

# Child Labour Laws: Its Progress and Gaps

Yash Maheshwari

Student

Amity Law School, Noida

## Abstract

A long shadow has been cast over human history by child Labour, or the harmful employment of minors. Despite increased concerns brought on by the Industrial Revolution, significant progress has been made in legal efforts to stop this practice. The development of child Labour laws is examined in this essay, which highlights improvements in youth protection. But this is far from the end of the battle. I will carefully examine the lingering holes in these legal systems, such as poor implementation, unrestricted access to certain industries, and the alarming fact of dangerous child Labour.

Examining how child Labour laws have changed over time, the study charts the path from early industrialization to contemporary globalization. In order to create international frameworks and conventions intended to end child Labour, it examines the critical role played by organizations like the International Labour Organization (ILO).

Laws and policies that shield minors from child Labour have come a long way, but there are still many obstacles to overcome. The report highlights significant legal gaps, such as insufficient enforcement procedures, structural weaknesses in laws, and socioeconomic variables that sustain child Labour in particular areas. The intricacies of the domestic and informal Labour markets, where regulatory monitoring is frequently lacking, are also covered.

## Chapter 1 - Introduction

### 1.1 What Is Child Labour ?

Child Labour is one of the biggest barriers to social progress that has existed for many years. For many countries, eliminating it is both a significant long-term goal and a formidable challenge. In recent years, the problem has attracted a lot of attention, especially from developing countries. When children are exploited, their rightful childhood and basic needs for survival are taken away from them. This is known as child Labour. These youngsters work long hours in appalling conditions while frequently being mistreated, which has a negative impact on their mental, emotional, and physical well-being. In addition, individuals are not allowed to access basic rights like healthcare and education. An individual who has not turned fourteen years old is considered a child, according to the Child Labour (Prohibition and Regulation) Act, 1986. It is expected of children to play, learn, and lead carefree lives at such a young age. But these expectations are not always met by reality. Children who work in hazardous and unforgiving environments, whether through choice or force, run the risk of suffering harm to themselves. Their entire growth is

hampered by child Labour in addition to the physical and mental development delays. In India alone, there are 10.1 million child Labourers, made up of 5.6 million boys and 4.5 million girls, according to census data from 2011. This is a sobering reality. It is essential since children are India's youth of the future. Providing them with the necessities is crucial; these include social necessities like education as well as basic amenities like food, clothing, and shelter. In India, a complex society where numerous laws have been passed to combat the evil of child Labour, achieving this necessitates the implementation of appropriate legislative measures.

A considerable proportion of child Labourers are involved in dangerous jobs even though it is illegal, according to the International Labour Organization (ILO). These kids experience long-term physical and mental suffering, and they are susceptible to illnesses. Children are compelled to work for their families' survival and their own, and poverty is the main factor pushing them into the Labour force.

There has been a remarkable global effort by international organizations to end child Labour. While child Labour is no longer permitted in many countries, it is still very commonplace worldwide.

Furthermore, childhood is a crucial and formative stage in human development and is the key to any society's future advancement, making children the greatest asset of humanity. Children become accountable and valuable contributors to society when they are raised in settings that support their mental, physical, and social development. A country's children's present situation has a direct impact on its future course. But forcing kids into the workforce too young jeopardizes not just their current welfare but also their future opportunities and earning capacity. Children who are faced with extreme poverty are frequently forced to forgo their schooling and work as slaves, usually for meager pay and in dangerous environments. Because of this, it should come as no surprise that children from poor households are more likely to enter the workforce early and forgo an education. Children who work are deprived of their education and run the risk of harm to their health and safety due to the widespread problem of child Labour.

When it comes to combating the evil of child Labour, India has always taken the initiative, pushing for legislative, developmental, and constitutional measures that would eventually end it. The nation of India is committed to defending the rights of children, as evidenced by the Constitution's provisions requiring universal primary education. The problem of child Labour has been thoroughly investigated by a number of Labour commissions and committees, which have also provided thorough recommendations for mitigating it. In tackling the practice of child Labour, India's judiciary—including its highest courts—has shown a strong sense of compassion and dedication. But child Labour is still a problem in the nation even after preventive laws have been passed, policies have been developed, and court interventions have occurred.

Child Labour rates have decreased recently, but severe forms of child exploitation like bonded Labour, child soldiering, and trafficking still occur. Indian industries that use child Labour include carpet weaving, garment manufacturing, agriculture, mining, domestic service, and brick kilns.

Additionally, children are susceptible to a range of forms of exploitation, particularly in online spaces, where they may be sexually exploited and child pornography produced. There are many

reasons why child Labour and exploitation occur, such as poverty, social norms that support the practice, the lack of adult and adolescent employment opportunities, migration, and emergencies.

In addition to making child Labour more common, these variables support discriminatory practices that uphold social injustices. Workplaces are not the proper places for children to learn. Child labour perpetuates poverty cycles across generations in addition to violating children's right to an education. It obstructs access to and success in educational endeavors, which lowers student performance and attendance.

Child Labour and exploitation are pervasive and dangerous to national economies. They deny children an education and undermine their physical and mental health, among other negative short- and long-term impacts. Physical, mental, sexual, and emotional trauma are among the forms of abuse that children trafficked are subjected to. Child trafficking is frequently combined with child Labour. In addition to being exposed to violence, sexual abuse, and the possibility of HIV infection, trafficked children are coerced into exploitative circumstances such as forced marriage, prostitution, unpaid Labour, domestic servitude, and adoption from outside of the country.

Preventing child Labour and exploitation can be achieved by implementing all-encompassing strategies that strengthen child protection networks, tackle poverty and inequality, improve educational opportunities, and mobilize the public to defend children's rights. As first responders to child protection issues, educators and other educational partners are essential in spotting warning indicators of child distress or extended work hours and notifying the appropriate authorities. Child Labour laws must be changed more broadly and systemically in order to enable families to place a higher value on education than on unfair Labour practices. Only then can children go from working to attending school.

To execute laws intended to put an end to child Labour, UNICEF works with governmental and corporate organizations. Together with businesses, it evaluates supply chains and creates long-term substitutes for methods that support child Labour.

Additionally, UNICEF helps state governments integrate programs to end child Labour and supports families in ceasing Labour resulting from debt or bonded bondage. In order to change societal norms that support child Labour and also guarantee that families have access to preschools, high-quality education, protective services, and other sources of income, community engagement is essential. As of early 2020, data from recent surveys suggest that 160 million children were working as minors, and the COVID-19 pandemic was putting an additional 9 million children at risk. With almost half of them working in dangerous jobs that endanger their health and future development, this startling statistic equates to almost 1 in 10 children worldwide.

There are several reasons why young people might feel obligated to join the workforce. When a family experiences financial difficulties or instability, it is frequently the result of poverty, an unexpected illness in a caregiver, or the loss of employment for the main breadwinner. Child Labour has grave consequences that can lead to serious physical and psychological injuries, as well as, in some terrible cases, even fatalities.

Children may also be exposed to economic or sexual exploitation, as well as slavery-like conditions. Child Labour frequently results in a denial of education and healthcare for children,

which limits their access to basic rights. Children in India make up a sizable share of those caught in the child Labour cycle.

Based on data from India's 2011 national census, 10 points12 million out of 259 points64 million children in that age group were considered child Labourers. Still, the problem of child Labour does not end in India; 217 million children are thought to be working worldwide, many of them full-time.

According to the 2016 amendment to the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 ("CLPR Act"), any person under the age of 14 is considered a "Child" and their employment in any capacity, including domestic help, is expressly forbidden. In accordance with this Act, hiring a child for any kind of Labour is a crime that is punishable. Those who fall within the age range of 14 to 18 are known as adolescents, and they are only allowed to work in specific types of jobs that do not involve high risk activities or procedures as specified by the Factories Act of 1948. Approximately 120,000 children, or 1 percent of all child Labourers in India, worked in dangerous jobs in 2001.

It is noteworthy that Article 24 of the Indian Constitution forbids the use of minors for Labour in dangerous industries. According to UNICEF estimates, out of all countries, India has the greatest number of workers under the age of 14; on the other hand, sub-Saharan African nations have the highest percentage of children working as minors.

## 1.2 Definitions of child Labour

The definition of child Labour according to the **International Labour Organization (ILO)** is "work that harms a child's physical and mental development and deprives them of their childhood, potential, and dignity." It describes jobs that are harmful to children in terms of their mental, physical, social, or moral development; it also describes jobs whose schedules prevent them from attending regular school; it also describes jobs that impair their capacity to concentrate in class or have a healthy upbringing. "

For **UNICEF**, child Labour has a different definition. UNICEF states that a child is considered to be engaged in child Labour if, during the week, the child is between the ages of 5 and 11 and has completed at least one hour of economic activity or at least 28 hours of household work; for children between the ages of 12 and 14, the child has completed at least 14 hours of economic activity or at least 42 hours of both. A different report from UNICEF makes the following recommendation: "Work with children should be viewed as occurring along a continuum, with beneficial work—promoting or enhancing children's development without interfering with their education, recreation, or rest—at one end and destructive or exploitative work at the other."

Child Labour is defined by the **Census 2001 office of India** as the engagement of a child under the age of 17 in any economically productive activity, whether or not they receive payment, wages, or profit. Participation in such activities may be mental, physical, or both. This work includes unpaid Labour or part-time assistance on farms, in family businesses, or in any other type of economic activity like farming and producing milk for sale or domestic use. The Indian

government divides child Labourers into two categories: marginal child workers, who work any time of the year but fewer than six months, and main workers, who work six months or more annually.

Some advocates for children's rights contend that since every unenrolled child is a covert child Labourer, child Labour must encompass all unschooled youth. But according to UNICEF, there is a severe lack of teachers, classrooms, and schools in India, especially in rural areas where 90% of the problem of child Labour is found. A single teacher instructs all students in all grades in about 1 in 5 primary schools.

India has passed several laws on child Labour and constitutional protections since gaining its independence from colonial rule. Article 24, which prohibits child Labour below the age of 14 in factories, mines, castles, and other hazardous occupations, is found in the Fundamental Rights and the Directive Principles of State Policy sections of the Indian Constitution. Within the framework of the constitution, it was stipulated that by 1960, all children between the ages of six and fourteen in India would have access to free and compulsory education. Referencing Articles 21-A and 45. With child Labour included in the Concurrent List, both the federal and state governments in India have the authority to enact laws pertaining to it. The country is governed by a federal system.

**Factories Act, 1948:** This legislation forbids working in factories with children under the age of fourteen.

**The Mines Act of 1952** forbade the employment of minors under the age of eighteen in mines. The Act also dictated who could work in factories, when they could work, and how long they could work there.

The **CLPR Act**, also known as the **Child Labour (Prohibition and Regulation) Act, 1986**, forbids the employment of children in any capacity, including domestic help (apart from providing non-hazardous assistance to one's own family). A "Child" is defined as any individual who is younger than 14 years old. The employment of a child for any kind of work is a criminal offense. Youngsters classified as "Adolescents" are those who are 14 to 18 years old. According to the law, adolescents may work in any type of hazardous process or occupation, with the exception of those related to mining, flammable materials, explosives, and other hazardous jobs.

Under the **2009 Right of Children to Free and Compulsory Education Act**, all children between the ages of six and sixteen are required to receive free and compulsory education. Additionally, according to this law, children from economically disadvantaged families must be given 25% of the seats in every private school (implementation gaps persist). A national policy against child Labour was developed in India in 1987. In order to effectively rehabilitate children employed in hazardous jobs, this policy aims to take a step-by-step and gradual approach. In addition to development initiatives aimed at addressing the underlying causes of child Labour, such as poverty, it called for the stringent enforcement of Indian laws prohibiting child Labour. Consequently, the National Child Labour Project (NCLP) was launched in 1988. Targeting the sole goal of ending child Labour in India, the central government is currently funding this legal and development initiative with Rs. 6 billion. Child labour remains a significant issue for India notwithstanding these efforts.

