ABSTRACT

Child labour has become a national and an international issue. Efforts are being made to eradicate it to the national and international level. The contribution of various communities and groups of people from different walks of life is essential for eradication of this complex and multifaceted practice.

Millions of children in the world are exploited by the greedy employers. These children are deprived of childhood over the years however, global consciousness about the seriousness of the problem has been realized.

To obtain a global estimate of the number of child workers, it is necessary to gather statistics on a nation to nation basis. But many countries do not collect and publish figures on child labour. Even when they do, the picture presented is often incomplete, often ignoring the figures related to unorganized sectors such as domestic services, small industries, and other related organizations. These figures indicate that children are exploited by the greedy employer globally.

The ILO places the figure of children between the age group of 5-14 years who are engaged in the economic activity at 250 million, the exact numbers cannot be pinpointed at any level, national, regional or global. Child labour is subjected to multiple forms of exploitation and is generally low wages and are subjected to long hours of work.

A child invariably works under extensively adverse conditions. The working conditions are often unhealthy and unsafe. Employment of child labour, and that too at low wages and in adverse conditions, deprive them of the opportunity to develop themselves physically, emotionally and
intellectually, their productive capacities are sub-optimally developed and productive life-span also shortened.

It can be said that employment of every child labour represents a loss of employment of adult labour. Perception of employment at low wages, in fact, tends to depress general wage level as well. The practice of child labour thus imposes an enormous societal cost according to the census of India 2001, the nurses of child labour was near about 12.68 million.

Child labour is an endemic global problem. There seems to be almost no part of the world which is not beset by this problem, the only difference being that of magnitude. Child labour first appeared with the development of domestic system (when people became civilized). It was widely practised in England, America and other countries during 16th to 18th centuries. During the 1800s the industrial revolution spread all over the Britain. The use of steam powered machines led to a massive increase in the number of factories. “Many factory workers were children. They worked long hours and were often treated badly by the supervisors or overseers. Sometimes the children started work as young as four or five years old. A young child could riot earn much, but even a few pence would be enough to buy food”.

The children in India and elsewhere in the world have not been given proper attention and are being exploited by the people for the accomplishment of their selfish ends. They have been exploited more or less in all periods of time, though varied in its nature and dimension depending on the existing socio-economic condition of society. It is the fact that child labour is prevalent in ancient India. Slaves of tender age were owned for doing low and ignoble
work more over children of slaves were born as slave, lived as slave and died also as slave. Unless most was pleased to monument him. It is a well established fact that child labour in ancient India existed in the form of child slaves.

It is clear that the child labour in ancient India was very common and could be witnessed in different occupations where they were engaged by the such landlords to carry out activities directly or indirectly related to agriculture.

In medieval period also the condition of child labour was no better than slave. The parents compel their children to earn for livelihood. It is clear from the study of chapter third that the position of child labour during the period was worst and did not improve at all.

In modern India the problem of child labour underwent a dynamic change. It is revealed that the extreme poverty add the situation in which the child had to be introduced in labour market, the development of industrialization gave a new change in the socio-economic order. The children were forced to earn for themselves and for their family for the livelihood. As a result the child's ability to grow and develop in healthy and physically sound adult was severely restricted, the employer's monopoly to bargain freely with child labour produced an environment of exploitation.

A child of today is a responsible subject of a nation tomorrow. The nations of today are not judged by the capital resources which they possess rather these are assessed in terms of developed human beings whom they own. Indeed this developed, proficient and expert human resource finds its source in children. The children are the future hope of every nation and these beautiful
flowers of life's garden are supposed to take over the reins of nation in future times and to shape its destiny through their achievements and excellence so as to confer on it a status of superiority over other nations. Any development conscious nation cannot ignore the proper physical and mental development of the children to keep its future in safe hands. Nations have progressed through their people in economic, educational, cultural, social, scientific, industrial and spiritual fields only when care has been taken of the subjects' right from their childhood.

After independence the child labour was remain a point of discussion. It reveal that many provision have been incorporated in the constitution. Our founding father Dr. B.R. Ambedkar focussed on the children that they should be given distributive justice in future in our free India.

Part III of the constitution contained a long list of fundamental rights which are equally available to the children.

