Like poverty in the seventies, child labour and its elimination has emerged as a major social issue at the national and international level in the eighties. There have been tremendous efforts by national governments and international agencies to combat the menace of child labour especially in developing nations. The convergence of trade union and human rights movements into massive force reflects the growing demand for liberating children from the shackles of labour. But the tyranny is that a few human rights abuses are so universally condemned, but at the same time so universally practiced as – child labour. Despite all the efforts child labour continues to exist in all forms and manifestations ensuring a continued availability of submissive and illiterate labourers who do not have the power and means to question the system which deprives them of their basic rights.

Ideally, childhood is a period when minds, bodies and personalities are being formed and when even temporary deprivation is capable of inflicting lifelong damage on development. The vital and vulnerable year of childhood, as far as possible, is required to be protected from malignancies of labour market. ‘Labour’ contradicts the ‘child’ in the sense that labour tends to hamper the growth and development of children. The reason is clear enough, as labour is by definition extractive and involves virtual sale of specified units of energy based on buyer’s terms. In this context, it is important to recognize that under conditions of large-scale poverty and mass deprivation, a child is compelled to under-sell his labour in order to compete with adult workers in the labour market. It is this way that child labour becomes inescapably extractive and exploitative. However, labour has to be kept distinct from play, recreation and other creative preoccupations of children, which are taken to be providing suitable replenishments to the child. The child labour amounts to denial of all other rights of children - social, economic, cultural and civil, which are essential for proper growth and development of children. This results in the children growing up as handicapped and disadvantaged adults. It is against the background of this kind of analysis and understanding that child labour has come to be condemned as an undesirable proposition.

The nature and magnitude of child labour is largely different in the contemporary scenario although some past characteristics of this problem still persist. In some of the states in India, the existence of ‘feudal’ mode of production in rural areas explains the origin and several other complex dimensions of the problem of child labour. In Independent India, child labour has continued to increase due to complexities arising out of uneven development in the society. There are certain aspects of our economy which have not been influenced by the rapid change during post-independence period. The relative socio-economic status of various demographic groups, particularly of the ‘stigmatized’ groups has remained more or less unaltered. This is also reflected in the existing power structure (i.e. social, economic and political) in our society which is not much different from what it was in the early years of independence.
Similarly, the level of social consciousness among a large section of our population and the relative family status of children and women has not changed. Despite the technological innovations over the period of time, the fruits have remained largely confined to some select industrial sectors. The field of education has also developed unevenly which is reflected in the over-production of certain categories of graduates alongside the existence of a large illiterate population. The uneven growth rate of agricultural sector has given rise to the problems of both regional and sectoral disparities. Likewise, the growth rate of population, particularly that of below the poverty line group, has remained unaltered. Besides, the expansion of the urban sector has been very fast due to increased urban-rural migration. These paradoxical situations in which several aspects of our economy have changed while some other crucial elements have remained unaltered, has created a number of complex problems of peculiar nature and strange dimensions. The problem of child labour is one of the by-products of this kind of developmental process in our society.

Rapid urbanization has at least made the problem of child labour much more visible because of its association with work outside the family context. At present, the situation is such that we find child labourers everywhere - millions of them rummaging through garbage bins, hovering around restaurant tables, playing with poisonous pesticides in agriculture fields, inhaling toxic fumes in factories, lunched over looms weaving golden dreams for rich from the thread of their helplessness. Truly, for them India of 21st century and its vision of gleaming modernity has no meaning for they exist in dark world from where there is no escape.

**Aim and Objective of the study:**

Since child labour has attracted the attention of researchers only recently, therefore, we do not find a single work dealing with various dimensions of this multifaceted problem in a precise manner. The present study is a modest attempt towards this end. The aim of the present study is to analyse the working and living conditions of child labourers in Aligarh lock-industry. It also examines their socio-economic background, situational factors responsible to take work at a particular age, wages, health hazards, work-place relationships etc. More specifically objectives of the study are:

i. To explore definitional intricacies, socio-economic causes, its effects, genesis and magnitude of child labour in India.

ii. To study human rights of children and the role of different agencies in interpreting and refining those rights.

iii. To analyse various Constitutional provisions, Acts and judicial mandates on the rights of children.

iv. To study various socio-economic facets of the problem of child labour in Aligarh lock-industry and to suggest various measures for their effective rehabilitation.
Research Design & Methodology:

This study is based on an exploratory-cum-descriptive design. This design is opted to gain better familiarity with the situation of child labourers in India. It also helps in portraying accurately the characteristics of child labour and in determining its association with socio-economic factors.

In order to develop and overall understanding of the situation, a cross-section of the people were interviewed informally which included trade union leaders, journalists, ex-factory workers, manufacturers, academicians, social activists, etc. Besides, historical method alongwith analytical method has been adopted during the course of research. An archival work has been done by consulting different national and international organization libraries and various public libraries.

