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CHAPTER - 1
INTRODUCTION

"If you are investing for one year, invest in rice;
If you are investing for ten years, invest in fruits;
If you are investing for the future, invest in children."
-A CHINESE PROVERB.

1.1 Introduction

Child labour is today a major social and economic evil that threatens the future of millions of children world-wide and damns the societies and nations to which they belong\(^1\). The concept and practice of child labour is economically unsound, psychologically disastrous and morally repugnant. Economically unsound because the cheap child labour available displaces one adult worker from job / employment, psychologically disastrous as the scars incurred during childhood remain embedded during youth and rest of life. Morally wrong because the society is responsible for snatching the childhood of the person. In this cruel and callous system, the child is compelled to invest his labour to earn bread for himself and his family members. The practice of child labour in India is an age old phenomenon\(^2\). For instance, The Kautilya’s ‘Artha Sasthra’ mentions the employment of children as domestic slaves in this part of the world as back as in the 3\(^{rd}\) century B.C. In fact child labour in India is a by-product of socio-cultural and economic conditions. Inadequate legal measures to check child labour, social discriminations, social customs and caste systems have perpetrated the deplorable conditions of the child labour.

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Children are not only the budding and blooming flowers of the garden of the society but also the builders of a nation. Thus, any society, community or nation worth the salt can hardly afford, the slightest negligence towards these blooming flowers. If it is done, it would be digging its own grave and cramping the future of the coming generations to a large extent.\(^3\)

Children are the backbone of the nation. Developing children is nothing but developing nation. Today’s children are tomorrow’s citizens and a happy child is a nation’s pride. As long as poverty continues to exist it would be difficult to eliminate it. Any attempt to abolish it through legal provisions would be under the present circumstances is not practical, because, no doubt, work is worship but it must be expected and extracted from those who are fit for it. In this situation the only alternative that left is to ban child labour in hazardous areas and to regulate the conditions of work in other areas.

A child is said to be the most beautiful creation of God. But not all children lead a happy life except those lucky ones who receive proper care and affection from their parents.\(^4\)


Child labour is not a new phenomenon in India. From ancient times, children were required to do some work either at home or in the field along with their parents. The problem of child labour was identified as a major problem in mid 19th century and legislative measures were first adopted as early as in 1881. Since independence there have been several laws and regulations regarding child labour.

Child labour has become a matter of concern for all. Right from the individuals, academicians, trade unions, social workers, politicians and to the international organizations. Discussions and deliberations are going on for understanding the causes and consequences of child labour with the avowed objective of ultimately eliminating it. In the ultimate analysis, child labour existed in one form or the other in human society. Its prevalence is so wide and varied that there is no comprehensive idea about its magnitude and severity. Children are the future of the nation, they are flowers of our national garden. It is our duty to protect these flowers of our garden.

1.2 Definition of Child and Child Labour

The diversity of opinion among researchers in defining child labour is due to differences in social perceptions. Generally, wherever child works for want of remuneration either in cash or in kind, he is called child labour. Different Acts and Institutions have, however, defined child and child labour in their own ways. Some of them are given hereunder.
1.3 Definition of Child

According to child labour (Abolition and Regulation) Act 1986, the term 'child' has been defined to mean “a person who has not completed his fourteenth year of age”.\(^5\) Contrary to it the factories Act 1948, defines child as “person who has not completed his fifteenth year”.\(^6\) The Indian constitution lays down that “no child below the age 14 years shall be employed to work in any factory or mine or engaged in any hazardous employment.

The plantation Act 1951 defines child as “one who has completed twelve years but not 15 years”.\(^7\)

The Central Children Act has defined as “a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years”.\(^8\)

After taking into consideration above definitions relating to child, no Act precisely defines the age limit of child. It differs from Act to Act.

\(^6\) Sec. 2(e), The Factories Act, 1948.
\(^7\) The Plantation Labour Act, 1951.
\(^8\) The Central Children Act, 1960.
1.4 Definition of Child Labour

The International Labour Organization defines child labour as an act wherein children are forced to lead the life of a mature adult, working long hours for low wages under conditions detrimental to their physical health and mental development.

The encyclopedia of social sciences (1959) defines child labour as “when the business of wage earning or participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour”.

I.L.O. defines child labour as an act wherein children are forced to lead the life of a mature adult, working long hours for low wages under conditions detrimental to their physical health and mental development. Sometimes separated from their families these children are frequently deprived of meaningful education and training opportunities that could open up new vistas for their better future.