There are some provision provided in the fundamental rights for children. Article 15(3) enables the state to make special provision in its law to give favourable treatment to children. Article 15(3) contained the provision nothing in this Article shall prevent the state from making any special provision for women and children. Article 23 of the Constitution prohibits of traffic in human beings and forced labour. The second part of this article declares that any contravention of this provision shall be an offence punishable in accordance with law.

Article 24 prohibits the employment of children etc. Article fourteen contained the provision "No child below the age of 14 years shall be employed
to work in any factory or mine or engaged in any other hazardous employment”.

Article 39(e) and (f) specifically requires the state to direct its policy towards securing the health and strength of workers and tender age of children and the children are given opportunities and facilities to develop in a healthy manner and are protected against exploitation and against moral and material abandonment.

Article 45 of the constitution requires the state to make provision for free and compulsory education for all children until they complete the age of 14 years.

With these constitutional provisions for child labour may labour legislations have been enacted by the government both at the centre and states. Legislations to central and regulates child labour in India has existed for several decades, the earliest law was the Factories Act 1881, several of the other enactment, that followed, such as mines act, 1901, the children (Pleading of Labour) Act, 1933, the Employment of children Act, 1938, the Plantation labour Act 1951, etc. These Acts attempted to restricts the entry of very young children into employment by prescribing the minimum age. In recent years another labour law specifically relating to child labour, viz. the child labour (prohibition and regulation) Act, 1986 was passed. This Act tried to rationalise earlier legislation on child labour and contained provisions for the progressive elimination of child labour in hazardous industries, and regulation of the working conditions of child labour in non-hazardous industries.
In spite of all these laws, child labour continues to exist in prohibited industries and employment, and is subject to very little regulations and control in non-prohibited industries and areas of employment.

Just after the enactment of child labour (Prohibition and Regulation) Act the Government of India adopted the national child labour policy in 1987. The main objective of this policy was to prepare such special schemes on the basis of which, child labour could be eliminated, gradually and progressively.

The objective of this policy was to emphasis on the strict enforcement of laws and rules relating to child labour. to focus on general development programme for benefiting child labour whenever possible.

Formulating an extensive system of non-formal education for the child labour who are to be withdrawn from work. Increasing the opportunities for employment of the parents of child labour and preparing schemes which would increase their income. Motivating NGOs to participate in the activities such as education, vocational training, health care, nutrition, etc. for the child labour.

As a sample mentioning measure under the policy, emphasis laid on identification of areas where child labour is concentrated, as well as on preparation of specific projects to suit the circumstances and conditions existing there. The national child labour projects were launched in child labour endemic districts of the country. After the year 1995-96 and uptil now 93 projects are in operation. The main aim of these projects is to provide education and changes rehabilitation of child labour withdrawn from work.
In India on the one hand there have been efforts at governmental and non-governmental level to eliminate the practice of child labour, on the other there is full support of international agencies such as the ILO and UNICEF in this work. Both these financing agencies have contributed in two important programmes. The International Programme on the Elimination of Child Labour (IPEC) and Child Labour Action Support Programme (CLASP). The programmes under IPEC are in operation in several countries of the world and India is the first country to participate in the same. This programme has been undertaken in India on the largest scale and its implementation has also taken place here in the greatest measure. CLASP was in operation with the assistance of German Government. The funds received under it have been utilised in the activities undertaken under the National Child Labour Policy. The first phase of IPEC has ended and the second phase is in progress.

The role of judiciary in India has been quite significant in promoting child labour welfare. The study discloses that judiciary has always given a lead to save the child-workers from exploitation and improve their working conditions. Judicial mandate clearly demonstrates that right to education is necessary or the proper flowering of children, his mind and personality. The court in a famous case of Anand Vardhan Chandel v. University of Delhi has held that education is a fundamental right under our constitution. So the relation of child labour is closely related to the child education. The Supreme Court in M.C. Mehta's case has observed that the children in terms of Article 45 are entitled to get free and compulsory education till they complete the age of 14 years.
Further the judiciary has shown a generosity towards poor child workers by relaxing the rules of *locus standi*. It has always made efforts to benefit the poor child workers by entertaining their problems and giving relief to them. The efforts made in direction are quite evident from the decisions discussed above. To mention a few, the Asiad case (1981), Bandhua Mukti Morcha case (1984), Bihar Legal Support Authority case (1987), Sheela Barse case (1986), and M.C. Mehta's case (1991), are the glaring decisions where the judiciary has shown enough courage to uphold the interest of the children and spared nothing to improve the working conditions of the child workers. The judiciary has always made concrete efforts to safeguard them against the exploitative tendencies of their Employers by regularising their working hours, firing their wages, laying down over about their health, and medical facilities. The Judiciary has even directed the state, that it is their duty to create an environment where the child workers can have opportunities, to grow and develop in a healthy manner with full dignity in consonance of the mandate of our Natural climates.