The study of Aligarh lock industry is based on quantitative information obtained through questionnaires, and also on qualitative information sought through observation and focus group discussions.

Limitations:

For collecting information and data on Aligarh Lock Industry, the techniques of field observation and interview schedules were adopted. Furthermore, the researcher met not only the child workers and their parents (wherever possible) but also held interviews with the employers and the officials concerned, though some of them; the employers for example, were very reluctant to reveal the whole truth. There were instances where the researcher was mistaken for an official from the Department of Labour, Government of Uttar Pradesh and the employers resorted to such precautionary measures as sending all the child workers away from the spot secretly and thereby making no information available. In some other cases, the respondents were totally non-cooperative either for fear of their employers or for reasons of ignorance and gullibility. Sometimes, the parents themselves did not show any interest in giving the necessary information for reasons best known to themselves. However, a majority of the child labourers (respondents) cooperated and furnished useful information readily and without any reservations, thereby, making this study a success.

Scheme of Chapterization:

This thesis is divided into five chapters, appendices and a bibliography. The first chapter is an attempt to examine the socio-economic conditions, which play significant role in pushing children into labour force. It also explores in detail the definitional intricacies, magnitude and genesis of child labour in India. It is seen that though child labour is a global phenomenon, but it is most rampant in developing countries such as India due to economic compulsions and retrograde socio-cultural perceptions. In the opening section of this chapter an overview of the socio-economic condition of the world is given in order to understand its
impact on the allround development of the child. An understanding of this is indispensable to the comprehension of child labour phenomenon. The data presented indicates that there is a huge gap in the socio-economic development of the nations around the globe. One part of the world (industrialized countries) is prosperous and thereby busy in ensuring best of living conditions, good health, social justice and allround development for its citizens and the other part (developing and least-developed countries) kneels in abject poverty and other miseries of life. It is observed that for the child born in these poor nations, the chance for healthy and prosperous development is punctuated by odds and difficulties arising out of low GNP, low per capita income, high-illiteracy and fast population growth. The incidence of morbidity and mortality among children is high which also reflects the extent of immunization of children, availability of health services (particularly maternal and child health services), food availability, accessibility to safe drinking water and sanitation facilities in these countries. On the whole, in poor countries a child's survival is at stake even before he can get pushed to accept labour as the only means to survive, the chances of which are very high. As far as India is concerned, the data given indicates that it stands nowhere when compared with socio-economic indicators of industrialized countries. Infact in some important areas like percentage of people living below $1 a day, percentage of infant with low birth weights, Under-5 mortality rates, % of budgetary allocation to health and education etc., it lags even behind least-developing countries, which is really unfortunate. No wonder, child labour in India is a grim reality of gigantic proportions.

Coming to the concept of child labour, it is interesting to analyze a variety of definitions that are given for child labour. It is seen that there is no consensus on the definition of child labour in the national or international context at present. It all depends on the meaning attached to the term 'child' and 'labour'. But these have different connotations in different societies. Therefore, child labour means different things to different governments, social and other organizations and individuals - depending upon the context. Moreover, there is a perceived difficulty of drawing a distinction between positive and negative child work. Given the definitional and conceptual ambiguities and the resulting complexities, it is not surprising that available official and non-official estimates of working children vary greatly from 13.60 million (Census data, 1981) to 111 million (Balai Data Bank, Manila, 1985) and from 23.16 million (D.P. Chaudhari, 1991) to a staggering 140 million (Reshmi Sehgal, 1996). The variations in estimates of upto 100 million is highly unacceptable. Keeping such huge variations in mind it seems obvious that our policy makers, programme planners, and public and private agencies which are engaged in combating child labour will find it difficult to strengthen, improve and extend the existing activities of child welfare and development programmes.

Regarding magnitude it is observed that children in India constitute of formidable section of work force. As per 1991 Census, the number of working children in India was 23.16 million (12.6 million full time child workers+10.5 million marginal child workers). The analysis of extent of child labour data at three Census points: 1971, 1981 and 1991 reveal that the volume of child labour
has doubled within this 20-year period. In 1991, 7.35% of the total labour force of the country consisted of child workers. Thus, the ratio of child workers to total workers turns out to be 1:14 in 1991. On the whole, the situation is quite depressing as child labour now is both a rural as well as urban phenomenon, cutting across male female barrier. A very high majority of child workers is observed in rural areas (21.25 million) than in urban areas (1.89 million) in 1991. In rural areas, children are mostly engaged in the traditional agriculture sector. It is submitted that the policy makers are committing a serious error by neglecting agricultural sector because their efforts continue to target mostly the manufacturing, processing and allied sectors which employed only 9.10% of child workers in 1991. The variations across states in labour participation rate of children are also enormous. According to 1991 Census, Andhra Pradesh has the highest incidence (14.64%), followed by Uttar Pradesh (12.41%), Madhya Pradesh (11.9%), Maharashtra (9.40%), Karnataka (8.59%), Bihar (8.29%), Rajasthan (6.81%) and West Bengal (6.26%). Together these states account for 72% of child labour of the country. Incidentally these are also the states where literacy rate is low, economic growth slow, and poverty rampant. It, therefore, shows a direct co-relation between these factors and child labour. In nutshell, the truth of the child labour magnitude is that this cancer has made its presence felt all over the country, making it the largest concentration camp of child labour in world.