Working children who fall under the age of 6 to 14 years are treated as child labour. A person who has not completed his/her fifteenth year of age and is working with or without wages or income either on part-time or full time is considered child labour. “All children between the age of 5 to 15 who are engaged in productive work whether paid or unpaid at any time of the day within or outside the family” will be considered child labour.

In fact the child labour cannot be functionally defined on the basis of age alone. Further, working children should be distinguished from child labour if some children work only for a very limited time and earn something for their own development they may be called working children and not child labourers. But at the same time, if his working hours or nature of work starts hindering his physical and mental growth and deprive him the vast opportunities or inhibit his approach to the better avenues of life, he may not be simply called as working child. In such a state of affairs, the accurate term should be “Labour Selling Activist” which he has resorted to at the cost of his own development and he may thus designated as child labour.

On looking at all the aforesaid discussions on child labour, following characteristics do emerge quite clearly:

I) A cut off age is to be specified below which a labour selling person can be treated as child labour.

II) A child may be called a ‘child labour’, if he works primarily for supplementing his family lively hood.

III) The time and energy spent by the child labour is so exhaustive that it hinders his health, physical and mental development.

IV) In the process of supplementing the income of the family, a child has to lose his potential career prospects and at the same time he is deprived of the entertainment, pleasure and leisure opportunities which are due to him because of his age.

On the basis of above points a suitable definition of child labour may be given as follows:
“The term child labour may be referred to an employment of a person below adulthood age in some gainful activity, supplementing his family income but at the same time rendering sufficiently enough burden on a child inhibiting his mental and physical development as well as blocking his career prospects”.

A more recent approach has been to evolve certain parameters to more clearly distinguish between child labour and child work by identifying the specific characteristics that make work harmful\textsuperscript{14}.

- Children are too young
- Children are too small
- Hours are too long
- Pay is too little
- Work is too dull / repetitive
- Work is too dangerous – monotonous
- Children have too much responsibility
- Children are too unfree

1.5 Types of Child Labour

The child labour is classified in a number of ways. Different social scientists have categorized child labour on different bases for different purposes. The child labour can be categorized into following classifications:-

1. General Classification

Under general classification child labour is divided into following categories:

(A) **Domestic child labour**: This is not necessarily a category of child labour in the real sense of the term. Almost all the children perform some or the other type of work at home. This work may be classified as follows:

(i) **Household work**: Urban and rural children attend this type of work. Here children do household chores namely cooking, cleaning utensils, fetching water, cutting fire wood etc., which relieve adults of the family for other non-domestic or wage earning works. In this category the girls are the ones, who contribute much more than the male children.

(ii) **Gainful work at home**: Some children help their parents in their business and commercial activities run at their home.

(B) **Non-domestic child labour**: Rural children, especially boys supplement the work of his parents. In many cases children involve themselves in full time agricultural work and he does not receive any separate payment also.

(C) **Bonded child labour**: Many children work for the money lenders or big land lords as bonded labour in order to pay off debts of their parents. Such children are known as bonded child labourers. The system of bonded labour has been in practice even after 55 years of independence in Indian rural society. Recently a case was reported in the district of Davanagere of Karnataka, where 12 children of 10 to 14 years were rescued by the district administration of Davanagere. In some cases a child labour had been working with the landlord for interest as his father had taken a debt from the landlord. In some cases child labour works for food only.
(D) Wage child labour: Some children independently work as wage labour in both rural and urban unorganised sectors. Such children do not supplement the work of their adults, rather they work independently as a separate entity.

2. Sex Based Classification

Child labour can be divided into two categories on the basis of sex.

(A) Male child labour: The male child labourer is greater in number than the female child labour. Not only that but their employment terms and socio-economic conditions are far better than female child labour. The male child labour has access to non-domestic wage earning opportunities.

(B) Female child labour: The female child labour is less in number than male child labourers. Yet it does not mean that their number is small in India. They are not so visible in large number particularly in rural areas.

3. Geographical Classification

Child labour may be classified on geographical basis also. There are two types of child labour on the geographical basis:

(A) Urban child labour: The child labour working in urban areas are known as urban child labour. It has already been mentioned that urban child labourers work independently in large numbers. Thus they have better socio-economic status than their counterparts i.e. rural child labourers.
(B) Rural child labour: Child labour working in rural areas are known as rural child labour. Their main characteristic is that they work with their parents and their wages are also taken away by their parents. The socio-economic status of rural child labour is not so that of urban child labour.

