CHAPTER-6

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Children are the dawn for the future of a nation. Their protection and solitude are our responsibility. The planners of the country should keep a greater care in framing the policies for development of human resources, so that the growth of children be protected to make them goods citizens, physically fit, mentally alert and morally healthy, endowed with skills and motivations needed by society. Equal opportunities for development of all children during the period of growth should be the main aim of the Government to carry out the programmes of socio-economic justice in India.

In any research, it becomes obligatory on the part of the researcher to collect various findings of the data to make them useful for the public at large in general and children in our case particular. Findings given in a clear and concise from prove to be of considerable use to the researcher as well as planners and policy makers to implement the research objectives for betterment of children. This critical analysis on child Labour unveiled many roots of the problems relating to children and their surroundings.

Before the establishment of U.N. in its historical retrospect the problem of child labour and abuse of the tender age children have been shown with minimal solutions generally in municipal laws and particular in India. Internationally, although ILO started its quest to prevent exploitation of child labour effectively but the Universal Declaration of Human Right by the UN was the first
most effective and sensitive move which received overwhelming global response not only in the field of children and child labour, but this declaration also paved the way for the universal observance of the respect for human dignity.

Gradually *UN* and its specialised agency *ILO* along with *UNICEF* and many NGOs (Non Governmental Organisation) tried to do in planned manner for eradication of child labour with their shifting onus for global child welfare. Thereby, consequently Nation states of *UN* have made a large number of legal mechanism to arrest the menace of child labour to provide welfare and protection to children.

The problem of child labour is largely prevalent in the "Third World" or underdeveloped countries. India, a precursor of developing states and also as a welfare state could not give desired results on the issue of child welfare inspite of a tripartite protection relating to the welfare of the children and child labour during last 55 years.

1.(a) Firstly, India is a Member of *UN*, so, internationally it observes the *ILO* standards in this matter and follows the directions of *UN*. It looks into its enforcement by means of legislation, regulations, rules and bye laws.

(b) Secondly, citizens of India being conscious about this problem, the Government has framed various labour legislations which all aim to protect the
interest of the child labour. These legislations which are not static but dynamic set of laws as these are legislations with new amendments come into force with changing times having penal and prosecution clauses on violation, to make the citizens abide to these laws.

(c) Finally, the Indian judiciary being the protector liberator and caretaker of the children, has not only balanced and given important decisions in many cases in favour of children, but also has exercised the power of judicial review by checking the exercise of administrative discretion which violets the right of the child and child labour. In many cases it has judged the vires of the labour legislations and given direction for framing the laws so that they may not hamper the balance of interest. Recently the Indian judiciary has abolished the hindrances of the locus-standi and has brought this social problem under the domain of Public Interest Litigation. It has not only given chance to safeguard the interest of the children by public and social welfare spirited persons but also given a way out to the aggrieved to knock the doors of justice without any financial hurdles.

2. That the Government both in Center and States considering this problem as vital, are still trying to provide the welfare of the children and child labour
in all respects. The needs of children and our duties towards them have been expressed in the Constitution. The Resolution on the National Policy on Education, adopted by parliament, gives direction to State policy on the educational needs of children. The goals set out in this document can reasonably be achieved by judicious and efficient use of the available national resources. Keeping in view of these goals, the Government of India, Department of Social Welfare has adopted the Resolution on the National policy for children on 22\textsuperscript{nd} August, 1974. The SAARC Summit in New Delhi, 1995 was declared as the year of Poverty Alleviation targeting the goal to be attained by 2020. In this attempt, Compulsory education, integrated approach, law enforcement, employment generation and human resource development are the programmes adopted by India to tackle the problem of child labour.

3. The problem of child labour exists in this country mainly because of widespread poverty and ignorance, and until these twin problems continue to exist, it will not be possible to effectively tackle the problem of child labour. At present, in India, it is impossible to eradicate totally poverty, illiteracy and child labour which are not only unrealistic but also likely would be more harmful than good to the millions of poverty stricken people in the country who are forced by their awfully poor economic conditions to seek the help of
their children to make their both ends meet. Agriculture in this country is still the most predominant occupation engaging an overwhelming majority of the population. People depending upon agriculture are, barring a few, below the poverty line; and hence any step to ban child labour in agriculture will aggravate their suffering rather than mitigating their problems. What seems to be realistic and pragmatic is to develop such conditions in which children, instead of being forced to take up employment, may be able to go to schools and pursue their studies effectively and in which those children who have unfortunately been driven to work, may also be able to start getting their education and to work in a healthy and congenial atmosphere in such a manner that their involvement in work does not bar their development of personality. In view of this object, the following suggestions are provided for taking note of while considering the problem of child labour by all those who are interested in it:

