ABSTRACT

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 “T 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 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.

The participation of a child in the labour farce for the sake of family support conflicts directly or indirectly with the natural growth and education which in turn present him /herself from attaining proper adulthood and training. It becomes a social evil when children are required to work beyond their
normal physical capacity and the hours of employment interfere with their education, recreation and rest. Further, a child labour is considered exploited when his/her wages are not commensurate with the quantum of work done and the occupation he/she is engaged in endangered his/her health and safety. Moreover, the entry of children into the labour market reduces the volume of employment for the adults and lower their bargaining power, weakening and damaging the labour force. Silk industry is one of many occupations where a large number of child labour is employed. It was found that the poverty and low level of family income are major reasons which force children to undertake different types of work in silk industry.

Silk industry of Azamgarh is largely concentrated in and around Mubarakpur town of the district. Silk industry here is a household industry where the production of silk fabrics is carried on with the help of all members of the family including children, both boys and girls. In the family units, girl children work in their own houses. They have to work long hours from morning to evening to fetch more income. There is no fixed hour of work and rest intervals. No time for recreation and play, they are exposed to various types of health hazards which affect their physical and mental development. Besides, they are overburdened with domestic work like cooking, cleaning, washing, fetching water and fuel and looking after young siblings etc, and in the process they are being denied childhood privileges and deprived of educational opportunities. Moreover, their work are regarded as invisible, unaccounted
unappreciated and under valued. Hence, they suffer exploitation in their own houses.

There is a plethora of labour legislations enacted with an objective of eradicating and/or improving the working conditions of such children and in protecting them against abuse, exploitation and health hazards but studies have revealed either in effective nature of these laws or their blatant violation. Therefore, the present study is an attempt to explore the problems of girl child labour in the state of Uttar Pradesh in general and silk industry of Azamgarh district in particular. The purpose of study is to facilitate an in-depth understanding of the problems faced by the girl children working in silk industries in relations to Azamgarh district. The nature of study is socio-legal.

The present study is based on both doctrinal and non-doctrinal method of research. It is divided in two parts- first is related to doctrinal method and second relating to an empirical study of girl child labour in silk industry of Azamgarh district.

The nature of study is explorative - cum -descriptive. While the exploratory design is chosen in order to gain familiarity with the situation of working girls and their parents, the descriptive design is used for portraying accurately the characteristics for determining its association with socio-economic factors.

A good deal of preparation and planning is required in order to secure latest information and data in this study. Considerable time has been invested
to identify the respondents and to establish personal contract with them. The present study has taken nearly one year to complete the field work.

The silk industry of Azamgarh is largely concentrated in and around Mubarakpur town, which is administered by Municipal Board. There is no authentic data showing the employment of girl children working in silk industry in sample area. All the family members including children of both the sexes are engaged in this industry. Therefore, every girl child who falls under the age of 5-14 years age bracket and are involved in different types of work in sari weaving industry forms the universe of this study.

Girl children in silk industry are selected from all 25 wards of Mubarakpur Municipal area of Azamgarh, where sari weaving is carried on. Therefore, for this purpose the household engaged in sari weaving and having girl child workers have been identified in each of 25 wards of the Municipal Board with the help of local community leaders, ward representatives, 'Grihasth', 'Gaddidars' and social workers. Thereafter, 20 girl children and their parents are selected by random sampling technique from each ward. Thus a total of five hundred girl child workers and their parents are covered under this study.

The present study is based on both primary and secondary data. Primary data has been collected from girl children engaged in silk industry and their parents by personal interview schedule and other supplementary techniques. In order to collect required data, two separate interview schedules for both girl child labourers and their parents were constructed in conformity with the
objectives of the study. Besides, observation technique was also used to supplement the primary data.

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.

