CHAPTER - 7

CONCLUSION

SUGGESTIONS AND RECOMMENDATIONS

7.1 Introduction

I am the Child
All the World watches with interest to see what I shall:
Civilization hangs in the balance
For what I am, the World of tomorrow will be
I am the Child
You hold in your hand my destiny
You determine largely whether I shall succeed or fail
Give me, I Pray you, these things that make for happiness
Train me, I beg you, May a blessing to the World

- Mamie Genecol

The Great Noble Peace Prize Winner of 2014 and the Indian Child Rights campaigner Kailash Satyarti expressed that “he is representing the sound of silence” and the “millions of those children who are left behind”. He further said “There is no greater violence than to deny the dreams of our children”. He lamented “millions and millions of children who are denied their childhood, who are denied their freedom, who are denied their education and health”, adding that the peace prize had shown a spot light on their plight.

Child labour restricts the right of children to access and benefit from education and denies the fundamental opportunity to attend school. Child labour,
thus, prejudices children’s education and adversely affects their health and safety.

Despite a steep drop in the number of child workers in the state of Tamilnadu over the previous decade (in 2001, it was 4.18 lakh but in 2011 it was only 1.51 lakh), in AP it is 4.04 lakh, in Karnataka, it is 2.49 lakhs and in 21,757 in Kerala). Recently released census data reveals over 1.51 lakh children are still labouring in Tamil Nadu under the sun and in dingy factories everyday. In an effort to root out the practice once for all, the Labour Department launched an intensive 11-day Campaign on January, 2015 with its officials conducting raids in all districts of TamilNadu. The department has also launched a signature campaign at the trade fair in Chennai.

A Senior Official of the Labour Department says “we want to create awareness among the public. At the trade fair, people visiting our stall are signing on the board that displays slogans against child labour”. “Our effort is mostly directed at identifying children who are forced to work and those employed for economic reasons. The over all 1.51 lakh child labourer population includes differently - abled children and those who have to take care of their younger siblings in the absence of parents. Rescued children are either enrolled in nearby schools or taught in bridge schools before being mainstreamed. The officer added further to the notice of the public “for reporting cases of child labour, people can contact the toll-free childline helpline 1098.”

The Indian Constitution prohibits the employment of children in factories, mines or other hazardous employment (Article 24); enjoins the State to direct its policy towards securing that children are not abused, that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength (Article 39 (e)); that children and the young are protected against exploitation and moral and material abandonment (Article 39(f); and requires provision of free and compulsory education to children up to the age of 14 years (Article 45).

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Indian labour laws are in compliance with ILO Conventions on child labor to which India is a Party. India has ratified six ILO Conventions relating to child labor and played a leading role in the adoption of ILO Convention No. 182 on Elimination of the Worst Forms of Child Labour at the 87th Session of the International Labour Conference in Geneva in June 1999. India has also ratified on 2nd December 1992, the UN Convention on the Rights of the Child.

Child labour denies a child the ‘right to childhood’. Domestic child workers are one of the most exploited children. Children who are even below ten years work as domestic workers. They are victims of all kinds of exploitation. They are vulnerable to sexual exploitation and in many cases, they are starved, beaten up, and tortured by the sadistic employers. It is a severe form of slavery. They are not included in the hazardous forms of child labour under the Child Labour (Prohibition and Regulation) Act, 1986. On the global plane, the idea that children have rights was considered many a time and this conviction was expressed at the Convention on the Rights of the Child (CRC) in 1989. It became a part of international law after nine months as the UN General Assembly adopted it on September 2, 1990 which is considered as the most significant milestone in the quest of children’s rights. India ratified the convention two years later in 1992.

It is surprising that while the Indian Constitution was adopted as far back as in 1950, it was only in 1986 that the Child Labour (Prohibition and Regulation) Act was passed. Despite the constitutional provisions and the enactment of the 1986 Act, a large multitude of children in India continue to be involved in various hazardous and non remunerative occupations.

Forced, bonded or indentured child labour is prohibited under Indian law. India has ratified on 30 November 1954, the ILO Convention No. 29 (Forced Labour Convention, 1930) and the bonded labour system has been abolished throughout India by an Ordinance with effect from 25 October 1975. The Bonded Labour System (Abolition) Act was passed by the Parliament of India in 1976 and given effect from 25 October 1975. The Act provided for the abolition of the bonded labour system. Any child found in a bonded situation as per the Bonded Labor System (Abolition) Act is entitled to immediate release and
rehabilitation. Moreover, prompt and exemplary punishment as per the law is being meted out to any violators of the Act.

The Act also provided for statutory institutional mechanisms to prevent bonded or forced child labor in the form of Vigilance Committees at the district and sub-district levels functioning under the Chairmanship of District and Sub-Divisional Magistrates. Anyone who wants to file a complaint about the existence of bonded / forced labor in any part of India can do so before this Vigilance Committee.

The Government of India announced a National Policy on Child Labour in 1987. It envisages strict and effective enforcement of child labour related laws, convergence of services for the benefit of the parents of working children in order to improve their economic conditions and launching of projects in areas of high concentration of child labour. Projects to rehabilitate children working in hazardous industries like match and fireworks, glass and bangle making, lock making, carpet weaving, slate, gem cutting and gem polishing, brassware, etc. were started following the announcement of the National Policy. Major impetus to the program for the welfare and rehabilitation of child labour was, however, given from 1994-95 onwards when a large number of projects across 11 Indian States were put into operation.

India has had child labour laws in position for many decades. Among the earliest was the Children (Pledging of Labour) Act, 1933. It lays down that any agreement to pledge the services of a child either by parents or guardian shall be void. The most significant prevailing law is the Child Labour (Prohibition and Regulation) Act, 1986, which is reflective of the political will, determination and commitment to the elimination of the pernicious system of child labour in India.

The existing provisions of the above two Acts are comprehensive enough to prohibit the practice of indentured or forced child labor in India. If any child is found to be working in hazardous employment, the employer is prosecuted under the provisions of the Act and the child working in any such establishment is released from work and rehabilitated through National Child Labor Projects and projects run by other agencies / organizations.
The role of judiciary in India has been quite significant in promoting child labour welfare. The judiciary has played important role in protecting the child workers from exploitation and improving their conditions. Judiciary has shown generosity towards poor child workers by relaxing the rules of locus standi. Judiciary made sincere efforts to benefit the poor child workers by entertaining their problems and giving them relief despite the limitations of locus standi. The observations made by the judiciary in various decided cases show that it is always committed to the cause of the child labour.

