CHAPTER VII SUGGESTIONS AND CONCLUSIONS

Though child labour has been considered as unethical from moral and developmental point of view but it still continues to exist. The more aggravated form is the girl child labour as domestic help. The question that remains unanswered is that can our society retreat from this evil which still is continuing with the tradition of employing girl child for domestic help. It is a truth that they are working out of economic necessity. Hence instead of running away from the problem and thinking of a total ban or elimination of the child labour, which is now not possible, we should deal with it in a different manner.

AS TO CONSTITUTIONAL PROVISIONS:

It has been observed during the study of the Constitutional provisions with regard to child labour that the framers of the Constitution have not given much attention to the child labour. While framing the Articles the issue of child labour has not been tackled and represented properly. Moreover, the girl child labour has been neglected which has resulted in the form of killing of girl child in the womb and mass rape activities which show that how much the girl child in the country is safe and has the right to life which has been guaranteed by the Constitution to all the citizens, which of course includes the girl child.

The framers of the Constitution should have taken into consideration the peculiar social setup and traditional views of the society while framing the Articles. The male dominated society has lesser attitude towards the girl child and she is always treated as in the second place in the preference order. The Fundamental rights and Directive Principles of the State policy shall be effective only when the states will strive to make special laws and provisions for the girl child keeping in mind the special status she has in the society.

The main aim of the Constitutions must be to secure justice, liberty, equality to all the citizens, which includes the girl child. If we are failing to achieve these objectives then it is time to rethink the existing provisions in the light of changing situations and the developments of the
modern society. The Articles of the Constitution should aim to protect the interests of the last person of the society to achieve its goal.

AS TO EXISTING LEGAL MACHINERY:

The need is to supplement legislation by comprehensive social-economic programs and educational opportunities to the girl child labour, who is an under privileged section of the society.

As regards existing laws, they must be strictly implemented wherever possible and needed. The scope of Child Labour (Prohibition & Regulation) Act, 1986 has to be widened. Efforts should be made to extend the purview of the Act to the unorganized sector such as tea stalls, dhabas and domestic workers. It should be made mandatory on the owners/job providers to maintain certain records and also furnish the details to the labour department. The definition of the child must be defined, because the girls between the age group of 10-18 years are working as domestic helpers and form a large part of unorganized sector.

The existing Act of The Unorganised Workers’ Social Security Act, 2008 should also be revised. The words social security must be defined. The definition of ‘child’ should also be redefined. The various welfare schemes included in the Act should be implemented through appropriate authorities who should be mentioned in the Act. The authorities must be appointed at the village level itself and at ward level in the urban areas.

The employer should be compelled to register themselves if a girl child is employed by them. The Government should employ the services of NGO’s in registering the girl child who is working as domestic help according the areas in the city.

An immediate need is to create a comprehensive child labour code for India so that the social security could be provided to the needy and a uniform basis could be achieved throughout the country.

However a ban on child labour would create more problems rather than solving the issue. Therefore the girl child labour as domestic help should be regulated by providing uniform wage
structure according to the locality in which the girl works, working hours, leave provisions, terms of employment, holidays, should be clearly determined so that uniformity could be achieved.

Certain remedial measures such as eradication of poverty with adequate and extensive social security schemes for the below poverty line adult workers should be framed. Also by providing facilities for higher education through vocational courses or tailor made courses, the girl child labour will be benefitted. Creating placement cell at school level where in the girls can be placed on jobs according to their interest and at secured places.

AS TO THE ROLE OF LAW MAKERS:

The legislators shall also keep in view all those factors which contribute towards employment of child labour and specifically the girl child labour as domestic help. It is suggested by the researcher after the study that statutory provisions should be made for every category of the society so that they are proper representation and their problems could be handled with precision.

The existing laws should be amended in such a manner that each and every dimension of the girl child labour is covered and represented. There is also need to define the word “child”, “Girl Child”, “Child labour”, “Girl Child Labour” and “Child Work”.

The provisions regarding social security measures not only for the adults but they must be extended to the girl child labour as domestic help taking in to consideration the age group. Also the government must it compulsory for adequate health services programs for the girl child labour.

Effective legislations regarding to social security should be formulated. A special legislation with regard to girl child labour is the need of the hour. It will be helpful to secure the present and future of the girl child.

