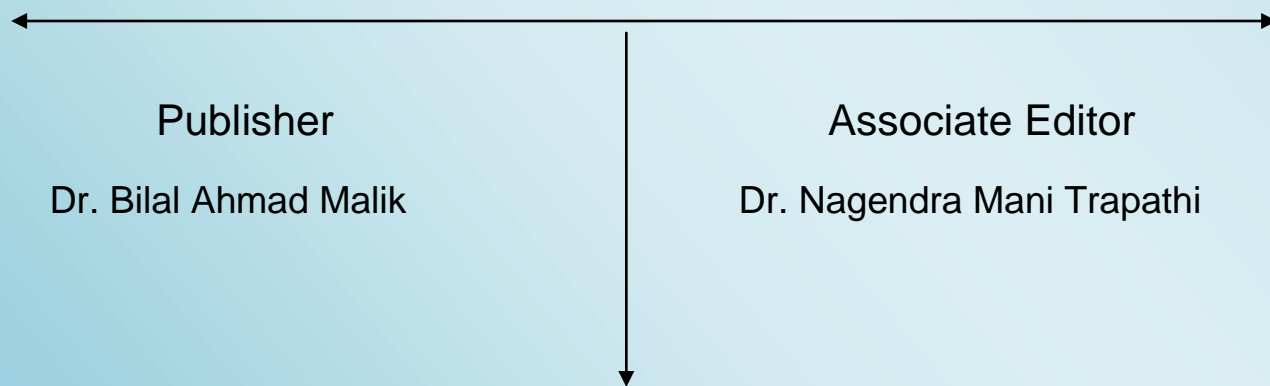


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CAUSES FOR THE RISE WOMEN CHILD LABOUR IN GULBARGA AND PERSPECTIVES TO REMIDIES TO ERADICATION

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ABSTRACT

Children on account of their tender age and immature mind need special care and protection. They have certain special rights and legal entitlements that are being acknowledged nationally and internationally. The constitution of India recognized the rights of children for the first time and included several articles dealing with their liberty, livelihood, and development of childhood, non-discrimination in educational spheres. The present study aims to know the mainly reason for the rising trend in the women child labour in the city of Gulbarga, the what are the reason, and what make them to enter into such hazardous activities where they have to learn and enjoy the life of happiness as a human being. Infant Milk Substitutes, Feeding Bottles & Infant Foods (Regulation of Production, Supply & Distribution) Amendment Act, 2003, Juvenile Justice (Care & Protection of Children) Act, 2000, Juvenile Justice (Care & Protection of Children) Amendment Act, 2006, Prohibition of Child Marriage Act, 2006, Reformatory Schools Act, 1897, Young Persons (Harmful Publications) Act, 1956. The problems for the rise of women child labour in the market is due to the poverty, illiteracy, environment, earn livelihood and the social status.

KEY WORDS: *Child labour, Rights of the Children Perspective*

INTRODUCTION

Children on account of their tender age and immature mind need special care and protection. They have certain special rights and legal entitlements that are being acknowledged nationally and internationally. The constitution of India recognized the rights of children for the first time and included several articles dealing with their liberty, livelihood, and development of childhood, non-discrimination in educational spheres, compulsory and free

education and prohibition of their employment in factories, mines and hazardous industries. Socially and physically children are the weakest element of the society. They are not responsible for many of the cases and do not deserve to suffer. They have no say in any of the matters of evils like war or external debt. It has been rightly stated in the 1924 declaration of rights of the child (declaration of Geneva) that has now been used for all child causes mankind owes to the child the best it has to give. Children are the future. By investing in them societies will have a bright future?

AIM OF THE STUDY

The present study aims to know the mainly reason for the rising trend in the women child labour in the city of Gulbarga, the what are the reason, and what make them to enter into such hazardous activities where they have to learn and enjoy the life of happiness as a human being, but in a such tender age they enter into work force, so here it is intended to identify what are the main problems which hurdles the women to enter as work force at the early age, where they can enjoy the life with learning and the attaining the cultural values of life.

SOURCE OF THE STUDY, LIMITATION OF THE STUDY AND METHODOLOGY

For the present study both primary and secondary source are the most important to identify the research problem which I have taken to identify, the secondary sources like the books, articles, and other published works and primary source like books, documents of the government orders and the interview with the parents of the women child labour in the city of Gulbarga. The limitation of the study is mainly to study the reason for women child entering into the work force and the geographical consists of city of Gulbarga. The 25 respondents were interviewed keeping in mind the reasons why their children are working in such teen age, when they suppose to enjoy the right of learning. According to their view it has been put in the table format to identify the reason for the rise of the women child in the city of Gulbarga.