The Indian judicial system has independently and effectively intervened on the child labour issues. The Supreme Court of India issued in **M.C. Mehta’s Case**\(^{247}\) in December 1996 - a number of directives regarding the removal of children from hazardous industries / occupations / processes and the provision of welfare support for such children. It is surprising to note that after the verdict of the Supreme Court in the above case, the employment of child labour has been more or less stopped by all the industries.

The National Human Rights Commission (NHRC) in India has also been monitoring the implementation of Government policy and programs on identification, release and rehabilitation of child labor in selected districts of the country.

The Commission entertains complaints related to child labour and bonded labour and after investigations, gives appropriate orders for compliance. The Supreme Court of India in its order-dated 11.11.97 has requested NHRC to be involved in dealing with the issue of bonded labour.\(^{248}\)

The **National Human Rights Commission** issued an Office Memorandum dated 7 June 1999 to all civil servants, prohibiting the employment of children below the age of 14 years as domestic servant.

The Government of India’s initiatives have been augmented by similar ones by the ILO. India was the first country to join the International Program on

\(^{247}\) AIR 1997 SC 699.

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the Elimination of Child Labour (IPECL) and has been participating in it since 1992. One hundred thirty action programs have been taken up mainly through NGOs, central employers and central trade union organizations for implementation under the IPECL during 1992-98.

NGO’s are also an active partner in the efforts towards elimination of child labor. Under the Grant-in-Aid scheme of the Ministry of Labour, Government of India, numerous NGOs are being financially assisted for taking up welfare projects for working children. Such assistance is also given for action-oriented research / study on child labour and preventive measures to discourage assertion of children into employment.

There is an elaborate mechanism for monitoring the implementation of programs for the identification, release and rehabilitation of child labour. This includes:

(i) **The National Authority for Elimination of Child Labour** (NAECL) was established in 1994-95.

(ii) **A Standing Group to evolve** a mechanism for dealing with the problem of child labour was constituted under the Chairmanship of the Cabinet Secretary in April 1998.

(iii) **A Central Monitoring Committee** on child labour constituted by Government of India on 30.12.98 under the Chairman of Union Labor Secretary is responsible for the overall supervision, monitoring and evaluation of National Child Labour Projects in various States.

(iv) **A National Resource Center on Child Labour** (NRCCCL) set up at the National Labour Institute in Noida, UP, in March 1993.

**State Level Monitoring Committees**

The State Governments have set up **State Level Monitoring Committees** for monitoring the implementation of National Child Labour Projects in their
respective states and similar bodies also function at the district level under the Chairmanship of the District Collector and Magistrate.

**National Literacy Mission**

The National Literacy Mission has been launched since 1988 to remove parental illiteracy and promote functional adult literacy. The Department of Education is also implementing the District Primary Education Program that covers working children in a large number of child labour endemic districts.

The passing of Compulsory Education Act, 2009 may help in regard to changing attitudes. The examples of Sri Lanka and Kerala show that compulsory education has worked in those areas. However, there are differences between Sri Lanka, Kerala and the rest of India. What types of social welfare structures do these places have? What are the attitudes of the people? Is there some other reason why the labour market for child labourers is poor in these areas? These are some questions that need to be answered before applying the concept of compulsory education to India? India is making progress in terms of educational policy.

**Legislation and other steps taken by the Government**

The government has given a green signal to make appropriate amendments in the existing Child Labour Act, 1986. The Child Labour Amendment Bill, 2012 has proposed to prohibit employment of children below the age of 14 years in all occupations and processes to facilitate their enrollment in schools in view of the Right of Children to Free and Compulsory Education Act, 2009 and to prohibit employment of adolescents in hazardous occupations and processes and to regulate the conditions of service of adolescents in line with the ILO convention 138 and 182 respectively. This is a crucial step taken by the government towards eliminating child labour.

Apart from the Child Labour Amendment Bill, 2012, the Government of India has passed the prestigious National Charter for Children, 2003 which reiterates the govt’s commitment to the cause of the children in order to see that no child remains hungry, illiterate or sick. Apart from that the various powers
and functions of the Commission constituted by the National Commission for Protection of Child Rights (NCPCR – 2005) are noteworthy by in their role in protecting the rights of children.

Role of the International Labour Organization (ILO)

Apart from various conventions of ILO, UNO and other International Agencies, the ILO has launched two programmes to combat the problem of child labour in India: the International Programme of Elimination of Child Labour (IPEC) and the Child Labour Action and Support Programme (CLASP). The aim of the IPEC, started in India in 1993, is to eliminate, create awareness and spur action against child labour. CLASP, the second project, strives to strengthen the capabilities of the Central and State Governments in implementing the National Policy on Child Labour and to promote the institutions involved. The ILO Convention No. 138 prescribed the following minimum work ages for developing countries: 12 years for light work; 14 years for general work; and 18 years for hazardous work and convention No. 182 prohibits employment of all children in hazardous works.

The pertinent questions on this issue are:

- can and should child labour be stopped altogether, and, if so,
- how can it be stopped?

The first of these two involves some normative considerations. Obviously, the first best and ideal world is the situation where the phenomenon of child labour is totally absent. But due to the existing socio-economic conditions in Rural India and particularly in Tirunelveli District it is very difficult to achieve. A more pragmatic approach would be to strive to mitigate the plight of the child labourers in the immediate short run and to get rid of the vice in the long run, if not possible in the near future. For this, however, it is imperative to set a deadline of 8-10 years horizon from now on and work sincerely towards attaining a child labour free society.
7.2 Findings

Child labour is a much graver issue that one can imagine. The statistics alone are not sufficient to present a realistic picture. Qualitative surveys are required. During the past two decades, several organizations have undertaken such studies or surveys in pockets of the Indian economy where child labour is widespread. These investigations have yielded area-specific and (economic) activity-specific pictures of child labour.

One thing that has become clear is that the labour law enforcement machinery alone cannot solve the problem. Identification of child labour as well as the removal from work and the rehabilitation of child workers require coordinated efforts from various segments or society, including NGOs, trade unions, employers and employer organizations, and different government organs dealing with education, rural development, industrial growth, law and order, social welfare, development of children's and women's affairs and others in addition to the Department of Labour. Steps have already been initiated within the States as well as at the central government level. The ILO's International Programme on Elimination of Child Labour, UNICEF and such other organizations are extending active support in this respect.

