

Child Labour in Fishery and Aquaculture: Need for a Perspective

In the Light of Experiences from India

by

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Abbreviations

CBO	Community Based Organisation
FAO	Food and Agricultural Organisation
GOI	Government of India
ILO	International Labour Organisation
INGO	International Non Governmental Organisation
INR	Indian Rupees
IPEC	International Programme for Elimination of Child Labour
MLI	Multi Lateral Institute
NCLP	National Child Labour Programme
NCPCR	National Commission for Protection of Child Rights
NFSO	National Fishery Sector Overview
NGO	Non Governmental Organisation
NSSO	National Sample Survey Organisation
V.V. G. NLI	V.V. Giri National Labour Institute
SSA	Sarba Siksha Abhyian (Education for all campaign)
UNICEF	United Nations Children's Fund
WPR	Work Participation Rate

A. Introduction: A brief overview of child labour problem across the globe

The problem of child labour continues to pose a challenge before the world and it is much more intensified in poor and developing nations. More than 150 million children (5-14 years) are engaged in child labour all over the world (UNICEF 2009)

A standard definition for child labour could be found in the definition provided by International Labour Organisation's (ILO) Convention No. 138 on Minimum Age, 1973, and the ILO Convention No.182 on Worst Forms of Child Labour 1999,

“As work that harms children’s well-being and hinders their education, development and future livelihoods. Child labour is work that is damaging to a child’s physical, social, mental, psychological and spiritual development because it is work performed at too early an age. It deprives children of their childhood, their dignity and rights. Children who do not complete their primary education are likely to remain illiterate and never acquire the skills needed to get a decent employment and contribute to the development of a modern economy and agriculture. In this respect, child labour strongly undermines the efforts to promote decent youth employment which is a key element in revitalizing agriculture around the world. When children are forced to work long hours in the fields, their ability to attend school or skills training is limited, preventing them from gaining education that could help lift them out of poverty in the future. Girls are particularly disadvantaged as they often undertake household chores following work in the fields. ... The worst forms of child labour, as defined by the ILO Convention No.1827, include all forms of slavery, use of child soldiers, trafficking of children, commercial sexual exploitation, the use of children in illicit activities and hazardous child labour. The latter category is particularly relevant for agriculture” (FAO 2010).

International institutions (MLIs) & Governments in almost all countries have taken pro-active measures to tackle this problem. The Convention on the Rights of the Child was adopted and opened for signature, ratification and accession by UN General Assembly resolution 44/25 of 20 November 1989. It came into force 2 September 1990, in accordance with article 49. It has been ratified by 193 countries. Optional Protocol of this convention entered into force, 12 February 2002. The States Parties to the present Protocol, acknowledged ILO convention 182. Article 32 of this convention has particularly highlighted the issue of child labour and the need for their protection:

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article. (UNICEF 2009)

Governments are trying to enforce strict legislative provisions along with simultaneous rehabilitative measures with varied degree of successes. Despite all existing efforts, child labour remains a sad reality in our countries and considering the magnitude and extent of the problem it has been strongly felt that that a holistic understanding of the problem is

imperative towards addressing the same. Child labour in fishery and aquaculture is essentially a socio-economic problem inextricably linked to poverty and illiteracy; it requires concerted efforts from all sections of the society to address the problem.

According to available statistics (FAO, ILO, UNICEF) worldwide, agriculture (which also partly includes subsistence fishing) absorbs the largest share of working children. As per recent FAO data nearly 70 percent of the world's child labourers are agricultural workers, many of them work in hazardous occupations. Over 132 million girls and boys aged between 5 and 14 years, work in crop and livestock production, as well as forestry and fisheries. According to a US government report (Department of Labour) Bangladesh along with India, Myanmar, Brazil, China and the Philippines has been placed in the 'top six countries' linked to individual products that use child for forced labour and India is the source for the biggest number of products made by these workers. Myanmar was noted the most often for forced labour in products like rice, sugarcane and rubber (The new nation 2010).

Apart from agriculture, fishery and aquaculture alone engage big numbers of child labours. However, it is difficult to get sector-wise disaggregated data in this regard as often children engaged in fisheries and aquaculture belong to small scale and artisanal fisheries and the figures are combined with agriculture related data. Apart from small scale fisheries, children are also working in large scale fisheries and in particular fish processing industries. A significant challenge is to make these children visible in statistics as often official records do not provide any information on child labour in organised and unorganised fishery sector.

B. Fishery a prominent source of livelihood for millions

Fishery including aquaculture is an important source of livelihood for millions of people across the globe. In 1998, an estimated 36 million people were engaged in capture fishing and aquaculture production worldwide, comprising 15 million full-time, 13 million part-time and 8 million occasional workers. In 2000, an estimated 27 million persons were working solely in capture fishing worldwide (including full-time, part-time and occasional fishers)¹.

Asia accounts for 83 percent of fishermen in the world. In Asia, China and India are two big actors in fishery but many other South Asian and South East Asian countries have also significantly contributed in fishery and aquaculture.

In India more than 14 million fishermen and fish farmers, living mainly in 3937 coastal villages and in hundreds of hamlets along major river basins and reservoirs, depend on fisheries and aquaculture for their livelihood. As per FAO data of 2003 0.93 million fishers were full time fishermen, 1.07 million were part-time fishermen and 3.96 million were occasional/Ancillary fishermen including fish workers in processing units. According to a study conducted by the National Labour Institute, Government of India (GOI), around 40 percent of fisher population are children. Fishery and aquaculture sector is becoming increasingly important in India's economy in terms of foreign exchange earnings through exports and according to NFSO (2003) data it contributed 1.07 percent of the total GDP, which has increased considerably in recent years.

