

Child Labour Laws: Addressing Gaps In Legislation To Safeguard The Right Of Children

Table of Content

1. Abstract
2. Introduction
3. Causes of Child Labour
 - a. Extend of child labour
4. Constitutional Provisions
5. Child Labour laws in India
 - a. Child Labour (Prohibition and Regulation) Amendment Act prohibits employment of children below the age of 14 years.
 - b. Child Labour (Prohibition and Regulation) Amendment Rules – broad framework against child labour- 2017
 - c. Other major national legislative developments
6. Gaps in Labour laws
7. Recommendation to reduce gaps in labor laws
8. Conclusion
9. Reference

1. **Abstract:**

Child labor has persisted as a significant challenge, particularly in developing nations, despite efforts to address it through legislation and initiatives. Its historical presence spans not only impoverished regions of developing countries but also extends to developed nations until the early 20th century. Despite global attempts to eradicate child labor, it remains widespread. In India, the issue is deeply entrenched, with poverty serving as a major driver. While child labor occurs in both urban and rural areas, its prevalence is notably higher in rural regions, largely due to elevated poverty levels. Many impoverished rural families migrate to urban centers in pursuit of improved prospects, often resulting in the exploitation of their children for additional income and sustenance. This research paper aims to comprehensively explore the various facets of child labor discrimination, with a particular focus on its manifestation in India. Through critical analysis, it seeks to shed light on the complex dynamics underlying this pervasive issue and offer insights for potential interventions and policy reform.

Keywords: child labour, forms, factors, discrimination.

2. **Introduction:**

“There can be no keener revelation of a society’s soul than the way in which it treats its Children.” - Nelson Mandela

As per the International Labour Organization (ILO), child labor is described as any form of work that robs children of their childhood, potential, and dignity, and is detrimental to their physical and mental development. It encompasses tasks that pose mental, physical, social, or moral risks to children, preventing them from attending school, forcing them to leave school prematurely, or compelling them to balance school attendance with excessively long and strenuous work.

UNICEF reports that there are around **10.1 million children** engaged in child labor in India presently. This constitutes roughly **13% of the workforce**, meaning one out of every ten workers in India is a child. These children are entitled to legal protections and guaranteed access to education and mid-day meals until they reach the age of 14.

Child labor remains a pressing social issue in our country, requiring serious attention from policymakers, government agencies, academics, and researchers across various disciplines, particularly law. There is a need to assess whether existing laws are adequate in addressing this