The genesis of this problem reveals that child labour in its worst form is an unfortunate product of Industrial Revolution which originated in England and embraced not only industries in independent countries but also the colonies like India captured by the Imperial power. The phenomenon of child labour in India was prevalent even in even in ancient India. Kautilya in his ‘Arthashastra’ has pointed out that trade of children of downtrodden mlechchas did exist. Likewise in medieval India, the child labour was rampant and legalized as evident from a decree of Akbar in 1594 A.D. It is seen that, child labour has been a part of social organization in which all members pooled their labour to produce for the subsistence and survival. In fact, work was considered as central aspect of child’s socialization and training during those times. This concept, however, underwent a dynamic change with the advent of industrialization which brought an overall change in the socio-economic order. Family based economy gradually got destroyed and a large number of people became wage-earning labourers. As a result of poverty, a situation was created in which the child had to earn wages for themselves as well as for the families. They were now exposed to unhealthy environment instead of working in family environment. The employers were quite free to bargain with the labour. This resulted into high degree of exploitation of the children and child labour designated as a social problem.

The Second Chapter is a study of the human rights of children and the role of International Conventions as well as Constitutional provisions in interpreting and refining those rights. It also scrutinizes the existing legal support which translates these good intentions into reality. It is submitted that when we talk about the rights of the children, we talk about the rights of those persons who may not even envisage or articulate those rights and fight for them. And even if
they do - people may not take their word as valid because they are minors and presumably incapable of understanding their interests. Therefore it is for the adults to philosophize, formulate and fight for those rights. No doubt, children's rights are sometimes perceived as a 'western' imposition on other cultures and value systems. The fact that methods of upbringing and socialization vary greatly is seen as major obstacles to draw up 'global rules' governing the treatment of children. However, the importance of children's rights as a set of principles and minimum standards has to be acknowledged irrespective of differences in culture, ideology and level of economic wealth. A clear statement of children's rights makes any kind of exploitation difficult.

In this regard, the United Nations Convention on the Rights of Child (CRC) provides the essential contemporary expression of universal children's rights. The CRC It is a comprehensive statement of children's rights combining economic, social, cultural and civil rights. It gives these rights the force of international law and provides for the development of the individual in an atmosphere of freedom, dignity and justice. In all the CRC comprises 54 articles defining principles, different types of rights and mechanisms for monitoring and implementation. The 41 articles setting out the rights of all children are seen as indivisible and cover the areas of civil rights and freedoms; family environment and alternative care; health and welfare, education, leisure and cultural activities; and special protection measures (for example, child labour, trafficking, juvenile justice and sexual exploitation). However, in spite of all this, the analysis of CRC shoes that even it is not without its share of controversial aspects. It has come in for a lot of flak on account of certain provisions that it incorporates and ignores concerning children. Article 38 (sub clause 2) of the convention allows anyone aged 15 or more to be drafted in military services. This indeed is tragic that young children especially between (15 and 17 years) are exposed to horrors of war at an early age. The convention also glosses over issues like abortion. The legally binding text makes no reference to age at which childhood begins. It merely sets the age at which it ends i.e. 18 years. Certain clauses requiring adoption facilities (Article 20) are not acceptable to Islamic countries as they are inconsistent with Islamic law. All this notwithstanding, the CRC has stimulated a deeper discussion on the rights of the children as human beings with full rights. India has joined the comity of nations in the successive reaffirmations of global commitment to improve the status of children with a vigorous drive and has adopted a plan of action.

Another International organisation devoted to safeguarding the rights of the workers which also include the child workers is the International Labour Organisation. Since its inception in 1919, it has pursued a systematic policy of protection of working children from undesirable conditions of work by laying down international labour standards through its conventions and recommendations. The ILO Convention No. 138 which aims at the total abolition of child labour is the right step in this regard. Although this Convention stipulates 15 years as minimum age for employment and is in principle to be applied to all sectors of activity, regardless of whether the children are employed for wages or not, there is a lot of flexibility for allowing progressive implementation. Another way through
which the ILO addresses the problem of child labour is through programmes and projects at the national and local community level. Its IPEC programme is global in its orientation and activities. In India the thrust of IPEC programmes is on promoting awareness of the problem and to strike at the root of the problem instead of treating the symptoms of child labour.

