

Legal framework for Child labour problem in India: A review study

Indu Yadav¹, Dr. Priyanka Jain²

¹Phd Scholar, Noida International University

²Supervisor, Noida International University

Abstract- Child labor is one of the oldest problems in our society and still an ongoing issue. The cases of child labour are more in developing and under –developed economies. Societal and families poverty, loss or incapacitation / illness of parents, lack of social security and protection, and ignorance about the value of, or limited access to, education are among the various reasons for involvement of children in the workforce. Child labour is a barrier to the development of individual children and their society and economy. Global estimates indicate that 152 million children (64 million girls and 88 million boys) are working, accounting for almost one in 10 of all children worldwide. Child labour in India is more prevalent than in many other countries, with approximately 10 million children actively engaged in, or seeking, work.

This paper focuses on the issue of child labour, its causes and its ill effects. Further, it also reviews the existing law related to child labour in India, evaluates the provisions for welfare in the existing law and analyses the efficacy of laws with respect to child labour problem India. Systematic literature review has been done to find out the existing laws governing the child labour in India. Out the various laws 5 basic laws have been identified to develop theoretical framework of the study. This research is based upon the analysis of the secondary data obtained from various reports, blogs, research paper and website. The result of the study indicate that there is need to enforce the child labour laws with more firm attitude by all the participants of the whole ecosystem of this societal threat.

Key words:-Child rights, Human rights, Child abuse, Exploitation

1. INTRODUCTION

HISTORY OF CHILD LABOUR

1.1 INTRODUCTION

The worst forms of the exploitation of children started during the Industrial Revolution. It was at this time that machinery took over many functions formerly performed by hand and was centralized in large

factories. There was a large scale structural shift in employment patterns. Many artisans lost their jobs and were forced to work in these factories. But the owners of these factories realized that operating many of these machines did not require adult strength, and children could be hired much more cheaply than adults.

Child labour refers to the exploitation of children through any form of work that deprives children of their childhood, interferes with their ability to attend regular school, and is mentally, physically, socially and morally harmful. Such exploitation is prohibited by legislation worldwide, although these laws do not consider all work by children as child labour; exceptions include work by child artists, family duties, supervised training, and some forms of child work practiced by Amish children, as well as by indigenous children in the Americas.

Child labour has existed to varying extents throughout history. During the 19th and early 20th centuries, many children aged 5–14 from poorer families worked in Western nations and their colonies alike. These children mainly worked in agriculture, home-based assembly operations, factories, mining, and services such as news boys – some worked night shifts lasting 12 hours. With the rise of household income, availability of schools and passage of child labour laws, the incidence rates of child labour fell.

In the world's poorest countries, around one in four children are engaged in child labour, the highest number of whom (29 percent) live in sub-saharan Africa. In 2017, four African nations (Mali, Benin, Chad and Guinea-Bissau) witnessed over 50 percent of children aged 5–14 working. Worldwide agriculture is the largest employer of child labour. The vast majority of child labour is found in rural settings and informal urban economies; children are predominantly employed by their parents, rather than factories.

Poverty and lack of schools are considered the primary cause of child labour.

Globally the incidence of child labour decreased from 25% to 10% between 1960 and 2003, according to the World Bank. Nevertheless, the total number of child labourers remains high, with UNICEF and ILO acknowledging an estimated 168 million children aged 5–17 worldwide were involved in child labour in 2013.

History

Child labour in preindustrial societies

Child labour forms an intrinsic part of pre-industrial economies. In pre-industrial societies, there is rarely a concept of childhood in the modern sense. Children often begin to actively participate in activities such as child rearing, hunting and farming as soon as they are competent. In many societies, children as young as 13 are seen as adults and engage in the same activities as adults.



The work of children was important in pre-industrial societies, as children needed to provide their labour for their survival and that of their group. Pre-industrial societies were characterised by low productivity and short life expectancy; preventing children from participating in productive work would be more harmful to their welfare and that of their group in the long run. In pre-industrial societies, there was little need for children to attend school. This is especially the case in non-literate societies. Most pre-industrial skill and knowledge were amenable to being passed down through direct mentoring or apprenticing by competent adults.

Industrial Revolution

With the onset of the Industrial Revolution in Britain in the late 18th century, there was a rapid increase in the industrial exploitation of labour, including child labour. Industrial cities such as Birmingham, Manchester, and Liverpool rapidly grew from small villages into large cities and improving child mortality rates. These cities drew in the population that was

rapidly growing due to increased agricultural output. This process was replicated in other industrializing countries.

