CHAPTER VI
CONCLUSION AND SUGGESTIONS

Children are the future of a nation. It is, therefore, the prime duty of every person to protect these blooming buds. The future of a country depends upon the proper bringing up of the children. But it is sad affairs that these nation builders are being neglected and their future is quite bleak. Millions of children are working as child labourers in both developing and developed countries of the world though their number is more in developing countries.

Child labour is an exploitation of children as they receive low wages and work for long hours under conditions that are likely to damage their health as well as physical and mental development. They are deprived of economic and educational development. Children, who are supposed to spend time in playing or learning, have to work as bread earners, not only for themselves but also for their families. Whatever they earn proves to be beneficial to their poor families. Thus, the phenomenon of child labour is deep-rooted in the socio-economic fabric of the society. The social and economic conditions of the people cannot be improved all of a sudden, until the major problems like poverty, unemployment, illiteracy etc. are wiped out from the country. Therefore, government should adopt multi-dimensional approach to tackle it.

A large majority of child labourers in Malwa region of Punjab belong to socially and economically backward sections of society. Among the various factors, the economic compulsion of the parents, lack of awareness and the existing illiteracy are the well-known reasons for subsistence of child labour. It has been observed from the study that poverty is the root cause of child labour but parental attitude is one of the main reasons behind it. Children are considered to be economic assets by the poor. Such underprivileged families require the income of their children because earning of the parents is not adequate to give food to the whole family. Poor parents, who had taken loans, pledge and surrender their children for work to the money lenders. As they do not have income to repay the liability, they agree to let their children work. When the parents of working children, employers and other individuals of the society start visualizing child
labour as a social evil, all efforts to abolish this will automatically be strengthened and would put an end to this malady.

The age of the child has been defined differently in different laws. There is no fix criteria in defining the age of the child. Even the definition of child labour is not uniform. Various authors defined the term child labour differently. Even various Acts have prescribed different ‘age’ limits for child labour. As a result, children are exploited at large extent in the hands of employers. To put into effect the efficient control over the dilemma of child labour, there should be regularity with regard to age of child and child labour in the various legislations.

The child labour had existed in the different periods of history. In ancient period slaves of tender age were owned for doing low work. Child labour in medieval India was quite rampant and rulers encouraged it with an intention to make only traffic in child slaves. The rulers did not make any sincere efforts to abolish this practice due to their selfish ends and there by exploited the children.

Before independence of India, large scale exploitation of children in India began with the entrance of Britishers. Legislations enacted by Britishers failed to stop child labour, as they failed to address the root cause of the child labour in India. Before independence of the country, British Government enacted a few protecting legislations to combat with child labour. The Indian Factories Act, 1881, Mines Act, 1901, the Factories Act, 1911, Employment of Children Act, 1938 etc. were enacted with a view to prevent the employment of children in factories carrying out hazardous work. These legislations endeavoured to improve the working conditions of child labour in the factories. But these legislations could not make any perfection in the working conditions of child workers.

The United Nation Convention on the Rights of the Child, 1989 is a milestone in international human rights legislations. India has also ratified this Convention. But India has not yet ratified the International Labour Organisation Convention No.138 and 182, fixing minimum age of employment as 18 years whereas according to Child Labour (Prohibition & Regulation) Act, 1986, children below the age of 14 years are prohibited for employment in hazardous occupations/processes specified in the Act. India has given its own justification for non-ratification. One major flaw of international instruments is
that all these conventions are not enforceable and their ratification fully depends upon the member states.

After independence of the country, Constitution makers introduced various provisions in the Constitution for the benefit and security of children. The Constitution of India provides under Article 24 that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Government has enacted Child Labour (Prohibition and Regulation) Act, 1986 which prohibits the employment of children below 14 years and imposes penalty in cases of contravention of the Act. When any action is taken against any employer for employing a child, the excuses given are that the child is a relative and is helping in housework or the child is being trained for a family trade and so on. Although the Act prohibits the employment of children in certain hazardous industries and processes, it does not define what hazardous work is. It only provides a list of hazardous occupations/processes. As a result, there are several loopholes in the Act.

The implementation of the Act depends entirely on the state’s enforcement machinery. Again, under the law the employer is supposed to notify the Labour Department whether any child is working in his establishment. It is not possible that the guilty or proved to be guilty should be notified for their illegal acts to the authorities. Moreover, the onus of proving the age of the child lies with the prosecutor, and not the offender. The Act suffers from some severe weaknesses. The Child Labour (Prohibition and Regulation) Act, 1986 is itself contradicting in its goals, as it provides for both prohibition and regulation of Child Labour. The Child Labour Act, cannot efficiently control child labour, so, there is an immediate need for amendment of the Act. Despite several proactive legislations, policies, Commissions and Committees to deal with child labour in India decline in the magnitude of child labour has been measured less than expected and as a result, the problem persists as a challenge to the country.