Inspite of all these laws, child labour continues to exist in prohibited industries and areas of employment, and is subject to very little regulation and control in non-prohibited industries and area of employment. It would, no doubt, be simplistic to expect child labour to be eliminated, or for its conditions to become well regulated with just the introduction of a few laws. Child labour, after all, is rooted in the socio-economic conditions of the people, and therefore cannot totally disappear unless there is a marked change for the better in those conditions. The major reason appears to be the non-implementation or non-enforcement of the laws in the way they were intended to be implemented or
enforced. While it would be easy to put all the blame for this on the labour enforcement machinery, this would indicate an incorrect appreciation of the facts.

Enforcement of child labour legislation does, in fact, face a number of problems. Broadly, the difficulties fall into three categories:

a) Difficulties arising out of the social environment;

b) Physical and logistic difficulties; and

c) Legal difficulties

(a) Difficulties arising out of the social environment

Many laws are often difficult to enforce because the perceptions of the law makers as embodied in the law are at variance with the prevailing practices in society and with the perceptions of the public at large. In the case of child labour legislation the situation is that the employers of child labour nor the parents, nor even, at times, the law enforcers, see child labour as an undesirable thing. Most employers also do not see themselves as law breakers when they engage children in work. On the other hand, they often honestly believe that their act of employing a child helps to alleviate the poverty of the child's family, gives the child an income to survive on, and teaches him skills that will stand him in good stead in adult life. Other employees are firmly convinced that the work for which they employ children cannot be done by adults (the "nimble fingers" theory) and it is impractical and idealistic of the government to expect the industry to flourish if child workers are removed. Such a conviction is particularly prevalent among (1) employers in the carpet industry, who feel that only a child's fingers can make the knots required in a
hand woven carpet, (2) employers in the match industry who feel only a child's hands are dexterous enough to fill match frames or load match boxes, and (3) employers in the glass industry who feel only a child's body can run fast enough or withstand the heat generated by the furnaces in a glass factory.

The attitudes of some law enforcers are also responsible for poor enforcement of child labour laws. Most labour inspectors have an underlying sympathy for needy parents who send their children out of work and do not consider it humane to prosecute the employer since it will result in the child being thrown out of work and the parents of the child being deprived of the child's earnings. These inspectors are not themselves convinced that there is any real need for child labour laws and consequently their enforcement lacks the necessary zeal. These attitudes therefore do not make the enforcement of child labour legislation easy.

(b) Physical and logistic difficulties

There are other more specific difficulties which have to do with the nature of child labour and industry. In India, and perhaps in other developing countries as well, the enforcement of child labour laws has been comparatively better in the larger establishments and in the organised industry. This has resulted in what has been called the "informalization of child labour", viz., work involving child labour moving out of the factories and large establishments into small cottage and home-based units, from out of the organised sector to the unorganised sector. This has happened particularly in the hand-made match industry in Sivakasi, Tamil Nadu, and in the glass bangle industry in Firozabad, U.P. Similarly, in the glass bangle industry, the joining
together of the bangle ends, and the decorating of the bangles, used to be earlier
done by the children inside the factories. It is still done by children but in
smaller units and home.

The employment of child workers in several small units, rather than
in a few larger ones, calls for a fairly substantial increase in the labour
enforcement machinery. When such small units, moreover, are scattered over a
wide area, as is the case in the carpet industry, the inspector is handicapped in
his work unless provided with transport. Provision of additional men and
material to deal with the problem of child labour thus places considerable strain
on the resources of the Government and more often than not the objective is
seen as not being worth the cost.