Small scale and artisanal fishery is predominant in the country. Industrial fishing is present and aquaculture is gaining strength in India. As per statistics available from Government of India (GOI), in 2001 India was the 6th largest producer of fish in the world and the 16th largest exporter of marine products. It was also the second largest producer of inland fish. There is no official data available regarding numbers of children engaged as labourers in fishery sector. However, it has been generally acknowledged in various government publications that child labour is a problem yet to be fully addressed in fishery and aquaculture sector.

C. The nature incidence and causes of child labour in fishery sector in India

As mentioned above 40 percent of fisher population constitute of minors. Experiences reveal that many children belonging to fishers' families work in fishery sector as child labour.

Before trying to analyse the nature incidence and causes of child labour in fishery sector in the country let us have a quick look at the status of child labour as a whole in the country. This is important to understand the prevalence of child labour in the fishery sector also as there is hardly any sector-wise disaggregated data available regarding child labour in the country.

According to the Census 2001, there were 12.7 million economically active children in the age-group of 5-14 years. The number was 11.3 million during 1991 (Population Census) thus showing an increase in the number of child labourers. Workers in general are classified into main and marginal workers by the population census. Census data shows that there is a decline in the absolute number as well as the percentage of children (5-14) to total population in that age group classified as main workers from 4.3 percent in 1991 to 2.3 percent in 2001. But it is noteworthy that there was a substantial increase in marginal workers in every category of worker irrespective of sex and residence. As a result, despite the number of main workers declining from 9.08 million in 1991 to 5.78 million in 2001, the total number of children in the work force increased significantly. A large part of the increase was accounted for by the increase in marginal workers, which increased from 2.2 million in 1991 to 6.89 million in 2001 (NCPCR 2007).

When Main and Marginal workers are put together, it shows that the Work Participation Rate (WPR) of children in the 5-14 age group has declined from 5.4 percent during 1991 to 5 percent in 2001, which is a marginal decrease only. The trends between 1991 and 2001 of declining main child workers along with increasing marginal workers indicate the changing nature of work done by children, which is perhaps becoming more seasonal and part-time. This is also to be seen in the context of reducing employment growth in general in the country during the last decade (NCPCR 2007).

Table 1: Child Labour in India

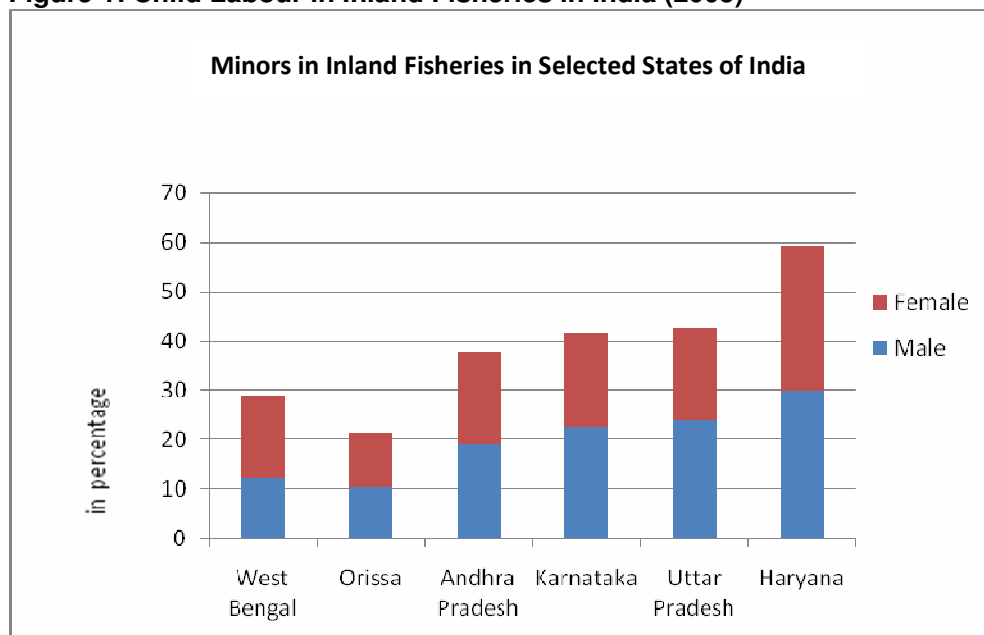
Distribution of Children	2001 population Census	2006 population projection and estimates	Percentage of Child Population	
			2001	2006
Child Population (5-14)				
Male	132367710	125485000		
Female	120795938	116274000		
Total	253163648	241759000		
Child Labour (10-14)				
Male	6804336	4276744	8.8	6.7
Female	5862041	3894131	8.5	6.3
Total	12666377	8082954	8.7	6.6
Children out of School (5-14)				
Male	36428634	19199205	27.5	15.3
Female	45878836	24184992	38.0	20.8
Total	87126075	43274861	34.4	17.9

Source: Census of India 1991 and 2001 & NCPCR 2007

The magnitude of the problem is manifested in the total number of children who are out of school. Despite declining trend in the incidence of child labour in the country, many children failed to access education. There were 87 million children (5-14) who were out of school during 2001. NSSO (61st Round) estimates show that the magnitude of out of school children has declined to 43 million by 2004-05. However, the NSSO estimates illustrate clear gender discrimination as about one fifth of the girl children in the 5 to 14 age group are not in school.

The main activities in fishery sector apart from active fishing are sorting and grading, curing and drying, peeling work, processing work fish meal work, fish trading and value addition. The children working in the fishery sector and engaged in some of the above works are mostly from poor and vulnerable households in terms of their economic and social status.