Efforts should be made to demolish the problem of poverty from all sides by diligently implementing all developmental programmes directly concerned with promoting the interest of weaker sections in general and child labour in particular. Especially the Integrated Rural Development Programme (IRDP), National Scheme of Training of Rural
Youth for Self Employment (TRYCEM), National Rural Employment Programme (NREP), Rural Landless Labour Employment Guarantee Programme (RLEGP), Pilot Projects organised into Integrated Tribal Development Project (ITDP), Common Area Development (CAD) Programme, UNICEF assisted scheme of Development of Women and Children in Rural Areas (DWCRA) etc. are to be enforced honestly so that the dream of founding fathers of the Constitution to provide socio-economic justice to all, comes true.

2. Since many parents send their children in work because of not understanding and realizing the importance of education, it is necessary to inculcate the consciousness of education among them.

3. The Constitutional obligation to provide free and compulsory education to all children up to the age of fourteen years should be fulfilled without any further delay. It will be necessary to take the following steps for the fulfillment of this obligation:-

(a) Education should be made legally compulsory.

(b) A group of educational institutions within easy access of children should be opened to
cater education to the willing children within one kilometer radius of their residence.

(c) Education up to 14 years without any discrimination based on sex, caste, religion etc. should be provided free of cost.

(d) The entire expenses on education of children should be shouldered by the Government.

(e) The school curriculum, environment and teaching method should be made attractive as well as interesting.

(f) Social security programme of help to families with child labour to compensate the parents for the loss suffered by them for withdrawing of their children from work should be started.

(g) Community crèches should be established to enable the child labour looking after the young ones in their families, to attend the school.

(h) In case of child workers, who have never been to or left going to school, the Government should make it obligatory on their employers to bear all educational facilities/expenses to them.
4. Since some of the child workers have been destitutes and Ministry of HRD, Department of Woman and Child Development, Government of India has been keen running a scheme of assistance to Voluntary Organisation through State Governments for extending both institutional and non-institutional services to children up to 18 years of age to provide them care and protection, there is necessity for giving preference to voluntary organizations coming forward to take up this scheme in rural areas. But it should be seen that NGOs must be genuine and not false or colourable.

5. Minimum Wages Act Should be suitably amended to enhance the punishment for defaulters who are not paying minimum wages to child workers.

6. The Government should initiate a dialogue with Trade Unions at its earliest in order to prepare the institutional framework necessary for collective bargaining with regard to improvement in working conditions and to control the magnitude of child labour.

7. A comprehensive rural health care system based on a combination of preventive,
promotive and curative measures starting at the village as a base should be built up.

8. Minimum Needs Programme with all its components of elementary education, rural health, rural water supply, rural roads, rural electrification, housing, assistance to rural landless labourers and nutrition should be effectively implemented.

9. Roads should be constructed or repaired to link the village with towns for proper communication and upgradation of villages.

10. Village Pradhans should be given order to prepare a register of child labour at the village level, to send annual report to their Block Development Officers highlighting the magnitude and condition of child labour and to protect and promote their interest.

11. The National Children's Boards, State Children's Board should take more stringent steps to improve the lot of child workers by identifying the hazardous employment and operation to stop their exploitation.

12. Seminars, Symposia, Discussions etc on various aspects of child labour should be organized from time to time and the problem of child labour
should be widely publicized through different types of mass-media to create awareness among people about this social evil and to motivate them for coming forward to gradually eliminate it. So finally it can be suggested that the government should cure the latches and lacunas of legislations relating to child labour to ensure their proper enforcement e.g.

i. Although India has ratified the *UN Convention on the rights of child*, but it is still to carry its principles into effect.

ii. India has still not ratified the *ILO convention of 1973*, which provides a minimum age of employment for children.

iii. Most of the child labour legislation confers power to the statutory authorities under the statutes, with a little power to the judiciary to safeguard the rights of the child etc.

iv. Finally, the citizens of our country should be dutiful to protect the rights of child by showing strict and proper adherence to the child labour laws and child welfare legislations of our country and taking active participation in arresting this social evil.