CONCLUSION

Child is the most important asset of nation. They are future hope of a society. They are the blooming flowers of the garden of the society. It is therefore, our duty to protect these tender flowers from damaging effects of excess exposure. In the word of V.R.Krishna Iyer “To rob a generation of tender wonders of the right to rise to their mental, moral height, to unfold their flowering of faculties and to crib their personality, is societal criminality and culpable desertification of fertile human resources”. The Hon’ble Supreme Court in M.C.Mehta case, dwelt upon the obligation of the State and society towards the children of India. But unfortunately they are a suffering lot, subject to toilsome work without having opportunities to grow.

Child labour is a curse. It is neither a new phenomenon nor special to India. It is a global problem and has existed in all ages with varying degrees and magnitudes. But it is saddening to note that India is the largest employer of child labour in the world and has earned a dubious distinction of exploiting this human resource. Modern industrialization and urbanization has created a tendency among the employers to have more profits at low cost which resulted in child employment in factories. Silk industry is one of many occupations where a large number of child labour is employed. It was found that poverty and low level of family income are major reasons which force children to undertake different types of work in silk industry.

The work at tender age just for the sake of their survival is a social evil and a national loss. The children especially girls are exploited to any extent. They are made to work for long hours in bad working conditions which has serious repercussions on health. The girl child labour is highly exploited segment of our society, because they are largely invisible and their work often not recognized in labour statistics.

Magnitude of child labour varies from state to state due to variation in socio-economic conditions. It is highest in Uttar Pradesh and lowest in Kerala, according to census 2001. Available data regarding the states shows that the numbers of girl child workers are quite low in some states. But this figure does not indicate that situation is quite favourable for the girl children. This low figure may be result of various factors. One of the reasons is marginalization of female child labourers. The works performed by the girl child in most of the cases are not considered as labour, as they are regarded as marginal workers helping their mothers. The recent estimates of ILO (2005) also shows that girl child constitute about 46.2 percent of the total child workers in India. The incidence of girl child labour in the state of Uttar Pradesh also varies from district to district. Data suggest that more than 70 percent of female children are employed as marginal workers in almost every district of U.P. In district Azamgarh out of total working children girls constitute 42.6 percent. This clearly indicate high incidence of girl child labour in Uttar Pradesh.

Undoubtedly, child labour problem in India is not result of any single isolated cause or factor. It is multi-dimensional problem that involves various reasons contributing to this problem in a variety of ways. Some of foremost causes are: poverty, unemployment and low wages, population growth/large size families, illiteracy and ignorance of parents, absence of social security schemes, death or sickness of parents, child labour is a cheap commodity, non-implantation of compulsory education, family tradition, migration and inefficacy of protective legislations. Besides, the erosion of social, cultural and moral values is also responsible for the employment of children. For the employers, children are source of greater profit.

International agencies like ILO and UNICEF and other organizations are making every effort to eradicate the problem of child labour. The ILO has adopted 18 conventions and 16 recommendations with regard to child labour so far. Even though India has ratified almost all the ILO conventions on child labour but no concrete measures has been adopted to curb this problem. Mere
ratification of the ILO conventions is not sufficient to curb the child labour. There needs some honest and sustainable efforts on the part of the Government to eliminate this menace.

The framers of Indian constitution incorporated various important provisions for the protection and betterment of children in view of the dictum "children are the wealth of nation". These provisions of constitution are expressly or impliedly, directly or indirectly related with the protection of childhood, child education and child labour. The provisions for the welfare of children are embodied in Articles 15 (3), 23, 24, 39 (e) and (f). Constitution has made suitable provision for education of children and for elimination of child labour from the Indian society. Article 45 provides for free and compulsory education for children. Further, Article 21-A of the constitution declares right to education to all children in the age group of 6-14 years as a fundamental right. Whereas Article 51-A (K) imposed a fundamental duty on the parents to provide education to their children.

Besides, the constitutional provisions there have been several enactments of general nature to prohibit the employment of children and to regulate the conditions of work in different occupations. The Child Labour (Prohibition and Regulation) Act, 1986 is a special Act to prohibit the employment of child labour in certain occupations and processes as enumerated in Part-A and Part-B of schedule under section 3 of the Act. It also regulates the conditions of employment of child labour in non hazardous establishments in which none of the occupations and processes enumerated in Part-A and Part-B, are being carried on. But the provision of this Act do not bar the provisions of Factories Act, Plantation Labour Act and the Mines Act, subject to the provisions of section 15 of the Act 1986 which has modified the provisions regarding penalties only. This is to bring uniformity in the penalty for breach of employing child labour.

But due to inherent flaws in the laws, these could not prove much effective in protecting the interest of working children. Inefficient government
machinery is also responsible for the poor enforcement of child welfare laws. As a result child labour problem went on increasing continuously in India.