The Victorian era in particular became notorious for the conditions under which children were employed. Children as young as four were employed in production factories and mines working long hours in dangerous, often fatal, working conditions. In coal mines, children would crawl through tunnels too narrow and low for adults. Children also worked as errand boys, crossing sweepers, shoe blacks, or selling matches, flowers and other cheap goods. Some children undertook work as apprentices to respectable trades, such as building or as domestic servants (there were over 120,000 domestic servants in London in the mid-18th century). Working hours were long: builders worked 64 hours a week in the summer and 52 hours in winter, while servants worked 80-hour weeks.

Child labour played an important role in the Industrial Revolution from its outset, often brought about by economic hardship. The children of the poor were expected to contribute to their family income. In 19th-century Great Britain, one-third of poor families were without a breadwinner, as a result of death or abandonment, obliging many children to work from a young age. In England and Scotland in 1788, two-thirds of the workers in 143 water-powered cotton mills were described as children. A high number of children also worked as prostitutes. The author Charles Dickens worked at the age of 12 in a blacking factory, with his family in debtor's prison.

Child wages were often low, the wages were as little as 10–20% of an adult male's wage. Karl Marx was an outspoken opponent of child labour, saying British industries "could but live by sucking blood and children's blood too", and that U.S. capital was financed by the "capitalized blood of children". Letitia Elizabeth Landon castigated child labour in her 1835 poem *The Factory*, portions of which she pointedly included in her 18th Birthday Tribute to Princess Victoria in 1837.

Throughout the second half of the 19th century, child labour began to decline in industrialised societies due to regulation and economic factors because of the Growth of trade unions. The regulation of child labour began from the earliest days of the Industrial Revolution. The first act to regulate child labour in Britain was passed in 1803. As early as 1802 and 1819 Factory Acts were passed to regulate the working

hours of workhouse children in factories and cotton mills to 12 hours per day. These acts were largely ineffective and after radical agitation, by for example the "Short Time Committees" in 1831, a Royal Commission recommended in 1833 that children aged 11–18 should work a maximum of 12 hours per day, children aged 9–11 a maximum of eight hours, and children under the age of nine were no longer permitted to work. This act however only applied to the textile industry, and further agitation led to another act in 1847 limiting both adults and children to 10-hour working days. Lord Shaftesbury was an outspoken advocate of regulating child labour.

As technology improved and proliferated, there was a greater need for educated employees. This saw an increase in schooling, with the eventual introduction of compulsory schooling. Improved technology, automation and further legislation significantly reduced child labour particularly in western Europe and the U.S.

Early 20th century

In the early 20th century, thousands of boys were employed in glass making industries. Glass making was a dangerous and tough job especially without the current technologies. The process of making glass includes intense heat to melt glass (3,133 °F (1,723 °C)). When the boys are at work, they are exposed to this heat. This could cause eye trouble, lung ailments, heat exhaustion, cuts, and burns. Since workers were paid by the piece, they had to work productively for hours without a break. Since furnaces had to be constantly burning, there were night shifts from 5:00 pm to 3:00 am. Many factory owners preferred boys under 16 years of age.

An estimated 1.7 million children under the age of fifteen were employed in American industry by 1900. In 1910, over 2 million children in the same age group were employed in the United States. This included children who rolled cigarettes, engaged in factory work, worked as bobbin doffers in textile mills, worked in coal mines and were employed in canneries. Lewis Hine's photographs of child labourers in the 1910s powerfully evoked the plight of working children in the American south. Hine took these photographs between 1908 and 1917 as the staff photographer for the National Child Labor Committee.

Household enterprises

Factories and mines were not the only places where child labour was prevalent in the early 20th century.

Home-based manufacturing across the United States and Europe employed children as well. Governments and reformers argued that labour in factories must be regulated and the state had an obligation to provide welfare for poor. Legislation that followed had the effect of moving work out of factories into urban homes. Families and women, in particular, preferred it because it allowed them to generate income while taking care of household duties.

Home-based manufacturing operations were active year-round. Families willingly deployed their children in these income generating home enterprises. In many cases, men worked from home. In France, over 58% of garment workers operated out of their homes; in Germany, the number of full-time home operations nearly doubled between 1882 and 1907; and in the United States, millions of families operated out of home seven days a week, year round to produce garments, shoes, artificial flowers, feathers, match boxes, toys, umbrellas and other products. Children aged 5–14 worked alongside the parents. Home-based operations and child labour in Australia, Britain, Austria and other parts of the world were common. Rural areas similarly saw families deploying their children in agriculture. In 1946, Frieda S. Miller – then Director of the United States Department of Labor – told the International Labour Organization that these home-based operations offered "low wages, long hours, and child labour, unhealthy and insanitary working conditions".