4. Existence of Labour

The existence of labour can be classified into organised sector and un-organised sector. Majority of the child labour is found in the un-organised sector. The term organised and un-organised sector regarding labour can be defined as follows:

(a) Organised Sector

Organised sector refers to the labour activities that are organised by rules and regulations of one or more Government Acts. In other words, some times occupations which are covered by the rules and regulations framed by Government from time to time are also treated as Organised Sector Units.

(b) Unorganised Sector:

It is very difficult to identify the unorganised sector, but can be described with the help of the following features such as,

(a) Casual nature of employment
(b) Ignorance of illiteracy
(c) Small size of establishments with low capital investment per person employed
(d) Scattered nature of establishments
(e) Domination of contractors
(f) Whims and fancies of mason.
1.6 Why Child Labour is Preferred?

Child labour is cheap labour. The wages paid to working children are almost half of those of the adults. Working children are preferred by both family and employer.

Family Version: The following are the factors mainly responsible for child labour. The view of family or the parents perception about child labour was to earn for assisting family because of inadequate income of family. It is due to inadequate number of adult workers in the family, unemployment and under employment of adult labour.

The study conducted by Dr. Patnam and A.R. Bhale Rao\textsuperscript{15}, the perceptions of the parents on child labour, reveals that 47% slum parents expressed favorable views towards “Child Labour”. For various reasons most of these findings are in line with the findings reported in the studies of Singh et al (1978) and Ogale (1993).

Employer’s Version: In a majority of unorganised sector activities, employer prefers children instead of adults. Children have less developed ego and status consciousness. Children are more active, quick and feel less tired in certain tasks.\textsuperscript{16}

The employers also prefer child labour because, in the most of the cases there are no liabilities on the part of the employer to give any service benefits to the child workers such as provident fund, gratuity, leave, promotion, annual increments etc.


1.7 Magnitude of the Problem

The recent International Labour Organization (I.L.O.) report puts child labour figures to an outstanding 250 million in which 120 million are working as full time and 130 million as part-time workers. Today, India is the home of the largest number of working children. As per 1981 census there were 13.6 million child labourers in India. According to 1991 census there were 11.2 million working children in India. Human rights watch report in 1996 disclosed that there were 44 million to 115 million working children in India. Operation Research Group (ORG) study sponsored by the ministry of labour, Government of India, concluded that there were 44 million working children in India 1989.

According the estimation of ILO (1996) there were 12.67 million full time child labourers and 10.50 million marginal child labourers, found working in different organised and un-organised work forces. The child work participation rate (CWPR) for 1980-1991 was calculated to be 13.5 percent for Male and 10.3 percent for Female (ILO 1995). In India the CWPR has not changed significantly.


1.8 Causes of Child Labour

There are many socio-economic factors responsible for the increase of child labour in India. With an increase in rate of industrialization and modernization, the incidence of child labour in all the developing countries has been growing alarmingly. When India is poised to enter the 21st century in a big way with an era of total modernization of industry and agriculture, the problem of child labour is growing both extensively and intensively.

On reviewing the factors resulting in the prevalence of child labour, we find that casteism, poverty, family size, income level, education etc. are some of the major factors that have intensified the problem of child labour in India. Gurupadaswamy committee has revealed in its report that the child labour problem is a result of poverty and elimination of poverty is itself is a great problem.19

Thus there are many causes of child labour, but some of the main causes are outlined as follows.

i. Poverty
ii. Inadequate Income of adult bread earners of the family.
iii. Unemployment
iv. Large family
v. Child labour is a cheap commodity
vi. Illiteracy and ignorance of parents
vii. Absence of scheme for family allowances.

Other Reasons

In addition to the above causes of child labour there are also certain other significant reasons for child labour.

1. The process of protective labour legislation

2. Inspecting machinery, which is provided by the State Government is inadequate to check the child labour

3. The labour laws meant to check child labour are also defective in various respects.

Ancillary Causes

The following are the ancillary causes:

☐ They work for less remuneration.

☐ They are more pliant and can be moulded easily.

☐ Children are trouble free and cannot organize agitations through trade unions.

☐ Being minors, the membership of trade unions are not open to children.

☐ Children cannot demand overtime nor the medical and other facilities, which the industry is supposed to provide.

☐ Employers find children more amenable to discipline and control.

☐ They can be coaxed; admonished, pulled up and punished for default.

☐ Migration from rural to urban areas.