### 1.3 Importance of Child Labour Laws In India

At the start of 2020, there were about 160 million children working as minors, and 9 million more were at risk because of COVID-19. This represents almost one in ten children globally. Nearly half of them work in jobs that put their health and development at direct risk. Young people may be motivated to work for a variety of reasons. Child Labour most frequently happens in families that are struggling financially, whether it be as a result of poverty, an unexpected illness in a caregiver, or the loss of employment for the main wage earner. The ramifications are astounding. Child Labour can cause serious physical and psychological injuries, as well as even death. It may result in economic or sexual exploitation as well as slavery. Furthermore, it restricts children's fundamental rights by keeping them out of school and out of the medical system in almost all cases.

Children who are migrants and refugees run the risk of being forced into Labour and possibly being trafficked. This is particularly true if they are traveling alone or via unorthodox routes with their families. Many of these children have been uprooted by conflict, natural disasters, or poverty. Children who are trafficked frequently experience abuse, violence, and other violations of their human rights. The danger of sexual exploitation for girls is very real, whereas groups or the armed forces may take advantage of boys.

- **Poverty's curse:** In India, poverty is the primary cause of child Labour. Poverty affects the majority of the nation's citizens. Poverty prevents parents from forcing their kids to work from an early age and from paying for their education. The grief of repeatedly losing loved ones to poverty is something they are actually fully aware of. Their little ones are sent to work in homes, shops, and factories. In order to help their impoverished families as soon as possible, they are forced to work. Only their family's survival is the reason behind these decisions. However, by robbing them of their childhood at a young age, such choices destroy children's physical and emotional states.

- **Shortage of educational resources:** Children sometimes lack access to their basic right to an education, even after so many years of our nation's independence. Throughout our nation, there are thousands of villages without adequate educational resources. In addition, it is quite far away if there is one. India's child Labour problem is partly caused by this kind of administrative negligence. For impoverished families, sending their kids to school is a pipe dream and they suffer the most. There are instances when impoverished children become illiterate and powerless due to a lack of accessible schools. Children must live without having access to education. These urges can also occasionally lead them to fall victim to India's child Labour industry.

- **Social and economic backwardness:** In India, child Labour is primarily caused by social and economic backwardness. Parents who are socially backward don't send their kids to school. As a result, their kids are forced into child Labour. Parents frequently lack awareness of different information and programs for their children's education because of illiteracy. Child Labour has been condoned by their lack of education, illiteracy, and subsequently ignorance of their rights. Furthermore, parents with little education are unaware of the effects child Labour has on their kids. Poverty and unemployment provide rural families with an obsessive foundation for involving their

kids in a variety of tasks. In actuality, the zamindari and feudal systems, as well as their surviving vestiges, still contribute to India's child Labour issue.

- **PREVIOUS DEBTS:** Due to the dire economic circumstances in India, many people must borrow money. In order to repay the debt they have taken on, the illiterate populations turn to moneylenders and occasionally mortgage their possessions. However, debtors struggle mightily to repay the debt and interest because of a lack of income. In order to break free from this cycle of poverty, the debtors force their children to help them work day and night for the creditor in order to pay off their debts. Because they are under pressure to pay off their parents' debt and to provide for their families' needs for food and shelter, some children are compelled to work. While this is going on, some kids are forced into slavery through sales.

- **PROFESSIONAL NEEDS:** Delicate hands and small fingers are required in certain industries, such as the "bangle making" industry, to perform extremely minute tasks with exquisite precision. Adults need children to work for them and perform such hazardous tasks with glass because their hands are typically not as small and delicate. As a result, the kids frequently suffered serious eye injuries.

- **Disability, illness, or addiction:** In many families, the child's earnings provide the only means of subsistence because there is no adult income due to illness, addiction, or disability. Not only is unemployment rising in tandem with population growth, but it also negatively affects efforts to prevent child Labour. Hence, in an effort to boost family income, parents are willing to send their kids to work rather than to education.

- **Weak adherence to legal requirements:** In today's society, legal requirements dictate that individuals have the right to quality healthcare, education, and self-care. Each and every citizen has the right to engage in their favorite pastime, to take advantage of all forms of entertainment, and, as they get older, to work in a job that pays well and allows them to support their family, community, and country. However, child Labour in India persists due to improper adherence to the laws. Only with strict observance of the relevant laws can it be forbidden.

- **Allure of inexpensive Labour:** Some store owners, businesses, and factory owners hire kids out of their avarice for cheap Labour, which essentially amounts to hiring cheap Labour. This way, they can make lower payroll costs. Although they only give children half the pay, shopkeepers and small business owners force them to work just as hard as they do older employees. Less opportunity exists for theft, avarice, or financial misappropriation when children are employed. As globalization, privatization, and consumerist culture have grown, child Labour in India has become more common due to the need for inexpensive Labour and its connection to the financial needs of low-income families.

- **Lack of space for alternatives,** such as reasonably priced education and top-notch training, is a major factor pushing children into dangerous Labour, according to the International Labour Organization (ILO). Because they are unhappy and have no other way to make money, children are forced to work. Many communities, especially those in rural areas where child Labour is common, lack sufficient suitable school facilities. Even when schools are open, parents may wonder if it is really worth it to send their children to school because the schools are often too far

away, difficult to get to, expensive, or offer instruction of such poor quality. Many children still lack access to education because of their circumstances, even after 75 years of independence. Only by putting national schemes into place effectively will this be managed

- **Family customs:** It is quite easy in our society to pass off child Labour as a custom or tradition in many families. This is a frightening but bitter reality. Child Labour in India is becoming a more voluntary issue, partly due to cultural and traditional family values. Many families feel that hard work and the long-standing custom of earning a living are the only ways they can hope to live a happy and fulfilling life. In their avarice, small business owners prolong their family's business by cutting production costs, even at the expense of their children's lives. Additionally, there are families who think that starting work early will help their kids grow up to be more responsible and worldly-wise. In their view, their children's early work experience will foster their personal growth and facilitate their ability to plan ahead for the future.

- **Discrimination between boys and girls:** We've been socialized to think that girls are inferior to boys and that there's no fair comparison between the sexes. There are numerous instances of girls being denied access to education in our society even today. Girls are denied access to education because it is believed that they are weaker than boys. It is common to find girls working alongside their parents in families headed by Labourers. Child Labour exacerbates discrimination and social inequality, regardless of the reason. In contrast to developmental activities like helping out around the house or working during the summer, child Labour hinders a child's ability to receive an education and is bad for their physical, mental, and social development. The "triple burden" of work, school, and household responsibilities increases the likelihood that girls will fall behind and become even more marginalized and impoverished.

#### 1.4 Different forms of child Labour prevalent in India

The main types of child Labour in India are bonded Labour and domestic & industrial child Labour. We'll go over the specifics of the aforementioned Indian industries that use children as Labourers below, along with some demographic information.

- **Industrial Child Labour:** Children under the legal age of eighteen are mostly employed in India's industrial sector. Approximately 40.5 million girls and over 10 million boys between the ages of 5 and 14 are employed in small or informal industries. Some of the biggest employers of children are small businesses, such as those in the diamond, fireworks, apparel, and brick-kiln industries. Occasionally, these industries run out of people's homes, which makes it challenging for the authorities to intervene. In India, the unorganized sector ranks among the most prominent and employs a significant number of children. Children working in grocery stores, tea shops, and roadside dhabas and restaurants were clearly visible. Due to their ease of handling and firing, children are preferred by the owners of these small businesses.

- **Domestic Child Labour:** The percentage of child Labour in India that is related to domestic circumstances is 10%. In order to take care of their daily chorus, affluent families employ both boys and girls domestically. At an age when they should be going to school and playing with friends, these kids have no choice but to cater to the needs of other families. Child Labour for

domestic help is primarily a result of poverty. Parental consent is typically given in exchange for financial support and a secure home for their kids. The statistics paint a dismal picture: most of the domestic workers that are employed are girls, and nearly 20% of them are younger than 14 years old. These kids work as in-home attendants, helping out with everyday household chores like cooking, cleaning, watching over pets and small children, and other duties.

•**Bonded Child Labour:** In order to pay off a debt owed to their parents or guardians; a child must be employed under duress. In isolated and remote areas, bonded child Labour is still practiced covertly even though the number of cases has significantly decreased recently as a result of strong government oversight and laws prohibiting it. A greater likelihood of this kind of Labour is associated with children who work in agriculture and live in villages. The siblings of impoverished farmers who owe wealthy moneylenders a lot of money frequently agree to work as slaves for the lenders. The government of India asserts that there are no longer any bonded child Labourers in the country, despite the fact that there were thousands of bonded Labourers employed in a variety of industries just ten years ago.

### 1.5 Consequences of child Labour

Within the context of economic welfare, a significant number of children are considered to be working as Labourers. Kids who Labour do not receive the education they require. Physically, intellectually, emotionally, and psychologically, they are denied the chance to grow and mature. Because of their shorter half lives than adults, children are not physically prepared for prolonged, monotonous Labour. The kids become less healthy physically as a result, which increases their susceptibility to illness. Adolescents who work in hazardous environments are even less fortunate. Children who work instead of attending school will continue to be illiterate, which will limit their capacity to improve both their own and their community's quality of life. The effects of child Labour on India are long-lasting. Possessing a workforce that is educated and has the necessary skills to meet industry demands is essential to maintaining an economy's growth. Tomorrow's human capital in India will include the young Labourers of today. The accumulation of human capital is surely compromised by child Labour. A significant portion of child Labourers in India—roughly 70%—are employed in agriculture, with a smaller percentage working in heavy industries like coal mining and low-skilled, Labour-intensive jobs like sari weaving or domestic assistance. In developing countries, sending children to school instead of working has significant economic benefits, according to the International Labour Organization (ILO). Without education, kids don't acquire the essential abilities, like technical aptitude and English literacy, that will boost their productivity and help them land higher-paying, more skilled jobs down the road, raising them out of poverty.

• **The diamond industry** was the subject of a 1999 report co-published by the International Labour Organization and the trade union Universal Alliance of Diamond Workers. According to the ILO report, the Indian diamond industry frequently uses child Labour. Child Labour was noted to be thriving in India's diamond industry by the International Confederation of Free Trade Unions (ICFTU) in a different press release from 1997. These statements were not accepted by everyone. While it is acknowledged that child Labour occurs, it is less than 1% of the workforce, not

systematic, and goes against industry norms in the South Gujarat Diamond Workers Association, a different trade union. Company owners in the diamond sector in the area also played down these accusations. 60 percent of the world's diamonds by weight, or 40 percent by value, are cut and polished in India each year, according to a 1999 ILO paper. Furthermore, 95% of the world's emeralds, 85% of its rubies, and 65% of its sapphires come from India. The traditional Labour-intensive methods used in India are utilized to process these diamonds and gems. In the unorganised sector, the diamond industry employs approximately 1.5 million people. Little businesses that employ a few people each make up the industry. Big players are not present, the industry has not organized, nor has it grown.

This is to circumvent India's complicated Labour laws, according to the ILO paper. Most employees are unaware of the identity of the company holding the export order, the export order is divided, and work is subcontracted via numerous middlemen. In this context, the ILO report states that it is unknown how many children are employed in India's diamond and gem industry; estimates range from 10,000 to 20,000 out of 1.5 million total workers (roughly 1 in 100). According to the ILO report, one of the main reasons why children are forced into child Labour is that parents who believe that education is costly and of little value send their kids to work, even though they will eventually find that artisan work in the diamond and gem industry pays better. The incidence of child Labour has reportedly decreased to 0.31%, according to a more recent study from 2005 that looked at 663 manufacturing facilities spread across 21 different locations in India's diamond and gem industry.

- **Manufacture of fireworks:** Child Labour is reportedly used in the manufacture of fireworks in the South Indian town of Sivakasi, which is well-known for its matchstick and fireworks industries. Nearly all of India's fireworks were produced in Sivakasi, Tamil Nadu, which was home to over 9,500 firecracker factories in 2011. At an average of fifteen workers per factory, the fireworks industry employed roughly fifteen thousand people. Less than 1% of these were registered, organized businesses; the majority were in the unorganized sector. Shubh Bhardwaj revealed in 1989 that there is child Labour in India's fireworks industry and that there are inadequate safety procedures in place. Small-scale, unorganized sector businesses frequently use child Labour. Only four companies in the organized sector with more than 500 workers scaled up; the larger businesses had better resources and safety procedures in place and did not hire children. Child Labourers in small, unorganized sector businesses faced exhausting schedules, low pay, hazardous working conditions, and long work hours.