There are other practical problems as well. When the inspector visit
an area where there is a concentration of units employing child labour, he may
find children physically present, and at work, only in the first one or two units
visited. In all the other units, child workers would disappear on learning of the
inspector's visit. Since no records are maintained of the child workers, even
when they are legitimately employed, the existence of such child workers
would then be extremely difficult to prove. Since the inspector cannot visit the
area day after day, the children can continue to be employed with impunity
during the intervening periods of the inspector's visits.

(c) Legal difficulties

Where the inspector does manage to find children employed in a
particular establishment, in violation of the law, and takes up prosecution, he
then faces a number of legal difficulties. As earlier indicated, where the unit is
small, the claim often made in court is that the child workers are the children of the family and are, therefore, covered by the exemption under the Child Labour (P & R) Act. In other larger units, as for instance in a mine or quarry site, or in a glass factory, it is often claimed by the employer that the children are present only for the purpose of meeting their parents or bringing them lunch etc. In order to prove that this is not so, the inspector has to collect several witnesses, ask their evidence, ensure that they too turn up in the court, etc. Since the court normally tends to attach more importance to documentary evidence and there is usually no documentary evidence to prove that the child has been working in a unit, prosecution becomes extremely difficult.

Another aspect, crucial in prosecution, is the age of the child. Most laws and legal provisions relating to child labour specify the minimum age of entry into employment to be 14 years. However, since birth certificates are not common in the rural areas or among poorer people in India, there is no reliable evidence to prove the age of the child. Existing laws choose to meet this deficiency by requiring a modal certificate of the child’s age to be kept and produced by the employer. Where this is not available, the inspector has to get the child medically examined at the employer's cost. All this requires time and effort, and even so, it not always proof evidence.

Courts are also inclined to pass light sentences in cases of offences relating to child labour. This is because they too like the public at lager do not see the employment of children as a major offence.

Indeed, child labour is a curse upon the society, disgrace for the world of mankind, a malady that may wrack the economic backbone of a country. It is
commonly stated that children are the most reliable assets of the society, their rights are largely ignored across the world, but unfortunately rights from mother’s … and infancy stage a large number of children are subjected to various forms of discrimination, maltreatment, abuse and neglect, which affect their moral, physical and mental development and a result the nation loose a good amount of pertentional human resources.

The general perception that children and women are docile and less resistant to suppression makes them all-time victims and worsens the situation. In the entire world of today, there is wide spread concern regarding the rights of children to grow and flourish as respectable and creative minds of a nation.

It is indeed an agony that the children especially in under-developed countries and backward societies are still being deprived of their rights and freedom to flourish by subjecting them to various harassments and exploitations by vested interests.

The employment of children in hazardous occupations is fatal to their proper physical and mental growth which is not a healthy sign for a responsible nation. Not only this but the exploitation of children has also taken different ugly dimensions and now-a-days children are being used in armed conflicts as soldiers. There are about 3,00,000 child soldiers around the world today.

Child abuse in the shape of child labour has caught the attention of world community and there seems to be launch of a result oriented movement to end the menace and atrocities on children. As human beings, children have their own rights to grow and develop, snatching of which is a sin against the mankind. A number of ILO conventions and laws enacted by different nations
of the world to end child labour and to leave no scope for capitalizing on their
docility have not been effective in absolute terms. The fact of the matter being
that either there is no proper enforcement of the laws or the laws are not
acceptable to the society under the prevailing conditions. In spite of stringent
measures, the problem of child labour goes on with impunity.

India claims to have followed a pro-active policy in tackling the problem
of child labour. It has stood for constitutional, statutory and developmental
measures, which are needed to eliminate child labour. India's judiciary up to the
apex level has demonstrated profoundly emphatic responses against the
practice of child labour. New Delhi has ratified six ILO conventions
exclusively related to child labour. In spite of all these measures, the country
feels that there can be no rapid fire solution to the problem as it has varied
implications and ramifications.

The present study has attempted to highlight the factors, which
influence the incidence of child labour in lock and glass bangle industries.
Children work for a variety of reasons. One of the most important is the
poverty. Children work to increase the survival of their family and themselves.
Though children are not well paid still they serve as major contributors to
family income. Children's age often prompted to work by their parents. Some
parents even feel that formal education is not beneficial and that children learn
work skills through labour at young age. These misleading and narrow views
do not take them to long-term developmental benefits of education into
account.
Schooling problem, although some times constitute the child labour but lack of awareness and seriousness for schooling is more common. Yes, when the schools are in access, the low quality of education often makes attendance a waste of time for the students. Schools in many areas, especially in backward areas suffer from problems like over crowding, inadequate sanitation and apathetic teachers. As a result parents may find no use of sending their children to school, rather they prefer skills learning at home and supplementing the family income. Because parents have too much control over to dominate their perception of children’s value of schooling is main determinant of child attendance.