Apart from being a party to International Conventions and obligations imposed by them, our Constitution makers had also been sensitive to the problems of children. It is this need, which has found manifestation in Article 24 of our Constitution prohibiting the employment of children in factories or mines or any other hazardous employment. Likewise, Article 39 (e), directs the State to see that the tender age of children is not abused and that children are not compelled by economic circumstances to do work that is unsuited for their age and strength. Again, Article 39 (f) draws our attention to the need for protecting youth from exploitation. The framers were aware that prohibition alone would not permit the child to contribute its might to the national building work, unless it receives atleast basic education. Article 45 was therefore inserted in our paramount parchment casting a duty on the State to Endeavour to provide for compulsory education of children. Our Constitution also contains some other provisions which desire that a child be given opportunity and facility to develop in a healthy manner. But inspite of all these, the goals of constitution are far from being realized till date.

In order to provide statutory basis to the policies regarding the children, Government has been enacting specific pieces of legislation from time to time. These include, (1). The Children (Pledging & Labour) Act, 1933; (2) The Employment of Children Act, 1938; (3) The Minimum Wages Act, 1948; (4) The Factories Act, 1948; (5) The Plantation Labour Act, 1951; (6) The Mines Act, 1951; (7) The Beedi and Cigar Workers (Conditions of Employment) Act, 1966; and so on. The Child Labour (Prohibition & Regulate) Act, 1986 is the latest comprehensive legislation enacted to curb the problem of Child Labour. This Act provides a ban on the employment of children below 14 years of age in specific occupations and processes. However, the loopholes of this Act include that it does not have any mandatory provision for education and vocational training for working children. It also keeps children working in “family owned” enterprises, though hazardous, out of the preview of the law. The agricultural sector which employs about 78% of child labour, also appears to be outside the regulatory reach of the Act. Realising that legislation alone is not sufficient to deal with the problem of child labour, the Government has come out with the National Policy of Child Labour, in 1987 comprising:

1) a legislative action plan;

2) evolving general development programmes for benefiting children wherever possible; and,

3) projection-based action in areas of high concentration of child labour engaged in wage and quasi-wage employment.
A major activity undertaken under this policy is the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition, stipend, health care etc., to children withdrawn from employment. Though this initiative is indeed a step in the right direction but the scheme has failed to deliver the goods as conceived.