AS TO ROLE OF NGO’s:
An integrated approach to the various issues of the girl child labour as domestic help should be implemented through government schemes at grass root level which would create a good impact on those who will be benefited by the schemes and programs. The NGO’s in this direction can help by taking initiative on the issue of providing social security to the girl child labour as domestic help. The NGO’s should be for that purpose as agents of the Government or could be given franchise of any particular scheme or program which the Government intends to implement for the girl child.

The NGO’s can also guide the government by conducting survey, collecting data in respect of the girl child labour as domestic help for allotment of registration numbers to the girl child labour as domestic help according the area of their residence.

The NGO’s can play an important role in creating awareness amongst the girl child labour as domestic help and the job providers, towards changing the attitude regarding the work they do, recognizing the work she performs and respecting the girl child labour and also treat her with dignity.

The NGO’s should move to villages conduct survey, prepares reports and submit the reports to the government which will be helpful in formulating programs and scheme for the benefit of the girl child labour as domestic help. The employers also should be made compulsory to register themselves to inform the nearest assigned authority about employment of the girl child labour.

AS TO THE ROLE OF TRADE UNIONS:

Trade Union can play effective role through rehabilitation programs that can protect the girl child labour as domestic help against all types of exploitation be it monetary or physical. Trade union must start generating awareness, programs, and welfare schemes for the girl child and her family. The Trade Union must also ensure the effective enforcement of the existing laws and recommend the government to legislate special Act for the girl child labour as domestic help.

The child labour should also be allowed to join trade union and accordingly trade union law should be amended suitably. Minimum wage should be defined and payment of minimum wages should be strictly followed. Other facilities like earned leave, bonus/extra money, ESI, EPF,
compensation provisions should also be made available and the respective laws be amended accordingly to the benefit & upliftment of the girl child labour as domestic help.

The Trade Unions and the NGO’s together can help to provide social security to the girl child labour as domestic help by providing them proper educational opportunities and training facilities so that they develop into skilled, trained and effective workers. This will also help leading them a decent and dignified life. The girl child could be also allowed to take membership of Trade Union so that she can avail the benefits of a registered Trade Union and could also bargain through the Trade Unions.

The government can also make arrangements for easy access for higher education. The school curriculum must be so designed that it would give professional training to the girl child. Social security programs must be the top priority plans of the government to suitably compensate the families with dependent children.

**AS TO THE ROLE OF JOB PROVIDERS:**

Job should be secured and job providers must be restrained from terminating the services of the girl child labour on arbitrary or flimsy grounds. It must be made compulsory that the child should work for at least a minimum period of one year with one job provider.

Earn and learn /work and education would transform the girl child into confident adult. She can also make good the loss suffered because of being deprived of the benefits of childhood. Her work could be recognized and honored. She would be looked upon with respect by the society.

It is also suggested that supportive measures as removal of poverty and unemployment, tailor made education, health centers, nutrition guidance camps, housing, recreational and cultural facilities near their localities, apprenticeship opportunities should be made available not only in the urban area but rural areas should be more concentrated.

The job provider/employer must be compelled and legally bound to provide insurance schemes such as health and accident according to the nature of employment. Provisions for security and risk coverage insurance policies must also be made available to the girl child.
The income of the families of the girl child labour should be raised through government efforts. The government must generate certain scheme like National rural /urban employment program. The unemployment guarantee programs. Also a special act for the girl child labour as domestic help should be enacted and effectively implemented.

Moral and ethical values while making laws and implementing the procedure and process shall play an important role in view of providing social security to the girl child labour as domestic help. Some of these values that form a core group of ethical principles of standard of conduct which indicate moral duties and obligations are honesty, integrity, fairness, respect & dignity, pursuit of excellence, responsibility to fulfill commitments and accountability.

**AS TO THE EXPERT OPINION:**

It is also observed from the survey conducted that work and education should go hand in hand. For that purpose it is suggested that vocational training and courses be provided at subsidized fees which could be affordable. Opportunity should be given to those who want to go for higher education. It is also suggested that Vasti Schools be encouraged. It is also suggested that the girl child be given training which is required by the nearby industrial area so that they could work from home.

All the experts during the survey had suggested that social security should be provided to the girl child working as domestic help. The need for special law for the girl child as domestic help is also suggested so that she is recognized and provided with the benefits and facilities which are necessary for her physical, mental and overall development. All the existing social security Acts relating to wages should contain special chapter for the girl child labour as domestic help so that the benefits under the Acts could be extended to her.

