and in particular, of the Scheduled Castes and tribes, and to protect them from . . . all forms of exploitation. Article 23 forbids trafficking in persons and forced labor (including the system of bonded labor). Article 24 *forbids the employment of children below 14 years of age in factories or hazardous employment*. Any failure on the part of India to identify, release and rehabilitate bonded workers suitably would be considered a violation of Article 21, protection of life and personal liberty.²³

The **Child Labor Prohibition Act and Regulation Act, 1986**²⁴ expressly forbids the employment of children (persons who have not completed their fourteenth year of age) in certain listed occupations and processes, such as carpet weaving, which are deemed hazardous.

Most important, the **Bonded Labour System Abolition Act, 1976**²⁵ abolishes all debt agreements and obligations arising from India's longstanding bonded labor system. *Sections 4, 5, and 6* free all bonded laborers, cancel their outstanding debts, and prohibit the creation of new bondage agreements. Sections 12 and 13 direct district magistrates to enforce this act, identify all cases of bonded labor occurring within their district, free the laborers, initiate prosecution, and be members of district-level "vigilance committees." *Section 16* defines all post-act attempts to compel a person to engage in bonded labor as criminal acts, with maximum penalties of three years in prison and a 2,000-rupee (US\$48) fine.

India still has not ratified the **International Labor Organization Convention 182** on the worst forms of child labor.

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Some results of child labor

Child Labor perpetuates inter-generational poverty and hinders the achievement of education for all

Child labor perpetuates poverty. It is both a consequence and cause of poverty.²⁶ Children who work prematurely and extensively may never receive the education and training needed to obtain a livable wage. As adults, they will remain too poor to send their own children to school, repeating the cycle. Child labor shapes generations of illiterate, unskilled adults by denying education to the future workforce. Child labor is a barrier to achieving education for all and to eradicating poverty.

Poverty does not necessarily induce child labor. In many poor households, some children

(particularly boys) are singled out to attend school. There are also regions in less developed countries where child labor is not extensively practiced. For example, Kerala State in India has virtually abolished child labor. At the international level, a country may be poor, yet have relatively low levels of child labor.

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The Bal Ashram - one initiative meeting the needs of former child laborers

[The Bal Ashram](#) (Children's Rehabilitation Center) was started in 1998 to rehabilitate and educate boys identified and liberated from the worst forms of child labor (A Girls Collective was started adjacent to a different rehabilitation center called the Mukti Ashram in Ibrahimpur on the outskirts of New Delhi in January 1999.) Bal Ashram is located near the beautiful Aravali hills in Virat Nagar, Jaipur district of Rajasthan state, 120 miles southwest of New Delhi, India's capital.

Bal Ashram is run by the South Asian Coalition on Child Servitude (SACCS), a network of non-governmental organizations based in New Delhi. Bal Ashram can comfortably accommodate one hundred children at a time, although sometimes there are more than 100. To date, Bal Ashram has given to hundreds of children a new life through educational learning, social learning and job skills training.

Kalu's story

Fourteen year old [Kalu](#) is a former goat herder from the state of Bihar who was abducted into the carpet industry, where he worked for one year in an intolerable environment from 4a.m. until 10p.m. for only Rs.100 (US\$3) a month. Every day he was harmed by the loom owner. He still bears scars from his "master" filling his cuts with the powder from match sticks, instead of getting him suitable medical treatment. Today Kalu has the distinction of having been present with the former President of the United States, Bill Clinton, to launch a book on child labor. He has been at the Ashram since 1998, when he was identified and rescued with 18 other children all from North Bihar by staff from the South Asian Coalition on Child Servitude. Kalu gets good grades and enjoys his life, attending the formal school in Sauthana village and living at Bal Ashram. His experiences traveling abroad have given him a lot of confidence. He wants to be a social worker when he grows up, working to uplift the rural poor. Kalu is witty, a terrific actor, and a fast and intelligent learner. Do you think he would have been able to realize his full potential and look forward to the future if he had remained a goat herder in his village, or a carpet weaver in the factory?