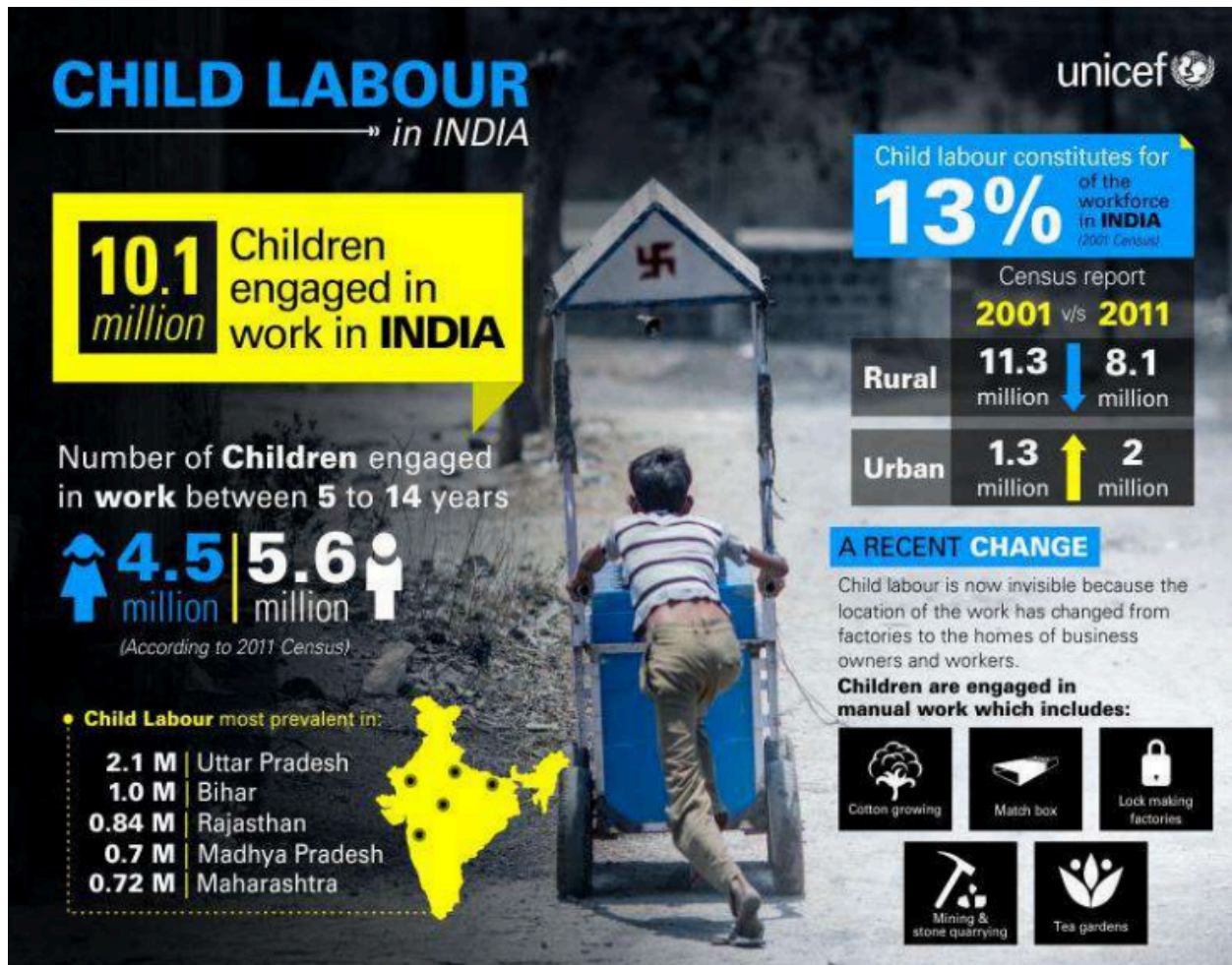
issue or if they merely serve as superficial efforts to show a commitment to eradicating child labor, while allowing its continued prevalence to meet market demands. Child labor impedes economic development and perpetuates poverty by depriving underprivileged children of education and opportunities for social advancement. It persists not only in its current forms but also in evolving dimensions. The current laws aim to restrict and regulate rampant child labor practices occurring in various sectors including industry, domestic work, and commerce. from economic factors like poverty or if it's also influenced by societal attitudes and norms, leading to its persistence despite decades of legislative efforts and social policies aimed at eradication.

3. Causes and Extend of child Labour:

1. **Poverty:** According to UNICEF, India has the highest number of child laborers globally, with sub-Saharan African countries having the highest percentage. Poverty is identified as the primary cause, as families often rely on children's income for survival. The International Labour Organisation (ILO) and Spreading Smiles through Education Organisation (OSSE) affirm poverty as the leading factor driving children into the workforce. Simply enacting laws against child labor without addressing poverty through income support programs may not be practical.
2. **Disparity between Education and Vocational Training:** A study by the ILO on the Indian diamond industry highlights that parents opt for child labor due to the perceived cost and limited value of education, favoring artisan work in lucrative industries as children age. Another report indicates a high unemployment rate among graduates in India, suggesting that formal education does not guarantee employment. This suggests a need for skill-based education or a "earn while you learn" policy.
3. **Lack of Social Security in the Informal Sector:** The informal sector, which comprises a significant portion of India's labor force, lacks formal social security, leaving families vulnerable to financial crises such as illness or natural disasters. Children often join the labor market to support their families during such emergencies, sacrificing their education.
4. **Caste System:** India's caste system dictates occupational roles from childhood, with children in caste-based occupations more likely to secure livelihoods compared to those pursuing formal education, which may not lead to employment.

5. **Dowry System:** The prevalent dowry system drives children to work to accumulate funds for marriage expenses, despite laws prohibiting dowry exchange. This social practice compels children to forgo education in favor of earning money for marriage.
6. **Addressing Conflicts & Mass Migration:** In regions plagued by conflicts or experiencing mass migrations, children often face the harsh realities of labor without proper support systems. CRY India actively intervenes in these situations, offering essential services, counseling, and education to help rebuild children's lives.
7. **Gender Disparities:** Gender disparities refer to differences in treatment, opportunities, and outcomes between individuals based on their gender. In the context of child labor, these disparities have a significant impact, particularly on girls. This is because girls are often subject to discrimination and are more likely to be forced into unpaid domestic work compared to boys.
8. **Natural Disasters & Climate Change:** Marginalized communities, often already struggling with socio-economic challenges, bear a heavier burden when natural disasters and climate change strike. As their homes and livelihoods are disrupted or destroyed, they are left more vulnerable and with fewer resources to recover. This heightened vulnerability often forces children to take on labor to help support their families in the aftermath of such disasters.
9. **Demand for Cheap Labor:** The continuous requirement for affordable labor across different industries results in the persistence of child labor. This is because employers exploit children who might not have a complete understanding of their rights or encounter difficulties in standing up for themselves in the workplace.
10. **Temptation of earning money:** In some cases, adolescent children are attracted to the labor market due to the perceived opportunity for earning money and independence. CRY India focuses on empowering children through education and skills development, ensuring they make informed choices about their future and are not lured into exploitative labor practices.