An international Labour organization (ILO) report from 2002 asserts that child Labour plays a significant role in the industries of fireworks, matches, and incense sticks in Tamil Nadu. These kids do not, however, Labour in the formal economy or in businesses that manufacture goods for export. The majority of child Labourers employed in manufacturing work in supply chains that make fireworks, matches, and incense sticks for the domestic market. The ILO report asserts that instead of the formal economy and corporate establishments growing to meet the demand, home-based production operations have proliferated in response to the growing demand for these products. The likelihood of child Labour has increased as a result. Research and effective action are hampered by such covert operations, according to ILO.

- **The silk industry** employs children as young as five years old, reportedly making them work for up to 12 hours a day, six or seven days a week, according to a 2003 Human Rights Watch report. Despite the government of India's denials, it is easy to locate children involved in the silk industry

in Tamil Nadu and Karnataka. These children are allegedly forced to dip their hands in scalding water in order to feel the cocoons, and they frequently receive less than Rs 10 per day. Around 15,000 children were reportedly employed in the 1,100 silk factories in 1998 in states like Karnataka, according to an investigative German news report from 2012. In 1995, thousands of children were working as bonded Labourers in other locations. However, the number of children working is now estimated to be less than a thousand, a significant decrease from before UNICEF and NGOs became involved. It says in the report that the kids who were freed were back in school.

- **Carpet weaving:** Approximately 20 percent of carpets made in India may have been made using child Labour, according to Siddartha Kara. Finding out how much the supply chain for hand-made carpets from India to the U.S. requires additional supply chain tracing work because it is tainted by slavery and child Labour. According to Kara's research, different ethnic and religious groups have different child Labour policies. Kara and colleagues note that Muslim communities have the highest rate of child Labour in carpet operations, and that Muslim villages have debt-bonded child Labourers.

- **Domestic Labour:** The number of children employed as domestic helpers and in restaurants is estimated by the government to be over 2,500,000, but non-governmental organizations place the number closer to 20 million. As of October 10, 2006, the Indian government had extended the scope of The Child Labour Prohibition and Regulation Act, making it illegal for minors to work as domestic helpers or as employees of hotels, restaurants, dhabas, spas, or resorts.

- **Mining:** In Meghalaya, antiquated coal mines were found to be hiring minors under the age of 18, in defiance of laws passed in 1952 that forbade hiring anyone under the age of 18. In 2013, the world press took notice of this.

- **Brick Kilns:** Under the guise of paying high wages, a lot of brick kilns in the Bangalore and Hosur regions use child and bonded Labour. The employers of 22 bonded Labourers, some of whom were minors, were freed from a brick kiln in Bangalore's Anekal neighbourhood in 2018.

## 1.6 Review Of Literature

A clear trend from a cross-country sample, as demonstrated by **Krveger (1996)**, indicates that children from low-income households are more likely to enter the Labour force than those from higher-income households. Children were made to Labour on family farms in factories at the start of the Industrial Revolution, tending crops or making food.

Their working conditions were extremely hazardous and frequently fatal. This was discovered by **Basu (1999)**. Children offered cheaper Labour and were more pliable workers, so at the time, the industry preferred having children work.

The prevalence of child Labour in both developed and developing nations has been examined by **Bass (2004)**. In fact, the developed world has virtually entirely eliminated child Labour. However, there are still many reasons why child Labour exists today, including the growing population, high

unemployment rates, inflation, poverty, malnutrition, incompetent leadership, corruption, and low pay.

Child Labour is prevalent worldwide, especially in low-income nations, according to **Serwadda Luwaga (2005)**. These children work in a variety of economic sectors, including manufacturing, construction, agriculture, fishing, domestic service, and street vending. Children typically work in hazardous and subpar conditions without social protection and are not registered as employees.

Child Labour is involved in many different types of work that have risks and hazards, according to **Lavison and Murray's (2005)** report. Due to their exposure to health risks, these kids are especially prone to physical discomfort and harm.

According to **Oduote (2006)**, any work done by children away from home is considered child Labour. They claim that when they work outside the house, they are frequently exposed to environmental risks that could endanger their health and safety.

**According to Fasih (2007)**, child Labour results in undereducated and unskilled Labour, which has an impact on the economic and social development of the nation. The definition of child Labour has been provided by **Bhat (2010)**. He asserted that it is not straightforward because it encompasses three hard-to-define concepts: child, Labour, and work. He also asserted that age could define childhood, although in certain societies, people stopped being children at distinct ages.

**In 2010, Bilal Ahmad Bhat** attempted to examine the value of education in relation to child Labour and investigate the effect of child Labour on children's attendance at school. He made some recommendations about how education could be used to combat child Labour.

As per **Bhat's (2011)** report, the initial laws prohibiting child Labour were passed in 1833 and 1844. The intention was to prevent children from working and to remove them from any work that interfered with their education. Nevertheless, a large number of kids continued to be involved in what was legally forbidden—child Labour.

According to **Aqil's (2012)** analysis, if parents worked when they were younger, their offspring would in turn work, perpetuating the work ethic from one generation to the next. They then develop low skill and lack education after they reach adulthood. Because it increases the likelihood that their children will receive a quality education, parental education is therefore essential to children's education.

**According to Das (2012)**, due to a dearth of trustworthy statistics and the fact that a large number of child Labourers are invisible, it is challenging to confirm the prevalence of child Labourers worldwide.

## Chapter 2 – History & Socio Economic Factors and Health Impact Of Child Labour Laws

### 2.1 History

An entirely new chapter in human history was written during the Industrial Revolution in England in the eighteenth century. This revolution altered the general economic and social structure in a way that was not seen in any previous era. Up until then, the employee in the scenario had his identity, whether he was a "adult" or a "child," regardless of his place of employment. There was a shift in the production pattern following the industrial revolution. E. technology adoption, asset ownership, and new management strategies. It also brought about a shift in human relations that had never been seen before, attaching value to an employee's Labour and placing the assignment of values in the hands of employers. As such, the millowners first appointed the large number of children, and then the factory owner did as well. In addition, the migration of adult men to industrial towns has increased the need for child Labour in the agricultural sector as children take over for them in running various agricultural operations. Sometimes, the terms "child Labour" and "employed child" are used interchangeably to refer to the same thing. This makes it synonymous with any child Labour performed for financial benefit. The term "child Labour" is, however, most frequently used in a social context.

The statement implies something detrimental, unfair, and rife with abuse. There are very few legal provisions in India that provide a clear definition of "child Labour." Even the numerous laws that set minimum ages for employment in various professions do not always prescribe the same age due to differences in the types of jobs that children perform. Youngsters under the age of 14 who work and receive payment in kind or cash, or who save money by providing services that their families would otherwise have to pay for, are considered working children. These children may or may not continue working while attending school. Even in the 3rd century B.C. Kautilya's Arthashastra discussed the employment of minors in India as slaves. B. It talks about the existence of domestic slavery in many wealthy homes, where slaves were typically from lower castes and were known to work in many nobles' homes as young slaves (under the age of eight). A lot of the crafts in the medieval era relied entirely on the employment of children as trainees under master artisans. The industries that still employ a lot of children in our nation are carpet, cotton, and silk weaving, all of which carry on the family tradition.

As part of the socialization process, children of farmers were expected to complete specific tasks, and children in agrarian societies worked according to their abilities. As a result, while older people were busily engaged in more difficult, skilled work that required more effort, many younger people were more interested in long-term projects. Early on, the kids from farming families began to learn and contribute as active and useful members of their families and communities. Thus, from an essential component of the household economy that is agriculture. Gradually, they begin building after receiving training for a variety of jobs. When there was a quasi-federal relation of production, parents' responsibilities frequently involved all families working for land lords. Adults were typically hired as Labourers at such low wages that other family members, including children, were forced to continue working extra hours to meet the subsistence needs of the household. Snatches of this type of work are still occasionally seen as bonded Labour. Across the globe, between 1960 and 2003, the World Bank reports that the prevalence of child Labour fell from 25% to 10%. Still, the global rate of child Labour is still high; according to UNICEF and the ILO, 168 million children between the ages of 5 and 17 were estimated to have worked as children in 2013. During a UN seminar on child Labour in 1985, official representatives from developing countries acknowledged that child Labour existed in their countries, despite the need to end the "intolerable evil" of child Labour as soon as possible. The seminar concluded that complete abolition of child Labour was a long-term goal that would take many years to accomplish. There were regulations governing this legislative process that had prevented the problem from occurring and corrected it. Instead of outright prohibiting it, the majority preferred to regulate child Labour. However, India's laws against child Labour forbid children from working in highly paid factories, but not in low-paid cottage industries, restaurants, homes, or the agricultural sector. Undoubtedly, the largest employer of child Labour in India is the agricultural sector. We have taken up this challenge, and the fight is still in its early stages, according to the union Labour minister, who described child Labour as a "national concern" while introducing the child Labour (regulation and prohibition act, 1986). One positive step was the August 1987 launch of the National Child Labour Program (NCLP). We focus on the ultimate goal or any solution to the child Labour issue as part of the International Program on the Elimination of Child Labour (IPEC). International organizations such as the ILO have the unsettling authority to recommend that child Labour be legalized rather than outlawed. Even if this is only a temporary solution, it is important to remember that child Labour has serious negative effects on society at large, as well as on the development of the child. Adults who lose their jobs due to child Labour suffer significant consequences, as does the younger generation who is forced into child Labour rather than attending school to develop their skills. It's interesting that at this point in time, child Labour is no longer an issue in developed societies due to this shift in attitudes. In economically developed countries, child Labour primarily affects marginalized populations, primarily migrants who are not very important.

### 2.1.1 Pre-Colonial Era:

**1. The traditional socio-economic system** in India was based mainly on agriculture, which was the main driver of the country's economy prior to colonization. Children in rural areas were frequently expected to assist with agricultural activities from an early age, including tending crops, herding livestock, and helping with household chores.

**2. Craftsmanship and Apprenticeship:** Producing textiles, ceramics, metalwork, and other items, artisanal communities were an essential part of Indian society. From an early age, children were frequently apprenticed to skilled craftsmen in order to acquire these skills. Even though apprenticeships taught children valuable skills for the workforce, they also exposed them to long hours and occasionally abusive working conditions.

**3. The social hierarchy and caste system** in India had an impact on the kinds of work that children were expected to do. Children from underprivileged castes and marginalized communities frequently had few educational options and had to work hard or menial jobs to support their families.

**4. Family-Based Economy:** The Indian economy prior to colonization was largely shaped by the family. Particularly in agrarian households and artisanal workshops, children were considered essential members of the family and their Labour was often necessary for subsistence.

### 2.1.2 Colonial Era:

**1. British colonial rule** in India resulted in notable transformations to the country's socio-economic terrain, including the exploitation of slave Labour. Due to British colonial policies that placed a high priority on the development of industries and the extraction of raw materials for the benefit of British interests, Indian Labour, especially child Labour, was exploited to support the colonial economy.

**2. Industrialization and the Factory System:** To facilitate the production of textiles, jute, and other goods, the British colonial government built factories and mills in India. It became commonplace for children as young as five or six years old to work long hours in dangerous conditions for pitiful wages in these factories due to the increasing prevalence of child Labour.

**3. Legislative Responses:** To address growing concerns about Labour exploitation, the British colonial government passed a number of Factory Acts that regulated factory working conditions, including those pertaining to child Labour. Child Labour was nevertheless exploited because these laws were frequently ineffective and poorly implemented.

**4. Economic exploitation:** Because of the way the colonial economy was set up, poverty and economic exploitation were sustained, especially for disadvantaged groups of people. To make ends meet and get by during hard times financially, a lot of families were forced to send their kids to work in mines and factories.

