Conclusions, Suggestions and Recommendations

Child is an important segment of human society. They are our most precious asset of the nation. They are tiny apostles of peace but we forget that they are, at first, very much human being though young. Child is the future of a nation. In the long run strength, prosperity, culture and dignity of a nation depend to a great extent upon how its children are brought up and trained. The task of making children useful citizens presents a host of problems, which starts with proper care of the mother during and after pregnancy including balanced diet, adequate rest and periodical medical check up. After the birth of the child problem which nation faces are nutritious food to both mother and child, vaccinations and general medical care, legitimacy, nationality, physical and social environment, education, recreation, prevention of exploitation and hazards, bonded labour, child abduction, misuse of abducted children for smuggling and other nefarious activities, their physical and mental torture.

The practice of child labour has been rampant since time immemorial. With the industrial revolution in Europe, child labour being cheap and disciplined proved to be a boon to industrialists. It is interesting to note that employment of children in the agricultural sector is not less widespread. It being cheap and docile, its contribution to both industry and agriculture has been a blessing. Yet, it is most neglected and exploited class of human labour. At present in India there are about hundred million working children. The child is the most innocent and helpless human being. He is incapable of enforcing his rights. He is peculiarly susceptible to certain harms. He can’t raise his voice against those who injure or deprive him of his rights. The peculiar position of the child arising from his physical and mental disability and position of dependence recognizes the need for special provisions in many matters and the law should take care of all this in the interest and welfare of the child. The
protective arms of the law have, therefore to be long and strong enough if distributive justice to the adults of tomorrow is to be secured. Mankind owes to the child the best that it has to give. The proper growth of the today's child sets the future of the country. It is, thus, an obligation of every generation to bring up children in a proper way. Every society must, therefore, devote full attention to ensure that children are properly cared for and brought up in proper atmosphere where they would receive adequate training, education and guidance in under that they may be able to have their rightful place in society when they grow up.

According to John Ruskin, “I hold it for indisputable, that the first duty of a state is to see that every child born therein shall be well housed, clothed, fed and educated, till it attains years of discretion”.

According to Maria Montessori:

“Humanity shows itself in all its intellectual splendour during this tender age as the sun shows itself at the dawn, and the flower in the first unfolding of the petals, and we must respect religiously, reverently, these first indications of individuality. If any educational act is to be efficacious, it will be only that which tends to help toward the complete unfolding of this life”.

International Provisions

United Nations proclaimed Universal Declaration of Human Rights on 10\textsuperscript{th} Dec., 1948. According to a finding of the International Labour Organization (ILO), “Though reliable statistics are rare, available information suggests that the number of working children remains extremely high. No region of the world today is entirely free of child labour”. “Combining various official sources, the ILO estimates that more than 73 million children in that (i.e., 10-14 years) age groups alone were economically active in 1995, representing 13.2% of all 10-14 years old around the world”. The greatest number of child labour is witnessed in Asia (44.6 million/13%).
Available countrywide estimates show that the rate of economic activity among children in India in the age group of 10-14 years is 14.4 % as against 30.1 % in Bangladesh, 17.7 %, in Pakistan, and 11.6 % in China. These figures are said to be only approximated.

Prof. Myron Weiner has written that on the threshold of the twenty first century India is the largest producer of illiterates and of child labour. He writes about working conditions as follows: Sivakasi is perhaps the most publicized centre of child in India. Children are employed in the match, fire works and printing industries. Children are brought to Sivakasi by bus from neighboring villages with in a radius of about 20 miles. They are loaded into buses and vans from 3-5 in the morning to get to the factories at 6 or 7 and they return home between 6 and 9 in the evening. As many as 150-200, children are packed in a vehicle. The children work for about 12 hours but they are away from home for 15 hours. 45,000 children below 15 years of age work in Sivakasi or near by workshops or cottage within their own village perhaps the largest single concentration of child labour in the world. Three of child workers are girls. Each village has an agent who enrolls the children and ensures that they are awake when the transport arrives. The agents receive a monthly salary of 150 Rs. They may give to parents an advance of up to 200 Rs. Per child labour enrolled. The advance is then deducted from child salary. It recognized inherent dignity and equal inalienable rights of all members of the human family as the foundation of freedom justice and peace in the world. It means if there is inequality in the society of world, it is impossible to maintain peace in the world. Equality means all are equal before the law and equality demands special protection and safeguards to the weaker section of the society. They are children, sick, disabled, widow and aged persons of the society.