GOVERNMENT POLICIES AND PROGRAMMES FOR THE CHILDREN

Right to Education

Article 21-A of the constitution states that right to education-the state shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the state may, by law determine.

The Supreme Court in its liberal interpretation of life and liberty as under Article 21 held that the term liberty not only includes liberty but also includes livelihood but also the right of human beings to live with dignity and that also includes the right to education, and therefore, right to education is a fundamental right under the constitution. The case of Mohini Jain case came to be fortified by the supreme courts subsequent constitution bench of Unnikrishnan case, which held that right to education, can be restricted to primary educational level and not to higher secondary level.

Article 45 Provision for early childhood care and education to children below the age of six years-The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.

This article has been substituted by the Constitution (eighty-sixth amendment) act, 2002 which received assent of the President on Dec. 12 2002. By this amendment a new Article 21-A providing for right to education has also been inserted. This is in keeping with the hope expressed in the Supreme Court in Unnikrishnan and Mohini Jain that conversion of the State obligation under Article 45 into a fundamental right would help achieve the goal at a faster speed. This is now also a fundamental duty of parents and guardians to educate such children as provided in clause (k) of Article 51-A.

Article 45 states the provision for free and compulsory education for children- the State shall endeavor to provide, within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years. However this goal has not been achieved even after fifty years of the commencement of the Constitution. It was held that there was nothing to prevent the State from discharging that solemn obligation through the government and aided the schools, and Article 45 does not require the obligation to be discharged at the expense of minority communities. It was held in the case of Mohini Jain v. state of Karnataka and others, AIR1992 SC 1858

Article 23 states that prohibition of traffic in human beings and forced labour:-

(1)Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this Article shall prevent the state from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

The Indian penal code and the criminal procedure code have separate provisions prohibiting traffic in human beings. According to the penal code, selling, letting for hire or otherwise disposing of, or buying, or hiring or otherwise obtaining possession of any girl under the age of 18 years for the purpose of prostitution or for any unlawful or immoral purposes is also an offence. In 1958, by a central enactment organized prostitution as a profession has been abolished all over the country and the running of brothels has been made an offence.

Article 24-prohibition of employment of children in factories, etc. No child below the age of fourteen years shall be employed to work in any factory or mine or be engaged in any hazardous employment.

The court in *M.C.Mehta v. State of T.N* noted that menace of child labour was widespread. Therefore, it issued wide ranging directions in the context of employment and exploitation of children in Sivakasi prohibiting employment of children below the age of 14 and making arrangements for their education by creating a fund and providing employment to the parents or abled bodied adults in the family. These directions were reiterated in *Bandhua Mukti Morcha v. Union of India*, concerning the employment of children in carpet weaving industry in India. The apex court took note of the sociological angle and possible resistance from parents and society to the total elimination of child labour and in fact, allowed the continuance of child labour in the case of *Salal hydro project v. state of J&K*. That is why Article 24 limits the prohibition to only factories, mines and other hazardous employment. The court had clearly lost an opportunity of interpreting Article 24 as a charter for total elimination of child labour, and making it compulsory for children to be found in school upto primary.

Child labour:

Articles 23 and 24 of the constitutions determine the term child labour.

The Child Labour (Prohibition and Regulation) Act, 1986

The intention of this act was to ban the engagements of child labour in certain employments and to regulate in areas where it has not been prohibited. It provides power to the government to make rules with reference to health

and safety wherever the employments of children are permitted. Night work for children is prohibited. The hours of work for the children are also to be considered by the state and the central governments.

The act enables the governments to appoint inspectors to enforce the provisions of the act and it has also provided stringent penalties including imprisonment for violations of the provisions of the act.

Any occupation which may be connected with transport of passengers, goods and mails, cinder packing, construction of railways, selling of fire crackers etc may be included as child labour activities. Process may include bidi-making, carpet weaving, cement manufacture, cloth printing, weaving, dyeing, manufacture of matches, explosives etc.. Will fall under the category of child labour.

Juvenile justice act

Juvenile delinquents have been looked upon differently by persons. To a lawyer, they are minors who are accused of offences from which they are immune to the punishments that are usually administered to adults. To psychologists they are youngsters whose social behavior patterns show deviations from acceptable norms. Judges take a different view by stating that they are neglected children who have been brought into the world by parents who have turned their back on their offspring and let them shift for themselves. Juvenile delinquency is indeed a social problem. Economic insecurity, under nourishment, inadequate clothing and lack of necessary medical care may lead to delinquency. The state has to give these children better care and make them good citizens. The government is doing its best to contain the problem of juvenile delinquency. In India the first legislation concerning children was enacted in 1850 when the apprentices act was passed. The act provided that the father or guardian could bind the child between the ages of 10 and 18 years. Magistrates were authorized to be the guardian of each destitute child.