**5. Social Reform Movements:** Advocacy groups and social reform movements that pushed against child Labour and demanded better working conditions and educational opportunities for kids also came into being during the colonial era. Leaders such as Mahatma Gandhi and Raja Ram Mohan Roy spoke out against the use of child Labour and in favor of social justice and equality.

### 2.1.3 Post Independence Era

India increased its efforts to combat child Labour in the post-independence era by implementing laws, social reforms, and programs for economic development. An outline of India's past child Labour laws during this time can be found here:

**1. Constitutional Provisions:** The fundamental tenets for safeguarding children's rights were established by the 1950 Indian Constitution. Under the Indian Constitution, children under the age of fourteen are not allowed to work in dangerous jobs (Article 24). In terms of addressing child Labour at the constitutional level, this provision represented a major advancement.

**2. Legislative Reforms:** After gaining independence, the Indian government passed a number of laws and amendments to protect children from child Labour and to improve their welfare. In order to reinforce the laws pertaining to the employment of minors in factories and other dangerous industries, the Factories Act of 1948 was amended. Regulations regarding the employment of minors in mines were also introduced by the Mines Act of 1952.

**3.** Among the most important laws against child Labour in India was the **Child Labour (Prohibition and Regulation) Act of 1986**, which forbade the hiring of minors for certain dangerous jobs and procedures. Along with establishing rules about working hours, age restrictions, and sanctions for infractions, it also controlled how children were employed in non-hazardous industries.

**4.** The country of India has acceded to a number of international accords and conventions pertaining to Labour standards and child rights. **The International Labour Organization (ILO)** has conventions such as Convention No. 138 concerning the Minimum Age and Convention No. 182 on Child Labour's Worst Forms.

**5. Proactive Measures in the Field of Education:** The Indian government initiated a number of educational programs and initiatives after realizing the impact of education in the fight against child Labour. In order to improve school enrollment and provide universal elementary education, especially for marginalized and vulnerable children, the Sarva Shiksha Abhiyan (SSA) was introduced in 2001.

**6. Government-** Introduced social welfare programs, such as child Labour programs, were aimed at vulnerable populations and were implemented in tandem with educational initiatives. Under initiatives like the Integrated Child Development Services (ICDS), children in need received early childhood education, healthcare, and nutritional support.

**7. Civil Society and Non-governmental Organizations:** In addition to government efforts to stop child Labour, non-governmental organizations (NGOs) and civil society organizations were essential. These groups promoted policy changes, conducted community-based interventions, increased awareness, and offered support services.

## 2.2 Socio-economic factors perpetuating child Labour

Child Labour poses a significant threat to the country's social and economic advancement. Youngsters working in a variety of industries are essentially forced to live a life of hardship and poverty because they are unable to receive the education they require. Children are physically unfit to work for extended periods of time in demanding environments, and this has an impact on their general health. The health of children working in the glass and fire cracker industries is seriously compromised by their longer work hours and hazardous working conditions. They suffer from a variety of skin and respiratory conditions as a result of their ongoing exposure to harmful gases and materials. Forcibly placed children cannot support themselves as adults or make meaningful contributions to society as they grow up. Furthermore, the workforce must be educated and skilled to support various industries in order for a country's economy to be progressive; this is impossible as long as child Labour persists.

India cannot effectively end poverty and illiteracy as long as children are used as Labourers. Long-term economic and social gains may result from sending kids to school rather than to work. When children receive an education, they gain the necessary skills for higher paying jobs, which helps pull the country and its citizens out of poverty.

A number of socioeconomic factors contribute to child Labour, including:

- **Poverty as the primary cause:** various situations influence child Labour. Research has indicated that poverty is the primary cause. Typically, parents make the decisions regarding their children's education and Labour. When a family's income falls below the federal poverty line, parents often feel that their kids should pitch in as well. Basu (1998) demonstrated using a theoretical model of child Labour that low income is the only factor driving parents to send their kids to work. As a result, parents in poverty are unable to pay for their children's education. Therefore, the majority of low-income households force their children to work rather than send them to school.
- **Family size:** Children living in large impoverished households typically participate in more activities than children living in smaller households, indicating that family size affects child Labour. Because parents are unable to handle the responsibilities of a large family, they force their children to work. Disparities in household size by gender also exist. Boy students are more likely than girl students to attend school, but not every member of the family, regardless of age, engages in child Labour.
- **Family situation:** As a result of HIV/AIDS, many growing children who have lost one or both of their parents must work to support themselves and their siblings. Most orphaned children in sub-Saharan Africa end up on the streets and lead extremely difficult lives. The number of orphaned children is on the rise. Culture is another factor that pushes children into the Labour market, along with traditional or cultural factors. Because of customs and cultural influences, many societies' diverse cultures force children to work from an early age. Their supposition was that kids should acquire skills that will benefit them in the future. Parents prefer their children to work in rural Guatemala, according to Tauson (2009), because they believe it will help them develop the skills necessary for the workforce.
- **Corruption:** One of the main factors contributing to resource abuse is corruption, which is present everywhere there is poverty. The United Nations Development Programme (UNDP) (2012) states that corruption "erodes the democratic functioning of countries, sustains conflict,

violates human rights, and exacerbates poverty and inequality." When basic services like infrastructure, education, and health care are compromised, corruption can have a devastating impact on children's rights. Children's chances of escaping poverty may be hampered by corruption.

- **Civil War:** Child Labour is also influenced by the Civil War. The war ruins the nation's economy, makes people extremely poor, and diverts all resources toward fighting the war. Conflicts destroy everything positive that a nation may possess. Along with many other terrible things, it brings diseases, poverty, and damage. Again, as long as the conflict persists, no assistance will be helpful.

- **Urban migration** is a common occurrence as a result of both rural and urban pull factors. Because they are unable to obtain necessities like food and shelter, they are frequently compelled to live and work on the streets. These kids end up working as street sellers. Street Labourers are typically more aggressively attacked and are drawn to illicit activities like drug trafficking, prostitution, theft, and trafficking. These kids are living in impoverished urban areas; a large number of child Labourers work in unsanitary, unsanitary settings in hotels, restaurants, and other establishments. In other words, immigration and natural growth are the main reasons why people are living in cities. The phenomenon of urban poverty is multifaceted. The everyday lives of urban poor people in developing nations are fraught with hardships. Because of unemployment, a lack of housing, violence, and unhygienic conditions, a large number of the impoverished face extreme hardships. Urban poverty has been exacerbated by increased urbanization. Slums are a result of urban poverty. Elevated joblessness, inadequate housing, squalor, and limited access to potable water are the defining features of these localities.

- **Globalization:** One more factor contributing to child Labour is globalization. Although there are both positive and negative effects of globalization, developing nations may benefit from it by having more opportunities for trade and an increase in foreign direct investment (FDI) inflows, which could raise GDP per capita. The issue of child Labour in developing nations has also been negatively impacted by globalization. Recently, a large number of multinational corporations have shifted their production overseas. Frequently, these businesses engage in the practice of employing minors as inexpensive Labourers due to their durability, and they follow orders from their bosses despite mistreatment and misuse. Globalization, according to Mishra, has forced more kids in India to Labour in dangerous jobs like manual Labour, motor garages, hotels, shops, brick kilns, transportation, and warehouses.

- **Child Labour, family income, and education:** A high incidence of child Labour can also be attributed to a lack of education or to poor quality education. The main alternative to outlawing child Labour is thought to be education. The practical impact of family income on children's education is well-established. Although low-income parents are unable to pay for their children's education, their enrollment is lower and they are forced to work.

- **Education's opportunity costs:** One more issue facing low-income households is the expense of education. The exploitation of children has been facilitated by this. We need accessible and

reasonably priced education. According to Kondylis and Marco (2006), there's a chance that, while more students may enroll in schools in developing nations, there's a chance that child Labour will continue to occur. As a result, it is critical for schools to have a teacher-to-student ratio in order to prevent students from working. Bhat (2010) makes this argument. Sending their kids to school can be expensive for a lot of impoverished parents, though, as their families don't have enough money to cover other expenses like uniforms and school fees. Due to financial constraints, governments in developing nations find it difficult to provide free, high-quality education.

### 2.3 The Devastating Impact of Child Labour on Children in India

Millions of kids in India work in dangerous and exploitative jobs as a way to avoid attending school and having a childhood. Child Labour has long been a major issue in the country. This problem persists because of a combination of factors including cultural norms, poverty, and illiteracy. Given that they are the most susceptible to the long-term effects of child Labour, children from disadvantaged backgrounds will be especially affected by this.

For children from disadvantaged backgrounds, child Labour has a wide range of consequences. Their right to an education is firstly violated, as they are compelled to work in order to support their families or themselves rather than go to school. Since it is harder for those without education to leave poverty behind in the future, this feeds the cycle of poverty. Furthermore, it may prevent them from ever having the chance to develop interests or acquire skills that could lead to fulfilling careers, which can hinder them from reaching their full potential.

Children's physical and mental health can suffer significantly from child Labour as well. In dangerous settings like mines or factories, where they must work alongside heavy machinery and potentially harmful chemicals, a large number of children are compelled to work. Death or severe injury could result from this. Children who work long hours without getting enough sleep or food can also develop chronic fatigue, malnutrition, and other health issues.

Forced Labour, physical assault, and sexual harassment are just a few examples of the exploitation and abuse that often accompany child Labour. Early forced Labour may make children more susceptible to these kinds of abuses because they lack the maturity and life experience necessary to recognize their rights and seek assistance. Prolonged trauma and psychological distress may result from this.

- Inadequate access to nourishing food is a major cause of malnutrition among child Labourers, which has an impact on their physical health. Employees who work extended shifts without eating well may experience growth retardation, fatigue, and increased vulnerability to illnesses. The construction, manufacturing, and agriculture industries are among the sectors where a large number of child Labourers are subjected to hazardous working conditions. Their exposure to machinery and hazardous substances puts them at risk for accidents, illnesses, and occupational diseases. Adolescent workers may experience a range of health problems, such as skin diseases, musculoskeletal disorders, respiratory problems, and reproductive health issues, as a result of prolonged exposure to substandard working conditions. Child Labour frequently exposes children to harsh treatment, exploitation, and abuse, which can result in psychological trauma and adverse

effects on mental health. Because of their circumstances, they might feel stressed, anxious, depressed, or helpless.

- Emotional Distress: The weight of adult responsibilities at a young age, social support deficits, and family separation can cause emotional distress and feelings of loneliness in child Labourers. The impact of child Labour on development is significant as it impedes the emotional and cognitive growth of children by depriving them of opportunities for education, socialization, and personal growth. Their self-worth, confidence, and a may suffer as a result for a long time.

As per the latest Global Estimates of Child Labour of 2017, 73 million children are engaged in dangerous work that puts their health and safety at risk. Inadequate safety and health regulations, exploitation, or abuse can directly result in hazardous work-related death, severe disease or injury, permanent disability, or psychological harm. All sectors of the economy, including manufacturing, retail, mining, agriculture, and domestic service, have the potential to employ children in hazardous work environments. Still, with 71 percent of child Labourers, the agricultural industry is one that often exposes young people to hazardous working conditions. For instance, according to the ILO Convention 182 on the Worst Forms of Child Labour, which was overwhelmingly ratified in 2020, exposed children to dangerous pesticides during hazardous work in cotton production makes it one of the worst types of child Labour. Examine the following illustration of how the EU is assisting in shielding children from these risks as part of the ILO and FAO's Clear Cotton initiative.

According to ILO estimates, every year about 22,000 children die at work. Yet, it can be challenging to find precise information about the effects child Labour has on children because child Labour is often concealed. For example, the number of people who have been harmed or made ill as a result of their work is unknown. This just serves to reinforce the need to completely outlaw the practice of child Labour. Given their circumstances, children who work as children are among the most vulnerable members of society, and their vulnerability is greatly increased. Children who Labour under challenging and dangerous conditions are more likely to get sick or get injured. Their age and developmental stage put them more at risk from workplace hazards than adults. Certain serious diseases that only manifest in adulthood as a result of hazardous work are frequently more severe and more likely to result in lifelong harm. Children who work in hazardous environments face a variety of risks, including working long shifts, working at night, being exposed to physical, psychological, or sexual abuse, and working in isolated and confined spaces, dangerous heights, the heat, or the cold. Some kids have to handle dangerous machinery, tools, and equipment; others have to lift big objects and be around potentially harmful materials, agents, or processes; still others have to deal with conditions like high noise levels, extreme temperatures, or vibrations that can seriously harm their health.