Protect the children from child labour on the basis of equality, universal declaration of human rights prescribes that “Every one has the right to a standard of living adequate for the health and well being of him self and of his family, including
food, clothing, housing and medical care and necessary social services, and right to security in the event of employment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

According to Article 25(2), “Motherhood and childhood are entitled to special care and assistance, all children, whether born in or out of wedlock, shall enjoy the same social protection”. Child Labour is against this provision because due to labour child can’t get care, assistance and social protection. Therefore, if child of tender age is engaged in labour, it means he is unsafe, unprotected and without social security.

Article 24(1) of the International Covenants on Civil and Political Rights 1966 prescribes that “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or special origin, property or birth, the right to such measures of protection as are required by his status as minor, on the part of his family, society and state. This provision imposed legal duty on family, society and state to protect the minor child from the discrimination and labour. It is the duty of every human being to maintain the status of child.

International Covenant on Economic Social and Cultural Rights 1966 directly prohibits labour. It lay down that the special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reason of parentage or other conditions. Children and young persons should be protected from economic and social exploitations. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. State should also set age limits below which the paid employment of child labour should be prohibited and punishable by law. (Art 10(3)).

Preamble of the convention on the right of child lays down the norms and objects for the development of child. It imposes duty on the society, state and
international communities to do proper act for all kinds of development of children. All kinds of development include the elimination of Child Labour. Article 32(1) of the convention provides that State 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. According to Art.32(2) State 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, state 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 articles.

Convention on the rights of the child as an international document gives directions to the State Parties to legislate the provisions to eliminate or abolish the child labour. The government of India has ratified this convention on the 11th Dec., 1992. Article 32 of the convention prohibits all type of work, which is harmful to the child’s physical, mental, spiritual and moral health. It is very fruitful provision to protect the child from the harmful child labour.

**Indian Legal Provision to Eliminate the Child Labour**

In India there are constitutional and statutory provisions in practice to eliminate the child labour, but most important role is being played by the Indian Judiciary through its activist activities to abolish the child labour from India.
Therefore, it is essential to discuss the above Indian legal remedies through following headings:

**Indian Constitution:**

In India the constitution of India is supreme. Every organ of Indian Society is under the Indian constitution. Rule of law is the central feature of our constitutional system and is a basic feature of the constitution. Therefore, there are constitutional provisions to prohibit the employment of children in India. These are the supreme provisions of law in India. The provisions are in part III and IV of the constitution as fundamental and directive principles respectively. Article 24 provides that “No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment”.

The founding father of Indian Constitution placed this provision under fundamental rights. It was said at the time of constitutional debate that “It is a matter of great satisfaction that in Article 18 protection has been afforded to children of minor age”. Prof. Shibban Lal Saksena also said that I am very glad that this article has been placed among fundamental rights. In fact one of the complaints against this charter of liberty is that it does not provide for sufficient economic rights. If we examine the fundamental rights in the constitution of other countries, we will find that many of them are concerned with economic rights”. He said in our country these rights are in our Directive Principles, although I think, properly, they should be in the fundamental chapter. Even then, this article 18 is an economic right, that no child below the age of fourteen shall be employed in any factory. Prof. Saksena was also in favour to raise the age of children to prohibit them from employment. He said, “I feel, that the age should be raised to sixteen. In other countries also the age higher, we want that in our country also this age should be increased, particularly on account of our climate, children are weak at this stage and the age should be raised”.