Figure 1: Child Labour in Inland Fisheries in India (2005)



Source: V.V. G. NLI 2007

These households are largely dependent on subsistence fishing as small scale fishers or fish workers. The children belonging to these households seldom afford to go to schools and they are forced to work for earning an extra income for the family, however meagre that might be. From our experiences we have seen that in fishery and aquaculture the children are working mainly in sorting, peeling and fish trading works. However, children belonging to higher age group 12-14 also work at fish processing centres. The children who are working in factories, processing units, peeling sheds etc. could be termed as child labour as per The Ministry of Labour, GOI as they are associated with 'hazardous' work as defined in The Child Labour (Prohibition and Regulation) Act, 1986 and Rules (Act No. 61 of 1986), Part B 59-60. However a large number of children in fishery, particularly in shrimp aquaculture are involved in collection of shrimp seeds from local water bodies, which they sell to the middlemen in their villages. This particular work is very hazardous and full of risks. But due to narrow definition of child labour it is difficult to include these children in this category. Thus ministry's definition only includes a very small percentage of children who are in the work-force in fishery and aquaculture particularly in the unorganised sector and leaves out millions of children who require support from the government both in terms of developing adequate policy framework and implementation of relevant programmes.

In the fishery sector the single largest category of child labour is termed as 'Working Children' in India. These children are working as a part of family labour in fishery approximately 12-14 hours a day. This is the largest category of children among fisher communities who are out of school and are working full time. Girls dominate this category and work as child labour at the cost of their education.

Perpetual Poverty and socio-economic exploitations are driving factors behind child labour in fishery/aquaculture in India. Widespread and entrenched exploitation, gender discrimination, caste bias and other social problems in India are obstacles for elimination of child labour. These obstacles cannot be overcome in one instance as these are issues intrinsically associated with the fundamental questions of rights and socio-economic equity and justice. Moreover, changing world scenario e.g. world food price crisis, climate change concerns, land grabbing and grabbing of sea and water-bodies have made it very difficult to predict the fate of the poor and underprivileged in the nation and it is also very difficult to foresee how far the efforts for elimination of child labour in the country would be successful in coming years. There is a grave risk that the share of people living in absolute poverty will increase, possibly slowing or even stalling recent moderate gains in struggle against child labour in the country. Such a situation will no doubt be detrimental for the child labour in fishery sector in India too. As mentioned above most of the working children in the fishery sector come from the poorest of poor households and belong to so called low castes, the table below illustrates this claim

Table 2 Caste structure of fisher population in selected states

Caste structure of the inland fisheries							
	West Bengal	Orissa	Andhra Pradesh	Karnataka	Uttar Pradesh	Haryana	Average
Scheduled Castes	76.7	6.25	24.64	100	71.43	86.49	60.92
Other backward castes	3.33	51.56	-		-		9.14
General	20	42.19	75.36		28.57	13.51	29.94

Source: Training Programme on enhancing leadership skills for fish workers, V.V. Giri NLI 2006

Though the fact is that majority of the fishers in India are small scale fishers but very little data is collected regarding them, particularly regarding their constraints, which force them to send their children to work.

The inland fishers and fish workers including a significant number of child labourers are economically disadvantaged and traditionally they do not possess much resources or assets of their own. They are deprived of many basic human rights like right to food and adequate housing, right to health etc. Given their economic and social status they find it difficult to have access to education facilities. In the changing policy scenario with shrinkage of wetlands (due to privatisation and conversion of wetlands) these poor inland fishers often become unemployed and their right to have secured access to wetland has been systematically denied by vested interest groups. As the small and artisanal fishers belong to unorganised group they often fail to create any viable pressure on the government for protection of their rights and that of their children. These poor fishers including children working in this sector have least access to skill development trainings and institutional credit. Therefore, it becomes difficult for them to break the barriers of perpetual poverty. Due to lack of proper policy frame work and complex bureaucracy, these poor fishers are often denied of their ownership rights and they become victims of chronic evictions (They have been pushed out from their traditional fishing space time and again).

The above situation is also more or less true for the marine fish workers and fishers. Majority of marine fish workers and small fishers (Part-time) are engaged in different sectors of marine fishery but primarily in fishing in the sea. They are extremely vulnerable. According to

an estimate of the GOI around one million active fishermen are engaged in marine fishing in India of which 0.2 million are engaged in mechanised sector, 0.17 million in the motorized sector and the rest in the artisanal sector. In the artisanal sector, of the total 0.63 million active fishermen 41% are engaged in the operation of catamarans, 31% in plank built boats, and the rest in dug-out canoes and other crafts. Among those engaged in mechanised sector, 75% work in trawl fisheries). Only 30 percent of the fisher folk possess ownership of fishing implements while the rest work as labour force. The annual income of a labourer working in a mechanised boat was estimated as Rs. 34200, motorized boat Rs. 15,200 and artisanal unit Rs.8000 during late 90s. Their pattern of income itself is a strong indicator of their poverty. The fish workers are ill paid and are mainly paid in kind on share basis. The children working as labourers in this sector receive even much lower wages. The boat owners take 70-75% of the catch while the fish workers get the rest in a fishing trip. Rapid depletion of fish catch due to use of destructive gears and increase in numbers of motorised/mechanised vessels as well as high level of sea pollution (From industrial wastes and sewage), has worsened the economic situation of the fish workers (V.V.G.NLI 2007). The fishers and fish workers, particularly child labourers are further exploited by middlemen and in absence of any alternative employment, despite worsening economic situation, they remain highly dependent on fish harvesting in the coastal regions. In such extreme conditions, the poor fisher households do not have many alternatives than to send their children to work for mere survival of the family. In some cases the local culture, attitude, bias etc. also influence the prevalence of child labour. However, the single most prominent nature of the child labour in fishery sector is poverty of fishing households followed by their poor access to education, health, housing and other basic amenities.