The problem cannot be eliminated in one full sweep. A gradual, consistent and coordinated process is needed. But the speed of this process will accelerate with increasing sensitization of various segments of the Indian society to the issue and with the spread of literacy and education, particularly among the female population of India.

It is clear from the study that child labour in beedi industry is prohibited under the CLPRA despite this children continue to work in an unorganized form mostly in home based. Therefore, efforts are needed to regulate the powerful forces that create demand and supply for children in the beedi industry. Though there is huge presence of domestic market, the effects of globalization where the beedies are exported to the developed countries needs to be taken seriously as this will further marginalize the vulnerable population and their children.
Stringent Penal Policy : Ascertaining enforceability

First, the legislation that we have now stipulates for imprisonment up to one year and a penalty up to a maximum of Rs. 20,000. But the reality is that while 13,60,117 inspections were carried out under the child labour law since its inception in 1986, barely 49,092 prosecutions were launched and merely 4,774 employers convicted. Most appallingly, a meagre sum of 200 to 400 rupees was imposed as penalty in most of the cases. In some, the penalty was as low as Rs. 20-25. Is this not a ruthless and cruel joke played on the children of our nation? What it calls for is sensitivity, capacity building and accountability of the enforcement machinery at all levels including in supervisory and recommendatory agencies and bodies like Child Welfare Committee (CWC), National and State Commissions for Protection of Child Rights, etc. The quickest disposal of cases must be ensured through fast track courts. Framing and implementing rules and standard operating procedures (SOPs) by State Governments, other innovative and participatory measures like forming and empowering people's vigilance committees as well as engaging Panchayati Raj institutions will be effective steps towards law enforcement.

Assessing the real magnitude of the Problem

Second, the government must have the courage to correctly assess the magnitude of the problem that it is confronted with. If not a pre-condition, accurate data is mandatory for planning and implementation of any scheme. According to the government, the number of child labourers has already nosedived from 1.25 crore (Census 2001) to 90.75 lakh in 2004-05 and recently to 49.6 lakh (National Sample Survey Office). Are these figures truly reflective of the reality? These figures were arrived at on the basis of a sample size of approximately 70,000 across the nation NGOs and some U.N. agencies estimate the number of child labourers to be as high as four to six crore. Children are falsely listed in school registers while in reality, they have already fallen prey to child trafficking, bonded labour, sexual exploitation and forced begging thousands of miles away from their homes. The most pertinent question that arises here is that if only negligible prosecutions and convictions were made so far, how were such a large number of children rescued or withdrawn? Where have they
ultimately gone if merely six lakh children are presently benefitted under the National Child Labour Project (NCLP) scheme? Is it not a glaring dichotomy?

The government of India must strive for a countrywide survey, as an immediate start it could begin with intense identification of child labourers in industries.

**Devising appropriate rehabilitative Measures**

Lastly, while on the one hand an ambitious, realistic, time bound, well resourced and comprehensive rehabilitation scheme must be put in place, on the other, coordination between child labour elimination agencies, Sarva Shiksha Abhiyan (including the mid-day meal scheme), Mahatma Gandhi National Rural Employment Guarantee Act and all other schemes and flagship programmes pertaining to underprivileged children and their families must be ensured. The present scheme for rehabilitation and provision of bridge education to the rescued child labourers is miniscule. This flagship programme, NCLP covers merely six lakh children in 266 districts. The government is currently revising and restructuring this scheme. In the light of the decision to bring in the amendments, the entire government and not just the Ministry of Labour and Employment must demonstrate superior leadership by using the time available between now and the enactment of the new law. A scaled-up and well-resourced national scheme should be devised to cater to at least 50 lakh child labourers up-to the age of 14, going by the government's own statistics. The biggest challenge would be to rehabilitate 15-20 lakh children in the age-group 14 to 18 who are employed in hazardous work. They cannot be absorbed in the conventional schooling system or any existing special educational schemes. Hence, **a completely new programme with the essential components of vocational skills, employability and entrepreneurship must be taken up on priority.**

- The gender-wise classification of our child labourers indicated that an overwhelming majority of 75 to 85 per cent child labourers are girls and in Ambasamudram and Tenkasi they account for 100 percent. The low percentage of boys might be due to various economic factors, as they are sent to other jobs.
From the analysis of the data, it has been observed, that among the children, female child workers are found to be more involved in beedi work activities in Tirunelveli District.

From the findings of the study, it has been observed that maximum numbers of child labourers belong to the age group of 12-14 years in all the Towns surveyed. Another interesting aspect of the study relates to religion of child labours. From the analysis of the data, it has been observed that in Melapalayam, Palayamkotai and Ambasamudram, that majority of child labourers belong to Muslim religion. Where as in Tenkasi and Kadayanallur Hindus constitute majority child labour.

Poverty is a primary reason for child labour. It is also observed that household’s impoverished conditions, the economic backwardness and rising prices of consumable goods are the compelling reasons for sending their children at work. Other reasons identified in the study for child labour are unaffordability of paying school fees, lack of socialization, broken families, domestic help, untimely death of bread winner, chronic illness in the family, large family size, drinking and gambling habits of family members etc. Poverty alleviation programmes are under implementation in India.

The study also revealed that the larger the family, the lower is per capita income which in turn is indicator of poor economic status of the family compelling its children to take to child labour. Thus, size of the family is an important factor contributing to the evils of child labour. The twin issues of child labour and children's right to education have been key issue which has drawn the attention of policy-makers.

It is argued that making education compulsory would be tantamount to punishing poor families who are dependent on the labour of their children. A more extreme corollary to this position maintains that children also have the right to work and to organise. It is argued that school is not the only arena where children learn; they can acquire life
skills at the workplace as well. Though this view is not acceptable, it may gain ground on account of getting linked to international movements of working children and because of the pressure generated by certain quarters of the donor community.

- A variety of educational services are offered by NGOs in their attempt to provide an alternative to child labour. They provide full-day schools that mirror the mainstream formal system in many respects. But these schools are regarded as non-formal on the grounds that they offer the primary school curriculum in a compressed time frame and their teachers are less qualified and are paid lower salaries than government school teachers. They demand that such schools must be funded by the Government. The rationale for setting such schools is to improve school access to the children of educationally backward areas Tirunelveli district. These NGOs also demanded that more conventional non-formal programmes such as evening classes and on-the-job literacy classes for working children should be offered.