Unfortunately the amendment of Prof. Shibban Lal Saksena to raise the age of children for the employment was not accepted by the Constituent Assembly. But in today’s scenario it is incumbent on Indian Parliament to creatively think on this point. In Directive Principles of State Policy there is Article 39 (e) and Article 39(f) indirectly prohibits the child labour. According to Art., 39(e) the state shall in particular direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizen are not forced by economic necessity to enter avocations unsuited to their age or strength. Art. 39 (f) provides that children are given opportunities and facilities to develop in a healthy manner and in a condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. Another provision relating to children in Article 45 which provides that the state shall endeavor to provide, within a period of ten years from the commencement of this constitution for free and compulsory educations all children until they complete the age of fourteen years.

All the above provisions of directive principles of state policy are relevant and related with the fundamental rights of Art. 24 to prohibit child labour.

**Legislative Provisions in India**

Besides the constitutional provisions there are legislative provisions to eliminate, abolish, prohibit and regulate the child labour. These are Factories Act, 1948, Mines Act, 1932, Merchant Shipping Act, 1958, Employment of children Act, 1938, Motor Transport Workers Act, 1951, and Apprentices Act, 1961, etc.

Besides above mentioned enactments there are some other laws also, meant to prohibit child labour. These are, children (Pledging of labour) Act, 1933, the Employment of Children Act, 1938 and Child Labour (Prohibition and Regulation), Act, 1986.
Child Labour (Prohibition and Regulation), Act, 1986, is a fruitful legislation to save the children from the labour. It bans the employment of children, i.e. those who have not completed their fourteen years, in specified occupations and processes, it lays down a procedure to decide modifications to schedule of banned occupations or processes, it regulates the conditions of work of children in employment here they are not prohibited from working, it lays down enhanced penalties for employment of children in violation of the provisions of this Act and other Acts which forbid the employment of children and to obtain uniformity in the definition of “child” in the related laws.

Adventurism of Indian Judiciary to eliminate the Child Labour

Indian Judiciary also exercises its unique activist and creative role to abolish and eliminate the child labour. In People’s Union for Democratic Rights vs. Union of India AIR 1982 SC. 1473; Justice P. N. Bhagwati said Article 24 of the constitution embodies a fundamental right which is plainly and indubitably enforceable against every one and by reason of its compulsive mandate, no one can employ a child below the age of 14 years in a hazardous employment. The court said construction work is a hazardous employment. No child below the age of 14 years can be employed in construction work. Therefore, it is the duty of contractors under the constitutional mandate not to employ any child below the age of 14 years. It is also the duty of union of India, D. D. A. and Delhi administration that no one violates this constitutional mandate. The court upheld that children are weaker section of humanity and are unable to wage a legal battle against a strong and powerful opponent who is exploiting them.

Lakshmikant Pandey vs. Union of India. AIR 1984 SC. 469, is another illustration of judicial adventurism to protect the children from all kind of social stigma. In this case P. N. Bhagwati, R. S. Pathak and Amrendra Nath J., laid down the rule that childhood and youth are protected against exploitation and against
moral and material abandonment. Constitutional provisions reflect to great anxiety of the constitution makers the protect and safeguard the interest and welfare of children in the country.

It is the duty of every citizen to protect the children from any kind of exploitation, because "The Nation’s children are a supreme asset. Their nurture and solicitude are our responsibility. Children's programme should find a prominent part in our national plans for the development of human resources. So that our children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations needed by society. Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our large purpose of reducing inequality and ensuring social justice".