D. The health and Safety Hazards of fishing and aquaculture work for children and child labour including the use of hazardous technologies and relevant alternatives

As mentioned above that in fishery the children are working mainly in sorting, peeling and fish trading works. In aquaculture a large number of children are engaged in collection of shrimp seeds from local water bodies, which they sell to the middlemen at a meagre price. The children belonging to higher age group 12-14 also work at fish processing centres. No official data is available to determine the exact number of children who are collecting shrimp seeds, working in factories, processing units, peeling sheds etc. There is absolutely no effort made by the GOI to capture the numbers of the children working in aquaculture directly or indirectly. They remain invisible.

The health standards and safety or hazards etc. of fishing and aquaculture work depends largely on the nature of the work.

i. Children in aquaculture related work which is extremely hazardous

Collection of shrimp seeds in brackish water is highly hazardous as children work in local water bodies which are highly contaminated due to discharges of polluted effluences from nearby aquaculture farms. Many girls are engaged in this practice. The crude way of collection of seeds (sucking the water with the seed and spitting the same in a container) results into serious health hazards among the children (Halim 2003). The most common complains are irritations in eyes, skin diseases of various natures, stomach problems and in some cases even cancers were reported. Shrimp seeds are also collected in delta areas (estuaries) and seas, children are engaged in this work for 8-12 hours a day during high season and they do not use gumboots or gloves while doing this work. In Sunderban region of West Bengal, many children suffered from severe injuries due to attacks of crocodiles and Kamaths (a species of shark) while collecting seeds in the estuaries. The price of the seed varies as per demand; the highest price could go up to INR One per seed while at the lowest

end it can drop to fifty-paisa per seed only. It is needless to mention that the middlemen always keep a good margin for themselves while selling the same seeds to the aquaculture farms, thereby exploiting these poor children intensively. There is no alternative than to ban this practice altogether, in order to ensure the safety of the children who are engaged in seed collection. The government should acknowledge this occupation as 'Hazardous' and should immediately ban this practice. There should be legal provisions for stopping shrimp farms from buying wild caught shrimp seeds and buying seeds from hatcheries should be made compulsory for all farms. Adequate awareness generation among the poor fisher households is essential to stop this harmful practice.

ii. Children in sorting and peeling in the unorganised sector

Sorting & Peeling works are done mainly in local sheds, where children (age group 12-16) get engaged. As these sheds operate in small-scale and in unorganised sector, it is often difficult for the government departments to regulate the conditions of work in these sheds. The working environment is very hazardous, with narrow space for work, lack of proper infrastructure, lack of hygienic environment etc. Peeling is done mostly in sitting posture which gives rise to severe discomfort and postural problems. Mostly the sorting and peeling are done with bare hands. The peeling shed owners normally do not provide sufficient and reasonable medical arrangements for treating such conditions as may be created by constant contact of hands, mainly fingers with wet and icy fish. Such cleaning and peeling works cause skin corrosion, particularly on the inner palms and fingers of children working in this sector. The most common ailments are allergies, infections, scabies, eye irritation nausea etc. The poor sanitary conditions, both at the shop floor and the lodgings lead to various health complications like urinary tract infections etc. The payment is based on piece rate system and the average earning varies from INR 30-40 per worker per day (Less than US \$ 1 a day).

A few studies done by experts of The Centre for Education and Communication and V.V. Giri National Labour Institute recommend that fish peeling workers should be provided with desks benches etc. which may be specially designed keeping in view the health aspects of the workers and their job requirements. Gumboots should be made available to all workers. Arrangements should be made to cover the floors of the peeling sheds with rubber sheets with rough surfaces so that instances of fall of workers on the wet and slippery floors are avoided.

iii. Girls in fish processing units (Age group 12-16)

In a study done by The Centre for Education and Communication (As cited by V.V. Giri National Labour Institute) it has been claimed that many girls aged between 12 and 16 are engaged as workers in fish processing units in various coastal states of India. The fish processing units are a varied lot. Some units are fully integrated while others rely heavily on sub contracting for fish procuring, cleaning, peeling, freezing and packing. The bigger units (big investments) generally have a standardised infrastructure. But the medium and small processing units generally lack standard infrastructure for ensuring safe and healthy working conditions for the work force. The nature of employment is seasonal, though nowadays in many processing units work goes on throughout the year. The working conditions vary from one unit to other. Generally the workers are kept within the boundaries of the processing units and they are provided with dormitory type residential accommodation. The workers have to live in a captive environment throughout the day and night, which often works to the advantage of the managements as the management then have 24-hour availability of captive labour in the factory. The lodgings are generally poorly built, ill ventilated and have insufficient lighting. The dormitories are overcrowded and in some cases the workers are not even provided with a bedstead, they have given only bed rolls to be used for sleeping on the floor. The sanitation facility and availability of adequate fresh drinking water are poor. The food is also supplied by the managements and is poor in quality and variety.

A study conducted by the task force constituted by the ministry of labour in 2001 reported that the lodgings for the workers were generally provided above the factory premises and several incidences of leakage of ammonia gas were reported (As the gas was stored there for processing purposes). The workers often experienced irritation in the eyes and nausea due to such suspected leakage. They however, never dared to complain for fear of being thrown out of employment.