3.1. Extent of Child Labour: According to Census 2001, there were **1.26 crore** working children aged 5-14 out of a total child population of **25.2 crore**. A survey by the National Sample Survey Organisation (NSSO) in 2004-05 estimated the number of working children at **90.75 lakh**. By Census 2011, the number of working children in the 5-14 age group had further decreased to **43.53 lakh**. These trends indicate that government efforts have yielded positive results in reducing child labor.



According to statistics from the National Crime Records Bureau (NCRB) as presented in its Crime in India reports, there was a significant increase in the number of FIRs registered under the Child Labour (Prohibition and Regulation) Act (CLPRA) from 2016 to 2018, rising by **127%**. Correspondingly, the number of victims rescued under the CLPRA also saw a notable increase of **111%** during this three-year period, rising from **384** victims rescued in 2016 to 810 victims rescued in 2018.

Year	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA
2016	204	384
2017	462	685
2018	464	810
Total	1130	1879

Despite the significant increase in the number of FIRs registered under the Child Labour (Prohibition and Regulation) Act (CLPRA) from 2016 to 2018, the overall impact of these efforts appears insignificant in light of the total number of child laborers in India. According to data from the National Crime Records Bureau (NCRB), the percentage of total victims rescued during this period compared to the total number of child laborers in the country is a mere **0.02%**.

Specifically, several states such as Mizoram, Sikkim, Tripura, Arunachal Pradesh, Manipur, Nagaland, Odisha, Meghalaya, Jammu and Kashmir, Himachal Pradesh, Chhattisgarh, and Andhra Pradesh, which together constitute **14%** of the total child labor in the country, did not register any FIRs under the CLPRA from 2016 to 2018.

Despite **Uttar Pradesh having the highest percentage of child laborers in the country at 21%**, **only 15 FIRs** were lodged under the CLPRA in the past three years, resulting in the rescue of 20 victims. Similarly, Bihar, which ranks second in terms of child labor population, did not register any FIRs under the CLPRA in 2016 and 2017, and only 14 cases were registered in 2018, indicating poor reporting of child labor cases in the state.

Maharashtra, with approximately 7 lakh child laborers and ranked fourth in terms of child labor population, saw only **313** FIRs lodged over the three-year period (2016-2018). While poor reporting of child labor cases is evident in the state, its performance is relatively better compared to states like Uttar Pradesh and Bihar.

Regarding the disposal of cases and conviction rates, very few cases were disposed of by courts compared to the number of cases that remained pending for trial at the beginning of each year.

In 2016, the conviction rate under the Child Labour (Prohibition and Regulation) Act (CLPRA) stood at 11%, significantly lower than the conviction rate for all crimes against children in the country, which exceeded 30%. However, in 2017, the conviction rate under CLPRA rose sharply to 70%. Yet, in 2018, there was a decline in the conviction rate to 44%.

4. Constitutional safeguard for Children:

The Indian Constitution includes provisions aimed at the advancement, growth, and safeguarding of children, primarily found in Part III and Part IV, which cover fundamental rights and directive principles of state policy, respectively. It specifically addresses child welfare and the prohibition of practices such as child labor. This demonstrates a clear focus on children and the eradication of child labor within the framework of the Constitution of India. Relevant articles pertaining to this issue are outlined below.

Article 15(3)- Nothing in this article prevents the State from making any special provision for women and children. Thus, this article empowers the State to make special provisions for the children.

Article -21A - The State shall provide free and compulsory education to all children of the age 6- 14 years in such manner as the State may, by law determine.

Article 23- Prohibits traffic in human beings and begar and other similar forms of forced labor.

Article-24- No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. This is very important constitutional provision which prohibit the child labour in hazardous employment.

Article-39(f)- Enjoins the State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that the childhood and youth are protected against exploitation and against moral and material abandonment.

Article 39(e) and (f)- Requires the State and ensures that the tender age of children are not abused and to ensure that they are not forced by economic necessity to enter avocations unsuited in their age or strength. Those children are given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity and that childhood and youth are protected.