Factors Responsible for Child Labour

The child labour in our country is a product of socio-economic conditions. Anti constitutional policies, inadequate legislative measures and lack of political will may also be taken as important factors responsible for the persistence of this unlawful social evil. Social neglect of and indifferent attitude towards them also contributes much for the large child labour force in our country. In most of the cases sinister attitude of the parents and their improper appreciation of the child’s education, capabilities and intelligence have been found to be the root cause behind the child labour. Further, in many cases the poor parents in bad habits and with criminal tendencies take the children in confidence and tell him affectionately that education could not improve their economic conditions and that in long run he would be earning significantly if he starts just now. Besides, poverty also plays dominant role in the continuance of child labour so much so that a child can’t avail the benefits of state policy for free education to children. He can’t afford to go to school for education and miss the wages. The basic need is not the education but the food, medicines and clothes, say the people.
Poverty

Ironically, since independence the Indian government, every government appointed commission and all political parties have talked of ending child labours and imparting compulsory education to all children up to the age of 14. Yet nothing has been done. Activists and researchers in the West refuse to believe that India’s poverty explains this inactivity. Kerala is a case in point. It has a literacy rate of 85% though its per capita income is not higher than the rest of the country. The real problem is that India spends a lower proportion of its gross national product on education than most other developing countries. A larger proportion of the education budget is spent on higher education.

Western experts say a major cause behind the persistence of child labour in India is the caste system. Higher castes see in education a means to maintain differences among social classes. The governing elites, representing the higher classes, believe in reinforcing rather than breaking down divisions among people. Even Marxist ruled West Bengal has social activists who are critical of the existing social order but lack a workable agenda for improving the position of poor children.

To cope with the problem government policy needs to be reoriented. School retention rates will have to be raised. Child labour, in itself a problem, has created two others. First, large numbers of adults are displaced from the labour. Second, families have little incentive to have fewer children. Something concrete must be done to check the increasing number of illiterates and child labourers at a time these are declining world wide. Just rulings, laws and judicial orders will not do. It is a collective responsibility.

Education

Although there is no single factor responsible for the participation of the children below 15 years of age in the highly competitive job market, poverty seems to
be one of the most dominant reasons. In spite of high claims by the Government, the study by institute of Public Opinion reveals that 41.2 percent of the population is still below the poverty line. Therefore, child labour is no longer a medium of exploitation but is necessitated by the economic necessity of the parents and in many cases that of the child himself. Inadequate income of the parents does not fulfill the minimum requirements of the children, which, in most of the cases, inspires the children to enter into the job market.

Any attempt to eliminate child labour calls for providing universal free and compulsory elementary education of quality to the millions of out of school children. It needs to be brought into the fore front of the economic reform agenda, rather than being merely by passed. The right of each child to elementary education can't be ignored when globalization and liberalization are on a fast pace within the country. It assumes basic and top priority significance if other sectors of reform are to go well. The reforms will not only reduce and discourage child labour but also produce a productive and efficient human resource base. We must formulate and implement laws to protect the inherent dignity of the human person and secure children their basic rights respective of our meagre economic resources. Universal and free education is necessary if the child labour laws are to be enforced. International experience also clearly points to the fact that there is no alternative to compulsory elementary education to eliminate child labour. The combined efforts of all including the government, the politicians, the parents, the NGOs, and the world organizations should be of immense help for achieving success in this task of social reconstruction and development. At the end it may be submitted that the Government has miserably failed to ensure free and Compulsory Primary Education to Children. This in turn has resulted in huge standing labour force.

Improvements in education are not sufficient to attract and keep children from very poor families at school. Many families of child labourers live on
the brink of survival and many millions of children in the world do not go to school because they are malnourished or frequently ill. Many more go to school hungry and are unable to pay attention, concentrate and learn.

**Health Care of Child Labour**

A Nutrition meal makes a tremendous difference to a child’s health and ability to earn. The school is also an important entry point for providing essential health services such as immunization, detection of disabilities and childhood illnesses. Many organizations provide nutrition and health care to children through the education system and those have proved to be powerful incentives for the parents to send their children to school.