☐ Lack of interest in education.²⁰

1.9 Effects of Child Labour

Children are the future citizens of our country. If we look at the child as an individual he is delightful in his spontaneity, his truthfulness, his sense of wonder and fun. But if we regard him, as an economic entity he is vital to the development of human resources and to safeguard the country’s future. Employment of children often prevents full unfolding of their potentialities, it deprives the child of education, training and skills which are essential for improving his future capacity of earning and levels of living.21

Karl Marx in “Das Capital” observed that “the result for buying the children and young persons of under age by the capitalist is physical deterioration and moral degradation”.22

In this regard several attempts have been made to highlight some of the important consequences of child labour and its effects on

i. Safety and Health

ii. Education and Intellectual Development

iii. Unemployment and poverty.


The following table gives an idea of health hazards to working children:

<table>
<thead>
<tr>
<th>Occupation Processes</th>
<th>Area/number of working children</th>
<th>Works/Functions</th>
<th>Health hazards</th>
<th>Working hours/working conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agriculture</td>
<td>All India 8.8 million (1981 Census)</td>
<td>-Agricultural labour -Cultivation -Gathering of furl &amp; water -Looking after cattle</td>
<td>-Disease due to pesticides/ insecticides -Malnutrition</td>
<td>-8-10 Unhygienic, dark placed or work -No working facility -No medical care -Physical mental abuse common -Beating/starvation -Sexual abuse -Restriction on freedom of movement. -Changing job.</td>
</tr>
<tr>
<td>2. Brassware</td>
<td>Moradabad (U.P)</td>
<td>-Sheet making -Grinding -Polishing -Welding -Engraving -Electroplating -Packing -Labeling -Transporting the finished goods</td>
<td>-Lower respiratory tract infections and muscles -High incidence of chronic bronchitis -Bone disorders</td>
<td>10-12 work in cramped, dingy units filled with fumes and dusts of heavy metals</td>
</tr>
<tr>
<td>3. Carpet weaving</td>
<td>a) Mirzapur Varnasi 1,50,000</td>
<td>-Knitting/Weaving -Processing</td>
<td>-Finger cut -Peticosys (woolen dust causes lung disease) -Distortion in backbone -Weakening eye sight -Skin problems -T.B.</td>
<td>-10-12 Absolutely sub-human condition of working and living -Tortured -Locked into small premises -Beating/starvation in illness is common -Missing to parents no freedom of movement or migrant children</td>
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<td></td>
<td>b) Kashmir valley</td>
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<td>4. Handlooms Kanchipuram</td>
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<tr>
<td>Weaving</td>
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<td>Winding of spindles</td>
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<tr>
<td>Assisting adult weavers</td>
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<tr>
<td>Eye problem</td>
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<tr>
<td>Lungs problems</td>
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<tr>
<td>Asthma, T.B.</td>
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<td>7-10</td>
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<tr>
<td>No. fixed working hours</td>
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<td>No. weekly off</td>
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<tr>
<th>5. Match &amp; Fireworks Sivakasi</th>
<th>50,000</th>
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<tbody>
<tr>
<td>Frame making</td>
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<tr>
<td>Box filling</td>
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<tr>
<td>Dipping sticks in chemicals</td>
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<tr>
<td>Explosions, Causalities</td>
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<tr>
<td>Severe neck and back pain</td>
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<tr>
<td>Handling chemicals</td>
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<td>with naked fingers</td>
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<td>hazardous</td>
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<td>7-10</td>
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<tr>
<td>No. weekly off</td>
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<tr>
<td>No. fixed working hours</td>
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<tr>
<th>6. Glass and Bangles Ferozabad</th>
<th>50,000</th>
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<tr>
<td>Carry glasses made in presses on forks to the conveyer belt.</td>
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<tr>
<td>Carry lamps to line the note with paper</td>
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<tr>
<td>Carry product</td>
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<tr>
<td>Asthma, T.B.</td>
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<tr>
<td>Bronchitis, Eye defects.</td>
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<tr>
<td>Damage in liver and vital internal organs</td>
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<tr>
<td>Skin burns</td>
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<td>Chronic anemia</td>
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<td>Retarded growth</td>
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<td>76% children T.B. patients</td>
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<td>10-12</td>
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<td>Cramped, Unsafe &amp; unhygienic surroundings</td>
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<td>Explosion are common</td>
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<tr>
<td>90% children belong to neighboring villages and have to get up at 3. a.m. to catch the bus and return by 8 p.m.</td>
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<tr>
<th>7. Diamond Cutting &amp; Polishing Surat</th>
<th>50,000</th>
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<tr>
<td>Cutting</td>
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<td>Polishing</td>
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<td>Sharpening</td>
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<tr>
<td>T.B. Skin diseases</td>
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<tr>
<td>Viral and urinary infections</td>
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<td>Eye problems, Headache</td>
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<td>8-10</td>
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<tr>
<td>(three shifts 9 a.m. to 4 p.m. 4 p.m. to midnight and midnight to 8 a.m.)</td>
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<tr>
<td>to work near the furnace of very high temperature</td>
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<tr>
<td>to run at a fast speed on floor strewn with glass pieces.</td>
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<tr>
<td>Craft/Industry</td>
<td>City/Location</td>
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<tr>
<td>Gem Cutting</td>
<td>Jaipur</td>
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<td></td>
<td>15,000</td>
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<tr>
<td>8. Lock making</td>
<td>Aligarh</td>
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<td></td>
<td>8,000</td>
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</tbody>
</table>