To find out the causes, consequence and nature of child labour this study was carried out in the two districts of Uttar Pradesh among the working children engaged in lock and glass bangle industries. The study is based on the detailed survey of five hundred sample households in different areas of the districts where the lock making is mostly dominant. Besides surveying households and visiting to various unregistered centres in all the districts were visited. It has been noticed that the child labour is mostly prevalent in households/unregistered manufacturing units. The registered units are free of this menace.

The status of lock manufacturing and glass bangle making and deeply rooted in its history. Working children are being seen in different establishment both government and non-government which do not come within the purview of Factories Act of 1948. The cause does not seem therefore simply incapability of poor families to meet the educational expenditures of children
but instead that such families view these tender hands as the bets productive factors to supplement to the family income so as to strengthen their financial standard for varied reasons.

Although child labour and child education have a strong nexus and there is negative correlation between the two but still there are many bottlenecks in the way of parents to send the children for schooling. In spite of having a good schooling network, there are still many places where the aspirants have to travel over long and difficult terrain every day to reach the school. There are many places where in spite of having an educational institution, a proper monitoring is very difficult which results in ineffectiveness of the school system due to willful acts of human element involved in the management and running of the schools.

The entry-age into the industry is the same for both boys and girls, approximately seven to eight years. The diseases peculiar to carpet weaving are common to both boys and girls working therein. However, girls seem to be less inflicted by them compared to boys. It may be explained by alternating waving with other household work which gives a natural respite to the limbs from their typical posture in carpet waving and an exercise too. The fact of reproductive capacity of female being affected, as feared by the medical practitioners was not confirmed in the field-investigations, neither the doctors had cited any cases to substantiate it.

Low wages to children compared to adults is an accepted norm in the industry and by the parents, even when it is a well-known fact that children are the indispensable component of labour especially at the loom. Exploitation of
labour and low wages is infect common to both children and the adults in the industry.

Low level of education and early exit from the school can partly be explained by child-labour but not fully. It is the whole culture of illiteracy rather than child-labour, which is responsible for a heavy drop-out rate from the schools even at that early stage of child-education. Since the whole atmosphere at home and at school, is sans books and literature, education does not take any roots in the life of a child.

The field observations reveal that the children who pick up interest in studies in the otherwise illiterate milieu, do damage to continue as long as they wish and work part-time in the industry. Rarely, such children are forced out of the school by the parents. It is only when parents feel that children are befooling themselves in the streets instead of sitting in the class-rooms that they induct them into work.

Most of the parents are quite ignorant of the long-term consequences of child-labour reflected in generations’ poverty, ignorance and poor health. They accept their pattern of life as it has come to them from their ancestors. Only a few families, who are exposed to modern living and education, realize that a child-worker is at a disadvantage during his adult-life if not educated and exposed to modern way of life, thinking and business outlook. These feelings come up only for the boys and not for the girls who they think are ultimately to be married off and who have the main responsibility of looking after the household work.
The enactment of laws and to inflict punishment on the violators of laws under the above circumstances seems to be meaningless as checking of violations is a cumbersome job for the government and more say there are no report of violations by the parents and the society due to the reason that this violation is desirable for parents and acceptable to the society. As the state of economic condition of many families do not allow them to shun the engagement of children in labour force, so any law which is banning child labour without ameliorating the financial standing of the poor is not acceptable and hence cannot be effective.

The enactment of laws has not even stopped the employers from employing little children as the well known grievance that 'laws grind the poor and rich men know how to rule the law' comes into play. As such we cannot simply depend on enactment of laws if the problem of child labour is to be addressed in letter and spirit.

In the light of the above, the abolition of child labour needs preventive measures and not simply curative measures. The preventive measures call for a social set up in which the society itself discourages the practice of child labour so that the problem does not itself take place or to put it differently, the employment of children in different occupations becomes undesirable, meaningless and irrational. The initiatives of government must necessarily enjoy public support in order to succeed.