- The study found, in some poor households, due to dire economic necessities arising from sibling’s marriage or religious ceremony, these families are compelled to send their children to work part time or full time. Some children are found working as well as attending school. In other households, working children’s contributions is considered important, because an adult male member of the family is not working or diverting economic resources to the purchase of drugs and alcohol.

- The study revealed that certain jobs were seen as having high moral risks for children specially girls. The girls who work outside their homes are facing sexual as well as mental harassment at the hands of employers.

- It is found that the parents of 100 child labourers (20 each in five study areas) in Tirunelveli Dist. are not aware of the constitutional provisions of compulsory and free primary education.
The study also revealed that very small proportion i.e. 5 per cent parents of working child respondents expressed the view that they are aware about child labour laws and regulations. Keeping in view the constitutional philosophy of child labour many legislations have been enacted by the governments both centre and state, laying special emphasis on the responsibility of nation on physical, mental, moral and special development of children which reflect in Chapter - 3. Some of the enactments like, The Factories Act, 1948, The Minimum Wage Act, 1948, The Merchant Shipping Act, 1958. The Motor Transport Workers Act, 1966, The Plantations Labour Act, 1951, Beedi and Cigar Workers (Condition of Employment) Act, 1966 and Child Labour (Prohibition and Regulation) Act, 1986 have been enacted because of the progressive outlook of the governments for improving the working conditions of the child workers. Besides these welfare legislations, the Report of the National Commission on Labour, 1969 and recommendations of the Committee on Child labour, 1979 also look out the problem of child labour and give some suggestion that there should be some proper law for protecting the rights of the working children.

Simply passing of laws and making education free, obviously, cannot ensure the emancipation of child labour. It is observed that the quality education at primary level is lacking. Because of this, families are forced to seek private tuitions for their children, which they cannot afford. Naturally, free primary education scheme fails to serve any meaningful purpose. The entire question needs to be addressed in a general equilibrium framework and within the ambit of present socio-economic parameters.

Till now 18 conventions and 16 recommendations have been adopted by this organization for the concerning of child labour. The other international agencies like UDHR, UNDP, UNESCO. UNICEF and WHO etc. are making effort to eradicate the evils of child labour and protecting their rights. Beside the international agencies, the international instruments also played an important role on curbing the problem of child labour, like ICCPR, ICESCR, Slavery Convention, and Convention on the rights of the Child, 1989. Particularly this convention has played a great role in the protecting the rights of the child. Prior
to this convention a Declaration of the Rights of the Child had been made in 1959 in which some principles had drawn related to child rights but this principle had not any sanctity because it was just declaration which did not bind any member to follow it. But there was Conference held in the year 1979, which is considered to be the International Year of the Child. Now the Convention is binding to all members who have ratified the convention and the members should formulate the article of the Convention in their principal laws for protecting the rights of the children. On the problems of child labour this convention has made Article 32\textsuperscript{249} which says that state parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.

But it is irony that despite the national and international scenario has taken initiatives to mitigate the problem of child labour yet the problem is still serious in the developing countries including India, where maximum number of children is working in organized and unorganised sector.

\textbf{Critical evaluation of the Child Labour (Prohibition and Regulation) Act, 1986 and its Reforms :-}

The Act has many provisions to be welcomed but at the same time it has some lacunae and its own limitations. The flaws in the Act are as follows:

1. Child Labour (Prohibition and Regulation) Act, 1986 covers only 10 percent of the total working children. Moreover, the agricultural sector, which contributes more than 75 percent of the child employment is not covered by the Act. This Act is not easy to enforce in the unorganized sector because the units are numerous and unregistered.

2. Section 3, deals with the occupation, work, or process that is carried on by the occupier with the aid of his family is out of the purview of the Act.

3. Although the Act prohibits the employment of children in certain hazardous industries and processes, it does not define what constitutes hazardous

\textsuperscript{249} Article 32 of Indian Constitution.
work. It only provides a list of hazardous occupations / processes in annexure 2 of the Act. As a result, it leaves a loophole for employment of children in hitherto unidentified hazardous occupations and processes, and the use of hazardous materials.

4. The law does not recognize the child as an individual being who should be the focus of the Act. Instead, the focus is on the establishment, employer, administration and procedures on cleansing the establishments of child labour with no provision for the child’s rehabilitation. It does not say what should happen to the child labourer once the employer is prosecuted.

5. The implementation of the Act depends entirely on the State’s machinery.

6. Child Labour (Prohibition and Regulation) Act does not specify the minimum age of employment of children in the occupation and processes other than the prohibited ones.

Determining the age of the child is a big problem. In a country like India, many children do not have birth certificates. This procedure needs to be simplified. Besides, it is recommended that till such time as age is determined the benefit of doubt should be in favour of the child.

7. There is no specific provision in the 1986 Act for applying the provisions of other laws like the Industrial Dispute Act, The Shops and Commercial Establishments Act, the Minimum Wages Act, etc.

8. It is suggested that the advisory function of the Technical Advisory Committee under Section 5(1) of the Act should be expanded and it should be able to receive petitions from individuals etc. for addition of occupations and processes to the Schedule.

The rules relating to the Child Labour (Prohibition and Regulation) in various states need to be immediately amended for better implementation of the Child Labour (Prohibition and Regulation) Act.
7.3 Suggestions:

- It is suggested that there is a need for building effective mechanism and structural pattern to ensure that all the laws framed by the Government for the eradication of child labour must be implemented. If the laws are effectively implemented, the rights of the children shall not remain on paper but shall be translated into action.

- It is suggested that assistance in setting up income generating activities and organising adult labour to demand minimum wages and better working conditions. NGOs feel the Government, both Central and State, must help parents to address one of the root causes of their poverty as well as reduce child labour.

- It is suggested that the action plans for the eradication of child labour must be multifaceted and multidimensional and have diversity of approaches so as to provide solution to the complex and deep-rooted problem of child labour. Several issues like the child’s perspective, context and environment must be incorporated and properly addressed to meet the growing challenge of child labour.

- It is suggested that a campaign to promote awareness of the Convention, the constitutional provisions and the situation of children in Tirunelveli must be launched. The campaign should focus on information-dissemination on child rights at the State, District and village levels. It should also demand the implementation of the commitments made by both Union and the Government of Tamil Nadu. The campaign must undertake initiatives such as at national level awareness, networking, and child-centered policy advocacy, for building a conducive institutional environment wherein all the internationally agreed and accepted child rights are fully practised and promoted. One of the objectives of the campaign must be to mobilize public opinion for the protection and promotion of child rights through information dissemination, awareness.
It is suggested that the Indian legal system has to evolve a great deal in securing the rights of the child. Firstly, there has to be some synchronization of the upper age limit for childhood if the rights of childhood have to be realized. The Convention on the Rights of the Child, 1989 created for the first time, a balanced and clearly articulated framework for determining the rights that a child has under International law. Even with its inherent problem of enforcement, the Convention can be a catalyst for legal reform since it sets out the rights, a child should be able to claim at some point in the national legal system.