It was further revealed by the study team that the workers did not get adequate/minimum wages (Upper ceiling INR 2300 per month), medical facilities, overtime allowances etc. The middlemen play an important role as the contractor and they brought the workforce from various coastal villages to these processing units. The managements in the fish processing units often tried to avoid their responsibilities as employer by citing the workforce as contract labourers.

The study team recommended that regular and periodical check-up of the plants of the fish processing units should be made statutory obligation in order to prevent any such contingencies. There is a lot of scope for improvement in their working conditions. The study team commented that although the managements of the fish processing industry were making heavy investments in automation, deep freezers, vans, establishments etc. all these factors could not ensure success and its sustenance unless the human aspect was properly taken care of.

There are various laws to protect the interest of workers in the fish processing units and also to protect the minors. For example Factories Act, 1948 states that a child below 14 years of age is not allowed to work in any factory. However, this law is often violated. For the migrant workers there are acts like The Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) act 1979, The Workmen's compensation Act 1923, The Payment of wages Act 1936, The Minimum wages Act 1948, The Employees State Insurance Act 1948, The Employees Provident Fund and Miscellaneous Provisions Act 1952, The Contract Labour (Regulation and Abolition) Act 1970, The Payment of Gratuity Act , 1972, etc. but due to poor monitoring and due to existing socio-economic compulsions of poor households, the employers often deprive the workforce from the benefits of these acts.

Finally children aged between 12 and 16 are also engaged in micro fish trading as a part of their family work. They have to work for several hours and in a poor working environment i.e. in local markets. Sometime they also go for door to door selling of fishes. Thus these children do not get the opportunity to attend school. Many children in fisher families do small works for the family like mending nets, cleaning and peeling fish catches which is mainly for their household consumption. Boys occasionally go for near shore fishing with the adult members of the families. It should be clarified that such occasional engagements in family occupation is not necessarily harmful for children and sometime such engagements give them practical knowledge about the profession, which are beneficial for their skill development. Therefore the Child Labour Act in India does not prohibit such works done by children occasionally. But the Act's weakness is that it completely ignores intensive work done by children for subsistence (of the households) and does not recognise such intensive work as hazardous or children engaged in such work as child labour. A standard and simple category of defining child labour could be considering all children out of school as child labour, irrespective of their nature of engagements.

E. Existing legal framework and government policies in India to eliminate child labour

India, as a nation ratified various international conventions to eliminate child labour in the country. Apart from ratifying various ILO conventions related to child labour abolition and control, India has ratified the Convention on the Rights of the Child in December 1992. The government has taken steps to realise the conventions progressively in the country by

developing appropriate legal and policy frameworks. The Government of India, its partners and a large number of non-governmental organizations have made determined efforts to reduce child labour and to ensure primary education for all children. Focus has been given on the most vulnerable population like scheduled castes and indigenous communities. Despite all efforts, the problem of child labour remains as a big challenge in the country.

i. Existing legal framework

As per Article 24 of the Constitution, no child below the age of 14 years is to be employed in any factory, mine or any hazardous employment. Further, Article 39 requires the States to direct its policy towards ensuring that the tender age of children is not abused and that they are not forced by economic necessity to enter avocations unsuited to their age or strength. Recently, with the insertion of Article 21A, the State has been entrusted with the task of providing free and compulsory education to all the children in the age group of 6-14 years.

As per the constitutional provisions, Child Labour (Prohibition and Regulation) Act was enacted in 1986 to prohibit employment of children below 14 years in hazardous occupations and processes and to regulate the working conditions in other employments. In the last 5 years, the number of hazardous processes listed in the schedule of the Act has increased from 18 to 57 and occupations from 7 to 13. Recently, Government has also decided to include children working as domestic servants and those working in roadside eateries/motels etc. in the category of hazardous occupations.

The Child Labour (Prohibition and Regulation) Act 1986 prohibits child labour in certain occupations and processes alone and their conditions of work are regulated in the rest. The law does not prohibit child labour if rendered for one's own family in those areas of occupation that has been considered as hazardous. Likewise, it has no purview over regulating the conditions of work if children are engaged to work by the family. This act completely overlooks children working in subsistence agriculture and fishery and does not recognise them as child labour. The narrow definition of the act keeps millions of children outside its purview and deprives them from the benefits of this act.

Other complementary Acts to the Child Labour (prohibition and Regulation) Act, 1986 and Rules (Act No. 61 of 1986)

Labour Law Apprentice Act, 1961: A person is qualified to be engaged as an apprentice only if he is not less than 14 years of age, and satisfies such standards of education and physical fitness as may be prescribed.

Factories Act, 1948: A child below 14 years of age is not allowed to work in any factory. An Adolescent between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorized medical doctor. A child between 14 and 18 years of age cannot be employed for more than four and a half hours.

Mines Amendment Act: 1983 No person below 18 years of age shall be allowed to work in any mine or part thereof.

ii. Existing policy frameworks and programmes for abolition of child labour

The GOI has developed various policies and related programmes to address the problem related to child labour. National Policy on Child Labour was announced (National Child Labour Programme) in 1987 to strictly enforce the measures for addressing problems of child labour. In order to implement the above policy the GOI initiated the National Child Labour Project Scheme in 1988 to rehabilitate the working children starting with 12 child labour endemic districts of the country, which is now covering much larger numbers of districts. Under the Scheme, working children are identified through child labour survey, withdrawn from work and put into the special schools, so as to provide them with enabling environment to join mainstream education system. In these Special Schools, besides formal

education, they are provided stipend @ Rs.100/- per month (Us \$ 2.5), nutrition, vocational training and regular health checkups. I

To address the socio-economic problems of the poor households, efforts are also made to target the families of these children so as to cover them under various developmental and income/employment generation programmes of the government. The Scheme also envisages awareness generation campaigns against the evils of child labour and enforcement of child labour laws. The implementation of the scheme includes NGOs and Trade Unions at the district level. Various state government departments (Health, Education, Social Welfare, Labour, Rural Development) also contribute in this process. The scheme has been strengthened by the landmark judgement of the Hon'ble Supreme Court in December 1996 in the case of M.C. Mehta Vs. State of Tamilnaduⁱⁱ.