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

Article 51A(k)- Makes it a fundamental duty of the parent or Guardian to provide opportunities for education to the child or ward between the age of 6 and 14 years.

Thus it is clear that our Constitution makers were wise and adamant to provide, that children should receive distributive justice in free India.

5. Child labour laws in India:

5.1. Child Labour Prohibition and Regulation Act, 1986 :

In 1979, the Government established the **Gurupadaswamy Committee** to investigate child labor and propose solutions. The Committee recognized that eradicating child labor entirely would be challenging due to persistent poverty, and instead recommended banning child labor in hazardous areas while regulating and improving working conditions in other sectors. This approach aimed to address the issue through multiple policies.

Based on the committee's recommendations, the **Child Labour (Prohibition & Regulation) Act was passed in 1986**. This Act prohibited the employment of children in specified hazardous occupations and processes while regulating working conditions in other areas. The list of hazardous occupations and processes has been continuously expanded upon the advice of the Child Labour Technical Advisory Committee established under the Act.

Division and Provisions: The Act is divided into four parts and contains twenty-six provisions. The Act aims to limit the employment of children in certain occupations and regulate their working conditions.

Exception: The restriction outlined in Part II, section three has exceptions:

- It doesn't apply to workshops operated by the occupier's family.
- It also doesn't apply to schools that have received government assistance or recognition.

The Act has played a crucial role in reducing child labor rates in India and minimizing hazardous risks and exploitation faced by children. It emphasizes the inalienable and indivisible rights of children.

The Act demonstrates a regulatory stance towards child labor rather than a clear stance on abolition, presenting conflicting objectives of both prohibiting and regulating child

labor. This approach contradicts **Article 24** of the Constitution. Moreover, a notable deficiency in the Act is the absence of rehabilitation programs for children. The provision in Section 3, which allows for employment in familial settings, is often exploited by employers who pose as family members, thereby enabling the continued exploitation of children. Furthermore, inconsistencies arise from varying definitions of a child's age across different laws, leading to ambiguity and uncertainty regarding the Act's application.

Additionally, discrepancies exist between the Act's definition of a child and those in other legislations such as the **Juvenile Justice Act** and the UN Convention on the Rights of the Child. **Article 24** of the Constitution indirectly permits child labor by not outrightly prohibiting the employment of minors under 14, except in hazardous occupations like mines and factories. Despite the provision for compulsory education under the Right of Children to Free and Compulsory Education Act of 2009, the 1986 Child Labor Act undermines children's rights by allowing minors under 14 to work in non-hazardous jobs.

The current legal framework surrounding child labor lacks coherence and does not align with international standards such as the International Labour Organization's recommendation of a minimum employment age of 15. India's commitment to the International Programme for the Elimination of Child Labor since 1991 has not translated effectively into action due to inadequate planning and implementation. While laws may address child labor, their practical enforcement remains a significant challenge, highlighting the need for comprehensive reforms to ensure the protection of children's rights and their access to education.

5.2. Child Labour Prohibition and Regulation Act, 2016 :

Subsequently, the Act was amended in 2016 with the Child Labour (Prohibition & Regulation) Amendment Act 2016, which extended the prohibition of child labor to all employment for children below 14 years old. Additionally, provisions were made to restrict the employment of adolescents (14-18 years old) in scheduled hazardous occupations and processes.

The Child Labour (Prohibition & Regulation) Amendment Act, 2016, was enacted by the government and came into force on January 1, 2016. This amendment strictly prohibits the employment of individuals under the age of 14. It prohibits the

employment of teenagers aged 14 to 18 in hazardous occupations and processes, while also regulating their working conditions where applicable. Additionally, the amendment criminalizes the hiring of any child or teenager in violation of the Act by businesses, and it increases the severity of penalties for such violations.

Child Labour Amendment Act 2016 Provisions:

1. This amendment imposes **stricter penalties** for employers violating the Act.
2. It allows the Government to **prohibit the employment of children in unsafe conditions.**
3. The amended Act prohibits the involvement of children under 14 years in any occupation and restricts adolescent involvement in harmful jobs.
4. It mandates **strict penalties for violators** and authorizes the Government to cease the employment of adolescents in harmful conditions.

The 2016 amendment to the child labor laws brought about significant changes that have had a profound impact on society. Prior to the amendment, children under 14 years of age were permitted to work in certain occupations except for 18 specified ones and 65 processes. However, the amendment completely prohibited the employment of children below 14 years, ensuring their enrollment in schools as mandated by the Right to Education Act.