It is suggested that in keeping with the intent of Article 3 of the Convention on the Rights of the Child, any attempts to regulate globalization should address the best interests of children through a 'child impact analysis'. Such an assessment would review any proposals for their impact on children, taking into consideration, for example, whether changes in economic policies (like the subsidies for the production cost for beedi) protect the rights of children to education and health services or whether changes in labour policies (lack of laws and legislation regulating family labour) specifically address the issue of child workers.

It is suggested that one of the crucial link which was highlighted in this study is the occupational health hazards which confronts the children involved in beedi making. Therefore, it is important that Universalisation of Primary Education for all children envisaged through Right to Education Act 2009 is the most effective strategy to counter the problem of child labour in Beedi industry. This is because one should not expect young children to study or learn effectively after doing a monotonous and strenuous job like beedi work without any time of their own to enjoy their childhood or develop their faculties in a right direction. Therefore the viable alternative to tackle the problem of child labour in particular is to make the children continue in school and thereby preventing them from entering into the unorganized work force.
It is suggested that it is suggested that a strict and stringent enforcement of all the provisions of the Right to Education Act, 2009 should be given.

It is suggested that the Govt. of India must reconsider its view on the employment of children in TV programmes, advertisements, cinemas etc. If they need to be employed, the proper permission from the Juvenile Welfare Board or any other authorities empowered by the Central Government in this behalf to be appointed.

It is suggested that the International treaties which have given a new dimension to the concept of child rights must be appreciated at the national level, too. The domestic legal systems should also incorporate this holistic perception of rights.

It is suggested that there is a need to include the provision for mandatory enforcement of the orders of the National Commission for Children and the Commission should be given powers to initiate contempt proceedings against those not complying with its orders within a time frame.

It is suggested that the Government of India should ratify the International Labour Organization’s Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour. The Government should also ensure compliance of the Supreme Court ruling on child labour.

It is suggested that the district-level vigilance committees should be strengthened to identify and eliminate bonded child labour.

It is suggested that the provision mentioned in the education policies should be implemented to reduce children dropping out of schools and becoming child labourers.

It is suggested that the Factories Act should be amended to cover all factories or workshops employing child labour.

It is suggested that a few children in Tirunelveli district have not any other earning member in their families; in such a case, the State
Government should pay some allowances, so that the child should not be compelled to work. Financial allowance of Rs, 20,000/- per annum to the families of the children who may be compelled to work may be paid by the Government.

- It is suggested that all children should be registered at the time of birth. Registration is essential to permit the exercise of the child’s rights, such as access to education, health care and other services, as well as to provide employers and labour inspectors with evidence of the age of every child.

- It is suggested that the media should play an important role in educating the public about child rights. It should draw attention of the policy-makers to the violations of child rights. Media should give children a voice, expose shortcomings in the system, highlight the achievements of children — their aspirations and the risks they face.

- It is suggested that there is an urgent need to encourage community participation in all the areas relating to child labour such decision making, priority setting, planning and implementation of poverty alleviation programmes, rural development.

- It is suggested that NGOs should play an important role to ensure effective assertion of the rights of children. At the regional level, NGOs must explore ways of using regional human rights machinery and instruments to address regional specificities and disparities and developing regional positions and strategies regarding issues relating to children. The challenge for child rights NGOs lies in applying a participatory empowerment approach to the development of the rights of the child.

- It is suggested that training, Sensitization and Coordination across society should be an important part of the strategy to protect the rights of the child. Effective child protection and development depend on skills, knowledge, and judgment of all professionals, personnel, and staff working with children. It is important that people in direct
contact with children receive training to raise their awareness of the issues and concerns of laws and rights relating to children.

7.3.1 On Government Policy

(i) It is suggested that the Government of Tamil Nadu has to take effective steps to strictly prohibit the employments of the children in occupations, which have been said under the child labour Act.

(ii) It is suggested that the State Government must activate the law enforcement machinery to see that all the legislative measures aiming at the welfare of the child labour are fully implemented in occupations, where employment of children is permitted.

(iii) It is suggested that besides this, the government should also provide financial assistance in the form of grants-aid to the voluntary bodies for imparting non-formal education, health care, nutrition and vocational training to the child labour.

(iv) It is suggested that government should ratify the Convention No 182 and the Recommendation No 190 which deal with the “Prohibition and Immediate Action for the Elimination of the Worst Form of child labour.” The Convention was adopted in 1999 but the Government of India has not yet ratified it.

(v) It is suggested that the government must take up different programmes like food for education, providing financial assistance, self employment of rescued child labour, after completion of their study and establishment of production-cum training centres for child labour with stipend, etc to reduce the incidence of child labour.

(vi) It is suggested that efforts should also be taken by the voluntary organization to involve the local public and parent/guardians of child labour. So that they become aware of the efforts made by the government for the eradication of child labour.
(vii) It is suggested that the government intensify the steps to achieve cent percent literacy by undertaking Adult Education Programme, which in turn will enable parents to realize the need and importance of education.

(viii) It is suggested that wide publicity be given to the evils of child labour and the parents be made aware of the problem of child labour.

7.3.2 On Welfare Policy

(i) It is suggested that the State Government should implement such action plan in the areas where child labour concentration is much higher. These areas should get priority.

(ii) It is suggested that generally, children work in the appalling conditions in the informal sectors and small-scale enterprises. Their poor working conditions include the long hours of work, short rest intervals, lack of weekly-offs and other holidays, safety and health hazards, physical and psychological abuse, lower wages etc. To protect the children exploitation. Child labour laws can play a catalytic and supportive role in establishing a more humane socio-economic order.

(iii) It is suggested that the Government must persuade the employers of the child workers to provide compulsory insurance scheme taking into account the nature of their employment. The government must ensure that every child workers is insured for at least of minimum of Rs. 50000 as per the verdict given by the Supreme Court in Rajangam’s Case²⁵⁰.

(iv) It is suggested that there is the need for change in social attitude and in the context mass media should be assigned a constructive role.