The progress of implementation of the NCLP Scheme is supposed to be monitored in the Ministry through the prescribed periodical reports & regular visits from the officials of the Ministry, State Government and audit departments. A Central Monitoring Committee on Child Labour, headed by the Union Secretary (Labour & Employment) and state level monitoring committees are formed (proposed to be formed) for smooth implementation of the scheme. A Child Labour Cell has been formed in most of the States to implement the directions of the Hon'ble Supreme Court. This Cell has also been instrumental in monitoring the scheme. The scheme has been further revised during 10th plan period.

National Commission for the Protection of Child Rights was established by the Government in March 2007 to monitor proper enforcement of child rights. In addition, a comprehensive plan called the Integrated Child Protection Scheme has been set up to protect vulnerable children.

iii. ILO-International Programme for Elimination of Child Labour (IPEC)

ILO launched IPEC Programme in 1991 to contribute to the effective abolition of child labour in the world. India was the first country to sign MOU in 1992. Currently there are three Projects in the country under this programme viz., INDUS Project, Andhra Pradesh Phase-II & Karnataka Project. The INDUS Project complements NCLP scheme and SSA campaign with new dimensions like introduction of vocational training for adolescents, income generation alternatives to child labour families, training & capacity building programmes for government agencies and civil society organizations, strengthening public education, greater convergence with mainstream education system through lead schools & comprehensive child labour monitoring and tracking etc (NCPCR 2007). It covers 21 districts spread across five states for identification and rehabilitation of child labour. Our practical experiences show that the impacts of these projects are very limited geographically and sector-wise. In the fishery sector such interventions are not at all visible in many states and altogether these interventions have failed to bring any effective change in the scenario of child labour in the fishery and aquaculture in the larger country context.

The sad reality is that the enforcement of all the above components of the scheme remains very poor till date, thus failing to address the problem of child labour, which is manifested in the increase of the numbers of child labour in the country in general and in the fishery sector (being most deprived) in particular in recent years. It is further manifested in lack of data regarding sector-wise engagement of child labour in the country, particularly in fishery and aquaculture.

While trying to understand the causes behind limited impact of the government initiatives, it has been seen that it is inadequate to focus on children working in certain sectors alone (as the rescued children are easily replaced by fresh recruits), as long as a larger environment that accepts child labour in all its forms continues to exist. Moreover, the inner weakness of the existing scheme i.e. non-inclusive character, lack of systematic follow-up mechanism and absence of a holistic perspective towards understanding and addressing the problem i.e. perceiving the problem of child labour in the larger socio-economic context (of

development and poverty) have reduced the impact of this scheme to a great extent. The existing acts and policies regarding child labour in India need appropriate amendments to make child labour visible in the nation, to develop an authentic data bank on child labour engaged in various sectors and to design sector specific policies for abolition of child labour who are engaged in various sectors. Enforcement of the policies is crucial to address the child labour problem in the nation, which is presently very weak.

F. Recommendations

There is a direct relationship between poverty and child labour and factors like caste, religion, ethnicity and gender play a key role in exacerbating poverty. Therefore child labour related policy and programmes should take into account larger socio-economic context of the nation/community in which child labour exists. It is crucial to address root causes of structural poverty of poor fisher households. As majority of child labour in fishery come from impoverished households and from vulnerable groups, it is imperative to address the root causes of poverty by the governments through enacting appropriate legal and policy framework and ensuring the successful implementation of the same. Implementing genuine reforms in fishery sector is fundamental in resolving crisis and conflicts at grassroots and among multi stakeholders in this sector. Such reforms will address economic, social, cultural and gender based discriminations, will allow poor fishers to access natural resources (means of production and employment opportunities) & infrastructure without hindrances and will incorporate a sustainable management practices of natural resources by the local users. Such reforms will further focus on right to food and other basic rights of poor fisher households and will call for global policy coherence to maximise the impact of reforms in order to break the vicious cycle of vulnerability, exploitation and poverty. If such an environment could be ensured the problem of child labour will be resolved

Presently one of the most pressing problems to address the child labour in fishery and aquaculture is lack of adequate data regarding child labour engaged in this sector. The tendency of the government to overlook child labour in fish processing sector and the policy of non recognition of child labour in subsistence fishery and aquaculture related work is intensifying the problem further. The problem of lack of visibility of child labour in subsistence primary sector activity is common in many Asian countries. No concrete information is available regarding engagements of child labour in specific fishery and aquaculture related activities in South Asian countries, where fishery is a very important source of livelihood.

Almost all Asian nations have enacted acts to prohibit child labour and in general these acts define child labour in a narrow way, thereby leaving millions of child labour unprotected. It is critical to focus simultaneously on the larger environment that accepts child labour in all its existing forms and to evoke an attitudinal change in that larger environment which will break the vicious cycle of vulnerability-exploitation-vulnerability as faced by the child labour.