In 1948 the Universal Declaration of Human Rights said in Article 25(1) that “every one has the right to a standard of living adequate for the health and well-being of himself and his family, including food……”

Strenuous work at a young age has direct consequences on the child’s development, both physical and mental. Physically, they are not suited to long hours of strenuous and monotonous work. Their bodies suffer from the effects of fatigue and exertion much more quickly than those adults. A large number of them are suffering from malnutrition, which lowers their resistance even further and makes them all the more vulnerable to diseases. Carrying heavy loads and working in a cramped position in factories causes deformity, particularly of the bones, and hinders general growth. A study carried out in Japan showed a difference of 4 cm. in height between those who began before the age of 14 and those after 18 years, whereas, their height was comparable at the age of 12 years.

The practice of child labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful for any society. It enrolls the use of labour at its point of lower productivity and as such an inefficient
utilization of labour power. It precludes the full unfolding of the child’s potentialities. It deprives the children of education, training and skills which are the necessary pre-requisites of earning power and economic development. Children constitute the most vulnerable group in any population and need great social care. On account of their vulnerability and dependence, they can be exploited, ill-treated and directed into undesirable channels by unscrupulous elements.

The need of the hour is, that proper care and protection should be accorded to children at all times, it is on their physical and mental well being that the future of the nation depends. The health is important for the socio-economic development of the state. There is a link between health and development, the one being the starting point for the other vice-versa, since health is an integral part of development; all sectors of society have an affect on health. In other words, health services are no longer considered merely as a complex of solely medical measures but a subsystem of an overall economic system. Thus, human health and well-being are the ultimate goal of development.

Again in the case of M.C. Mehta vs. State of Tamil Nadu AIR 1997 SC. 699. Supreme Court through Kuldeep Singh, B. L. Hansaria and S.M. Majmudar J. issued directions to State Government regarding fulfillment of legislative intendment behind enactment, to give shape to the aforesaid directions, Supreme Court required the concerned state to do the following:

1. A survey would be made of the aforesaid type of child labour which would be completed within six months from today.

2. To start with work could be taken regarding these employments which have been mentioned in Art. 24, which may be regarded as core sector to determine, which the hazardous aspect of the employment would be taken as criterion.

3. The employment given as per this direction could be dovetailed to other assured employment.
4. The employment so given could as well as be the industry would be public under taking and manual in nature. The public under-taking chosen for employment shall be one which is nearest to the place of residence of the family.

5. The very large number of child labour in the aforesaid occupations would require giving of job to very large number of adults.
   A. In these cases where alternative employment would not be made available as aforesaid, the parent/guardian of the concerned child would be paid the income, which is a sum of Rs. 25000/- for each child, every month.
   B. The employment given or payment made would cease to be operative if the child would not be sent by the parent/guardian for education.

6. On discontinuation of the employment of child, his education would be assured it a better citizen.
   (A) Article 45 mandates compulsory education for all children until they complete the age of 14 years, it also required to be free.
   (B) If would be the duty of the inspector to see that this call of the constitution in carried out.

7. A district could be the unit of collections so that the executive head of the district keeps a watch full eye on the work of the inspector.

8. This work would be carried out under the control of Ministry of Labour Government of India.
   (A) The secretary to the Ministry of Labour Govt. of India would appraise this court with in one year from today about the compliance aforesaid direction.

9. Direction given by the Supreme Court being carried out, penal provisions contained in aforesnoted 1986 Act would be used where employment of a child labour, prohibited by the Act, would be found.
10. In Non-hazardous jobs, this inspector shall have to see that the working hours of the child are not more than six hours in a day.

(A) Children who are in non-hazardous jobs will receive education at least for two hours in each day.

(B) It would also be seen that the entire cost of education will be borne by the employer.