Keeping together conventions and recommendations of ILO and other related agencies, constitutional commitments and provisions of various enactments on the issue of child labour, the Hon'ble Supreme Court has given a number of directions to eliminate the employment of child labour in the country. They are binding on all courts and other agencies. The verdicts of the Supreme Court in various cases on child labour are testimony to the fact that the court is deeply concerned about agony of child labour. The court has time and again emphasized on the education of child labour. The Apex court in Mohini Jain (supra) and Unnikrishnan (supra) cases make it imperative that education is brought into the ambit of the fundamental rights. In pursuance to these Judgments, the parliament through 86th Amendment to the Constitution incorporated rights to free and compulsory education within the four walls of fundamental rights and imposing a duty on the part of the parents/guardians to send their children to school. However, in spite of innovative approach of the judiciary, the problem of child labour remains the same.

On the basis of the above survey, it is evident that child labour is deeply rooted in the socio-economic fabric of our society. The causes of the persistence of child labour in India includes poverty, unemployment, illiteracy, inadequate educational system, socio-cultural factors and lack of awareness on the part of the society in general and parents in particulars about the implication of child labour for their development. Now the basic question that arise is "can we identify" set of interactions or a set of uniform programmes to effectively deal with the problems and needs of working girl child throughout the country? Perhaps not. The reason is that the situation makes a girl child to work vary so much that it is difficult to suggest measures suited to all set-up and situations. Area specific responses will have to be evolved. In India, we have inherited a unique culture in which causes of girl child labour like poverty, unemployment illiteracy etc. have the colour of caste
and religion. Therefore, any effort to root out child labour problem should be addressed keeping these factors in mind. However the problem of girl child labour is a vast and complex which requires a multi-dimensional comprehensive and integrated approach to deal with it.

Suggestions:

Child labour is a universally acknowledged problem with so un-proportionate and explosive dimensions that it had been a cause of serious concern since long and all Acts, Regulations and Declarations made in this behalf had not able to meet the challenge effectively.

While the legislation itself is not enough to handle the monstrous problem of child labour but certainly it can be used as an effective tool in the process of eliminating child labour by designing suitable enforcement mechanism. Unfortunately labour legislations enacted to prohibit the employment of child labour does not cover majority of working children. Thus it defeats the very purpose of the Act. Hence there are following suggestions to improve the child labour legislation.

1- The child labour (Prohibition and Regulations) Act, 1986 bans the employment of children in hazardous processes or occupations but at the same time it allows to continue in family or household units. Therefore it is felt necessary that section 3 may be suitably amended to prohibit the employment of child labour even in household or family units in cases of hazardous processes and occupations.

2- If at the time of inspections a child labour is found employed in an industry (or manufacturing process) including a household unit where the processes or occupations are hazardous, then the onus of proof that a certain employee is not a child labour should rest upon employer/occupier of the unit.

3- The Act should be amended to prohibit the employment of children upto the age of 14 years in all sectors including employment in private
dwelling houses or in employment carried on with the aid of the family
such law should also empowers the State Government to progressively
raise the minimum age for admission to all employment up to 18 years
within a specified time.

4- The practice of child labour should be treated as violation of
fundamental right to education, to his/her full physical, mental and
social development. Therefore, the distinction between hazardous and
non-hazardous occupations in the Act and in the policy of the
Government of India should be done away with and all employment of
children be treated as hazardous per se for the welfare of children.

5- In case of a dispute relating to the age of a child employed in any
establishment, the onus of burden of proof should rest on employer
instead of prosecuting agencies. The Act should accordingly be
amended.

6- Offences committed in any Act involving child labour should be deemed
to be an offence under child labour Act by inserting suitable clause
under this Act and other Acts. The child labour related offences should
also be made cognizable under this Act.

7- An alternative forum should be created for adjudication of any dispute
arising out of any inspection report.

8- There should be sufficient, accurate and periodic data collection on
violations, prosecutions and convictions against child labour laws.

9- Implementation of minimum wages will have a positive effect on the
reduction of child labour. If the parents are paid well, there is likelihood
that they would prefer to send their children to school instead of work.
The Minimum Wages Act should strictly be enforced and minimum
wages as given to the adult workers should also be provided or at least
minimum wages as directed by the Supreme Court in M.C. Mehta Vs.
State of Tamil Nadu (Supra) must be ensured to the working children. The Minimum Wages Act should be amended accordingly.