If there has to be an end to child labour then the focus must be on total abolition of child labour and in addressing the rights of the universe of children who are out of school. Stringent laws and a strengthened school system should be key components of strategies to combat child labour. From this holistic perception we would like to put forward the following recommendations for eliminating child labour in fishery and aquaculture in India and elsewhere. These recommendations are general in nature and applicable for many other Asian countries who are suffering from the same problem in varied degrees.

i. Make child labour in fishery & aquaculture visible through survey and coordinated researches

Lack of accurate data on the incidence of child labour in fishery and aquaculture is a major problem and affects efforts to come up with a systematic strategy and plan. It is therefore necessary that the national governments should commission research and surveys on different aspects of child labour in fishery and aquaculture in the countries.

To this end a coordinated research could be initiated by of FAO and ILO in collaboration with leading expert INGOs in fishery/aquaculture in various countries/continents where child labour in fishery is a pressing problem. This will help developing effective global policy frameworks related to child labour in fishery and aquaculture. The time is ripe for such coordinated researches, as at the initiative of FAO a discussion is going on regarding adoption of a guideline/chapter on small scale subsistence fisheries. In India the last countrywide enumeration of the working children was held in 2001 Census and then the fishery and aquaculture sector was not adequately incorporated in that process. There is an immediate requirement for child labour survey with a focus on fishery and aquaculture. The same applies to other countries also where the situation is similar.

ii. Make the legal frameworks inclusive

In order to effectively abolish child labour it is necessary to remove the artificial distinction between 'child labour' and 'child work' which often exist in various acts related to child labour in many countries. Strategies for the elimination of child labour (in legal and policy framework) need to be inclusive and non-negotiable, fishery sector should be acknowledged properly with a focus on child labour in subsistence and small scale fishery. The role of FAO and ILO could be pivotal in this regard.

iii. No child must work and quality education for all child is a state's obligation

The first important step is to have a clear principle and a policy that '*no child must work-and every child attends a full time formal school*' is not negotiable and that it is a goal that is possible to achieve. For example in India, in accordance with the Recommendation of the Second National Labour Commission Report the definition of child labour must be as follows: "*All out of school children must be treated as child labour or as those who have the potential to become child labour*" (NCPCR 2007). Thus, all work done by children, irrespective of where it is done, must be considered as child labourers. Only then girls and children working within the family in subsistence fishery and aquaculture related work will become a part of the strategy to eliminate child labour, and significant headway will be made towards achieving the goal of eliminating child labour"

Mainstreaming human rights approach could be useful particularly in the context of existing human rights convention on Child Rights 1990, which strongly denounces child labour and asks the nation states to protect children from such conditions, as a part of the human rights obligation of the nation state.

iv. Revise existing policies and programmes to accommodate working children in fishery and aquaculture

The child labour acts should be inclusive and should be able to address the new emerging problems of child labour in fishery and aquaculture. For instance, in fishery and aquaculture more and more sectors are using the sub-contract modality and the work is being given to workers at home or in a local shed (unorganized sector). Large numbers of children are working at piece rate from home or in a nearby shed and generally they go unnoticed by many child labour Acts. An appropriate child labour act should recognize all sorts of child labour and must be non-negotiable and the word "Regulation" (If exist like in India) should be removed from its title.

It has been observed with concern that some children who are rescued from work have no security in terms of their family or community and are, therefore, in a highly vulnerable position of exploitation and require temporary shelters. To tackle this problem NCPCR in India recommended to develop Transitional Education Centre both residential and non residential, this recommendation could be considered for implementation in India and in other countries where applicable.

v. Aware state actors, communities and mobilize them for elimination of child labour

To eliminate child labour preventive strategies are also very crucial as these prove to be more sustainable in the long run. All strategies must have short term achievable targets as well as long term targets. Social mobilization and community participation is a key prevention strategy. This will require systematic counselling of parents and the employers. Since the prevailing social norm justifies the working of children using the 'poverty argument' and due to various other 'Pull & Push' factors, sustained social mobilization is required to change this societal norm. It is important to bring attitudinal changes in the family and community.

It is also important to sensitise state actors through appropriate trainings and orientations. Youth Volunteers, social animators, expert NGOs and Human rights organizations can take a leading role in imparting such sensitization programmes.

To raise public interest and large-scale awareness on the issue of child labour in fishery and aquaculture, there is a need for an extensive awareness generation campaign launched at the international and national levels sustained basis. The exporting and importing countries should focus on this campaign and the consumers should also be targeted through this campaign. Required budgetary provisions for such a mass campaign must be provided by the governments. INGOS should also come forward to contribute to this process.

vi. Ensure synergy between all concerned departments, promote good governance at grassroots and ensure effective monitoring mechanism

Various Ministries and departments in all countries have different roles to play in order to ensure that children removed from work are properly rehabilitated and do not go back into the work force. These ministries/departments need to work together for abolition of child labour and they should establish better communication and cooperation which should be based on a coherent national level policy on elimination of child labour.

The role of communities to protect their own children from the hardships of child labour cannot be over-emphasized. Communities with the assistance of the state can play the role of watchdogs for the protection of children. This will require inclusive and good governance at grassroots.

The monitoring, review and evaluation of the performances of programmes for reducing child labour is crucial in order to achieve a sustained success in elimination of child labour. Various committees could be formed at community level, state and national level, incorporating multi stakeholders to fulfil this task. Good practices should be documented (Case studies) and replicated through this process. A national level Commission/Committee incorporating multi-stakeholders for the Protection of Child Rights should be formed as a statutory body and it should have the mandate to review all policies, laws and programmes related to children's rights in the respective country. Indian government has already taken some steps in this regard.

vii. Develop capacity of child labour for future work

Working children in fishery and aquaculture often lost their jobs when they become older. Thus they end up becoming unskilled workers with limited employment opportunities in future. To address this concern and as preventive measures The Labour Departments should assist all rescued children and other children to get vocational training by linking them up to existing government programmes, local NGO run vocational training programmes and private sector initiatives.

viii. Make multi stakeholders of civil society accountable

It is important to hold public sector also accountable if they indulge in the practice of child labour. In case of big companies their Corporate Social Responsibilities could be stressed upon. However, as majority of the working children in fishery and aquaculture are in unorganized sector the government and the community have to be more vigilant and pro active in identifying those investors/actors who are violating the child labour act. These

actors should also be sensitized about the act and its importance in the larger socio-economic and human rights context.