Above direction given by the Supreme Court in M. C. Mehta vs. Union of India AIR: 1997 SC. 699 needs for speedy implementation reiterated in Bandhua Mukti Morcha vs. Union of India AIR: 1997 SC. 2218, K. Rama Swamy and S. Saghir Ahmad J., directed the government to convene a meeting of the concerned ministers of the respective States and Principal Secretary holding concerned departments, to evolve the principles and policies for progressive elimination of the employment of the children below the age of 14 years. Court held that child labours who are in non-hazardous jobs; there shall be periodical arrangement of health check up and nutrient food for children.

Role of International Agencies for the Elimination of Child Labour (UNICEF, UNESCO)

Elimination of child labour is also a key component of UNICEF’s policy. UNICEF is the only UN agency devoted exclusively to the needs of children. Founded in 1946, initially to care for the children of war-torn Europe, its mandate was gradually expanded. UNICEF supports government efforts in providing services essential to the survival and development of children, such as clean water, safe sanitation, immunization and other health measures. It also seeks to provide to children skills essential for leading a healthy and productive life and thus education is a major priority of the UNICEF.

UNICEF collaborates with governments, international agencies, NGOs, trade unions and legal experts to promote the elimination of child labour and
integration of children released from other into the educational system. It has been a major funding agency for improving the lot of children in general and child labour in particular. UNICEF has sanctioned $0.5 million for child labour programmes for the five year period commencing from 1991.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) are another of the UN's specialized agencies. UNESCO has special responsibility for everything involving prevention of the various forms of discrimination and promotion of the educational and cultural rights.

UNESCO has also been making efforts to combat with the problem of child labour. Setup in 1946, UNESCO aims at promoting cooperation among nations through education, science and culture and thereby contributes to peace and security and enhances universal respect for justice, fundamental freedoms and human rights, including rights of the child. It has tried to attack the problem of child labour through the spread of education.

Thus, the efforts of these international organizations are in the right direction and indeed commendable. However, the goal of complete abolition of child labour is still a distant one. In order to be effective, it is essential that international organizations arrive at programmes and campaigns suited to national conditions. Moreover, there is a need for greater coordination of efforts of international organizations in the struggle against child labour. International organizations also need to develop their campaigns within the frame work of a partnership with concerned governments and NGOs if their efforts are to have a lasting on the status of the working children of the world.

To eliminate the child labour from society is the primary constitutional and legal duty of each nation, because children are an asset for nation, therefore, it is the nation's responsibility to nurture them through various stages of their
development, to enable them to realize their full human potential. However, the existence of millions of working children in India today is one of the tragic realities.

In spite of all the development and legislative measures taken to prevent and regulate the child labour in India, the problem continues to cause alarm to all the concerned. The incidence of child labour has been increasing in the country, including in the hazardous occupations. And, therefore, there is the need for accelerating the efforts in this regard.

**Suggestions and Recommendations**

The following points may be useful of reappraising the strategy for preventing the child labour as well as ameliorating their conditions:

1. The issue of child labour problem is not so simple. The existence of child labour is a complex reality, inextricably linked with poverty and under-development for its survival. It is a symptom, not the disease. Yet, it can, not the disease. Yet, it can’t be neglected just because the larger problem of removing poverty and illiteracy are more intractable. It needs to be ensured that workable solutions are devised to phase out child labour. Poverty should be identified to eliminate the child labour.

2. There is a dire need to impart education to the child workers. Though child workers can’t attend normal school during the usual school hours the only alternative is to provide them some agency of education at the time when they are free. The constitutional obligation to provide free and compulsory education to all children up to fourteen years must be fulfilled without any further delay. There should be special schemes for development of socially and educationally disadvantaged group of the society.

3. There is a need to fix the minimum wage for the child workers. The Central Government must direct the State Government to bring the wages of child labour
at par with those of adults in pursuance of its policy of gradual elimination of child labour.