Before the amendment, there was no provision for assistance for children after their school hours. The 2016 amendment addressed this by allowing children to work only after school or during vacations, enabling the development of their traditional skills. Additionally, while children under 14 were previously allowed to work in family businesses regardless of hazardous conditions, the amendment restricted this to non-hazardous family enterprises, safeguarding the children's health and well-being.

Moreover, the amendment categorized children aged 14-18 as adolescents and prohibited them from working in hazardous occupations, thus protecting their health. It also regulated working conditions for adolescents in non-hazardous occupations, preventing their exploitation.

Another significant change brought about by the amendment was the expansion of prohibited occupations for children, moving from a limited list to a comprehensive ban on any type of work. Additionally, the amendment allowed the government to create a positive list of non-hazardous occupations where adolescents could work, providing regulatory control.

Furthermore, the nature of the offense was amended from **non-cognizable to cognizable, eliminating the need for approval from the District Magistrate** to take action on violations. Accountability was also introduced for enforcement officers, with designated officers held responsible for enforcement, ensuring better implementation of the law.

Finally, the amendment introduced a statutory provision for a child and adolescent labor rehabilitation fund, ensuring rescued children's future security through education and welfare initiatives funded by contributions from the appropriate government authorities.

Was Child Labour amendment act 2016, efficient enough to deal with the ket challenges of child labour?

Although the Child Labour and Prohibition Amendment Act of 2016 addressed some crucial issues, it falls short in effectively tackling key challenges related to child labour. While certain provisions are commendable, others present significant drawbacks.

One concerning aspect is the **broadening of the definition of 'parents,'** which contradicts the Juvenile Justice Act of 2000 and international conventions such as the International Labour Organization minimum age convention and UNICEF Convention on child rights, to which India is a signatory.

Sections 3 to 5 of the Amendment Act allow children to work in family enterprises, but the lack of defined working hours within these sections undermines the legislation's intent. This ambiguity may restrict children to traditional work, hindering their education. Clear time limitations should be established in these sections.

The legislation permits child labour under certain conditions, but these conditions are easily exploitable. Allowing work after school hours can burden children physically and mentally, potentially violating their right to good health under Article 21 of the Indian Constitution. Section 14 (3) introduces the possibility of compounding offenses, incentivizing violations of the law.

The **reduction of hazardous occupations** for children from **83 to just 3**, including mining, explosives, and hazardous processes, overlooks other dangerous industries like chemical mixing units and cotton farms. Given India's reliance on agriculture and the legislation's allowance for children to work in this sector, there's a risk of widespread exploitation in agriculture, undermining the effectiveness of the law.

While the 2016 Amendment Act makes some positive changes, its shortcomings leave significant room for improvement in effectively addressing the challenges associated with child labour.

5.3. Child Labour (Prohibition and Regulation) Amendment Rules – broad framework against child labour- 2017

Following extensive consultations with relevant stakeholders, the Government of India has officially amended the Child Labour (Prohibition and Regulation) Central Rules. These updated rules provide a comprehensive framework for the prevention, prohibition, rescue, and rehabilitation of child and adolescent workers, addressing various concerns. Specific provisions have been incorporated to clarify issues related to children assisting in family businesses and the definition of family in this context.

Furthermore, the rules include protections for artists authorized to work under the Act, specifying their working conditions and hours. To ensure effective implementation and adherence to the Act's provisions, the rules outline the roles and responsibilities of enforcement agencies explicitly.

Supreme Court on child Labour Law Amendment

In the case of **Sheela Barse v. Union of India**, the Supreme Court emphasized the State's duty to ensure the full development of a child's personality, considering them a national asset. Similarly, in **Bachpan Bachao Andolan Vs. U.O.I & Ors**, the court stressed that no child should be deprived of their fundamental rights under the Constitution and protected them from trafficking and abuse. Various laws and international conventions, including the UN Convention on the Rights of the Child, emphasize protecting children from exploitation.

The Supreme Court's landmark ruling in **M.C. Mehta v. State of Tamil Nadu** highlighted the prevalence of child labor in India and advocated for the withdrawal of children from hazardous employment while improving working conditions in other sectors. However, the court did not address the emerging issue of child soldiers.

The courts emphasized the importance of education for children and the detrimental effects of hindering their academic development. The new amendment contradicts Article 45 of the Constitution, which mandates compulsory education until the age of 14, by allowing children to work at home, potentially disrupting their studies.

In **Bandhua Mukti Morcha v. Union of India**, the court emphasized creating a conducive environment for children's social and physical health, relieving them of fatigue and drudgery to focus on their studies. Allowing children to work for their families may violate these principles and deprive them of their rights.