The education which is an effective remedy against child labour plays a vital role in the life of human beings. Education brings a revolutionary change in the ideology, thinking and vision of a person. Education makes a person very dynamic and develops in him positive thinking, creativity, confidence, talent and innovative attitude towards the work.
No doubt, poverty is responsible for child labour but the lack of educational facilities encourage child labour in rural areas. Top priority should be given to universalisation of elementary education for children between six to fourteen years. Despite the Right to Free and Compulsory Education Act, universalisation of primary education is still a dream. Parental attitude is mainly responsible for this. They preferred to send their children to work than schools. Parents awareness is very much important to eradicate child labour from grass root level.

Judiciary is playing a very important role to eliminate child labour from the society. Supreme Court has clarified its view in various judgments that child exploitation will not be tolerated. In order to tackle the problem of child labour, the Constitutional Bench of Supreme Court has declared that the right to education is a fundamental right that flows from the Right to Life in Article 21 of the Constitution. Every child has a right to free education up to the age of fourteen years and thereafter the right would be subject to the limits of the economic capacity of the state.

Poverty is the root cause of child labour. Besides poverty, illiteracy, unemployment and ignorance are important factors for existence of child labour in the society. Government of Punjab has done various efforts to fight with this problem. Department of Labour, Government of Punjab is conducting regular inspections and raids to detect cases of violations. Even Punjab Government has adopted comprehensive ‘State Action Plan to Stop Child Labour’. In spite of these efforts, child labour is prevailing in the state.

It may be concluded that, in Malwa region of Punjab, a large number of children are working in unorganized sectors due to various socio-economic factors prevailing in the society. Migrant child labour is more in number than the natives. Though there is plethora of laws dealing with the problem of child labour, yet child labour is far from eradication due to their faulty implementation by the law enforcement agencies.

**MAIN FINDINGS**

- The study reveals that majority of male child labour respondents (78.06%) are involved in agriculture while female participation is 21.93%. About 29% child male workers are employed as brick-kiln whereas no female is found in this profession in the selected universe of the study. About 31.48% male child workers are involved in
domestic work, while 68.51% female child workers are involved in this profession. It shows that number of female participation in domestic work is more than the male child respondents. About 62.00% are child labour male respondents are employed in hotels/dhabas, while none female child worker is found in the hotels/dhabas in selected universe of the Malwa region of Punjab. The data illustrates that in two professions i.e. brick-kiln and hotels/dhabas female participation is none.

- Regarding the age group of child labour respondents, it has been found that about 21.33% child labour respondents are in the age group of 8 to 10 years, 28.66% are in the age group of 10 to 12 years while a higher percentage of 50.00% are in the age group of 12 to 14 years. Average age of child labour respondents is 11.57 years.

- The study has revealed that 59.66% child labour respondents entered in the employment when they were just 8-10 years, 22.23% joined at the age of 10-12 years and 18% joined when they were in the age group of 12-14 years. Average age of child labour respondents at the time of working is 10.66 years. Thus, the economic activity of child labour respondents started at a very tender age ruining their childhood and making them “childhood less” children.

- The study has revealed that 49.00% child labour respondents belong to schedule caste and 39.66% belong to backward caste and only 12 percent child labour respondents belong to general category. The analysis clearly shows that majority of the child labour respondents in Malwa region of Punjab mainly comes from economically as well as socially weaker sections of the society. Hence, there is a close relationship between the child labour and the socio-economic conditions in Malwa region of Punjab.

- The data collected during a survey from the four cities of Malwa Region disclosed that the majority of the child labour respondent’s birth place is State of Bihar and Uttar Pradesh and number of natives is quite meagre. Regarding the native place, it has been found that about 51.00% of child labour respondent’s belong to Uttar Pradesh, 33.66% to Bihar, 08.33% to Punjab and 07.00% to other states. The families of child labour respondent’s migrated to Punjab due to the wide spread unemployment, abject poverty and failure of agriculture in their native states. The
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reason behind increase in child labour among the natives of Punjab state (in Malwa Region) in the past two decades is drug abuse especially among the educated but unemployed youth.