Education

Formal education, non-formal education or job skills learning

When boys arrive at Bal Ashram, they all learn reading, writing, and math. Subsequently, the younger children are admitted to a government school for *formal* education in Sauthana village about two miles from the Ashram. The children in the *government*

school stay at the Ashram until their education is complete.

The younger boys whose parents would like them to come home from the Ashram after six months are enrolled in non-formal education at the Ashram. They learn reading, writing and vocational skills. If these boys have not reached the standard after the initial semester then they may choose to stay another semester, or indefinitely. Following their stay in Ashram, they return home and enroll in local government-run schools.

Boys aged 13 and older are immediately placed into *job skills training* classes, such as painting and screen printing, tailoring, electrical mechanics (motor winding/electricity), welding, carpentry and gardening. These boys may stay at the Ashram until they have fully acquired the trade skills needed to secure suitable work. Upon returning home, they are helped to start jobs using their newly acquired skills in their respective trades. For example, through government schemes or the local community, sewing machines are procured for the tailoring apprentices.

Presently, 109 boys live at Bal Ashram. Fifteen attend the *government* school in Sauthana, 46 are in the *non-formal* education section, and 48 are in job skills training.

Social, cultural and physical education

All of the boys at the Bal Ashram also undergo a program of social learning. Various social issues like child labor, illiteracy, unemployment, poverty, the population boom, the caste system, superstition, as well as human rights are discussed through stories, events, role-plays and picture representations. Many of the boys have never been taught moral lessons relating to the harms of lying, cheating, stealing by their parents or the community, which are too preoccupied trying to survive. Hence, the boys are taught *ethical* lessons.

Learning through cultural activities and programs has infused a sense of pride, unity and joy in the boys. Various programs are organized exposing them to national, regional, and local cultures. The boys learn folk singing and patriotic songs, as well as slogans. Additionally, they are exposed to the dance forms of different regions.

To stay fit and healthy, the children participate physical education classes everyday. They warm up on the grounds of the Bal Ashram. Following a vigorous half-hour lesson, such as a tug-of-war game, the boys do yogic exercises. In the evening, among various other sports, volleyball is a favorite of both the children and the adults.

Other Key Features of Bal Ashram

In addition to **education** designed to give the child economic security in the future and based on the skills, aptitudes, and choices of each child, there are other key features of Bal Ashram.

Operational practice of love, respect and equality

Many of these children were treated very badly when they worked. They were hit, harmed or neglected for even the smallest mistakes. At Bal Ashram, steps are taken to

ensure that the traumatized child laborers enjoy their childhood and their stay at the Ashram. They are *shown gentleness, and given love* from the Ashram personnel and *kindness* from the other boys. For the first time in their lives, they can enjoy their childhood.

In the actual day-to-day running of the Ashram, the **dictum 'hum sub ek hain' (we are all equal)** is always followed. Everyone does everything *together*, including eat together. This is not a very common practice in a caste-ridden society. Many of these children come from the lowest castes and for them living a practical life without burdening themselves with their "lower" caste status is a new experience. It is interesting to know how this is realized.

Child participation in decision making, ownership and self-realization for empowerment

Bal Panchayat Space for *child* participation is built into the Ashram to improve not only student's self-management capacity, but also their ability to positively affect other's lives. Through their participation in the **Bal Panchayat** (Children's Committee), all students are part of the *decision-making* process. It usually meets once every two weeks, unless there is an urgent matter. Here their lessons on government start. At the beginning of each new session, the boys decide at the Panchayat meeting the allocation of jobs. Various committees are formed, such as the safai (clean-up), kitchen (decides on the menu and helps the cook) and garden committees, etc. Upon arrival at the Ashram, each boy is assigned a task depending on his abilities, likings or simply because the work must be done. The boys make the decisions about the general day-to-day running of the Ashram. Their decisions are respected by the Ashram personnel. In addition, their leadership qualities are developed, as the boys are rotated as the sarpanch (leader) of the Bal Panchayat. This process develops their leadership skills and empowers them.