In *Third Chapter* an attempt has been made to find out the broad occupational distribution of child labourers, their working and living conditions, the reason for their participation in the labour force at an young age and the repercussions of early employment on the child in particular and the society in general. It is observed that in India children are employed in almost every sector of the economy, agrarian, industrial and service sectors. Among these, the agrarian sector employs a major chunk of child labourers. The reason is obvious as Indian economy is largely based on agriculture. In the rural set-up, children are bound to help the elders in field activities or family occupations and domestic chores. In urban and semi-urban areas, children are found engaged in a variety of production processes and services. They perform much larger variety of activities than those in rural areas because of extensively diversified structure of urban economy. The problem of child labour here is more visible than in rural areas because of its association with work outside the family context. The working conditions of child labour are usually harsh. They have to work under deplorable conditions and are not paid adequately. Any attempts at regulation is usually thwarted by vested interests. As far as the working conditions of the child labourers in agriculture and plantation is concerned it is seen that children have to work both in fair and foul weather. The use of modern motorized equipment and chemical fertilizers expose them to serious injuries and poisoning. This occupation is also associated with the system of child with an estimated 15 million children working as bonded labourers. Likewise, in match and fire works factories in Sivakasi, about 45,000 children, work in dark dingy sheds, handling dangerous and poisonous chemicals. They are invariably victims of tuberculosis and other respiratory ailments brought on by constant inhaling of dangerous fumes. Here, child labourers often become explosion casualties because of highly inflammable gunpowder. In labour-intensive carpet-industry an estimated 1,50,000 children across nearly 2000 villages in the district of Mirzapur, Bhadohi, Allahabad and Jaunpur (U.P.) are engaged in carpet-weaving. The air of the working place here is thick with particles of fluff and wool. These conditions create breathing problems which include asthma and tuberculosis. The menace of engaging children as bonded labourers is also prevalent in this sector. In beedi-industry children are made to work from dawn to dusk for meager wages. The monthly wages fixed by government are notional, and under-payment by the contractors is the norm. The continuous exposure of children to tobacco fumes throughout the day leads to tuberculosis, asthma, continuous cold, backache, gas and rheumatic complaints. In bangle and glass industry of Ferozabad (U.P.) an estimated 50,000 children work in most pitiable conditions. They work barefoot and close to furnaces where temperatures reach 1700°C to 1800°C. Sometimes children are made to work for 24 hours at a stretch as employers do not want the furnace heat to go waste. Due to extreme heat and chemical fumes
tuberculosis is widespread making the life span short. Deaths while working are also common. The pottery industry of Khurja (U.P.) is no different. It is estimated that around 25% of the total labour force here consist of child workers. The exploitation in terms of wages is rampant. The health hazards of this occupation include asthmatic bronchitis and pulmonary tuberculosis as silica is used as one of the raw materials the making of potteries. In stone quarries in Kerla and slate industry of Makarpur (A.P.) and Mandsaur (M.P.), working children inhale silicon dust, which forms patches of silica in the lungs and reduces their capacity to absorb oxygen. It is revealed that most of the workers of slate industry of Mandsaur (M.P.) choke to death before reaching the age of 40 years. In the lock-industry (Alichur) and brassware industry (Moradabad), the child labourers are used in large numbers in production processes. They are paid meager wages and the working conditions are unhealthy. The inhalation of paints and thinners on the job damages children’s lungs. The use of dangerous chemicals like potassium cyanide used in electroplating process leave a devastating effect on the health and vigour of child workers. The Gem industry also presents the same saga in terms of wages, working conditions and exploitation. In the unorganized and self-employed sectors children do a variety of jobs. The construction work which demands the hardest of physical labour stunts the growth of children and holds no promise and prospects for them. Accidents and injuries from being stuck by falling objects and heavy load lifting are common. The condition of children working in lakhs of tea-stall or eateries all over the India is equally harrowing. The children here have to work from early hours in the morning to late hours in the night with or without intermittent rest pauses and for meager wages. A child looks unclean, ill-clad and barefooted which presents a picture of sordid exploitation. Likewise, children working as domestic servants are the most vulnerable and are most difficult to protect. He has to often work right through the month and throughout the year. It is seldom that they are given leave with pay. Violence and sexual abuse are among the most serious and frightening hazards that they face. Perhaps the most dangerous, demeaning and destructive of self-worth job in which a large majority of children are engaged is rag-picking or scrap collecting. The nature of their work is most unhygienic as they scrounge in dust-bins and garbage dumping grounds for waste materials like paper rags, tin, iron, plastic, glass-pieces and left over food. These children develop various skin diseases and festering wounds. They are also susceptible to deadly diseases like AIDS while scrounging through infected hospital waste. Besides, children are also involved in a number of illegal activities like prostitution and beggary. Thousands of young girls are made to work as sex-workers in India. Even male children are not spared as they are picked up for preparation of pornographic material. Exploitation of children like this leaves them devastated both physically and emotionally. In the case of beggary, very small kids, particularly those with handicap are employed to evoke sympathy of alms-giver. As these children see their elders going round begging everyday, they do not feel that there is any stigma attached to begging.
Regarding repercussions of child labour, some direct and visible effects may appear in the form of fatal accidents or those accidents that result in deformities due to poor and unsafe working conditions. But in reality, besides physical there are also social and economic repercussions of child labour, which have an adverse effect on child and society. When children work their education suffers. This hampers child’s fundamental, general and professional knowledge, which is required for normal, mental and intellectual development and to prosper in social and occupational fields. This way children find themselves locked in unskilled low-paying and permanently disadvantaged position in the labour market. The net lifetime earnings of a worker who start working as a child labour is likely to be much lower than that of a worker who joins the labour force as an adult after having gone through normal childhood, education and vocational training. The entrance of child into a labour market also results in the maintenance of low-wages for the labour force as a whole, and increases the adult unemployment and under-employment. Since child labourers are easily available at low-wages, therefore, employers prefer them to adult workers. Certain social implications follow from the economic effects of child labour. The adult unemployment leads to iniquitous distribution of income,, which is turn leads to labour displacement, migration, the break-up of family and kinship bonds and unfair competition of survival. There are also numerous psycho-social implications of child labour. Long hours of work deprive children of education, play, recreation, love and parental affection. Such psychologically disturbed children may take to nightmares, ill-temper, lying and stealing habits, aggression and anti-social behaviour and delinquency. Also, a good number of children are exposed to social perils and even crimes, such as prostitution and drugs. In brief pre-mature age labour jeopardizes the chances of children to blossom into productive members of society. They grow as suppressed citizens-physically, socially, economically, mentally and culturally.

The probe into the causes of child labour shows that unfavorable socio-economic conditions play a significant role in giving rise to the problem of child labour. It is generally conceded that wide-spread poverty, illiteracy, ignorance, low wages, adult unemployment, deep social prejudices and appalling backwardness of the country-side are all, severely and collectively, the root causes of child labour. Poverty is an essential factor behind child labour. Millions of households live in extreme poverty and, therefore, are unable to meet the basic needs of the family. The economic compulsion weighs heavily on the consciousness of the poor parents and they do not mind colluding with their children’s employers in violating the law and putting their children to work as early as possible. The parents are ignorant about the benefits of education to their children. They feel that even if a child goes to school there is no guarantee of a job at the end of it. The UNICEF report also agrees that reform of education is needed, both to give workers more transferable, marketable skills and to develop informed citizens. Moreover, the lack of provision for compulsory education and non-availability of schools tend children to do some jobs as an alternative. It is also seen that fertility is having a close association with child labour. Parents believe that ‘more children mean more earning’, as children can
perform a variety of tasks beneficial to their families. The benefits over weigh the costs of rearing child in poor families and hence the fertility rate is high. However, some researchers have cast doubts upon the supposed connection between utility of the children and large family size. Social stratification on the basis of caste, creed, gender, religion etc. is also responsible for the practice of child labour. Social forces such as their low-birth seal the fate of many child workers. According to a report prepared by Indian Social Institute about 80% of child labour belongs to SC and ST who have been exploited and marginalized in India for centuries. In some cases, traditional compulsion is also responsible for employment of young children. The child here begins by occasionally helping the parent but soon participates in the economic activity on a regular basis. Last but not least, employers, too, prefer children as they are far more easily controlled and exploitable. Children are neither aware of their rights nor able to assert themselves sufficiently to protect their rights. They can be coaxed, admonished, pulled up and punished for defaults without jeopardizing relations. They can be paid substantially lower wages than their adult counterparts and also made to work for longer hours. The employers therefore, do not hesitate in exploiting the children in their own interest without any consideration for their needs for healthy growth and development.