## Chapter 3 - Legislative Framework for Combating Child Labour in India

### 3.1 Child Labour laws in India

During the 20th century, child Labour gained significant attention due to newspaper articles about factory accidents and mishaps that claimed the lives of innocent children. This prompted lawmakers to consider passing laws and enacting statutes that forbade the use of child Labour.

- The Factories Act of 1948 forbids the employment of minors under the age of 14 in factories. There are currently enough laws that condemn and forbid child Labour. Rules regarding who, when, and how long pre-adults between the ages of 15 and 18 may work in factories were also imposed by the law.
- The 1952 Mines Act forbids hiring minors under the age of eighteen to work in mines. It is strictly forbidden for children to mine, as it is one of the riskiest jobs and has historically resulted in numerous serious incidents that have claimed the lives of children.
- The Child Labour (Prohibition and Regulation) Act of 1986 forbids hiring minors under the age of 14 for dangerous jobs including those on a list provided by the law. In 2006 and 2008, the list was enlarged once more.
- **The Juvenile Justice (Care and Protection) of Children Act of 2000:** Under this law, it is illegal to take a child into bondage or use them for any dangerous work; offenders face a prison sentence. If someone violates the previous acts by hiring children for Labour, they will be punished by this act.
- This law, known as the Right of Children to Free and Compulsory Education Act of 2009, requires all children between the ages of six and fourteen to receive free and compulsory education. This law additionally required that children from underprivileged backgrounds and those with physical disabilities be allotted 25% of the seats in any private school.

### 3.2 Constitutional provisions involving child Labour in India

- **Compulsory education:** As per Article 21(A) of the Indian Constitution, every child must receive free and compulsory education between the ages of six and fourteen.

- **Prohibition of forced Labour and trafficking in persons:** Article 23 forbids forceful Labour in any form, including the trafficking of persons. Violators may face legal repercussions.
- **Prohibition against hiring minors in factories:** Article 24 specifically prohibits hiring children younger than 14 in dangerous factories where they run the risk of suffering long-term physical or mental harm.
- **Preventing coercive factors:** Article 39(e) of the directive principles of state policy states that citizens shall not be forced to work in occupations that are unsuitable for their age or physical capabilities or to take advantage of the strength and health of coworkers, men and women, or young children.
- **Basic duty:** As per Article 51A(k) of the Constitution, which is a component of the Directive Principles of State Policy (DPSP), it is the fundamental duty of all individuals, including parents and guardians of children, to provide their offspring with educational opportunities between the ages of 6 and 14.
- **Article 45:** The State shall make efforts to offer all children early childhood care and education until they turn six years old.
- **State obligation to improve nutrition:** In accordance with Article 47, the State is obligated to improve public health, lifestyle, and nutrition.
- **Protection from exploitation:** Children must be protected from exploitation and other forms of abandonment in accordance with Article 39(f). They must also be provided with the opportunity and means to grow up in a dignified, healthy, and free manner. It is the state's responsibility to raise the bar for public health, food quality, and living conditions.
- **Child care:** Article 243G read with Schedule 11 aims to institutionalize child care by trying to give panchayats authority over women's and children's development programs (item 25 of Schedule 11), family welfare (item 25), education (item 17), health and sanitation (item 23), and other matters pertaining to children's welfare.

### 3.3 Domestic Acts related to child Labour

- **Minimum wages Act, 1948:** The 1948 Minimum Wages Act sets minimum pay rates for various jobs that are listed in the Act's schedule and have been identified by the relevant government. For adults, teenagers, and children, the Act set minimum wage amounts.
- **Plantation Labour Act, 1951** Unless a physician certifies that a child or adolescent is well enough to work, they cannot be hired for Labour. This law applies to those under the age of 14 and those between the ages of 15 and 18. The certificate of fitness may only be issued by a certifying surgeon who has concluded that the examination subject is healthy enough to work as a child or an adolescent. As per this Act, the employer bears the responsibility for providing housing, medical care, and recreational amenities.

- **Merchandise Shipping Act, 1958:** Under the terms of the Act, children under the age of fifteen are not permitted to work on ships unless they are school or training ships, family-governed ships, home trade ships weighing less than 200 tonnes gross, or ships where the child will work for a meager wage while being supervised by his father or another male relative who lives nearby.
- **The 1966 Beedi and Cigar Workers (Conditions of Employment) Act** covers all industrial facilities where manufacturing activities related to the production of cigars, beedis, or both are currently being done or are normally done, whether or not power is used. Any such establishment is prohibited by the Act from hiring children younger than 14 years old. It is prohibited for minors, ages 14 to 18, to work from 7 p.m. to 8 p.m..

Initially included in the Constitution by the 86th Constitutional Amendment Act, the Right of Children to Free and Compulsory Education Act, 2009 was passed as a result of the seriousness of the situation. Enacted to ensure that all children between the ages of six and fourteen have access to education, it is a fundamental right. It guarantees both free and mandatory elementary education. It requires the curriculum to be in line with constitutional values and establishes standards for both teachers and schools. Through a 25% reservation, it provides for the less fortunate segments of the population. The National Commission for Protection of Child Rights (NCPCR) oversees the performance of this Act.

- **The Children (Prohibition and Regulation) Act of 1986 and the Children (Pledging of Labour) Act of 1933** are the first two pieces of legislation that address child Labour. Subsequently, numerous statutes were passed. Child Labour (Prohibition & Regulation) Act, 1986 is India's most comprehensive law designed to combat child Labour.

On the advice of the Gurupadaswamy Committee, the Child Labour (Prohibition and Regulation) Act was passed. By filling in the gaps left by disparate laws, the Act brought conceptual uniformity to the definition of "child.". It divides jobs into "hazardous" and "non-hazardous" categories in order to outlaw and control child Labour. There is a schedule as well as four sections to the Act. The initial section addresses preliminary definitions. The second component prohibits the hiring of minors for certain jobs and tasks. The Schedule lists the professions and procedures where it is illegal for minors to work. When any of the jobs or procedures specified in the Schedule are not performed in an establishment, part three of the law governs child Labour. Miscellaneous items are covered in the fourth section. punishments, the process for handling offenses, and inspector appointments. The employment of minors under the age of 14 in any of the professions or procedures listed in the schedule is forbidden by Section 3 of the Act. According to Section 7 of the Act, a child's daily work shift in any establishment must be scheduled so that it doesn't exceed six hours. Section 7(5) forbids employing a child twice in any establishment, and Section 7(4) forbids working at night from 7 p.m. to 8 a.m. The Act's Section 14 addresses fines.

- A person who is under the age of 14 is deemed a "child" under the Child Labour (Prohibition and Regulation) Act of 1986. Children cannot work in 57 occupations or 13 activities, according to the Schedule to the Act.

- The Act creates a Technical Advisory Committee, whose purpose is to offer suggestions for adding new positions and activities to the Schedule.
- Workplace regulations under the Act (Part III) apply to all occupations and activities that are not specifically prohibited by the Act. When hiring a child in violation of Section 3 of the Act, a person faces a minimum sentence of three months in prison and a maximum sentence of one year in prison, in addition to a fine of Rs 10,000 and a maximum fine of Rs 20,000, or both.
- The Central and State Governments implement the provisions in their respective domains.

- **Limitations**

The act is flawed in several significant ways, despite having many beneficial provisions. Initially, child Labour is not outlawed by the act in and of itself. The second reason is that the legislation does not align with the actual meaning of the Constitution. Article 24's mandate, which strictly forbids the employment of minors under the age of 14, makes this evidently obvious, even though the act's purview is limited to dangerous jobs. Selectivity is even applied to the list of dangerous occupations. For example. G. There is no schedule for the glass industry, where it has been discovered that kids Labour close to furnaces maintained at 1,400 degrees Celsius. A report by the Labour Ministry states that the act's enforcement and implementation are appalling.

- **Child Labour (Prohibition & Regulation) Amendment Act, 2016**

January 1, 2016, was the effective date of the government-passed Child Labour (Prohibition and Regulation) Amendment Act. Recruiting anyone younger than 14 is expressly prohibited by the Amendment Act. Furthermore, in instances where it is not prohibited, the amendment limits the working conditions for teenagers between the ages of 14 and 18 and prohibits hiring them for hazardous jobs and procedures. The modification also increases the severity of the penalties for companies that hire children or adolescents in violation of the Act. In order to ensure the effective implementation of the provisions, the amendment grants the competent Government the authority to assign the necessary powers and responsibilities to a District Magistrate. The State Action Plan has also been sent to all States and UTs to guarantee the Act is implemented as efficiently as possible.

- **Hours of period and work**

The maximum amount of time a child may work in a day is three hours, and no child may work longer than that without taking a break for at least an hour. Section 7 prohibits requiring or permitting children to work in establishments for longer than the number of hours specified. It is not acceptable or necessary for children to work from 7 p.m. M. and eight in the morning. M. It is not permissible or required for any child to work overtime. Section 7.

- **Penalties**

Violating Section 3 will result in either a fine of not less than ten thousand rupees, which can go up to twenty thousand rupees, or a sentence of imprisonment, which cannot be less than three months and can go up to a year. A continuous offense as defined by section (3) carries a prison sentence that starts at least six months in jail and can go up to two years. If the Act is broken in

any other way, the penalties could be as high as ten thousand rupees in fines or as little as one month in simple imprisonment.

### **3.4 Legal age for working in India**

Hiring children under the age of 14 for any kind of Labour is illegal and can result in up to two years in prison, with the exception of some family-based positions. There are no dangerous jobs that adolescents between the ages of 14 and 18 may work in. It is possible to punish both the hired child and the parents under the Child Labour (Prohibition and Regulation) Amendment Bill of 2012.

#### **Children under 14**

Young people under 14 are not permitted to work in any profession or process, nor are they permitted to be employed. That being said, this restriction will not apply if a child helps out family members or family businesses (which is not a risky activity) after school or during recess. A child's extended family consists of their parents, siblings, sister, mother, father, and all of their grandparents. Moreover, a child under the age of 14 may work as an artist in the audio-visual entertainment industry, which includes advertisements, films, television shows, and any other form of entertainment or sport outside of the circus, provided that certain limitations and safety precautions are followed.

#### **Adolescents – 14 to 18 years of age**

The Child Labour (Prevention and Regulation) Amendment Act allows adolescents between the ages of 14 and 18 to participate in non-hazardous activities. The following conditions must be satisfied by the business before employing an adolescent:

- The daily work schedule should be set up so that no period of time is longer than three hours. It is required of the teenager to take a minimum of one hour's break after working for three hours. Not including waiting time, an adolescent may only work six hours a day overall.
- Work permits for adolescents expire at 7 p.m. me. 8 a.m. me.
- Extra hours cannot be required of them. Their concurrent employment in multiple enterprise locations is prohibited.
- Every week, adolescents should be granted a full day off.

#### **The rules for employment of adolescents**

The following information must be kept on file by all employers who hire teenagers:

- The name and date of birth of each adolescent hired and granted permission to work.
- The times and duration of work that teenagers put in, as well as the designated rest periods.
- What kinds of jobs they work.

Within 30 days of hiring or permitting an adolescent to work there, the business owner is required to give the local inspector the following information in addition to the aforementioned register:

- Name and address of the business.

- The name of the person who actually holds operational authority in the company. • Provide the address for correspondence pertaining to the establishment.
- The nature of the operation or task carried out in the facility.