7.3.3 On Rehabilitation Programmes

(i) It is suggested that any legislation for totally prohibiting child labour amount to hardships to the poor parents and their children unless they are rehabilitated or their families are provided alternative source of income.

²⁵⁰ Rajangam, Secretary, Beedi Workers Union vs. State of Tamil Nadu, AIR 1992 1 SCC.
(ii) It is suggested that most of the rehabilitation programmes today aim at improving the working environment of the child and are hence helping to perpetuate this evil. The ultimate aim has to be the abolition of child labour and all governmental programmes must work towards fulfilling this objective.

Therefore, child labour should be under the Ministry of Welfare because it should be better suited to deal with the problem in its various dimensions. The Government is implementing National Child Labour Project (NCLP) Scheme for the rehabilitation of children withdrawn from hazardous occupations and processes. Ministry of Labour & Employment in consultation with other Ministries is considering to review the Scheme for making it more child friendly.

7.3.4 On Working Conditions

(i) It is suggested that the scope of Child labour (Prohibition and Regulation) Act, 1986 should be extended with a view to cover factories of all types where any kind of processing is carried on by the owners with the help of the children. Efforts must also be made to extend the scope of the Act to even unorganized sectors such as tea-stalls, dhabas and sweat shop etc where children are being employed on a large scale.

(ii) It is suggested that apart from the occupational risks, children need to be protected from the other organizational problem such as excessively long working hours, night work, piece rate payment system, etc. They should also be ensured social security, including medical care and sickness benefits.

(iii) It is suggested that the working hours for child labour should not be more than six hours a day which is the requirement of the law itself.

7.3.5 On Wage Policy

(i) It is suggested that the Central Government must direct the state governments to bring the wages of child labour at par with those of adults in pursuance of its policy of gradual elimination of child labour.
Implementation of the Minimum Wage Act also needs a lot of attention and the state government should take action to ensure a better compliance of the Minimum Wage Act. Mere passing of laws is not enough unless concrete efforts are made by the states to give effect to these legislations.

(ii) It is suggested that employer must be required to pay minimum wage to every child, below which no child should be employed. The minimum wage should be provided as directed by the Supreme Court in M.C. Mehta v. State of Tamil Nadu and Others.\(^\text{251}\)

(iii) It is suggested that the owners of unorganized sector must be directed to maintain a register of employment dealing with the names of all child workers, their obligation to furnish this detail to the child welfare department concern to see how far the employers are carrying out the legislation requirements with regard to child workers.

7.3.6 About Public Awareness

(i) It is suggested that there is need to arouse awareness about the child labour. It is also an effective tool for eradication of child labour.

(ii) It is suggested that there is a need to bring consciousness among the children so that they may be aware of their constitutional rights and relief accordingly. This is again possible with the help of radio, television, spread of education and literacy campaign.

(iii) It is suggested that dissemination of message against child labour would be carried out using “toms-toms” in the villages.

(iv) It is suggested that the public should be awarded for finding out or identifying any Child Labour.

\(^{251}\) AIR 1997 SC 699.
7.4 Recommendations for the Legislative changes to be made in the Child Labour (Prohibition and Regulation) Act, 1986 are as follows:

**Operational Definition of Child**

It is proposed to amend the definition of 'child' to provide that 'child' means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act, 2009), whichever is more, and that a definition clause is proposed to be inserted which provides that 'adolescent' means a person who has completed his fourteenth year of age but has not completed his eighteenth year. The Committee observed that as per Section 3(1) of the RTE Act, 2009, every child of the age of 6-14 years shall have a right to free and compulsory education till the completion of elementary education and as per proviso to Section 4, a child admitted to elementary education shall be entitled to free education till completion of the elementary education even after fourteen years. Paragraph 3 of Article 2 of ILO Convention 138 (Minimum Age Convention, 1973) also states that the minimum age for admission to employment or work shall not be less than the age of completion of compulsory schooling. The Committee are of the view that while aligning with the RTE Act, the Ministry has missed the spirit of the RTE Act. The focus of RTE Act is to provide elementary education to all which should have been the criteria for determining a 'adolescent' in the present Bill too. The Committee are of the opinion that all children below 14 years should be in school and those who are above 14 and have missed school due to any reason should at least complete elementary education before being allowed to be employed in any occupation.

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252 Child Labour (Prohibition and Regulation Amendment Bill, 2012.)
It is to be noted that various Acts have prescribed different age to define a 'child'.

The Convention on the Rights of the Child, 1989 defines a child as a person under the age of 18. Accordingly, the children under the age of eighteen have a fundamental right to education and a healthy standard of living and the states should use the “best interest of the child” standard in evaluating laws regarding children. CRC also provides implementation of penalties and sanctions if these rights are violated.

In the Philippines Republic Act No. 7610 of 1992, the term ‘child’ was given a new interpretation, thereby the term child is defined as a person below eighteen years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, cruelty, exploitation or discrimination because of physical or mental disability or condition.

The Draft Constitution (August 2000) of Sri Lanka Article 22 conclusively defines a child as a person under the age of eighteen, not to be employed in any hazardous activity.

According to the Bangaladesh Labour Act – 2006, the minimum age for admission to work is 14 years and 18 years for hazardous work.

Apart from that the Child Marriage Restraint Act, 1978 defines a child as 21 years if he is a male and 18 years if she is female. Also under the prohibition of Child Marriage Act of 2006, the Indian majority Act of 1875 and the Juvenile Justice Act of 2000, Child means a person who has not completed his eighteen years.

253 The reply of Ministry of Labour and Employment that rehabilitation and social integration of children has been provided under The Juvenile Justice (Care and Protection of Children) Act, 2000 which is in the domain of Ministry of Women and Child Development. During evidence the Secretary, Ministry of Women and Child Development put forth the issue of having different age for definition of child in the Acts and policies being implemented by the Ministry of Women and Child Development, most notably, new National Policy for Children, 2013 where the age is given as 18 years.
In *Sheela Barse vs. Secretary, Children Society and Others*, the Supreme Court of India held that International Conventions relating to employment of children, if ratified by the govt. of India, would be binding on India. In this connection the court also referred to Art. 51 our constitution which provides that India must honour its international obligations. Hence in compliance with the UN Convention on Rights of the Child of 1989, the International Conventions No : 138 as well Convention No : 182 and the definition of child given in the above countries, the Child Marriage Restraint Act, 1978 and also with reference to the Prohibition of Child Marriage Act, 2006 and Indian Majority Act, 1875 it is the right time to change the provision of section 2(ii) of the Child Labour Act, which defines 'child' means a person who has not completed his fourteenth year of age into 'child' means a child who has not completed his eighteenth years of age.