The Fourth Chapter is an attempt to access judicial response in promoting and upholding children’s rights and allied issues. It examines the extent to which judicial process has aided and impeded social change in relation to the status of children in India in the form of interpretation of legislations. To be fair to the judiciary, it ought to be pointed out that it has successfully created an awareness of rights of children among the masses. The role of judiciary has been quite significant, inspite of minor hiccups, in upholding and promoting the rights of the children. It has given new dimension to several areas such as locus standi, protection of fundamental rights, minimum wages of children, employment of children in hazardous occupations, sexual exploitation etc. This judicial creativity in the field of child welfare has brought far-reaching attitudinal changes. For instance as regards compulsory education which is considered as prerequisite for child labour abolition, the court in a series of cases has unequivocally declared that "Right to Education" is an integral part of "Right to Life" embodied in Article 21 of the Constitution. In Anand Vardhan Chandel V. University of Delhi, the court held that education is a fundamental right under Constitution and has a direct relation to Article 21. This liberal interpretation by courts is also evident in Murali Krishna Public School, which paved way for better educational opportunity for Dalit children. Likewise in Unni Krishnan V. State of Andhra Pradesh, a Constitution bench of Supreme Court has held that education upto the age 14 years is a fundamental right. But, at the same time, it also held that beyond 14 years of age, the "Right to Education" was subject to economic capacity of the State. However, it has been pointed out here that this judgment has not set high standards. To say that "Right to Education" beyond 14 years of age is subject to economic capacity of the State is to make it almost redundant. If right to education is a part of right to life, how can it be made dependent on economic
capacity of the State. It once economic capacity becomes the criterion, many other aspects of Article 21 would be in jeopardy.

In the recent years, the courts have liberalized the concept of locus standi to meet the challenges of time and to provide justice to affected persons. One epoch-making judgment which has not only made a significant contribution to labour laws, but also has displayed a creative attitude of judges to protect the interest of child workers is Peoples Union for Democratic Rights, commonly known as Asiad case. The apex court entertained this letter, as PIL. In its judgment it observed that though construction work has not been included among the hazardous occupations under the Employment of Children Act, 1938, it is indubitably a hazardous employment prohibited by Article 24 and therefore, no child below 14 years of age can be employed in construction work. As a result of this judgement, the deplorable omission has been rectified in Child Labour (Prohibition and Regulation) Act, 1986. In the Salal Hydro Project, the above position has been reiterated when the court held that the employment of children in construction work is violative of Article 24 of Constitution. Going a step further, the court in this case took very realistic view by directing the concerned party to provide basic infrastructure of education to children at the construction site where they live with their parents and to provide arrange for school fees and books of such children. In Bandhua Mukti Morcha, the court in its exposition directed the Government of India to convene a meeting of concerned Ministries of the respective state government and their principal secretaries, to evolve the principles of policies for progressive elimination of employment of children below the age of 14 years. The court held that pragmatic, realistic and constructive steps and action is required to be taken to enable the child belonging to poor and weaker sections of society, enjoy the childhood and develop its full personality. Similarly in M.C. Mehta V. State of Tamil Nadu, the Supreme Court has not allowed children to work in prohibited occupations and issued certain directions regarding the manner in which children working in hazardous occupation are to be withdrawn from work and rehabilitated. But, according to court, poverty is the basic reason which forces the children to seek employment. It therefore, allowed working of children in non-hazardous occupations under regulated working conditions. It is pointed out here that the assertion of court that poverty is the root cause of child labour is oversimplification of a very complex problem. Going a step against the rights of child it ruled that that only 60% of the prescribed minimum wages for an adult worker doing the same job to be given to child labourers. Why not equal or more wages, which might have also served as an deterrent, has been left unanswered in this judgement.