- The study has revealed that 81.00% child labour respondents belong to rural background, 15.00% belong to semi-urban and only 4 percent child labour respondents belong to urban background. The analysis clearly shows that majority of the child labour respondents in area under study mainly come from rural background.

- From the study it has been found that poverty and failure of education delivery system are the most prominent factors to push the children to work. It is found that about 05.00% child labour respondents are working due to lack of interest in studies, 05.00% are working due to financial liabilities of the parents, but a large majority (65.33%) of child labour respondents are working due to economic compulsion of the parents due to poverty. Such work related responsibilities break their class room routines and make their life at school porous and thin. When enquired whether the child labour was due to lack of schooling facility, about 95.00% child labour respondents disagreed with the statement, it was found that this is not the sufficient reason for their taking up child labour.

- It has been observed that 25.00% of child labour respondents are purely illiterate, 46.33% are educated below the primary level and 28.66% are educated upto primary level in Malwa region of Punjab.

- About 52.16% of fathers and 79.33% of mothers of child labour respondents from the selected universe for the study are illiterate. Such prevailing illiteracy among the parents contribute to child labour even more than poverty among the poor families to send their children to work. This showed that illiteracy and child labour have a close nexus.

- The study has shown that the size of the family is also associated with the employment of children i.e. child labour. About 69.66% of child labour respondents have a family size of more than 7 members, whereas 30.33% of child labour respondents have a family size of up to 6 members. Due to large family size, parent’s
income is insufficient to meet the basic needs and the children have to share the economic burden. Due to population explosion, the poverty further increases.

- It has been found that 50.00% of child labour respondents earn between Rs. 100-300, 28.66% earn between Rs. 400-600 and 21.33% earn between Rs. 700-900 per month. The average monthly income of the child labour respondents works out to be Rs. 416 per month.

- Regarding the income of the family, it has been found that about 54.00% of families of child labour respondents earn between Rs. 1000-2000, 35.66% earn between Rs. 2000-3000 and 10.33% earn between Rs. 3000-4000 per month. The average monthly income of the family works out to be Rs. 2000 per month. It is observed from the study that lower income of the family leads to high employment of children in the family.

- Further, the study has revealed that economic compulsion of the parents due to poverty is the main push factor behind working of children i.e. child labour. The mode of payment on weekly basis might result in low and uncertain conditions. Regarding the working conditions, the working conditions of child labourers are very harsh.

- Regarding the receipt of wages of child labour respondents, it is found that majority of parents (61.66%) directly receive wages of their children and only 12.66% child labour respondents directly receive their wages. Thus, majority of parents (82.32%) of child labour respondents directly/indirectly receive wages of their working children.

- Majority (87.33%) of child labour respondents contributes up to 80 per cent in the total family income and other 12.66% contribute up to 30%. Thus, contribution of the income of the child to the total family income is significant which means many a times child saves the ship of the family from being wrecked. Above analysis indicates that the majority of the working children are working only to contribute to their family income
• At many times the work assigned to them is not on the basis of the interest and capacity of the child labour respondents, but on the basis of the convenience of the employer. They are not allowed to perform the mainstream work, which is interesting, hygienic, less hazardous not monotonous for them. Regarding the nature of employment, 93.00% child labour respondents are engaged in hazardous work and other 07.00% are engaged in non-hazardous work. Thus, the analysis clearly shows that majority of the parents of child labour respondents want to continue child labour in non-hazardous occupations with better working conditions because children are very important source of supplementary income to their poor families.

• There is no uniformity with regard to the working hours of the child labour respondents. The child labour respondents were engaged for a minimum duration of 8 to 14 hours per day. It has been found that about 07.00% child labour respondents work for 8 to 10 hours, 48.33% work for 10 to 12 hours and 44.66% work for 12 to 14 hours per day. Average number of working hours per day per child was 11.75 hours. Such type of long working hours will surely ruin the health as well as future of the child.

• In the work situation, it is necessary to make provision for rest after a few hours of continuous work in order to safeguard the health of these children. The Child Labour (Prohibition & Regulation) Act, 1986 prescribed one hour rest interval after 3 hours of work. But study found that a large majority (77.00%) of child labour respondents do not get any rest interval during working hours. The analysis clearly shows that child labour respondents were exploited by their employers and forced to work without rest time.

• A majority (87.66%) of child labour respondents do not get weekly holidays.