The role of CBOs and NGOs as social mobilisers should be acknowledged and an environment of cooperation should be developed among the governments and other stakeholders to prevent child labour.

ix. Ensure global policy coherence

Ensuring global policy coherence is extremely important to eliminate child labour in fishery and aquaculture. Global structures, international policies, agreements or in other words process of globalization should never be allowed to weaken nation states. The trade agreements and structural adjustment programmes etc. should not be in such terms which would increase the poverty and crisis of the poor nations. Exporting fish and aquaculture products is an important economic activity in majority of poor and developing nations and the importers are mainly the developed countries. Often there are bilateral and multilateral agreements. These trade agreements determine the demands of fish and shape the labour markets in producing countries. The importing country can consider imposing stringent rules to ensure that child labour is not involved in the production process. There should be a common minimum understanding between exporting and importing nations regarding standards of production which must include a complete ban on child labour in export fishery or aquaculture.

International institutions like FAO, ILO, UN Human Rights Council have also very important role to play to create pressure on the nation states to comply with human rights standards and to fulfil their obligations as enshrined in various conventions related to abolition of child labour and which are already ratified by many nations. However, a convention focusing on child labour in fishery sector is also the need of the hour as this sector accommodates large number of children in Asia, Africa and Latin America. This sector is also the most neglected in terms of documenting the prevalence of child labour and progress of abolition of child labour. A series of consultations with multi stakeholders of civil society should be organised towards developing this convention or even a guideline.

In this context it may be mentioned that though the new ILO Convention No. 188 The Work in Fishing Convention (2007) has been a big achievement in ensuring better working conditions for the fish workers, but it has the same weakness like many national acts i.e. it does not include subsistence and artisanal fishery/aquaculture in its purview, thus leaving millions of child labour unprotected.

x. Ensure adequate funds for implementation of programmes to eliminate child labour in fishery and aquaculture

It goes beyond saying that there should be genuine political will of the governments to implement programmes for addressing the child labour problem in fishery and aquaculture to its fullest extent. The genuine political will would be reflected in budgetary allocations for carrying out various envisaged programmes to rescue, rehabilitate and mainstream child labour and to prevent the incidence of child labour. In other words the nation states should allocate sufficient funds for addressing child labour problems in their respective countries. INGOs should play key role in advocacy and lobby work in this regard.

G. Conclusion

Despite some progress in enacting legislations and policy frameworks for abolition of child labour, child rights deprivations remain a reality all over the world. The fishery sector is suffering intensively from this problem. UNICEF report 2007 observed that twenty years after the adoption of the Convention on the Rights of the Child, there is still little awareness of child rights among common people and even in many government organizations working for child rights. UNICEF report further commented that even where commissions have been

constituted by the governments to address problem of child labour their impacts are yet to be fully felt.

It is therefore high time to start a broad-based dialogue involving various stakeholders to reveal the real status of child labour in fishery and aquaculture worldwide i.e. to make them visible, to influence nation states to acknowledge this workforce as and to provide them with adequate protection through appropriate legal and policy frame work so that they could be rescued, rehabilitated and mainstreamed in the society, as long as the goal of total elimination of child labour is not achieved. This process cannot be done in isolation as long as the root causes of perpetual poverty and exploitations are not addressed. Therefore the nation states should give due importance to perceive the child labour issue from a holistic perspective and embrace a rights based approach to address poverty, hunger and social inequity/discriminations in their respective countries.

In the above context the initiative of FAO and ILO to organize a three day expert consultation on child labour in fisheries is praiseworthy as a beginning to discuss this complex issue. We hope this consultation will facilitate the process of evolving a concrete mechanism for developing a set of guidelines (based on collective sharing) for eliminating child labour in fisheries and aquaculture, which will be a significant achievement towards reducing and eliminating child labour worldwide.

ⁱ Roughly 45 percent of the total catch is taken by the small-scale fisheries sector and the remainder, 55 percent, is taken by industrial fisheries. As much as 90 percent of the small-scale fisheries catch is used for human consumption; however, in the industrial fisheries sector, as much as 30 million tonnes may be converted into fish meal and fish oil.

ⁱⁱ The Hon'ble Supreme Court gave certain directions regarding the manner in which the children working in the hazardous occupations were to be withdrawn from work and rehabilitated, as also the manner in which the working conditions of the children employed in non-hazardous occupations were to be regulated and improved upon. The Hon'ble Court specifically ordered withdrawal of children working in hazardous industries and ensuring their education in appropriate institutions. It also prescribed employment of at least one adult member of the family of the child so withdrawn from work, a contribution of Rs.20,000/- per child was ordered to be paid by the offending employer into a corpus of fund set up for the welfare of child labour & their families. Failing which, the State Government to contribute to this Welfare Fund Rs.5,000/- per child. The interest earnings of this corpus were to be used for providing financial assistance to the families of these children. The Hon'ble Court also ordered regulation of working hours for the children engaged in non-hazardous occupations, so that their working hours did not exceed 5-6 hours per day and that at least two hours of education was ensured. It further directed that the entire expenditure on education of these children be borne by their employers. (NCPPR 2009)

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