4. The scope of Child Labour (Prohibition and Regulation), Act, 1986 should be extended with a view to cover establishments of all types where any kind of work is carried on by the owners with the help of children. Efforts must be made to extend the scope of the Act to cover unorganized sectors, such as tea-stalls, sweet shops and dhabas etc. where children are being employed on a large scale.

5. The mobile hospital system should be introduced to take care of the health problems of working children and provide them medicine and treatment free of cost or at the cost of management. Alternative Medical card should be provided by the state Medical Department to each child who can get free medical treatment and medicine at the recognized Govt. Hospital on production of the medical card.

6. A National Commission headed by a judge of Supreme Court should deal with such cases of child labour. Since all the activists agree that a solution can be found if every adult earns enough to feed his family, it is poverty and unemployment which will have to be tackled first.

7. According to constituent assembly debate the age of children in the employment of fourteen years should be substituted by sixteen years, for this purpose Article 24 of the constitution is amended.

8. Children should be provided non-formal job oriented education, such that it enhances their skills, which would enable them to shift to more remunerative satisfaction and less hazardous alternative employment.

9. The penalties imposed by the court on child employer should be based on deterrent theory of administration of justice.
10. The enforcement machinery must be geared up to ensure effective enforcement of the child labour legislations and takes effective steps to prosecute those who violate the Acts.

11. The state must constitute children's Board to study, identify, establish and catalogue the nature and extent of child employment. It should also deal with the problems, needs and working conditions of child labour and suggest various forms. The duty of the board must be to check the timing of work, health and cleanliness of child workers and behaviors of employers by sending its representatives from time to time. The Board must see that the wages of child workers are paid to them regularly without any delay on the part of their employers. The state government must see that the child workers are not exploited and their employers are fully abiding by the labour welfare legislations.

12. Village Panchayat must be given the power to manage the schools and a village committee consisting of retired teacher should be contributed to lookafter the teacher working. No teacher should be kept in his own village as primary teacher. He should be posted at least 50 K.M. away from his village. He should be given residence in the school.

13. A uniform syllabus must be prescribed for all India and some of the subject must be made compulsory from the very beginning.

14. The media can play a very positive role by making the community aware of the problems of child labour, understand the causes and assist the family, the community and the state in addressing the issues.

In conclusion, it may be reiterated that child of today can't develop to be a responsible and productive member of tomorrow's society unless an environment which is conducive to his social and physical health is assured to him. Every nation, developed or developing, links its future with the status of
child. Childhood holds the potential and also sets the limit to the future development of the society. Elimination of child labour is not in the interest of the child but it is in the interest of the society. In *Akhtari Bi vs. State of M. P.*, AIR 2001, SC. 1528. K. T. Thomas and R. P. Sethi J., laid down that keeping the parent or guardian in jail is likely to deprive the said child of the parental love, affection and care which a child can also be directed to be kept with the appellant in jail. Depriving the appellant from looking after the child would not only be against the interest of the child but against the interest of the society as well.

On the basis of above humanitarian verdict of the court it can be said that children are the greatest gift to the humanity. Mankind has the best hold of itself. The founding father of constitution, therefore bestowed the importance of the role of the child in its best for development. The way of development of the child in India is in the constitutional provisions of Fundamental rights and Directive Principles of the State Policy. Their deprivation of these rights has deleterious effect on the efficacy of the democracy and the rule of law.

**Recommendations**

To achieve these suggestions, the recommendations are made for deliberation and action:

1. It is necessary to carry out comprehensive door to door survey to identify child labour and build up a socio-economic profile of affected families under the supervision of the state government for each NCL project district.

2. With data from these surveys it is possible to draw up a comprehensive long term plan (1995-2005 A.D.), which may then be divided into an annual plan for each year. The Annual Plan for the year 1995-96 may be based on available preliminary data and information.
3. Schemes and programmes should be also be directed also at preventing potential child labour from becoming working children. The programmes for withdrawal of 20 lakh child labour from hazardous industries must continue.