• A large majority (91.66%) of child labour respondents do not get any wages, although they work during holidays. Thus, analysis clearly shows that, children are exploited, first, they are not given holiday and secondly, they are forced to work during holidays and lastly, children are not given any wage when they worked during holidays. This indicates exploitation and abuse of children.
• The study has disclosed that about 36.33% child labour respondents are indulged in smoking, 27.66% have the practice of chewing gutka, only 6% are involved in narcotics and 30% have the habit of gambling. The analysis shows that child labourers have fallen prey to bad habits. These habits affect the health and development of children which are socially disapproved. Further a number of children are engaged in gambling which is really a serious matter of concern.

• The study has revealed that only 19.00% child labour respondents have given their views in favour of good behaviour of employers and 19.00% expressed that employers take punitive action against them. Large majority of 62.00% child labour respondents have stated that they are ill-treated by their employers.

• It has been observed from the study that only 23.33% are in favour of going to school while a majority of child labour respondents want to continue work. The analysis clearly shows that due to poverty and economic hardships of their families many of them have no other alternative and future prospects, but to remain in the same job as child labourer.

• It has been observed from the study that 11.3% child labour respondents are suffering from heart ailment, 17.0% are suffering from allergic problems, 17.7% are suffering from burns on their hands and feets, 18.0% are suffering from asthma, 39.7% are suffering from skin disease, 47.3% are suffering from body pain and 54.00% are suffering from various types of stress in Malwa region of Punjab. Despite these situations, the majority of the working children were continuing in the same job due to their desire to contribute to family income.

• The study exposed that only 11.00% are of child labour respondents having the acquaintance about child labour laws and large number 89.00% are totally unaware of these laws. The employer sees this as an opportunity to take full advantage of their profit by exploiting the working children.

• The study has revealed that 07.00% opined that abolition of child labour will have no effects on children. On the other hand 93.00% opined that abolition of child labour will have negative effect on children.
The study has revealed that 13.33% opined that abolition of child labour will have no effects on their families. On the other hand 86.66% opined that abolition of child labour will have negative effect on their families.

Regarding the opinion of parents about complete abolition of child labour, it has been found that majority (75.00%) of parents of child labour respondents are not in the favour of complete abolition of child labour and a small percentage (17.50%) of parents are in the favour of complete abolition. The parental role is very important in eliminating child labour. But due to their poor economic conditions parents are not able to play effective role. They and give more importance to work than education.

Surprisingly, instead of talking to abolish child labour, the parents of child labour respondents have given stress upon their improved working conditions. The analysis clearly shows that a large majority (91.25%) of the parents of child labourers in Malwa region of Punjab want to continue child labour with improved working conditions.

About 40.00% parents expressed the view that if child labour is abolished then child labourers will become delinquent. Other 32.50% parents highlighted that child labourers will have to suffer many economic problems and 27.50% parents have given their views that it will be difficult for the child workers to full-fill their needs.

The study has revealed that 10.00% parents opined that abolition of child labour will have no effects on their families. On the other hand 90.00% parents opined that abolition of child labour will have negative effect on their families.

The recently enacted (Right of Children to Free and Compulsory Education) Act, 2009 made education as a fundamental right of every child. The implementation of Right to Education Act, 2009 relates to fixing up the responsibility of children to schools. But to our great surprise, it is found that a large majority (87.50%) of parents of child labour respondents are not aware of constitutional provision of RTE Act, 2009. Thus, it can be concluded that lack of awareness among parents of child labourers is also a big obstacle in eliminating the child labour.

Regarding the opinion of employers about complete abolition of child labour, it has been found that majority (77.50%) of employers of child labour respondents are not
in the favour of complete abolition of child labour and a small percentage (22.50%) of employers are in the favour of complete abolition.

- Surprisingly, instead of talking to abolish child labour, the employers of child labour respondents have given stress upon their improved working conditions. The analysis clearly shows that a large majority (88.75%) of the employers of child labourers in Malwa region of Punjab want to continue child labour with improved working conditions.

- About 21.25% employers expressed the view that they will become lazy/delinquent and will pick up bad habits if child labour is abolished completely. Majority 78.75% of employers articulated the view that their families will face economic hardships. The analysis clearly shows that, the large majority of the employers of child labour respondents mentioned that if child labour is abolished it will have harmful effects both on children and their poor families. Some of the children might be compelled to leave their families/city and would suffer deprivation for lack of income. Some of them were of the opinion that due to economic hardships, the families may resort to anti-social activities.

- About 22.50% employers expressed that they employ child labour because they are cheap and 15.00 per cent children joined work force because of parental pressure on them. Further 62.50% child labour is the result of poor economic conditions of their families.