**Sec. 2(iv) Establishment** : which defines ‘Establishment’ means and includes a shop, Commercial establishment, workshop, farm, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment. The above definition does not include works or process done in a house, tent etc or otherwise unorganized or domestic works.

Hence in the above definition after the word entertainment, “or any other building, tent or vessel which is ordinarily used as a place of human dwelling or as a place of worship or as a place for the custody of the property, may be included.

Also, Sec. 2 (iv) while defining establishment, the term workshop is to be modified to extend the scope of the protective provisions to progressively cover more activities in which child labour is likely to be engaged. This is an enabling provision to add additional types or work places, such as houses, vessels etc if necessary.

The object of this change is to cover unorganized house-hold child labour also, since most of the industries which have employed child labour in their

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254 AIR 1987 SC 656.
255 AIR 1989 SC 331.
premises in the past have shiffed their activity from factories to house-holds. This is done to circumvent the legal hurdles especially to escape from the directions given by our Supreme Court in *M.C. Mehta’s Case*\(^{256}\). Further they have stopped employing children directly. Thus what was done by the child labours in the industries are now done in their households.

**Occupier**: In this connection in Sec. 2(vi) which defines “occupier”, the word building may be added, thus the definition of an occupier in Section 2(vi) may be read as "***occupier*** in relation to an establishment, or a workshop, or a building means the the person who has the ultimate control over the affairs of the establishment, workshop or the building, thereby any domestic work done by a child labour whether is an organized or unorganised may be also attracted with in the above definition.

Further the judgment of Supreme Court in *M/s. P.M. Patel and Sons vs. Union of Indian and Others*\(^{257}\) court held the “the homeworkers” in the beedi industry are employees with in the meaning of Employees provident Fund and miscellaneous provisions Act, 1952 and working in their dwelling houses is interpreted to be the premises notionally connected with factory. Based on the above, the above Act of 1952 is applicable to all home-based workers.

Further the definition of "***occupier***" in the Child Labour Act, under Section 2 (vi) 1986, should be changed to include indirect employers also for e.g., in Beedi processing, whether it is an organized one or an unorganized sector, or even processed as domestic one, or even home made, the Child Labour Act must be given effect. And also indirect employers such as contractors, commission agents, middle man who play a part in the manufacturing of Beedi, they should be also dealt with. Since children are employed in large numbers, they may not be under the control of the main principal employer, or else, Sec. 2(vi) is sought to be changed casting responsibility on the principal employers clearly by amplifying the present definition of the term "occupier".

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\(^{256}\) AIR 1997 SC 699.

\(^{257}\) AIR 1986 LLJ 88.
**Insertion of a New Provision Sec. 3-A**

After Sec. 3 which imposes prohibition of employment of children in the occupations and processes specified in the schedule of the Act of 1986, a new provision Sec. 3-A may be inserted.

Sec 3-A :  

1) **No body shall engage in work a child who has not completed eighteen years of age as a Labourer.**

2) **No body shall engage a child in a riskful occupation or work set forth in the schedule**

3) **No body shall engage in work a child as a labourer by pleasing, gratifying or misrepresenting him or under greediness or fear or coercion or by employing any other means against his will.**

In this connection, the proposed Amendment to sec. 3 in the Child Labour Amendment Bill, 2012 may be looked into. Sec. 3 of the said Bill is to prohibit employment of children in all occupations and processes except where the child helps his family after his school hours or helps his family in fields, home-based works, forest gathering or attends technical institutions during vacations for the purpose of learning, but does not include any help or attending technical institutions where there is subordinate relationship of labour or work which are outsourced and carried out in home.

The above change to the proviso to Sec. 3 may in turn cause confusion in due course in defining each and every activities. So, **it is the time to delete the proviso attached to Sec. 3.**

In view of the prohibition of employment of children below 14 years of age in all occupations and processes, the part III of the Child Labour Act may be omitted.
Establishment of Child Labour Prevention Committee and Child Labour Prevention Fund

In order to give effect to the directions or guidelines given by our supreme court in various landmark decisions with an ulterior object to control or even to eradicate the child labour in a phased manner, the following may be added after Sec. 5 of the Act which speaks about the child labour technical advisory committee, to establish child labour prevention committee and also a child labour prevention fund or otherwise a child labour welfare fund etc as it was dictated by the Supreme Court in *M.C. Mehta's case*. Further it is also suggested to give insurance of Rs. 50,000 to the child labour, as it was directed by the *Supreme Court in Rajangam, District Secretary, Beedi Workers Union, Tirunelveli vs State of Tamilnadu* to wipe out the remark made by some jurists that the Act of 1986 is "weak" because it does not guarantee rehabilitation.

The following sections may be added after section 5 provisions as follows:

**Sec. 5-A Child Labour Prevention Committee,**

(1) The central government shall form a child labour prevention committee in order to provide for health, safety, education vocation and training for child working in an establishment; to make provisions of appropriate employment for child; to discharge employment or child and to solicit necessary opinion, suggestion for prevention of child labour.

(2) Such committee shall have a proper representation of governmental and non-governmental organization working in the field of child labour and or experts.

(3) The formation, procedure, function, duty, power and procedure of the child labour prevention committee shall be as prescribed by the central government.

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259 AIR 1992 ISCC 221.
Sec. 5-B child labour prevention fund or Welfare fund

(1) The central government shall create a fund by the name of child labour prevention fund or welfare fund in order to provide for health, safety, education, vocational training for a child working in a establishment, to make provision of appropriate employment for child.

(2) The following amount shall be credited to the child labour prevention committee - welfare committee:-

(a) Amount granted by the central government

(b) Donations, grant and assistance amount given by national and international union and association

(c) Amount received from other sources - including the amount payable by the employer who was found employed child labourer with reference to the decision delivered by the supreme court in M.C. Mehta's case.\(^{260}\)

(3) The amount to be credited to the child labour prevention fund – welfare fund and the fund shall be operated as prescribed by the central government.

Child Labour Advisory Authorities

Sec. 5-C : All state governments should setup child labour advisory Authorities under the chairmanship of respective child labour secretaries - may be added.