4. The project society should continue to be the principal agency for implementation of action-based programmes and projects. The following suggestions may be continued for enhancing the effectiveness of the project society:
   
a. Renaming the project Societies as “District Agency for Elimination of Child Labour” on the same pattern as DRDA to place clear focus on the objective, that is, elimination of child labour.

b. The objectives, functions and responsibilities of the society must be spelt out clearly and comprehensively in the Memorandum of Association and bye laws to regulate the working of the society.

c. The District Magistrate/ Collector should continue to be the chairman of the society. But its membership should broaden to include representatives of concerned government department’s responsible for and / or providing assistance in implementation of various schemes and programmes of the society suitable local NGOs, employers and employees organizations and prominent citizens.

d. The society must have a full time Project Director who may preferably be from the state civil service. The project society must appoint other staff either on full-time or part time basis as per requirements to implement various schemes.

e. The project society should be made responsible for the following:
   
i. To prepare and to implement an action plan (both long term as well as annual).
ii. To guide, assist and supervise the implementation of various schemes under the project.

iii. To co-ordinate with various government departments, agencies and institutions in order to ensure that these programmes are targeted, to the maximum extent possible, at children, who have been rescued and their families. The District Magistrate/Collectors chairman of the society and the Project Director both play an important role in achieving co-ordination as District Magistrate/Collector is also generally the chairman of various committees formed at the district level.

5. It is necessary to constitute a project implementation and monitoring committee consisting of representatives of concerned government departments to constantly review and monitor the progress of the implementation of the schemes and programmes through periodic meeting, field visit and inspections by the District Magistrate/Collector, the Project Director and other officers.

a. A Monitoring committee at the level of the State Government under the chairmanship of either the Labour Commissioner or the Labour Secretary is also crucial.

b. The Ministry of Labour, Government of India must review the progress of all projects at least once a year with the chairman of the Project Societies and Project Directors.

6. A suitable mechanism for the systematic follow up of child workers who have completed their schooling or have left it earlier must be set up to assess the impact of programmes on them.

a. A similar impact assessment is to be carried out in respect of programmes for awareness, advocacy, enforcement of labour laws and rehabilitation.
b. Concurrent impact evaluation should be carried out to obtain feedback for the purpose of modifying them in order to improve their efficacy.

c. The budget of the society must be presented sufficiently in advance for approval, and approved, in good time. Funds should be released directly to the chairman of the society who, in turn, will release the funds for different schemes and programmes on the basis of performance.

7. The budget must include a provision for meeting the expenses of review meetings held at the state government and at the level of the Ministry of Labour. It must also provide for schemes for training of personnel and teachers for their proper orientations and up-gradation of skills at suitable training programmes and the training institutions.

8. That the minimum age for entry into any employment should be statutory fixed at 15 years and the supporting labour laws should be amended with effective enforcement. (The same has been recommended by the Gurupadaswamy Committee in 1979).

9. To desist the profit of thirsty industrialists, a special task force should be constituted with a mobile code so as to take punitive action on the erring employer.

10. Government should notify certain areas like flower selling, fruit selling, Newspaper delivery, milk delivery etc., where children in the age group of 12-15 years should be permitted to earn their living, keeping in view the realities of the socio-economic conditions of the country.

11. Integrated Rural Development Programmes, National Rural Employment Programmes should be activated to rescue the parents from objective poverty.

12. A pragmatic policy to rehabilitate the children withdrawn from the prohibited employments should be laid down.
13. As the child labour is a manifestation of poverty, the economic development of the society in the long run is the best insurance in this direction should be immediately taken up by the Government.

The complete abolition of child labour and proper regulation thereof in accordance with the statutory provisions is the cherished and prime objective of a civilized society. Government should take, therefore, sincerely all appropriate legislative, administrative, social and educational measures to eradicate the problem of child labour and to ensure the implementation of law regulating child labour with in the frame work of the constitutional directives and UN convention on Rights of the child.

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