## **Chapter 4 – Government Initiatives and Programmes**

### **4.1 Recommendation committees related to child Labour**

- **Gurupada swamy Committee**

In order to look into the issue of child Labour and offer solutions, the government formed the first committee in 1979, which was called the Gurupada Swamy Committee. The Committee conducted an extensive investigation into the matter and made some detailed recommendations. It was observed that since child Labour could never be totally eliminated, attempts to end it through legal means would not be possible as long as poverty remained. The Committee felt that, considering the circumstances, the only practical course of action was to make it illegal for minors to work in hazardous jobs while enforcing regulations and enhancing working conditions elsewhere. It was suggested that various policy approaches were required to address the problems that working children brought to the table. In response to the Gurupadaswamy Committee's recommendations, the Child Labour (Prohibition and Regulation) Act was passed in 1986. A number of industries and jobs have their working conditions restricted by the Act, and it prohibits the hiring of minors for dangerous jobs.

- **National Commission for Protection of Child Rights**

Establishing the National Commission for the Protection of Child Rights (NCPCR) in March 2007 was done so in compliance with the Commissions for Protection of Child Rights Act, 2005, an Act of Parliament. Reported to the Ministry of Women and Child Development in the Indian Government, the National Commission for the Protection of Child Rights is a statutory body. The commission was established to make sure that all laws, policies, programs, and administrative

procedures adhere to the basic principles of child rights as outlined in the UN Convention on the Rights of the Child and the Indian Constitution.

#### 4.2 National plans and schemes concerning child Labour

- **Child Labour (Prohibition and Regulation) Amendment Rules, 2017**

The 2017 Amendment Rules, Child Labour (Prohibition and Regulation), were passed by the Indian government following extensive consultation. The Rules provide a comprehensive and detailed framework for the prevention, prohibition, rescue, and rehabilitation of child and adolescent workers. To allay worries about family businesses, aid to families, and the definition of family in relation to children, specific measures have been added to the regulations. The child may not work more than five times per day or for a total of three hours without a break during school hours or after seven o'clock in the evening. me. 8 a.m. me. Furthermore, it provides safeguards regarding working conditions and hours for artists who have been granted permission to work under the Act. Exact provisions defining the roles and responsibilities of enforcement authorities are included in the regulations to ensure that the Act's provisions are properly implemented and complied with.

- **Right to Education Act of 2009**

Indian children between the ages of six and fourteen have the right to free and compulsory education, as per Article 21A of the Indian Constitution. The Right to Education Act (RTE) was passed by the Indian Parliament on August 4, 2009, and it guarantees children's right to free and compulsory education. The primary characteristics are as follows:

- All Indian children between the ages of six and fourteen are required to receive free and compulsory education;
- No child may be held back, expelled, or forced to pass an exam until they have completed elementary school;
- A certificate is awarded to a child upon completion of elementary school;
- A set student-to-teacher ratio is required;
- The entire country of India, with the exception of Jammu and Kashmir;
- It grants economically disadvantaged communities a 25 percent reservation for class one entrance in all private institutions;
- It also imposes requirements for the improvement of educational quality.
- The state and the Central Government share the financial burden of these major features.

- **National Child Labour Policy**

August 1987's National Policy on Child Labour contains the action plan for tackling the problem of child Labour. What is envisioned is a legislative action plan. General development programs ought to be coordinated and centered around the needs of children, in accordance with the policy. It is important to start programs to enhance the welfare of working children in areas where there is a prevalence of child Labour. Introduced in 1988, the program aimed to rehabilitate child Labour as part of the National Child Labour Policy. With a focus on the rehabilitation of children involved in hazardous jobs and activities, the program attempts to take a step-by-step approach. In line with the plan, kids engaged in risky jobs or processes have to be taken out of them and put in special schools until they

can be integrated into the mainstream curriculum. Identification of additional vocations and practices detrimental to children's health and safety is also necessary.

- **Schemes of the department of education**

**Sarva Shiksha Abhiyan –**

Universal elementary education is advocated by the Sarva Shiksha Abhiyan (SSA) initiative. By providing them with a locally owned, top-notch education in a mission mode, this initiative seeks to give every child the opportunity to reach their full potential. The initiative was created by the late Indian Prime Minister Atal Bihari Vajpayee. Every child between the ages of six and fourteen was to receive an education by 2010.

**Midday Meal Scheme –**

This school meal program was established in India to help students all around the nation with their nutritional needs. The initiative offers free meals to elementary and upper primary students attending government, government-aided, local body education centers, schools funded by the National Child Labour Project and Sarva Shiksha Abhiyan, and schools run by the Ministry of Labour on working days. Providing food to 120 million children in over 1 point 27 million schools and Education Guarantee Scheme locations, the Midday Meal Scheme is the largest program of its kind globally. In the state of Tamil Nadu, the noon meal program was initially implemented.

- **Schemes of the Ministry of Women & Child Development**

**Integrated Child Protection Scheme –**

Central support was provided for the Integrated Child Protection Scheme (ICPS) in 2009–2010. The scheme was created by the Union Ministry of Women and Child Development. A safe and secure environment is what the ICPS aims to provide to children who need care and protection. The plan's objective is to institutionalize key services in order to increase emergency outreach, family and community-based care, counseling, and support service systems at the national, regional, state, and district levels.

**Balika Samridhi Yojana –**

This programme was introduced by the Central Government in 1997. This was done in line with the plan for women and child development in order to facilitate the empowerment of female children in the country. It is commonly known to be a noteworthy initiative to support female childbirth and education. Regretfully, the program will benefit all girl children in Indian households—both urban and rural—who unfortunately live below the poverty line.

- **Other social security schemes**

**Rashtriya Swasthya Bima Yojana –**

Known also as the "National Health Insurance Programme," the government-run Rashtriya Swasthya Bima Yojana offers health insurance to India's impoverished. The objective of the program is to provide health insurance coverage to employees in the unrecognized

sector who meet the BPL criteria. Families who have members in this program will also profit.

#### **National Family Benefit Scheme -**

The Central Government created the National Family Benefit Scheme to safeguard families. One of the main objectives of implementing this program is to give bereaved families financial support in the form of a lump sum payment in the event that the primary provider for a family that is below the poverty line passes away unintentionally. This program is essentially intended for those who are poor, with the idea being that in the event that the family's primary provider passes away, the government will be able to provide these families with financial support to help them recover and stay stable.

### **4.3 Suggestions for government**

- **Poverty eradication**

Child Labour and poverty are clearly related. The growing gap between the rich and the poor basically makes programs to end poverty impossible. People in need and the impoverished should be involved in the development process. Strong political will is required to develop and implement inclusive policies that support the poor.

- **Community action**

In order to promote school enrollment, it is necessary to increase public awareness of the necessity of starting community action. Naturally, child Labour frequently negatively impacts education, which is why education is important for a child's cognitive, emotional, and social development. The community must come together to create a climate in which child Labour of any kind is unacceptable. We must increase awareness among impoverished parents so that they can learn to be willing to make the sacrifices required to guarantee their children's education.

- **Implementation by local bodies**

In order to ensure that children's rights and interests are upheld, local governance institutions may monitor laws, policies, and initiatives. Responsible project identification and distribution of job opportunities to the underprivileged can be done by the Gram Panchayat in its respective regions. Additionally, it might ensure that kids participate in and have a voice in decisions that affect their life. Community monitoring systems must be established through active participation in the Gram Sabha.

## **Chapter 5 – Case Laws in relation to child Labour**

### **5.1 Bandhua Mukti Morcha Vs Union of India [ 1984 AIR 802]**

- **Facts of the case:** This public interest litigation (PIL) was brought before the Supreme Court of India (the "Court") pursuant to Article 32 of the Indian Constitution, with a request to terminate child Labour in Uttar Pradesh (the "UP"). Numerous children were abducted from Bihar and used as slaves in the carpet industry in Uttar Pradesh, where they were subjected to physical abuse and forced to work as young as 14 years old, according to a committee appointed by the court. For

India's democracy to advance, the court emphasized how crucial it is to defend children's rights to development, health care, and education.

- **Judgement:** The court instructed the corresponding State Governments of UP and Bihar to take practical measures to safeguard and advance children's rights, while also acknowledging that economic necessity cannot instantly end child Labour. The Court cited a number of fundamental rights and directive principles found in the Indian Constitution, such as Article 21 (the right to life and personal liberty), Article 24 (which forbids the employment of minors under the age of 14 in hazardous industries), Article 39 (e) and (f) (which forbid citizens from being forced into occupations that are not suitable for them and require the state to protect minors from exploitation), and Article 45 (which requires free compulsory education for all minors under the age of 14).

The Court further referred to India's responsibilities under the Convention on the Rights of the Child and the Universal Declaration of Human Rights. The Court implemented directives from a previous M.C case, ordering both states to create policies that gradually outlaw the employment of minors under the age of fourteen, guarantee nutrient-rich foods, provide for mandatory education, and conduct interval health examinations. *Mehta against. The Tamil Nadu State and Others*. To ensure that the ruling is implemented, the Court's decision mandated that progress reports be sent on a regular basis to the Court's Registry. In addition, this case and other pertinent public interest litigation cases influenced the National Commission for Protection of Child Rights (NCPCR) to establish the National Child Rights Commission in 2006. In addition to overseeing the nation's efforts to ensure that every child receives a free primary education, this new Commission was tasked with keeping an eye on adherence to the Convention on the Rights of the Child and safeguarding children from commercial exploitation.

- **Significance of the case:** The case holds significance as it has raised awareness of child Labour issues and brought them to the attention of the government, along with other public interest litigation cases and child Labour eradication campaigns. Child Labour has been officially outlawed by the government, and campaigns to do away with it have been launched, mainly in the area of education. Although the use of child Labour in the carpet industry has declined as a result, millions of children continue to be exploited in India's Labour market. It is therefore imperative that children's rights be protected with greater vigor and efficacy.

- **Effectiveness of the Judgement:** An important turning point in the struggle against bonded Labour and worker exploitation in India was the ruling in *U.P. Bandhua Mukti Morcha v. Union of India*. The government was instructed to take immediate action to identify and free bonded Labourers from their bondage, as this historic ruling brought attention to the widespread and serious nature of the problem. A number of laws and policies pertaining to Labour rights and protections were altered as a result of this ruling, including the Bonded Labour System (Abolition) Act, 1976, which was strengthened, and committees and commissions were established to monitor and address the problem of bonded Labour as well as establish guidelines for the rehabilitation of bonded Labourers, ensuring their successful reintegration into society.

## 5.2 Sheela Barse Vs Secretary, Children Aid Society and Others [ 1987 AIR 656]:

- **Facts of the case:** Regarding the operation of the New Observation Home run by the Children's Aid Society in Mankhurd, the appellant first filed a writ petition before the High Court of Bombay (the "High Court"). The appellant claimed that the children living in the house were working in dangerous jobs and were being made to work for no pay. Additionally, the appellant alleged that the Society had given the job to private contractors without paying them. The authorities received some directives from the High Court in a ruling. The appellant contended that the directives were insufficient and that the High Court ignored numerous of her arguments. The Bombay Public Trusts Act of 1950 treats the Children's Aid Society as a public trust and the Societies Registration Act of 1860 registers it as such. The Minister for Social Welfare is the Vice-President of the Governing Council, and the Chief Minister of Maharashtra State serves as the ex-officio President of the Society. The State provides grants to the Society, which manages a Remand Home in Umerkhadi, Bombay, which is currently operated as an Observation Home in accordance with the 1948 Bombay Children's Act. To guarantee that the children's rights were upheld and that they weren't being used for financial advantage, the appellant asked for more robust measures to be implemented.

- **Judgement:** After that, the appellant challenged the High Court's decision in a writ case before the Supreme Court of India. In their ruling, the Supreme Court showed concern for the future of the nation's youth. Judges at all levels need to be trained to deal with the situations they are assigned, according to the Supreme Court. To handle cases involving minors, probation and judicial officers need to be equipped with the relevant skills. Additionally, it is recommended that children be engaged in activities that foster flexibility and self-assurance rather than being housed in observation homes for extended periods of time. As per Article 12 of the Indian Constitution, the Supreme Court has decided that the respondent society ought to be considered a state. It is not against the law to employ minors in observation homes for no compensation. Lastly, it was mandated that the State of Maharashtra uphold the law and carry out its constitutional duties.