The causes of child labour are multiple and inter-related. It is very difficult to classify them. However, the causes may be classified as (i) general, (ii) specific, (iii) administrative or legal. Among the general causes: poverty, unemployment and low wages, large size family or population explosion, illiteracy and ignorance of parents, absence of the scheme of family allowance, child labour as a cheap commodity, absence of compulsory education and
migration are responsible for perpetual existence of child labour. The specific causes are death and sickness of parents, family tradition and public apathy towards social evil; and administrative or legal causes includes flaws in laws and ineffective enforcement of social welfare legislations have further aggravated the problem of child labour in India. However, the bane of poverty is the root of child labour and they are being subjected to deprivation of their meaningful right to life, leisure, food, shelter, medical aid and education. This must be addressed on priority basis.

The international agencies like ILO, UNICEF and UN are making every effort to eradicate the problem of child labour. In this context, the ILO has adopted 18 conventions and 16 recommendations to deal with this social evil. Child labour has been one of the key areas of concern for the ILO since its inception, and has always been an area of special concern. The organization provides a world forum for the discussion of social and labour problems of concerns to governments, employers and workers in all member countries. The Conventions and Recommendations adopted by the international conference is a legal instrument regulating the labour administration, social welfare and human rights. It creates obligation of a binding nature on the countries who have ratified it. ILO has been playing an important role in the process of gradual elimination of child labour and to protect the child from industrial exploitation. The main focus has been: (a) prohibition of child labour at work; (b) protecting child labour at work; (c) attacking the basic causes of child labour; (d) helping children to adapt to future work; and (e) protecting the
children of working parents. Barring few, India has ratified almost all the conventions on child labour but sincere and sustainable efforts are still required to be adopted to curb this social evil.

The Constitution of India has embodied certain provisions for the welfare of children. Articles 15, 23, 24, 39, 43 and 45 are related to the children's rights. Further Article 21-A inserted by the Constitution (86th Amendment) Act 2001 declares right to free and compulsory primary education as a fundamental right; whereas Article 51 -A (k) inserted by the same amendment imposes an obligation on parent or guardian to provide education to their child or ward as the case may be.

To combat the problem of child labour in our country several legislations were enacted such as Child Labour Act 1933; Child Act 1938; Factories Act 1948; Mines Act 1952; Plantation Labour Act 1951; The Merchant Shipping Act 1958; Motors Transport Workers Act 1951; Bidi and Cigar Workers Act 1966; and Child Labour Act 1986. In fact except Act 1986, various other laws mentioned above were not laws on child labour. They either related to employment in general or were confined to certain specific employments. These laws were not passed with a focus on child labour in general but with reference to regulate employment in a particular industry as and when the need arose. In addition to these Central Acts, the states passed various Shops and Commercial Establishment Acts for their respective states. But due to loopholes in the Acts these could not yet be proved effective in eradicating the child labour problem. Beside, inadequate, corrupt and weak
government machinery is also responsible for the poor enforcement of these Acts. As a result the problem of child labour went on increasing in our country.

The judiciary in India has played a pivotal role in safeguarding the interest of children. It has also given new dimension to several areas. The glaring decisions of the Supreme Court dealing with the employment of children, payment of minimum wages, protection of their fundamental rights, sexual exploitation of children in flesh trade, protection of children born to prostitute, employment of children in hazardous occupations, declaring compulsory and free education as fundamental right are replete with the judicial wisdom which enable us to conclude that the judiciary in India has shown a deep concern towards the protection and welfare of working children in our country. The Hon’ble Supreme Court has given number of decisions and directions to eliminate the employment of child labour in the country. 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 emphasised on the education of child labour. The apex court in Mohni Jain and unikrishanan cases make it imperative that education is brought into the ambit of fundamental rights. However, inspite of innovative approach of the judiciary, the problem of child labour remains the same.

The socio-economic profile of girl child labour working in silk industry presents a clear picture of social, economic and educational deprivation. It is evident from the analysis that girls as young as seven years are employed and a considerable number of them join work at the age of 12 years. The deplorable
aspects of the employment of girl child labour are physical strain, deprivation of education, recreation and childhood privileges which a child generally enjoys.