The state's efforts to provide education are hindered by allowing children to work at home, contradicting the obligations under Article 39(e) and (f) of the Constitution. The conditions in which children work, as highlighted in *Bachpan Bachao Andolan v. Union of India*, violate their fundamental rights and various labor laws.

The amendment's loopholes, such as exemptions for family enterprises, make it challenging to enforce the law effectively. These exceptions undermine the law's purpose and hinder prosecution efforts against employers violating child labor laws.

5.4. Other major national legislative developments:

1. **The Mines Act of 1952:** This legislation prohibits the employment of individuals under 18 years of age in mines.
2. **The Juvenile Justice (Care and Protection) of Children Act of 2000:** This law criminalizes the act of procuring or employing a child in hazardous employment or bondage, punishable by imprisonment.
3. **The Right of Children to Free and Compulsory Education Act of 2009:** This act mandates free and compulsory education for all children aged 6 to 14 years. It also requires that 25% of seats in private schools be reserved for disadvantaged groups and physically challenged children.
4. **National Policy on Child Labour (1987) and National Child Labour Project:** The policy aims to gradually eliminate child labor by focusing on rehabilitating children engaged in hazardous occupations. It emphasizes strict enforcement of child labor laws alongside poverty alleviation programs. The National Child Labour Project, initiated in 1988, provides funding dedicated to eradicating child labor.

5. **The Apprentices Act, 1961:** This act stipulates that individuals must be at least 14 years old and meet educational and physical fitness standards to undergo apprenticeship training.
6. **The Plantation Labour Act, 1951:** This act prohibits the employment of children under 12 years of age in plantations. Children over 12 can only be employed if a certified doctor deems them physically fit.

6. Gap in Labour Laws:

Child labor has been tackled through various means in the Constitution of India, as well as in laws, policies, and government plans. These initiatives have set goals that have evolved over time but have yet to be fully realized. The problem of child labor also holds significance within the international legal framework and various instruments.

The concern for addressing child labor extends beyond policy frameworks, as the Constitutional and Legal Framework extensively covers the issue. There are eight different legislations, in addition to constitutional guarantees, that directly or indirectly address child labor. Notably, the Child Labour (Prohibition & Regulation) Act (CLPRA), amended in 2016, offers special safeguards for children involved in various forms of labor.

However, the recent amendment to child labor legislation has posed challenges in identifying children engaged in unorganized sector labor. The provision allowing children to assist in family enterprises after school hours and during vacations has heightened their vulnerability. The loosely defined family enterprises have exacerbated the exploitation of children, as the amended CLPRA lacks a robust monitoring mechanism for effective implementation. Examination of inspections into child labor cases reveals a consistent decrease annually, coupled with a low number of prosecutions and convictions. The situation becomes even more critical when considering children who have managed to escape child labor.

Information received from Chief Labour Commissioner (Central) regarding enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 in the central sphere			
Information from Chief Labour Commissioner (Central) in respect of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986	2016-17	2017-18	2018-19
No. of Inspections Conducted	2265	3826	4586
No. of children rescued	0	0	0
No. of Violations detected	610	1966	1325
No. of Prosecutions Launched	0	0	27
No. of Convictions made	0	0	0
Fine imposed/ fund raised	0	0	0
No. of convicted persons sent to jail	0	0	0
<i>Source: Annexure referred to in reply to parts (a) to (d) of Lok Sabha unstarred question no. 108 for 18.11.2019 regarding child labour</i>			

Information received from State Governments regarding enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 in the State Sphere			
Information from State Governments in respect of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986	2017	2018	2019
No. of Inspections Conducted	269451	280595	338696
No. of children rescued	2751	3013	3650
No. of Violations detected	4184	2171	1636
No. of Prosecutions Launched	1944	1677	1168
No. of Convictions made	700	701	690
Fine imposed/ fund raised	8227400	7336036	2451390
No. of convicted persons sent to jail	7	9	9
<i>Source: Annexure referred to in reply to parts (a) to (d) of Lok Sabha unstarred question no. 108 for 18.11.2019 regarding child labour</i>			

The data mentioned underscores the necessity of enhancing inspections and prosecuting cases under the Child Labour (Prohibition & Regulation) Act (CLPRA). Since its establishment in 1988, the National Child Labour Project (NCLP) has successfully rescued approximately 1.2 million children. This indicates how child labor often evades state oversight and persists across various sectors.