Yojana June 1995

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1.10 Significance of the Study

According to Section 38 of Indian constitution, the principle of welfare state is accepted to improve the socio-economic conditions of depressed class of the society. Workers from an un-organized sector are such depressed class in the society, and building construction child labourers are one of them.

Study of child labour with special reference to building construction industry has long remained neglected. So far many researchers and social activists have investigated the problems and conditions of child labour in different areas and occupations. But according to researcher's knowledge, none of them have carried research on Building Construction Child Labour. This study tries to cover this gap. This study highlights their social as well as financial problems. It seeks to bring out how child labourers are exploited. This class of labour apparently lives a life of object poverty, insecurity and social isolation. These labourers are very rarely organised into unions.

It is painful to note that millions of under aged children are working in this industry. They are paid low wages for long duration of work, besides being ill-treatment by mason / contractors. Pathetic conditions of the child labour in the un-organised sector have inspired the researcher to study the various aspects of children working in building construction industry. There are so many types of operations performed by the children in building construction.
1.11 Objectives of the Study

The study is undertaken with the following objectives:

❖ To find out the economic activities in which child labourers are generally employed in building construction industry.

❖ To study the factors forcing the children to take up economic activity.

❖ To know the socio-economic background of child labour.

❖ To highlight the employment conditions of child labour in building construction industry.

❖ To study wages and working conditions of child labour in building construction.

❖ To study living conditions of child labour.

1.12 Hypotheses

The Hypotheses stated below are to be tested in our study:

i. Poverty is the main reason for children taking up economic activity

ii. Child labour come from poor families and backward classes

iii. Children are employed on temporary basis for low wages

iv. Living conditions are poor.

1.13 Scope and Area of the Study

The present study covers the child labour in the construction industry. The study is limited to the children employed in building construction industry in Bellary town. The present study takes into account only a particular group of child labour, which is limited to urban child labour in informal sector.
1.14 Methodology and Source of Data

The data have been collected from nine slum areas in Bellary town. Slum areas are being selected on random basis. 200 children have been selected for intensive interview on the subject. The data have been collected by administering a structured interview schedule among the selected child labourers on the construction site. Certain case studies have also been conducted.

Relating to secondary data, the published and un-published material available with Government of India and private agencies have been being utilized. The periodicals, journals, reports, books and theses were referred to as documentary sources.

1.15 Limitations of the Study

In all investigations of socio-economic character as in this in spite of careful planning certain limitations arise which are not anticipated before. The main limitations of the study are:

i. The researcher was often mistaken by the Contractors / Masons as a Government official from Labour office or the family planning department.

ii. Convincing and seeking permission of the mason/contractor to interview the child proved to be a difficult task.

iii. Because of lack of knowledge about specific age of the child on the part of parents in majority of the cases, the researcher had to estimate the age of the child.

iv. In some cases the children lost their patience with the lengthy questionnaire.
1.16 Layout of the Study

The Dissertation is divided into Six Chapters.

➢ Chapter-I deals with Introduction, Importance, Definition, Types, Causes, Objectives, Consequences of Child Labour and Limitation of the Study.

➢ Chapter-II gives a Profile of the District, Work Profile and Review of Literature were also included in this chapter.

➢ Legal Environment was discussed in Chapter-III Articles, Books Reports and Various acts related to Child Labour were reviewed in brief. Plans and Strategies of Karnataka State have also been reported in this chapter.

➢ Socio-economic conditions of the working children of building construction surveyed were explained in Chapter-IV. The study of Life Pattern, Family Background and Earnings Examined in this chapter.

➢ Information relating to working conditions of the Children, Monetary Benefits, Wages, etc. furnished in Chapter-V.

➢ Chapter-VI gives some Major Findings and Suggestions necessary to put the Employment of Children at the Minimum Level, if it is not possible to Eradicate this Social Evil completely.