One of the curious findings of the present study is the presence of large number of Muslim girl children. This is because of the study area is overwhelmingly dominated by the Muslim weavers. The study also indicates that all the girl children engaged in this industry belong to the vulnerable and deprived sections of the society i.e. Muslims, Schedule caste and OBC's. They come from large and medium sized families. They lived in their own houses. These houses are Katcha, Pacea and mixed. The majority of houses have facilities of water, adequate light, toilet and ventilation etc. However, it does not mean that all their houses are in better condition. They do not use or own luxurious consumer durables and live stock in their own houses. The consumer durables used by them are radio, fan and cycle which are generally used by poor and down trodden people. This reflects the general socio-economic conditions of girl child labour household.

It is to be noted that majority of girl child labour are literates. Their literacy rates are higher than the literacy rate of women in the State of Uttar Pradesh. In contrast, a little less than half of the parents are illiterates. The illiterate parents some times are apathetic to the education of their children in general and girls in particular. Thus, the levels of education of parents are extremely low which directly or indirectly acts as a cultural constraint on the progress of education of the children. lower educational level in case of girl
children may also be attributable to social taboos that still exist in the minds of the parents of girl child labour. It is also proves that if children of low socio-economic stratum fail to pursue their studies up to higher level, it is not only because they have to work simultaneously but also because their home and social environment are unfavourable and inhibitive.

The family occupation is one of the most important contributory factors for the employment of girl child labour in this industry. A vast majority of girls inherited this occupation from their forefathers. Therefore, it is not lack of parental support but general economic condition of the family is responsible for girl child labour.

The Study also makes it clear that majority of the girl child labour families live below poverty line. This forces the parents to engage all their children who can work, in order to supplement family income. It is also found that the monthly income and contribution made by girl children to the family income is low but significant. This again points to the conditions of economic distress among the families of girl child labour. Thus, it may be concluded that poverty, economic compulsion of the families, scholastic backwardness of the children and their families force girl children to join labour force in the silk industry.

The economic conditions compel the poor parents to put their children under the risk of inhuman exploitation. On the basis of findings, it may be concluded that girl children are involved in different types of work like embroidery, Nari and bobbin reeling. Besides, they also work as helper sitting
along the side of main weaver making border and booti. They are required to sit in a peculiar posture for long hours which are extremely painful and tiring. Girl children work from morning to evening and even at night. There are no fix hours of work and rest intervals. Even weekly off days are unknown to them. They are additionally overburdened with domestic work which girls do as a result of customs. Thus, girl children suffer exploitation in their own houses. They have no time for recreation and play which adversely affect their personality development.

The girl children working in silk industry suffer from back pain, fatigue, cold, and eye problems. However, the cases of chronic occupational diseases like asthma, tuberculosis and bronchitis are not reported in the study area. It was found that the work experience of the majority of girls ranging from three to six years. Silk industry is a hazardous occupation/process, therefore, its long association may lead to all sort of occupational diseases.

Regarding the abolition of child labour, a majority of girl children and a very large majority of their parents have expressed happiness on the abolition of child labour institution. These parents are also in favour of withdrawal of children from work if an alternative is made available to them. They suggested that child labour can be eliminated by removing poverty and offering employment to adult member of the family. The study further concluded that most of the girl child labourers and their parents have expressed their ignorance about the existence of any law as well as Judgments of the Supreme Court protecting child labour. Therefore, lack of awareness coupled with ineffective
enforcement of child labour legislations may be contributing to the growing menace of child labour in silk industry.

Therefore, in order to combat this social evil, we have to be more sensitive towards the children of society, irrespective of caste and creed, region and religion, which may be possible only with the combined efforts of the government and society. The only solution is to ensure the provision of free and compulsory education to all, through motivation, and elimination of poverty from the society. At this juncture if we fail in our mission to provide education to children, to eliminate poverty, and the employment of child labour from the society, the coming generation would not forgive us for the act of negligence, for not providing them their human and legal rights and to deprive them from their Childhood.