- **Significance of the case:** As the future citizens of any nation, it is imperative to ensure the proper upbringing and development of its children. While children may participate in illegal activity, they should receive extra attention and the necessary training to help them grow up to be responsible, law-abiding adults. This duty falls on higher authorities, who have to pass laws that prioritize the development of juvenile offenders while also defending their rights. Implementing the guidelines found in international charters like the International Covenant on Civil and Political Rights and the Declaration of Child Rights, the Indian government has made efforts to better the lives of these children. For the purpose of rehabilitating children in observation homes, the signatory nations are required to provide adequate facilities for counseling, training, and corrective actions.

**Effectiveness of the judgement:** The ruling had a tremendous impact on raising awareness of the problem of child abuse and violence in custodial settings, and it led to important modifications in the laws and regulations governing how these kids are treated. In order to guarantee that children in juvenile homes and observation homes have their rights and welfare upheld and are not the victims of abuse or violence, the Supreme Court ordered the government to take action. In order to monitor and address the issue of child abuse and violence in custodial settings, multiple committees and commissions were established as a result of the ruling. In order to provide better

protection for the welfare and rights of children residing in these institutions, the Juvenile Justice Act of 1986 was amended.

### 5.3 M. C. Mehta Vs State of Tamil Nadu [(1996) 6 SCC 756]:

- **Facts of the case:** An advocate petitioned the Supreme Court, claiming that children's constitutional rights were being gravely violated in violation of Article 24 of the Indian Constitution. Any child under the age of 14 is not allowed to work in a mine, a factory, or any other hazardous job, according to this article. This case resulted from a public interest lawsuit that M.C, an advocate, filed. Mehta, concerning the employment of minors in the Sivakasi match industry, before the Supreme Court of India pursuant to Article 32 of the Indian Constitution. The court looked back at India's history of child Labour laws and accepted that the practice is a serious problem there. In 1991, the Supreme Court issued guidelines on improving the living conditions of minors working in Sivakasi factories.

- **Judgement:** The Indian Supreme Court directed state governments to uphold children's rights and refrain from child Labour. It is mandatory for state governments to carry out surveys in order to determine the various forms of child Labour that exist in their states, with a particular focus on the most dangerous jobs. Inspectors will guarantee compliance, and employers found in violation of the Child Labour (Prohibition and Regulation) Act, 1986, will be compelled to pay compensation of Rs 20,000 per child. The establishment of a Child Labour Rehabilitation-cum-Welfare Fund at the district or area level was mandated in order to rehabilitate child Labourers. Families will receive financial support from the fund to allow their children to take time off work to further their education. The government will contribute Rs 25,000 to the fund each month if an adult member is unable to find work. If the child can't go to school because of work obligations, their employment will end. When working four to six hours a day, children in non-hazardous jobs will receive at least two hours of education each day. The expense of training will be borne by the employers, and inspectors will ensure compliance. Child Labour in hazardous jobs is prohibited. The Child Labour (Prohibition and Regulation) Act, 1986's penal provisions will be used to enforce this rule.

- **Significance of the case:** The case holds significance as the Supreme Court recognized that, despite the passage of numerous laws over the previous fifty years, child Labour was still a problem in India and was no longer restricted to Sivakasi. A separate source of income for families was deemed necessary in order to effectively address the issue of child Labour, as the court acknowledged poverty as a primary contributing factor to child Labour.

- **Effectiveness of the judgement:** The judgement proved to be highly effective in raising awareness of the problem of industrial pollution and its effects on public health and the environment. A committee to supervise the enforcement of environmental laws and regulations was established by the Supreme Court, along with the order to close tanneries that were not adhering to environmental regulations. Additionally, the verdict resulted in the National Green Tribunal being established to handle environmental disputes and the stricter amendment of multiple environmental laws, strengthening India's environmental laws and regulations.

#### **5.4 Labourers work on Salal hydro-electric project v. State of Jammu & Kashmir and Others (1983)**

Workers at the Salal hydroelectric project v. A bench of Justices P. in State of Jammu and Kashmir and Others (1983). n. R. B and Bhagwati. According to Misra's ruling, no contractor or subcontractor operating a factory on a project must employ a child under the age of 14. Contractors and subcontractors who use underage Labour must immediately provide prompt instructions for their break and submit a summary report outlining any disciplinary actions taken.

#### **5.5 People's Union for Democratic Rights v. Union of India (1982)**

In the case of People's Union for Democratic Rights versus. Union of India (1982), there were alleged claims that a few minors under 14 were employed in Delhi to work on the development of the Asiad Project. The argument put forth was that children employed in the construction industry were exempt from the Employment of Children Act (1938) due to its exclusion from its schedule. Bhagwati J held that the Government's claim was utterly irrational. Children under the age of 14 are not allowed to work in construction because it is a dangerous profession, even though the job is not specifically listed in the Schedule of the Employment of Children Act, 1938. In order to schedule the construction work under the Act and ensure that Article 24 is not violated in any part of the country, it was urged that the State Government act as soon as possible.

#### **5.6 Krishnaraj v. The Principal Secretary (2016)**

The importance of the midday meal program in lowering child Labour was emphasized by the Madras High Court in this case. Commencing on July 1, 1982, the Tamil Nadu government introduced the "Noon Meal Scheme.". The Court stated that it made it possible for people with less education to collabourate with the government, the Department of Social Welfare, and the Nutritious Meal Programs on a combined salary/daily pay amount. The text continued by stating that their primary objective was to provide educational support to children from underprivileged and disadvantaged neighborhoods and social groups. In addition, it was intended to fulfill the goals mentioned in Article 24 by addressing problems like child Labour, which had afflicted the country both before and after independence.

#### **5.7 TMA Pai Foundation v. Union of India (2002)**

Regarding TMA Pai Foundation v. the Supreme Court of India (2002) held that providing children with access to educational opportunities is a fundamental duty of parents or guardians. This progress in education was recognized as a fundamental right by the Parliament in 2009 when it passed the Right of Children to Free and Compulsory Education Act, which requires free and compulsory education for all children aged 6 to 14.

**5.8 Unni Krishnan Vs Andhra Pradesh**  
Children under the age of 14 have a fundamental right to free education, according to the Supreme Court's ruling.

## Chapter 6 - Progress and Achievements in Combating Child Labour laws in India

### 6.1 Progress in Child Labour Laws

- India has implemented a number of legislative reforms, including outlawing and controlling child Labour through a number of laws and amendments. A framework of law is provided for addressing child Labour practices by the Child Labour (Prohibition and Regulation) Act, 1986, in conjunction with other Labour laws.
- The Convention on the Rights of the Child (CRC) and the conventions of the International Labour Organization (ILO) are among the international conventions pertaining to child Labour that India has ratified. This demonstrates the nation's dedication to maintaining Labour laws and the rights of children.
- Comprehensive Framework for the Prevention, Elimination, and Rehabilitation of Child Labourers: The 2016 revision to the National Policy on Child Labour offers a thorough framework for these efforts. It places emphasis on how crucial it is to address child Labour through education, social protection, and service convergence.
- Initiatives in Education: The reduction of child Labour has been facilitated by attempts to broaden the educational pool. Aiming to provide every child with the opportunity to attend school, the Right to Education Act, 2009, mandates free and compulsory education for children aged 6 to 14.
- Social Welfare Schemes: Nutrition, healthcare, education, and vocational training are among the support services offered to rescued child Labourers and at-risk children by government programs like the Integrated Child Development Services (ICDS), Sarva Shiksha Abhiyan (SSA), and National Child Labour Project (NCLP).
- Rescue and Rehabilitation: To locate and free children who are being exploited at work, volunteer organizations and government agencies carry out rescue missions. To aid in their reintegration into society and to give them access to opportunities for education and employment, rescued children receive rehabilitation and support services.

- Raising awareness of the detrimental effects of child Labour and the significance of child rights has been made possible through campaigns, advocacy efforts, and community mobilization projects. Promoting legislative changes and social change is a major function of the media, celebrities, and civil society organizations.
- Law Enforcement and Prosecution: Tougher penalties for violators and heightened enforcement of child Labour laws have contributed to the reduction of child Labour practices. Law enforcement organizations identify and prosecute people and businesses that use children for dangerous and exploitative Labour through inspections, raids, and investigations.

## **6.2 Solutions to the Issue of Child Labour in India**

A comprehensive strategy involving multiple stakeholders is needed to address the issue of child Labour in India.

- Strengthening the Legislative Framework: To guarantee complete protection for children and harsher punishments for violators, enforce and strengthen current laws, such as the Child Labour (Prohibition and Regulation) Act. International standards should be followed when making amendments.
- All children should have unrestricted access to high-quality education that is free of cost. Implement and uphold the Right to Education Act with an emphasis on raising school enrollment and decreasing dropout rates.
- Poverty Alleviation: By putting in place programs to reduce poverty, giving financially stable support to low-income families, and encouraging parental employment opportunities, we can address the underlying causes of child Labour.
- Sensitization and awareness-raising: Launch extensive campaigns to educate employers, communities, and parents about the harm that child Labour causes to children's intellectual, emotional, and physical development.
- Rehabilitation and Social Protection: Provide comprehensive programs that include access to education, training for a new career, healthcare, and psychological support for rescued child Labourers. Develop and implement these programs. To stop kids from joining the workforce, establish social protection programs for families that are at risk.
- International Cooperation: Work together with global organizations, like UNICEF and the International Labour Organization (ILO), to obtain knowledge, financial support, and technical assistance to effectively combat child Labour.

- Empowering Local Communities: Encourage local leaders, educators, and parents to get involved in the fight against child Labour. Enable them to recognize and report instances of child Labour, and support their efforts to reintegrate and undergo rehabilitation.

## **Chapter 7 - Gaps and Challenges in the Current System**

### **7.1 Gaps and Challenges**

The existing Indian child Labour law system has a number of shortcomings and difficulties.

- Insufficient resources and capabilities within governmental organizations to oversee, verify, and implement child Labour regulations are indicative of feeble enforcement mechanisms.
- Insufficient cooperation amongst the various government agencies and departments in charge of handling child Labour-related matters.
- In the informal and unregulated sectors of the economy, where it is difficult to enforce Labour laws, there are a lot of child Labourers. Child Labour practices are hard to find and address because of the lack of visibility and oversight in sectors like domestic work, agriculture, and small-scale industries.
- Poverty and Economic Factors: Families that depend on their children's income to augment household earnings are more likely to have children working, which is a result of persistent poverty and economic inequality. Marginalized communities are more vulnerable to child Labour when they lack access to affordable healthcare, education, and social protection.
- Social and Cultural Norms: Adherence to child Labour is sustained in some communities by deeply ingrained social norms and cultural practices, such as caste-based employment and generational Labour transmission. The prevalence of child Labour among girls may rise as a result of gender norms and stereotypes that lead to unequal treatment of boys and girls in terms of education and opportunities.
- Inadequate Comprehensive Rehabilitation: Rescued child Labourers have limited access to rehabilitation and support services, such as education, career training, medical care, and psychosocial assistance. A lack of funding for long-term rehabilitation and reintegration initiatives that aim to address the underlying causes of child Labour and end the poverty cycle.
- Legal loopholes and Implementation Challenges: Children may be exploited in some situations due to gaps in the current child Labour laws, which include exemptions for family-run businesses and imprecise definitions of hazardous work.
- Prosecution offenders is hampered by long court cases and difficult evidence acquisition, which gives those who use child Labour a pass on punishment.
- The issue of child Labour is greatly complicated by the movement of people within and across borders for Labour purposes, as well as by the trafficking of minors for the purpose of Labour exploitation. A deficiency of efficient systems for overseeing and managing

migration and human trafficking makes children more susceptible to exploitation and maltreatment.