Law has failed to deliver the desired result. This is due to various reasons such as inadequate enforcement machinery, nature of industry, coverage of existing laws, budgetary resources, political apathy, accountability and corruption etc. Even the judgments of the Hon'ble Supreme Court have not been executed in its true spirit. It is therefore, suggested that court should evolve an independent administrative mechanism/agency within its registry to find out the violation of beneficial laws and report to the court. The employment of children can be quickly detected by an independent court agency. The culprit may be brought to book for bringing relief to the sufferers. The court should have an anxiety to know whether the welfare laws are followed and benefits reach to the poor and needy within its territorial jurisdiction. It need not wait till it is formally addressed to the court, and it can administratively gather the instances of injustice and deal with them judicially. There is therefore, a need for the vigilance of the court to ensure that the benefits of policies and laws must reach to those for whose benefit they are meant.

Considering the close links between education and the prevalence of child labour, there should be a convergence of educations and child labour laws. Law relating to child labour should be both protective and developmental which must ensure access to education.¹

Laws on education is fragmented in three types of Acts: The Compulsory Education Acts, The Person with Disabilities Act and the Juvenile Justice Act. Keeping in view the Article 21-A of the Constitution of India which declares right to education as a fundamental right, it is therefore, suggested that a comprehensive legislation that

ensures free and compulsory education to all children up to the age of 14 years should be enacted. This should also include pre-primary education.

13- The study shows that majority of girls are either school drop-outs or illiterates. Therefore, every child particularly girls, enrolled in school should be given stipend/scholarship along with free text books, uniform and nutritious mid day meal in order to encourage school enrolment and arrest drop-outs. Besides a scheme for mid day meal in the form of food grain to the parents of children enrolled, linked with attendance should also be considered. This will help in retaining children in schools.

14- Taking into consideration the invisibility of their work, the state government should have focused programmes to eliminate girl child labour simultaneously raising awareness of the parents, especially mothers and community on the importance of girl’s education, making the schools, curriculum, teachers and environment girl friendly and provide suitable physical infrastructure attracting girl children to schools.

15- Along with general education, vocational training should be imparted to make them economically independent in their adulthood. For this purpose vocational schools and ITI's for non-matric drop-outs should be established in study area. Besides, the provisions of compensations for below poverty line families should also be made.

16- Children released from the work should be imparted non-formal education. After the completion of non-formal education they should either be admitted to formal school or be given vocational training.

17- The timing of NFE School and vocation period should be fixed in consultation with community or Nyay Panchayat members.

18- Adult education programme once in a week for the parents of enrolled children at the time suitable to them must be undertaken by the teachers
of NFE School. It will create child/teacher/parents rapport, improve children attendance and will discourage drop-outs.

19- Now the State regards education as a legal duty and not merely a right.\(^3\) So the parents are asked to relieve their child to school for a part of the day in spite of dire need of child labour or income. Therefore, "the law is necessary to bind parents to send their children to school, failing which they are liable to be punished. The present education system should be reformed to make it more relevant in today’s socio-economic conditions. Moreover, the formal learning in the first few years is replaced with socio-ethical education."\(^4\) A nation which fails to see its children as assets and to invest in them from the start of their life span could be accused of gambling with its eyes closed. The dice in such games are always marked by 'life' and 'death'. The country may not be given many chances to play the dice. A positive national response is overdue, one that children have the right to demand. Thus, the notion of duty also applies to the state. The 'Compulsion' in the compulsory education should indicate a legal duty on the part of the state to provide more fund to the education sector and to develop schools relevant to the needs of actual and potential child laborers. The state has to display political will to create conditions for the implementation of compulsory education. The state should allocate 8% G.D.P. for this purpose.

20. Children need to be retained in education system for as long as possible. In the country like India, where bulk of the population is linked to the rural and agrarian sectors, the system of education needs to be remodeled to suit such needs. Rural schools should have the flexibility to absorb a child if he/she drops out, have holidays during peak season

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\(^3\) The Constitution of India, Article 51-A (k): "A parent or a guardian has a fundamental duty to provide opportunities for education to his child or ward as the case may be, between six to fourteen years". (86th Constitution Amendment).

of agricultural activity, adjust timings to suit the convenience of students and have special subject of relevance to local needs. In the last we stress on if poor can not come to receive education, education itself must go to poor. That is, the central and state governments should provide the facilities for schooling and open the new schools on every two kilometers.\(^5\)

21. Article 21-A of the Constitution of India, inserted by 86th Constitution (Amendment) Act, 2001 has taken away the right of education of children of the age group of 0-6 years. This should be rectified immediately.

22. Gram Panchayat/local bodies should be made responsible for proper implementation of activities of primary schools with the active involvement of the government and local NGO's so as to improve school attendance and thereby discouraging drop-outs.