Some important points of concerns are:

1. **Concerns with the Child Labour (Prohibition and Regulation) Amendment 2016:** The amendments allow children under 14 to work in family enterprises and narrow the definition of "hazardous" works, potentially impacting children's rights to education, play, and development. Redefining hazardous occupations limits protections for children and increases their vulnerability to exploitation. Girls are disproportionately affected by family-based work, including domestic labor.

2. **Impact on Education and Socio-economic Fabric:** Combining school with work may lead to school dropouts, perpetuating poverty cycles. High illiteracy rates among child laborers hinder their access to quality education and upward mobility. Despite ratifying international conventions on child rights, India fails to ban all forms of child labor and instead institutionalized child labor in family-based occupations.
3. **Need for Specific Legislation on Child Labour in Domestic Work:** Absence of a dedicated law addressing child labor in domestic work leads to its hidden nature and exploitation within homes, highlighting the need for targeted legislation.
4. **Challenges in Implementation and Monitoring:** Weak implementation and monitoring of government schemes result in delays in providing statutory rehabilitation, increasing the risk of re-trafficking for rescued child laborers. Insufficient funds and staffing limitations hinder timely disbursement of rehabilitation benefits and the process of identifying and rescuing child labor victims, exacerbating the problem.
5. **Issues with Participatory Governance:** Lack of political and administrative will at various levels of governance delays the provision of rehabilitation benefits and compensation to rescued child laborers, leaving them vulnerable to re-trafficking. Ineffectiveness in follow-up processes, including delayed visits to victims and bureaucratic formalities, leads to a lack of knowledge about the status of rehabilitation for rescued child laborers.
6. **Knowledge Management and Sharing of Best Practices:** The absence of a centralized system for recording child laborers in domestic work and reliance on unofficial estimates from NGOs contribute to a lack of awareness and capacity among concerned departments and communities. Inefficiency in specific care skills for at-risk children and victims of domestic child labor, inadequate documentation of best practices, and a lack of rapid detection and diagnosis further compound the issue.

7. Recommendations:

1. **A revised interpretation of child labor.:** An analysis of the situation of child labour in India shows that children are working in different sectors across the country. Given the varied situations in which children are working, strategies for the elimination of child labor need to be **inclusive and non-negotiable**. One of the most important change that is needed is removal of the artificial **distinction between 'child labour' and 'child work'**.
2. **Amendment to the Child Labour (Prohibition & Regulation) Act:** Enforcement of the law is a key strategy. But in the case of the Child Labour (Prohibition and Regulation) Act, there are a number of loopholes, which makes the law ineffective. The Act must be **non-negotiable** and to do so it is suggested that the word **"Regulation"** should be removed so that child labor abolition becomes non-negotiable.
Similarly the penal provisions must be enhanced, employment of child labour must be deemed as a cognisable offence with imprisonment to the offending employer. So that a clear message is given that child labour will not be accepted.
Amendment of child labour laws is imperative to prohibit children's employment across all sectors, with stringent measures against employers. This amendment should be comprehensive, leaving no room for loopholes, and establish swift-track courts at various levels for prompt justice. Heavy fines imposed on violators should fund benefits for affected children.
3. **National Child Labour Programme (NCLP)** Transitional Education Centres The current National Child Labour Programme (NCLP) needs to be revamped. NCLP schools must be converted into Transitional Education Centres (TECs) which are both non-residential and residential. It is very important that the guidelines for TECs are very flexible, adapting to the local situation. It is envisaged that 45 lakh children would be benefited by this arrangement. It was envisaged in the 11th plan that 3 lakh children would benefit from this.
4. **Migrant children:** The NCLP needs to recognize the **special situation of migrant child laborers**. These could be children who have run away from home or children who migrate seasonally with their families. Given the extent of intra-state

migration, educational centers have to be strengthened and the involvement of the local NGOs has to be done.

5. **Social Mobilization** Given that eradication of child labor is not an easy task, preventive strategies are more sustainable in the long run. One of the major preventive strategies, which must feature in any national child labor eradication policy, is the role of **social mobilization and community participation**. It is vital to ensure that children stay at home and go to formal schools rather than leave home to work full time. There has to be a national campaign to invoke public interest and large-scale awareness on this issue, there is a need for an extensive awareness generation campaign launched over a period of time at the Centre and State level on a sustained basis. Required **budgetary provisions** for such a mass campaign must be provided by the government. Child labour is spread across the country; in dispersed villages and slums. The eradication of child labour cannot be the function of labour department alone. There has to be a movement which ropes in the society and the members of the society must be given a legal or official status. As proposed in the **11th Five Year plan**, the Labour department needs to have a **cadre of youth volunteers** who can be trained as 'Social Mobilizers' who will be responsible for withdrawing children from work as well as monitoring school dropouts and children with irregularity of attendance. The planning commission estimated that, if implemented, through this policy the status of more than 3 crores children would be monitored.