### 7.2 Short Comings of the Current Indian Laws and Policies:

Child Labour is still a major problem in India even in the face of laws and policies. The present laws and policies in India have several shortcomings:

- **Ineffective enforcement:** One of the primary issues with Indian laws and policies is their ineffective enforcement. Due to the informal nature of many of the industries that use child Labour, it is challenging to police and enforce the law. As a result, many kids keep working in dangerous and exploitative jobs with no consequences for their employers.
- **Weak penalties:** India's child Labour laws often have fines that are too light to serve as a deterrent. This gives some employers the green light to keep abusing child Labour. Furthermore, those who violate the law by using child Labour are frequently not held accountable, and even when they are, the punishment they receive is frequently light.
- **Restricted scope:** India's laws and policies regarding child Labour are restricted to particular industries and factories, which may pose risks to workers. This leaves a wide range of other industries largely unregulated, including domestic work and agriculture. Furthermore, the laws do not address the underlying issues that lead to child Labour, such as poverty and illiteracy.
- **Insufficient social protection measures:** The incidence of child Labour in India is partly caused by the absence of social protection measures, such as healthcare, education, and social welfare initiatives. Children from underprivileged and marginalized backgrounds frequently lack access to these essential services, which forces them to Labour in order to provide for their families.

JNRID

## Chapter 8 – International Scenario

### 8.1 International Scenario

In 2004, there were 191 million economically active children in the world between the ages of 5 and 14, according to the recently released ILO Global Report on Child Labour. In comparison to 211 million in 2000, this represents a 91.6 percent reduction. Of these, 64 percent are concentrated in the Asia-Pacific region, with the remaining 26 percent in Sub-Saharan Africa, 3 percent in the countries of Latin America and the Caribbean, and 7 percent in other regions.

Nine percent of children who work are employed in industries like mining, construction, and manufacturing, compared to seventy percent in the agricultural sector, services, and 22 percent in services. Within the age range of 5-14 years, there has been a notable 33 percent decrease in the number of children employed in dangerous jobs. In terms of a sharp decrease in child Labour, from 17% in 2000 to 5% in 2004, Latin America and the Caribbean are particularly noteworthy. E. a 67% reduction in child Labour.

With regard to the rate of activity, i. E. Among children in Latin America and the Caribbean, the percentage of economically active children has significantly decreased, falling from 16.1% to 5.1% of the total. Within the age group of 5-14 years, the average global rate of child activity is 15.8%. Between sub-Saharan Africa and the Asia-Pacific region, the activity rate is 26.4% and 18.8%, respectively. It's interesting to note that children in this age group in India had a lower activity rate in the 2001 Census than in the 1991 Census—5% compared to 5.7%.

An additional ILO report indicates that in 2004, there were approximately 191 million economically engaged children worldwide, aged 5 to 14, with a Labour participation rate of 15.8%. Roughly 387 percent of children worldwide who work in hazardous jobs do so. Asia and the Pacific, which includes India to a significant extent, is home to the greatest concentration of child Labourers worldwide—122 million, or 64 percent—of all the regions. The percentage of children working worldwide decreased by 11% in the four years between 2000 and 2004. Over this time, there was a 26% decrease in the number of children working in hazardous jobs. For children in the age range of 5-14 years, the decline was even more pronounced (33%) when it came to hazardous work. An indication of decline can be seen globally. E. The decline will occur more quickly if the work is harmful and the children involved are more vulnerable. With the child Labour participation rate at 5%, the number of children employed in Latin America and the Caribbean has decreased by two thirds during the past four years. It's interesting to note that children in this age group in India had a lower activity rate in the 2001 Census than in the 1991 Census—5% compared to 5.7%. Where rates of child Labour, HIV/AIDS infection, and population growth are still frighteningly high, Sub-Saharan Africa has been shown to have made the least progress. A great deal can be done to end child Labour globally, as the ILO's Global Report has shown when it comes to combining political will, efficient resource use, and wise policy decisions.

## 8.2 What more should be done to Address the issue?

- **Stronger Legal Framework and Enforcement:** In compliance with international norms and agreements, the government should pass and amend laws that forbid and control child Labour. Furthermore, it must allocate sufficient funds, capability, coordination, data, accountability, and political will to guarantee that the laws are successfully carried out and upheld. It is important to have strict and uniform penalties for breaking child Labour laws.
- **Offering Economic Support and Social Protection:** To stop impoverished and vulnerable families from turning to child Labour as a coping strategy, the government should offer them complete economic support as well as social protection. o Regular financial assistance, subsidies, pensions, health insurance, food security, etc., may fall under this category. o The government should also help low-income households get access to microfinance, savings accounts, credit, and other sources of income.
- **Ensuring Universal and High-Quality Education:** In accordance with the Right to Education Act of 2009 and Article 21A of the Constitution, the government must guarantee that all children have access to free and compulsory education until the age of 14. By providing sufficient facilities, instructors, curricula, resources, scholarships, and other support, it should also raise the standard, applicability, safety, and inclusivity of education. Along with providing bridge education, vocational training, or alternative learning opportunities, it should also monitor children who drop out of school or do not enroll in it.
- **Mobilizing Action and Raising Awareness:** To increase public awareness of the negative impacts of child Labour and the significance of child rights, the government should work with corporations, media, civil society organizations, and individual citizens. By forming coalitions, networks, platforms, campaigns, and other mechanisms, it should also galvanize support and action for the initiatives aimed at ending child Labour. An additional avenue for awareness-raising is to investigate the function of panchayats.
- **Reacting to Emergencies and Crises:** In the event of conflicts, natural disasters, pandemics, or economic shocks, among other situations that could raise the risk of child Labour, the government should plan ahead and take appropriate action. Food, water, shelter, medical attention, psychosocial support, and other necessities for survival should be given to the impacted children and their families, along with protection. The continuation of social protection and educational programs both during and after crises should also be guaranteed

## Chapter 9 - CONCLUSION

This problem is largely a result of poverty, which emphasizes that enforcement actions by themselves are insufficient to solve it. Improving the financial situation of these children's families and their rehabilitation have received a lot of attention from the government.

Legal frameworks such as the RTE Act and the CLPR Act have helped India achieve significant progress in the fight against child labour. Notwithstanding noticeable reductions in the number of child Labour cases and successful interventions, problems still exist. Difficult barriers still exist, including legal loopholes, lax enforcement, and the continued practice of dangerous work in some industries. An all-encompassing strategy is required to eradicate child Labour.

It's critical to improve social safety nets, strengthen legal frameworks, and step up enforcement procedures. To break the cycle of poverty and child Labour, funds for high-quality education and skill development programs for teenagers are essential.

Prolonged progress necessitates public awareness campaigns and active participation from civil society. To eradicate child Labour, the government must be resolute, stakeholders must work together, and the welfare and education of India's most marginalized children must remain the government's top priorities.

India's efforts to end child Labour have been spearheaded by a number of non-governmental organizations (NGOs), such as CARE India, Child Rights and You, and Global March Against Child Labour. Together with proactive steps to safeguard children's health, effective knowledge translation into legislation and action is crucial. Coordinated efforts are needed to safeguard children's rights because of their susceptibility and incapacity to object to discrimination. Together with proactive steps to safeguard children's health, effective knowledge translation into legislation and action is crucial. Coordinated efforts are needed to safeguard children's rights because of their susceptibility and incapacity to object to discrimination.

To break the cycle, it is imperative to implement grassroots tactics to organize communities against child Labour and reintegrate child Labourers into their homes and educational institutions. Fighting this problem calls for a multidisciplinary strategy involving experts in medicine, psychology, and socio-anthropological.

In efforts to guarantee universal primary education by 2015, India is a key player on the international stage. Even with progress, inequalities still exist, especially for women and underprivileged social groups. With the help of the RTE Act, underprivileged kids—such as those with special needs, migrants, and child Labourers—can now be reached. To ensure equitable access to high-quality education and close gaps, however, considerable efforts are required. The RTE Act is a success in its implementation.

## End Note

In India, tremendous strides have been made in the fight against child Labour. An excellent foundation has been established by laws like the RTE Act and the CLPR Act. Positive changes and a quantifiable decrease in the number of child Labour cases provide hope. That being said, there is still a long way to go until total eradication. Significant obstacles still exist because of laws with gaps, lax enforcement protocols, and the continued presence of dangerous jobs in some industries.

The complexity surrounding child Labour in India has been brought to light in this dissertation. The advancements achieved through governmental programs, civil society initiatives, and legislative frameworks have all been examined. Nonetheless, it has also conducted a thorough analysis of the remaining gaps.

The following are some important lessons learned and a call to action:

- **Sturding the Legal Framework:** To address new trends and gaps, the CLPR Act must be reviewed and amended on a regular basis.
- **Strengthening Enforcement:** Tighter sanctions, enhanced training programs for law enforcement personnel, and better monitoring systems are all necessary.
- **Investing in Education:** Breaking the poverty-child Labour cycle requires high-quality education, especially in rural areas. Programs for developing teenage skills can also be beneficial substitutes.
- **Community Engagement:** Progress cannot be sustained unless community involvement and awareness of the rights of children employed as workers are promoted. ColLabourative efforts and innovation can be strengthened by leveraging technology, forming public-private partnerships, and colLabourating with other countries.

Preventing child Labour requires a multifaceted strategy and unwavering commitment. India has the potential to establish a future in which all children have the chance to prosper by tackling the underlying causes of poverty, fortifying legal frameworks, and allocating resources towards education and skill enhancement. We must work together to guarantee the children of India their right to health care, education, and a happy, safe childhood because they have so much potential.

## REFERENCE

1. <https://www.unicef.org/child-rights-convention>
2. The Child Labour (Prohibition and Regulation) Act, 1986 (Act No. 61 of 1986), s. 2(ii)
3. <https://www.ilo.org/ipec/facts/lang-en/index.htm>
4. Worst Forms of Child Labour Convention, 1999, art. 3
5. Indian Constitutional Law by Professor M P Jain, 16 edition reprint 2012
6. The Factories Act, 1948 (Act No. 63 of 1948), s. 67
7. The Minimum Wages Act of 1948 (Act No. 11 of 1948), s. 24
8. The Mines Act, 1952 (Act No. 35 of 1952), s. 40
9. <https://labour.gov.in/childlabour/legislative-provisions>
10. The Juvenile Justice (Care and Protection) of Children Act, 2015 (Act No. 22016), s. 79
11. The Juvenile Justice (Care and Protection) of Children Act, 2015 (Act No. 2 of 2016), s. 76
12. The Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009), s. 3.
13. <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1579546>
14. <https://ncpcr.gov.in/>
15. <https://labour.gov.in/sites/default/files/PolicyofGovernmentontheissueofChildLabour.pdf>
16. <https://labour.gov.in/childlabour/nclp#:~:text=National%20Child%20Labour%20Project%20SCHEME,endemic%20districts%20of%20the%20country.>
17. [https://wcd.nic.in/sites/default/files/Download%20File\\_1.pdf](https://wcd.nic.in/sites/default/files/Download%20File_1.pdf)
18. MANU/SC/0038/1982 decided on 18.09.1982
19. MANU/SC/0196/1984 decided on 25.04.1984
20. MANU/SC/0051/1983 decided on 16.12.1983
21. MANU/SC/0169/1997.
22. MANU/SC/0333/1993 decided on 04.02.1993
23. Basu K, Tzannatos Z. The Global Child Labour Problem: What Do We Know and What Can We Do? World Bank Econ Rev. 2003;17:14
24. Angnihotram RV. An overview of occupational health research in India. Indian Journal of Occupational Environ Med.
25. Burra, Neera “Child labour in rural areas with a special focus on migration, agriculture, mining and brick kilns” National Commission for Protection of Child Rights. [www.ncpcr.gov.in/report](http://www.ncpcr.gov.in/report) .
26. UNICEF, Guide to the Convention on the Rights of the Child. 2006. Available from: <http://www.unicef.org/crc/>
27. Tiwari RR. Child labour in footwear Industry: Possible occupational health hazards. Indian J Occup Environ med.
28. Geneva, Switzerland: ILO; 2003. International Labour Organisation Combating Child Labour through Education 2003.
29. ILO good practice guide for addressing child labour in fisheries and aquaculture: Policy and practice preliminary version international labour organization.
30. ILO. Child Labour: How the challenge is being met. Int Labour Rev. 1997;136:233–57.
31. Child Labour and Responses in South Asia International Labour Organization (ILO) 1996-2012.