The courts ushered in a new philosophy of juvenile justice in L.K. Pandey case where it held that the primary object must be the welfare of child. It maintained that inter-country adoptions should be permitted after exhausting the possibility of adoption within the country by Indian parents. Again in Sheela Barse V. Union of India and later in Munna V. State of U.P., the Supreme Court has emphasized the significance of dignity of youth and childhood in a civilized society. While condemning the detention of children in jails it daringly held that
even if it is found that the juvenile have committed any offence they could not allowed to be maltreated. They must be detained in children's home so that their chances of reformation one not hampered by the contact with habitual offenders in regular jails. Likewise, the decision of the Supreme Court in Gaurav Jain V. Union of India is a landmark contribution of courts towards the protection of dignity of children. The court directed that the children of prostitutes including child prostitutes should be treated as neglected juveniles. They should be rescued from the red-light areas and shifted to juvenile homes for a short-stay to relive them from the trauma they might have suffered and thereafter they should be properly rehabilitated. Thus, the role of judiciary has been significant in promoting and protecting the rights of child. But despite all this, sometimes the casual attitudes of some of judges in the matters of important child rights and welfare case has also come to light.

The Fifth Chapter is a study of child labour in the lock-industry of Aligarh and it spells out some measures required to ameliorate the condition of children working in this industry. It has been pointed out that the lock industry of Aligarh is mainly a small-scale or cottage industry. The tiny and house-hold lock units are scattered all over the city of Aligarh and are commonly located in the residential houses, in outer rooms and openings on the lanes. Most of these are unregistered units. The relatively big units are very few in number and are located on the out skirts of the city. This industry provides employment not only to a large number of workers and artisans, but also brings a good amount of foreign exchange to the Indian economy. Regarding origin it has been pointed out that the growth of lock-industry in Aligarh has its roots in the 19th century when the Britisher's established a Government Postal Workshop here in 1860A.D. Since than it has survived many ups and downs of time like Depression of 1930s, global inflation after the Second World War and partition of India in 1947. In the early phase, artisans were also the producers. But the structure of the lock-industry has undergone many changes since then - from cottage industry to large factory system; and again from large factory system to centrally controlled decentralized small processing units. Infact, there is not even a single factory or workshop where various processes (forty-five in all) are carried out in the same premises. Now-a-days, most of the factories get the parts of lock made outside in bulk, giving out the work on contract basis to small workshops or household units. Due to this, some basic changes have also taken place in the production relation of artisans engaged in lock-making. Firstly, artisans have become tied up with factories. Secondly, factory system has given rise to more division of labour and specialization. Thirdly, artisans now usually work for one processing unit only as locks are now completed in many stages.

With the expansion of the industry, children began to find employment in the tiny and house hold units and their number is increasing every day. The growth of unorganized sector in general and house hold units in particular have contributed considerably to their growth. Though the technology of lock-making has gradually changed and becomes more scientific over the years but yet total mechanization has not been adopted. As a result, lock-making continues to be completed in many stages in the single processing units
or house-hold units. But, except for a few processes, not much skill is required so as to employ only skilled labour in these units. The owners of these single processing units/house-hold units generally see children as a reasonable substitute as they work on lower wages than the adult workers. The children's participation in lock-making is generally seen in hand press units, polishing pieces on buffing machines, electroplating and spray units, filling components, making springs assembling and packing of locks. Out of these-polishing, electroplating, spray painting, and working on hand presses are most hazardous to child workers and cause chronic diseases like tuberculosis, asthma, skin disorders, eye problems etc. However, it ought to be kept in mind that prolonged work in non-hazardous processes of lock-industry also has an adverse impact on the physical and mental development of children.

Findings of the Survey:

Child labourers engaged in lock-industry come mostly from Muslim households (85%). A look at the age composition shows that they are in the age group ranging between 5 and 14 years. They are in the formative years of their life with (54%) at puberty stage (11 to 14 years) and (43%) at Latency Stage (6 to 10 years) of development. Gender difference in the incidence of child labour is observed as more boys (76%) than girls (24%) are seen working in this industry. The huge difference in gender distribution is because of the fact that girls are mostly retained by parents for invisible domestic chores/service. Regarding education, (48%) of child labourers were totally illiterate and another (33%) of them had studied below primary level. It is feared that the children who had studied below primary level will also lapse into illiteracy over a long period of time because of their low level of education. This, undoubtedly, retards the future growth and social progress of the child.

The poor socio-economic conditions of the families is the main force behind child labour. A substantial portion of these children comes from families entrapped in poverty (73%). Though most of the children had both their parents alive (77%) but due to lack of education, their parents were not absorbed in lucrative work. As a result, they (56%) were not able to fully meet the basic needs of children. The children born to them are a tangible asset on whose earnings (78% of child labourers contributed more than 3/4th of their wages to family) depend the sustenance of family. There is also a tendency on the part of employers to prefer children as they can be paid less than the adult workers doing the same amount of work. It was found that (79%) of children worked for no wages or for a pittance of less than Rs. 450/- per month as their survival is at stake. The employers also exploit child workers to their own advantage in terms of 'hours of work' and 'rest-time' by not adhering to the limit prescribed under law. Though Child Labour (P&R) Act, 1986 prohibits children to work for more than 6 hours a day, it was found that (67%) child workers work for more than 8 hours a day on regular basis. About (77%) children got rest-time of one hour or less. The employers neither provided a good working place which is safe and caters to their medical needs. The work at an early age retards the development of child.
and makes him prone to various diseases due to the harmful effects of various pollutants encountered in the work environment. Lack of awareness of any child labour legislation and absence of trade unions also has made the matters worse for them. The study has also made an analysis of impact on children of work at an early age. What is surprising is that the (34%) child labourers are quite contended with the present work and wanted to continue the same job in future. This perhaps is due to the fact that early work and lack of education have confined their vision to the periphery of occupation he is engaged in and, therefore, he cannot think of other jobs and the ways to obtain them. However, some child workers did show better aspirations than their present job.