Laws relating to children

- Child Labour (Prohibition & Regulation) Act, 1986
- Child Marriage Restraint Act, 1929
- Children Act, 1960
- Children (Pledging of Labour) Act, 1933
- Commissions for the Protection of Child Rights Act, 2005
- Infant Milk Substitutes Act, 1992

- Infant Milk Substitutes Act, 2003
- Infant Milk Substitutes, Feeding Bottles & Infant Foods (Regulation of Production, Supply & Distribution) Act, 1992
- Infant Milk Substitutes, Feeding Bottles & Infant Foods (Regulation of Production, Supply & Distribution) Amendment Act, 2003
- Juvenile Justice (Care & Protection of Children) Act, 2000
- Juvenile Justice (Care & Protection of Children) Amendment Act, 2006
- Prohibition of Child Marriage Act, 2006
- Reformatory Schools Act, 1897
- Young Persons (Harmful Publications) Act, 1956

Table – reason for rise of women child labour in Gulbarga

S.No	Particulars	Yes	%	No	%	Total %
1	Poverty	21	84	4	16	100
2	Illiteracy	25	100	00	00	100
3	Social status	19	76	6	24	100
4	Cultural backwardness	23	92	2	8	100
5	Environment of living	25	100	00	00	100
6	Get livelihood	18	72	7	28	100

The above table is the outcome of the field survey carried to identify the reason why the rise in the women child labour in the city of Gulbarga is rising day by day in the all the sector of society, where ever we go there we will get the women child labour having a good legal law to protect the rights of the children and even though the rise in the child labour could not able to stop or take any majors tp protect them. So in such condition the women child labour parents were consulted and interviewed with them with the following question, to which they have given the right and correct at their best why they have sending their children to work at this teen age because of the above mention problem in the table are the most responsible for them to sent their women children to work in the hazardous place to get the livelihood. The 84% percentage of the parent said that due to the poverty we have forced our child to work, and about 100% said that due to the illiteracy of the family background we have sending them to work, and 76% are said due to the social status which we are in is also main reason to opt for the work, and even they were asked whether the environment in which your staying is also reason for your child to go to the

labour force to which 100% parent agreed that is the main reason why our children not interested to go to school and 72% of parent said that to earn the livelihood our children are working and they are becoming child labour we have not able to do anything if they work then only we can earn the livelihood.

CONCLUSION

The policies and programmes to protect the child labour government have brought so many but they are only paper tiger. The systematic implementation is not possible till today due the reason why the rise in the child labour is rising yearly. The policies which were brought were not reaching the really who were need of it it is also onther reason why the people are in poverty and even people could not able to become literate today. As justice Bhagwati has rightly quoted the child is a soul with a being, a nature and capacities of its own, who must be helped to find them, to grow into the maturity, into fullness on physical and vital energy and most breadth, depth and height of its emotional, intellectual and spiritual being. Children require guidance and support. They do not know the technicalities of life. It is for citizens like us to take their hand and show them the right way. The social workers play an important role in eradicating social evils and thus they is need for stricter analysis on their qualification and professional capacity.

Although there is much legislation by the government to curb many social evils against children, the governments are not taking any enough steps to ensure that children, the future citizens of our country are protected. These are the children that would lead our country to a healthy and prosperous nation. The final affirmation on child rights is possible only if there is international cooperation and implementation of the right to development Although new regulatory standards and greater awareness of children's vulnerability to such hazards have improved children's situation in a number of more developed countries, many children, especially in less developed countries, continue to be exposed to toxins. Emerging Policy Issues in Population, Health, and Environment series, explores children's special vulnerability, outlines the risks and the conditions that increase such risks, and highlights what is being done to address the problem.

Due to their size, physiology, and behavior, children are more vulnerable than adults to environmental hazards. Children are more heavily exposed to toxins in proportion to their body weight, and have more years of life ahead of them in which they may suffer long-term effects from early exposure. Perinatal conditions, which can be influenced by environmental conditions, Furthermore, fetal exposure to chemicals such as lead increases a

child's chances of having brain damage or developmental problems. Children at all ages, not just the very young, are at greater risk than adults. Typical childhood behaviors, such as crawling and putting objects in the mouth,

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