The problem of child labour is basically a pointer to the complex social and economic ground realities. It stems from illiteracy. The children belonging to the weaker sections of the society are treated as a source of economic support to parents. The present study indicates that total abolition of child labour is neither possible nor desirable, so long as there is poverty and illiteracy. There are suggestions for the abolitions of child labour. But, without proper implementation of socio-economic programmes of the government, the abolition of child labour is not possible. They will not be able to send their children to school unless financial security to the poor is not ensured. Therefore, on the basis of the study following suggestions are made for the consideration of the government, administration and economic planners to eradicate poverty and improve socio-economic conditions:

\(^5\) Ibid.
• The government has launched various poverty alleviation programmes such as Employment Assurance Scheme (EAS), Integrated Rural Development Programme (IRDP), District Primary Education Programme (DPEP), Prime Minister's Rozgar Yojana (PMRY) and Jawahar Rozgar Yojna (JRY) etc. Recently the Government of India has launched National Rural Employment Guarantee Programme (NREGP) under NREG Act, which provides 100 days employment to the rural poor in selected districts. It helps in protecting people from hunger and given them hope for a life and dignity. Prime Minister of India on 28 September 2007 has announced the extension of the Act countrywide from April, 2008 is a step in right direction. The Act has the potential to provide employment, to ensure minimum wage, prevent migration, create assets and empower rural women. But, 100 days job guarantee in a year, under the scheme did not provide lasting solution to the twin problems of poverty and unemployment. Therefore, it is suggested that at the first instance 100 days cap should be removed and thereafter, it should be made universal. Proper implementation of all these programmes will definitely uplift families from poverty line. This will not compel parents to send their children to work or earn for supplementing family income but in stead to send them to school for better future.

• In recent years silk industry is reeling under severe crises. Therefore, step must be taken by the government to improve the conditions of industry and save weavers and their families from starvation. For this purpose, government should wave import duty on silk yarn and also make some arrangement to supply silk yarn to the weavers. They should also be given loan under micro-finance scheme on easy interest rate directly to the weavers without intervention of any individual or society. This will help them to purchase raw materials directly from the market and be free from clutches of 'Girhasht'. Thus, their profit margins will go up. Besides, there is urgent need to change design from addition and up
gradation of technology. The government should take an appropriate step in these directions too. Government should also organize silk expo and fashion show of Banarasi Silk Saris and fabric to boost sale and export. Apart from these, export to the neighboring countries such as Bangladesh, Sri Lanka and Pakistan should be encouraged.

- The poverty alleviations programme can only become successful if population explosion is put under control. For this purpose two child norm is a good step but it should start from top to bottom, starting from Parliament to panchayatiraj institution. Recently union health ministry decided to extent maternity benefits to a below poverty line (BPL) mother without any limit on the number of child births would definitely impair the efforts to check high populations growth rate. This should be rectified immediately and the benefit should be extended only up to two or three births.

- Poverty alleviation programmes with the active involvement of Panchayati Raj institutions should be encouraged and for this purpose agro-based village and cottage industries should be promoted to reduce poverty and unemployment.

- Information campaign should be agonized to make people aware of the harmful effects of child labour and explain them the possible alternative. People specially employers and the parents of children should be made aware of the existing laws concerning child labour and the penalties imposed upon them in case of violation. Measures should also be taken for the stricter implementation of these laws.

- The study point out that girl child suffered various kinds of health problems. Therefore, there is a need to formulate time bound targets and concrete action to improve the basic health, nutrition, education and social status of girl child. For this purpose, periodical health check-up and free medical treatment should be given to all children Moreover, children working in any industrial establishment should also be covered
under compulsory insurance scheme for a minimum amount of fifty thousand rupees.

- Generally, every programme and policies of the government is plagued with corruption and malpractices. As a result these could not deliver the desired result. Therefore, provision of social audit should be made part and partial of these programmes and policies. This will definitely, if conducted sincerely, help root out corruption, boost confidence of people, facilitate people's participation in governance and ensuring transparency and accountability.

**Suggestions for further Research:**

Adequate information is a condition precedent to envisage planning, programmes and polices concerning any social problem. Field research is a best and possible method through which authentic and reliable information can be collected. There is tendency to encourage research, but it is not linked with any policy and programme to improve the lot of the girl child workers. Therefore, research studies should be undertaken in this direction. In the course this study I have come across with the following areas which need further exploration. A few of such areas is suggested as follows:

- Studies on the impact of laws relating to child labour in the context of child rights should be undertaken in order to bring out strength and weakness of existing laws relating to child labour.

- The socio-economic dimensions of the problem of child labour have been explored in a number of studies. But still there is need to promote studies on the role of panchayatiraj institutions for combating evil of child labour by ensuring compulsory primary education. In such researches gender aspects of the problem should receive due attention to highlight their problems.

Let us wind up our present work with the fond hope that in the first quarter of 21st century child labour will be eliminated and the promise made by the constitution of India be fulfilled.