**Suggestions:**

The problem of child labour has multi-dimensional aspects. Its eradication or even minimization of its incidence, call for serious efforts on all fronts. The foremost among them is education. To begin with, compulsory education as envisaged in part-IV of the Constitution need to be enforced. It is equally imperative to make efforts to motivate children towards education. The masses also need to be sensitized towards the benefits of education in order to make universalization of primary education of reality. Alongside, concrete efforts are to be made to displace the child labour from work-place so as to enroll them in schools. This move will achieve the laudable objective of universalization of primary education, besides, reducing child labour. Those children who have to work for the sustenance of their families should be allowed the facility to attend part-time schools. As a stop-gap arrangement, special schools can be set-up to cater to the needs of such children. The syllabus and the curriculum of such schools should be so designed that they impart some kind of vocational training besides the formal education. The subjects of vocational training shall be chosen as per the socio-economic conditions of Aligarh district, (U.P.), in the present case. Secondly, poverty is one of the decisive factors for the sustenance of child labour. For its progressive elimination it is suggested that the State should launch various anti poverty programmes in Aligarh and its neighbouring districts. Attempts must be made towards raising the income of the poorer sections of the community because the poverty and deprivation force children to work. These sections of the society need to be given assistance in the form of loans, stipends, etc. on priority basis to desist them from sending their children to work. It should be made sure that the benefit of various anti poverty programmes reach the needy and the deserving and not be reduced to a conspiracy against the laity. Thirdly, it is equally necessary to sensitize the employers about the ill effects of child labour on the society because they are largely responsible for their exploitation. They should be motivated to strictly adhere to legal norms even if they employ any child in non-hazardous process of lock-making. They should provide better working conditions, adequate wages, leisure and medical aid to these children. The employers can also be made to jointly set-up non-formal schools in the building of any of the employer where the child workers serving under them can study after work. Fourthly, another important measure to be
undertaken is to ensure good health care and medical facilities for child labourers till they are properly rehabilitated. A system should be evolved in such a way that every child labourer is periodically checked for occupational diseases. A drive to keep working environment hygienically clean should also be attempted by authorities. There is also a need to provide separate wings in the public hospitals of Aligarh district, which could exclusively serve, for child labourers. The employers should also contribute towards health services programmes for those children who work in their units. Where the number of working children is small, two or more employers may introduce services of a doctor jointly. Besides, Group Insurance Scheme as run in organized sectors for adults can be introduced for child workers of lock-industry here. Fifthly, there is also the need to consolidate the existing laws relating to child labour and to make them more effective. To start with, the Government of U.P. should promulgate a law which prohibits the working of children under the age of 12 years in both formal and household/family based units of lock industry of Aligarh. Apart from the employers, the parents should also made accountable for sending their children to work. Another provision that need to be included in laws is that the benefit under the First Offenders Act should not be permitted to anybody who violates the child labour laws and regulations. Also in all cases where prosecution is launched for violation of child labour regulations the burden of proof shall be with the lock-unit owner instead of the petitioner. Another reform which can be carried out immediately is the strengthening of inspection so that provisions of law are implemented effectively and unhindered by corrupt practices. Sixthly, there is also a need for the effective potential utilization of Non-Government Organizations, Mass Media and Youth of Aligarh district for eradication child labour in lock-industry. The State should involve NGO’s in planning, implementing, monitoring and evaluating the various welfare programmes launched by it for child labourers of Aligarh district. The mass media can be mobilized in creating an awareness amongst all sections of the society towards the consequences of child labour in general and the ill effects of unsafe working conditions in particular. It can also promote the rights of children about which there is, surprisingly high degree of ignorance among masses of Aligarh district. The students and teachers of Aligarh Muslim University and other colleges should be mobilized to play role of volunteers and project advisors respectively in order to eradicate the menace of child labour in lock-industry of Aligarh. Last but not the least, community centers should be opened for child labourers where some social, cultural and recreational facilities must be made available to them. These community centers can be organized in any Government building of Aligarh district, which can spare one large room or their premises in the evening without much difficulty. Besides providing an opportunity for social interaction, these centres can also provide avenues for motivating children towards education. Games and sports activities can also be organized here to combat the stress of work on the children and to attract them towards such centres.