- The analysis clearly shows that, more than 72.00% employers of child labour respondents in Malwa region of Punjab are not aware about various child labour laws and regulations. The employers do not care about the existing legislations. Sometimes, employers themselves are responsible for intensifying the problem of child labour as they are not whole-heartedly interested in implementing the spirit behind the legislative measures. Such employers always want to take advantage of the loopholes that are there in the legislations.
SUGGESTIONS

Legislative Reforms

- Child protection laws must be implemented in their true spirit to get desired results. Strict punishment must be given to the offenders for violation of provisions of child protected laws. Punishment should be enhanced and fine should be increased up to 50,000.

- The child labour related offences should be made cognizable offence under the Child Labour (Prohibition and Regulation) Act.

- Children and their parents should also be made aware of all the related legislations especially the Child Labour (Prohibition and Regulation) Act, 1986.

- The Child Labour (Prohibition and Regulation) Act, 1986 concentrates only on hazardous occupations and processes. The need of the hour is to include all types of work where children are engaged in.

- Minimum Wages should be fixed for child labourers even in unorganized sectors because in the beginning children are not paid for some months. Uniform Minimum wages should be provided under the Child Labour (Prohibition and Regulation) Act, 1986.

- More focus should be given to rehabilitation than prohibition. The rehabilitation programme should come within the jurisdiction of Education Department and Health Department, along with Labour Development. Coordination in these departments is a fundamental requirement to achieve this aim.

- National Child Labour Projects must be expanded to large number of districts in Punjab as soon as possible.

EDUCATION SYSTEM

- Laws on child labour and education should be implemented in a mutually supportive way.

- Every State Government should frame rules under the Right to Education Act, 2009 immediately for the proper implementation of the provisions of the Act. Top priority
should be given to universalisation of elementary education for children between 6-14 years. Chapter related to child labour should be introduced in text books at all levels.

- State Governments should give more stress on women education. When woman will be educated, trained and empowered, the incidence of child labour by their children will reduce automatically.
- The Law should impose a duty on the parents/guardians to send the child to school. Educated parents can provide better social atmosphere to their children.
- The Government should provide more funds for creating educational infrastructure particularly in the rural areas.

POVERTY ALLEVIATION PROGRAMMES

- The main reason of child labour is poverty and excessive population growth, so the Government should implement family planning policies effectively. Poverty eradication programmes should be launched by the government in backward areas.
- Employment should be given to parents of child labour respondents.
- Small industries must be set up in backward areas of Punjab.

ROLE OF NGOs

- NGOs should initiate the action against child labour at central, state and district levels to eradicate child labour completely.
- Evening schools should be opened by the State Government with the help of local NGOs. Sufficient Funds should be given to the NGOs to open schools on Sunday and Saturday. NGOs can organize workshops in the towns and villages to give proper guidance to children and parents.
- Education of children is not the only solution to reduce child labour until and unless parents are not educated and aware of it. So great emphasis is required also in educating parents by organizing short term courses of ten days or fifteen days. For this purpose NGOs and other social workers should come forward.
PUBLIC AWARENESS

- Media should play an important role to make public aware of the rights of children. There should be proper advertisement of punishment and penalty for employers who employ child labourers. All the channels of media i.e electronics and print media should give more time and space to make the people aware regarding the menace of child labour.

- By displaying posters, playing street/ corner plays, prominence can be given to the issue of child labour. The voice can be raised against child labour practice through slogans and speeches etc.

- Vocational training should be provided to child workers at primary level to make them economically independent in their adulthood. It includes handicrafts, stitching, making of teddybears, kites, cooking etc.

- Proper guidance may be given to the parents of these child workers. Workshops can be organized in the towns and villages. State Government should make policies to control migrant child labour in Punjab at State level. Policies should concentrate on educational facilities and vocational training for them.

No solution for the elimination of the practice of child labour can be brought about only through the medium of books, nor could any solution of this problem be found written in any book. Government should adopt multi-pronged strategy to combat this problem. It requires strict enforcement of legislations. No doubt, the prevention of exploitation of child labour is the prime responsibility of the government but it also lies with non-governmental organisations, social thinkers and with each and every human being in the society. By united efforts of all these, child labour can be eradicated definitely. It is humbly submitted that, if all the above suggestions are implemented, the menace of child labour can be effectively tackled and eventually it can be eradicated. Love, affection, human warmth and security play a significant role in child’s all round development. So, the child must be developed in a congenial environment, only then, the child can become responsible citizen of tomorrow.