The researcher through the survey of the job provider determined certain suggestions. It was observed that there is awareness in the society about certain laws for the domestic workers but the job providers were sure that no laws existed specifically for the girl child labour as domestic help. They strongly suggested for special legislation so that their work could be recognized, and
The job provider will be under legal obligation to provide the facilities and benefits to secure not only her present but also her future.

The job provider also suggested various vocational training facilities for the girl child labour. They suggested training for domestic services as to how these services could be given in a systematic, organized, hygienic and mechanized way. The job providers were of the opinion that to treat the work done by the girl child labour as domestic help as a decent work and to give dignity to her work it is necessary to change the attitude of the whole society including the women towards the work performed by her.

**MAJOR EXPECTED CHANGES/AMENDMENTS IN THE EXISTING ACTS:**

These changes are expected and proposed because special attention has to be given to this section of the society with regard to social security provisions to the girl child labour as domestic help. Unless special attention and recognition will be given to the girl child labour as domestic help she will not be able to get the respect and dignity as a contributory in the development of the country.

The *Unorganised Worker’s Social Security act, 2008* and *Domestic Workers (Registration, Social Security and Welfare) Act, 2008* needs some changes as follows:

The Act contains many definitions but none of them provides for a clear meaning that shows that the work performed by the girl child labour is domestic help. Hence the term “Domestic Help” has to be elaborately defined. The definition as given in the Domestic Workers (Registration, Social Security and Welfare) Act, 2008 of “Domestic Worker” can be included in this Act. It is an elaborate definition and uniformity can be achieved by its inclusion.

The definition of “Wages” also has to be defined with the view that since there is no employer–employee relationship between the girl and the job provider, will the money paid called as wages? Hence the term “Consideration” may be added to denote the money paid to the girl child labour. This definition can be included in both the Unorganised Workers Social Security Act, 2008 and Domestic Workers (Registration, Social Security and Welfare) Act, 2008.
The term “Job Provider” also should be added to the section of definitions in the Unorganised Workers Social Security Act, 2008. A similar definition as “Employer” appears in the Domestic Workers (Registration, Social Security and Welfare) Act, 2008 which can be included in the said Act.

The term “Child” and “Girl Child” also has to be defined separately rather than be included in the general term. The terms should be defined in the light of changing social circumstances, the rising intellectual level and encroachment of televisions on the minds of a child. Hence the terms should be defined as to the attainment of puberty which can be said to be the age of 12-13 years.

The provisions relating to “Social Security” also should be defined clearly. Both the Acts do not contain this definition and should be included to attribute a precise meaning to the Acts. The provisions of the various social security Acts should be extended to the girl child labour as domestic help and accordingly amendments be made in the existing laws.

CONCLUSION:

It is however felt by the researcher that inspite of many legislative provisions relating to welfare of children child labour is on the increase and the girl child labour as domestic help is a neglected issue. It is felt that unless social security laws are not implemented and extended to the girl child labour, there would be no change in the conditions of the girl child labour relating to the working conditions or hours of work or towards the security of their future. There is need to make exhaustive efforts to merge all the provisions relating to child labour to make comprehensive code for child labour in the country only then we can achieve the goals, objectives, aims and aspirations of the framers of the Constitution and other Labour Laws.

It was also suggested that instead of giving monetary benefits they must be directly given admission in government owned or funded institutions to avoid misuse of money given to them.

It is also concluded after the survey that registration of the girl child labour as domestic help must be made compulsory. The registration of these girls either could be done by approaching the place of residence of the girls or the employers of the girl child labour must be made obligatory to register themselves with the governmental agencies. The social security laws must
widen their scope to cover the girl child labour as domestic help. They must provide protection to the poor parents of the girl child in case of sickness, disablement or other such situations by which they cannot earn for the family. The employers must be made obligatory to provide for certain insurance schemes relating to medical or life security.

The wage structure must be defined according to the area of the city. Also minimum wage should be decided according to the working hours of the girl child labour as domestic help. The provident fund scheme also should be introduced for the girl child labour on contributory basis which would improve the conditions of the girl child labour.

An allowance for the economically backward family also could be a remedy to reduce girl child labour as domestic help by the government according to the economic capacity of the state government. All the suggestions discussed here are required to be reflected, recognized and applied in practice. This can be achieved by framing a legislation relating to the girl child labour as domestic help. The suggestive bill is hereby framed for consideration of the concerned authority.

Appointment of appropriate authorities, accessibility to those authorities and strict implementation of provisions under the Acts will prove to be helpful to those beneficiaries for whom the Acts have intended to be formulated.