6. **Survey of child labour:** It is necessary that the government commissions research and surveys on different aspects of child labour in the country. Conducting surveys and research on various aspects of child labor is crucial for the government to gain a comprehensive understanding of the issue within the country. These surveys provide essential data and insights into the prevalence, nature, causes, and consequences of child labor across different regions and sectors. They help **identify vulnerable populations, including specific age groups, genders, socioeconomic backgrounds, and geographic locations**, where child labor is most prevalent. Research and surveys enable policymakers and stakeholders to assess the effectiveness of existing interventions, policies, and programs aimed at combating child labor. By evaluating the impact of these initiatives, governments can identify gaps and areas for improvement, leading to more targeted and evidence-based policy interventions. Furthermore, research and surveys provide a platform for the voices of affected children and their families to be heard. By understanding their experiences,

challenges, and aspirations, policymakers can develop more empathetic and inclusive policies that address the root causes of child labor and promote the well-being and rights of children.

Government-commissioned research and surveys on child labor are essential tools for informed policymaking, effective monitoring and evaluation, and ensuring the protection and empowerment of children in society.

7. **Ensuring minimum wages:** Ensuring minimum wages for workers, particularly in the informal sector, plays a crucial role in reducing reliance on child labor. When parents receive higher earnings, they are less likely to resort to sending their children to work as a means of supplementing family income. Implementation of **lawful provisions for minimum wages in the informal sector** can significantly improve the financial stability of families, thereby reducing the economic pressures that often drive children into the labor force. By ensuring that workers receive fair compensation for their labor, minimum wage laws contribute to lifting families out of poverty and empowering them to provide better care and support for their children's future.
8. **Compulsory education enforcement** is crucial, with the state responsible for providing free education up to age 14. Children rescued from labor should have access to primary education, empowering them to benefit from labor welfare schemes. Increasing school enrollment is essential, with modern teaching methods and specialized teachers catering to the needs of vulnerable children. Schools should encourage participation in extracurricular activities to foster holistic development. Rather than relying solely on punitive measures or increased penalties, the principle of compulsory education, **both formal and vocational education**, should be mandated for employers to address child labor comprehensively and permanently.
9. **District-level vigilance committees** should be established to eradicate child labour, with regular reporting mechanisms and swift action against non-compliance or fraud. Establishing district-level vigilance committees is a crucial step towards eradicating child labor in India. Additionally, these vigilance committees should be **empowered to collaborate with other agencies** and organizations involved in child welfare, such as child protection units, labor departments, and educational institutions. This coordinated approach ensures a holistic response to child labor, addressing not only its immediate manifestations but also addressing root causes such as poverty, lack of access to education, and social inequality.

These committees would serve as localized bodies tasked with monitoring and addressing instances of child labor within their respective districts. By **operating at the grassroots level**, they can effectively identify and intervene in cases of child labor, ensuring timely and appropriate action.

10. **Emphasizing role of local governance bodies:** Local governance bodies play a vital role in supervising policies, initiatives, and regulations aimed at protecting the rights and welfare of children. The Gram Panchayat is tasked with identifying projects and distributing job opportunities to those in need within its area of authority. Additionally, it should ensure that children have a voice and are involved in decisions that impact their well-being. Active participation in the Gram Sabha is crucial for establishing community monitoring systems.

8. Conclusion

Child labor poses a significant barrier to human development, preventing children from growing up in nurturing environments with the care and freedom they deserve. Often, children in rural areas are enticed with promises of employment, only to find themselves working as bonded laborers in factories or mines, or being exploited for household chores. To combat this issue, the Indian government has implemented various initiatives aimed at eradicating child labor, including providing free and compulsory education, offering mid-day meals in schools, and supporting impoverished families with employment opportunities and basic necessities. Globally, children are regarded as invaluable assets, and it is the responsibility of governments to protect their rights through legislation and other means. Parents sometimes send their children to work due to a lack of awareness about educational opportunities or because they depend on the additional income. In such cases, it is crucial for responsible citizens to report instances of child labor to the authorities or local NGOs for intervention and support. Despite India's legislative measures, child labor persists due to flaws in enforcement and weak implementation by inspection agencies.

Children are the future of society, and they deserve the chance to pursue their dreams through proper education and support. Ending child labor requires effective government action and collaboration with the public to ensure the well-being of every child.

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