Later, the boys become part of their *village* panchayats (local governments) and, in turn, help empower and involve other children in their respective village panchayats to put their demands - for education and child rights - before the local authorities.

Bal Mitra Grams (Child Friendly Villages)

The boys play a catalytic role in **Bal Mitra Grams** (Child Friendly Villages). Village children create democratic space for themselves in their local panchayats (governments), communities, schools, and families. This is a means of building community awareness of social problems, children's rights and the importance of quality education, creating demand and value for quality education as a matter of village pride, and using the people's potential, power and local resources to solve problems, such as child labor. The children are the guardians of children's rights at the grassroots level. There are now four Bal Mitra Grams in the state of Rajasthan near the Bal Ashram. The Bal Mitra Grams (Child Friendly Villages) with active Bal Panchayats (Children's Committees) at village level, have worked wonders fighting against child labor, illiteracy, repression, and even alcoholism in various parts of the country, especially in the states of Rajasthan and Bihar.

Ajay's story

While at Bal Ashram, twelve-year-old Ajay learned job skills and a great deal about leadership skills. When he returned to his village called Ramchandranagar, he joined the SACCS staff in securing places in school for all the children in the area. He was selected as the sarpanch (leader) of the Bal Panchayat (Children's Committee) in his Bal Mitra Gram (Child Friendly Village). He played a major role in setting up a local school, constructed with community participation. Together with other members of the Bal Panchayat (Children's Committee), Ajay succeeded in getting the village sarpanch (leader) to arrange for the urgent construction of a toilet on the school premises. Ajay also started an anti-alcohol campaign in nearby villages, reporting each case to the police and the administration, and succeeding to shut down the alcohol vendors. Ajay threatened to fast to get his father to quit drinking.

Ajay demonstrates how the Bal Ashram produces team-spirited individuals who have group/societal concern and live for others, not themselves. He also symbolizes the potential of children and youth to be catalysts for change. Ajay and his friends succeeded in motivating a number of parents, especially mothers, and creating an awareness of the need for "education for all." Ajay has personally vowed to work for the total elimination of child labor.

Birthday Celebrations One ritual carried out every Sunday at the Ashram is the "birthday celebration." Most of the kids have no idea when their birthdays are. The birthday celebrations give the boys a sense of pride and self-confidence. At the birthday celebration, songs are sung telling the boys that *everyone is equal*, no matter what their caste, creed or financial background. It does not matter which caste they come from, or if they are rich or poor. These celebrations work better than any lesson to instill a sense of unity, organization and fighting for one's rights in the boys.

All of these factors contribute to growing the boys into conscious, bold, compassionate, loyal and responsible citizens who struggle for their own, as well as *others'*, rights in the long run.

Marches, rallies and demonstrations

The children of the Ashram are encouraged to participate in marches, rallies and demonstrations and campaigns highlighting the social problems in their local area. For instance, in the Stop Migration Campaign the boys have created posters, banners and wall writings and acted in street plays to create awareness in the flood-affected areas of the state of Bihar. Similarly, they are involved in the continuing Education Campaign to enlighten communities about the value of education.

Consultation with parents

Counseling and motivation of parents occurs regularly to ensure their participation in their child's education and the campaigns regarding child labor.

Main results

It is too early to say how these boys will fare economically as adults. However, they

undergo a process of mental liberation and some have proved to be very effective leaders. Almost all of them become catalysts for change in their own households once they return to their villages. The greatest achievement of the Bal Ashram initiative is that NO child has ever gone back to bonded labor.

Bal Ashram children have shown that a little love, support, and education, can go a long way to improve their lives. The Bal Ashram has given children back their voices and the power to effect change. This program is a success because it not only mentally liberates children, but it also produces "individuals with a group concern". The boys develop a societal concern. Understanding the suffering and shame of life as a child laborer, they vow never to let another child be, or stay, a child laborer again.

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