Tripartite District level Child Labour Committee

Sec. 5-D : All state governments shall form in every district a Tripartite District level child labour committee which should consist of representatives of NGO's and social activists working the area, the employer, to carry out collective bargaining action and also to control the employment of child labour through

\(^{260}\) AIR 1997 SC 699.
formation or **people's committees at various levels** with a view to ensuring that the children are withdrawn from hazardous work and also to detect any employment of child labour in their respective areas – may also be added.

**Appropriate changes to be made in the Provisions for Penalties**

Sec. 14 of this Act says about various punishments that can be imposed. It needs a drastic change nowadays - by imposing stringent penalties to the violators of this Act.

Although the Indian government says the number of child labourers in the country at 12.6 millions, the child right activists estimate that the number is around 60 million. As against this in the eight years between 1997-98 and 2005-2006 there were just 670,000 violations of the law detected and only 22,588 convictions, according to the labour ministry’s annual report 2007-2008.

Hence, the low conviction rate under this 1986 Act had failed to deter people who violate the law, we need a strong and continuous enforcement of the law through effective penal law. In this connection, the amendments made in the child labour Amendment Bill, 2012 are examined in detail for our thesis.

So, Sec. 14 of the Child Labour Act may be amended as follows :-

**Section 14. Penalties** - (1) Whoever employs any child or permits any child to work in contravention of the provisions of Sec. 3 shall be punished with imprisonment for a term which shall not be less than six months but which may extend to three years, or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees or with both.

(2) Whoever, having been convicted of an offence under Sec. 3, commits a like offence afterwards, he shall be punished with imprisonment for a term which shall not be less than one year but which may extend to five years.
Sec. 1A: where any family member employs or permits any child to work in contravention of Sec. 3, shall be punished for imprisonment not less than three months but which may extend up to one year.

*Cognizable and Non-bailable Offences*

Sec. 2A: The offences setout in Sec. 3(1) and 3(2) are to be made as cognizable and non-bailable.

(3) Whoever -

(a) Fails to give notice as required by Sec. 9, or

(b) Fails to maintain a register as required by Sec. 11 or makes any false entry in any such register; or

(c) Fails to display a notice containing an abstract of Sec. 3 and this section as required by Sec. 12; or

(d) Fails to comply with or contravenes any other provisions of this Act or the rules made there under;

Shall be punishable with a simple imprisonment which may extend to six months, or fine which may extend to twenty thousand rupees, or with both.

**Trial by Judicial First Class Magistrate**

Sec. 16(3) may be amended as “any offence under this Act shall be triable only by a metropolitan magistrate or by a magistrate of the First class and the trial shall be completed with in a period of six month except for adequate reasons.

**Disputes as to age:**

Sec. 17 may be amended to shift the burden of proof of age of the child labourers from the prosecution to the employer in line with similar provisions existing in the *Factories Act* and the *Beedi and Cigar Workers Act*. Thus the burden of proof as to the age of the child labourer working in his
establishment shall be on the accused employer to prove that the child labourer is not under the prescribed age.

Sec. 20 has to be given wider aspect to include the Beedi and Cigar Workers Act, Bonded Labour Act, the Shops and Establishment Act etc., This change will increase the number of occupations and processes which would be deemed to be prescribed under the child labour Act.

Changes to be made in other Acts

Apart from the foregoing changes to be made in the Child Labour Act, some other changes have to be brought under some other labour legislations are as follows:

Minimum Wages Act,

Sec. 33 (a) of the minimum wages Act is also to be amended since it provides for fixation of different rates of wages for adults and child apprentices under this provision, lower rates has been fixed for children by different state governments. This is one of the main reasons why employers prefer child labour. The proposed change would result in minimum uniform rates being fixed for an adult and child worker and this will in turn dissuade the employer from engaging child labour.

Probation of Offenders Act

The purview of this Act or even the benefit given to the first offender by this Act should be kept outside the purview of the Child Labour Act, 1986.

Other Recommendations

1. It is recommended to undertake a detail survey of the beedi industries in various states and mapping of the socio-economic details of beedi worker families.

2. It is recommended for compulsory registration of all beedi workers and issuing identity cards to all beedi workers, where no children should be permitted to be employed.
3. It is recommended for ensuring a stringent system by beedi companies to check whether their product is manufactured by using the children.

4. It is recommended for poverty eradication, alternate employment schemes and vocational training catering for employment of children are to be implemented properly.

5. It is recommended for ensuring that every child is enrolled in school and retained therein.

6. It is recommended that National Child Labour Project Schools are to be made as special training centres to mainstream child labourers into regular schools.

7. It is recommended for adherence of stipulation of **Right to Education Act, 2009** pertaining to infrastructure facilities, creation of new schools and other mandatory provisions to enhance quality education and to retain children who are dropped out of school due to lack of these facilities.

8. It is recommended that the parents should not engage their children even in their family business, agriculture works etc., parents who fail or refuses to send their ward to the school should be punished under the RTI Act, 2009. The school authorities should report to the Education Department about their compliance of 25% admission of poor children in their respective institutions without levying fees etc., Defaulters will be dealt with strictly.261

9. It is further recommended that the theory of “Anyone can set the Criminal law in motion” - to be extended for the violations of the Act 1986 and the Act of 2009; and also a separate police wing and Special Court may be entrusted with the Child Labour violation cases.

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261 Hindu, Tamil Daily dated 20.05.15.
10. It is recommended for monitoring abuse of children working in beedi work by invoking the Protection of Children from Sexual Offences (POCSO) Act of 2012.

11. It is recommended for strengthening coverage of Anganwadi’s system in beedi worker areas to ensure quality nutrition care for the children of the beedi workers.

12. It is recommended that Panchayati Raj Institutions have to be involved in monitoring of the child labour situation in their respective villages.

13. It is recommended that elimination of child labour in beedi industry should be included in the State Action plan for eradicating child labour and lining it with RTE.

14. It is recommended that the State Commissions for Protection of Child Rights should take up at the State level the Welfare and Protection of beedi worker’s children.

15. In consonance with the ILO’s Minimum Age Convention (No.138), 1973 and also other laws existing in India, it is recommended that Art. 24 of Indian constitution which prohibits the employment of children below the age of 14 years in factories, minds or hazardous employment, may be amended in order to raise the age of 14 years in to 18 years of age.

16. In view of the various verdicts given by our supreme court and the opinion given by the jurists etc. it is recommended that the term hazardous employment of children may be defined as any kind of employment which endangers the physical, mental, economic and social attitudes and which also detract for other essential activities of children thereby impaires the health, psychological development and growth of children.