21st century

Map for child labour worldwide in the 10–14 age group, in 2003, per World Bank data. The data is incomplete, as many countries do not collect or report child labour data (coloured gray). The colour code is as follows: yellow (<10% of children working), green (10–20%), orange (20–30%), red (30–40%) and black (>40%). Some nations such as Guinea-Bissau, Mali and Ethiopia have more than half of all children aged 5–14 at work to help provide for their families.

Child labour is still common in many parts of the world. Estimates for child labour vary. It ranges between 250 and 304 million, if children aged 5–17 involved in any economic activity are counted. If light occasional work is excluded, ILO estimates there were 153 million child labourers aged 5–14 worldwide in 2008. This is about 20 million less than ILO estimate for child labourers in 2004. Some 60 percent of the child labour was involved in agricultural activities

such as farming, dairy, fisheries and forestry. Another 25% of child labourers were in service activities such as retail, hawking goods, restaurants, load and transfer of goods, storage, picking and recycling trash, polishing shoes, domestic help, and other services. The remaining 15% laboured in assembly and manufacturing in informal economy, home-based enterprises, factories, mines, packaging salt, operating machinery, and such operations. Two out of three child workers work alongside their parents, in unpaid family work situations. Some children work as guides for tourists, sometimes combined with bringing in business for shops and restaurants. Child labour predominantly occurs in the rural areas (70%) and informal urban sector (26%).

Contrary to popular belief, most child labourers are employed by their parents rather than in manufacturing or formal economy. Children who work for pay or in-kind compensation are usually found in rural settings as opposed to urban centres. Less than 3% of child labour aged 5–14 across the world work outside their household, or away from their parents.

Child labour accounts for 22% of the workforce in Asia, 32% in Africa, 17% in Latin America, 1% in the US, Canada, Europe and other wealthy nations. The proportion of child labourers varies greatly among countries and even regions inside those countries. Africa has the highest percentage of children aged 5–17 employed as child labour, and a total of over 65 million. Asia, with its larger population, has the largest number of children employed as child labour at about 114 million. Latin America and the Caribbean region have lower overall population density, but at 14 million child labourers has high incidence rates too.

1.2 CHILD LABOUR IN ANCIENT INDIA

Child labour in ancient India existed in the form of child slave. The cruel practice of purchasing children of less than 8 years existed in the ancient India were these budding and blooming flowers were treated a commodity which could be bought or sold, used or abused according to the whims of the masters. The legendary Rama, a human incarnation of Vishnu of the Hindu Trinity and his brothers were sent by their father, the ruler of the kingdom of Ayodhya, to the ashrama of sage Vashishta, and accepted its discipline. Manusmriti and Kautilya have pointed out the need and practice of giving protection to these working

children. While dealing with slavery Kautilya stated that the purchase or sale of children as slave was not forbidden amongst the michehes for the backward and savage but an Aryan child could in no case be allowed to remain a slave. In case a child born of an Arya (not of slave) was sold or purchased or pledged with someone, both the parties to the deal were punished, even the witness to it were not spared punishment, they were awarded various degree of punishment. Henry Maine, ancient scholar and jurist stated that, in the earliest period of history, the patriarchal system was in existence in all societies belonging to Indo-European stock, Romans and the Hindus. Kautilya realised that children were not physically fit to do ignoble work and rendering such work by them was considered inhuman and degrading. So he strictly prohibited the purchase or sale of slave children of less than 8 years of age. Although Kautilya was not in favour of employment of children, still they were employed in large scale in agriculture and domestic services. During Ancient India, children were exploited by their employers and the wages paid to them were very low.

In 2011, the national census of India found that the total number of child labourers, aged [5–14], to be at 10.1 million, out of the total of 259.64 million children in that age group. The child labour problem is not unique to India; worldwide, about 217 million children work, many full-time.

As per the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, amended in 2016 ("CLPR Act"), a "Child" is defined as any person below the age of 14, and the CLPR Act prohibits employment of a Child in any employment including as a domestic help. It is a cognizable criminal offence to employ a Child for any work. Children between age of 14 and 18 are defined as "Adolescent" and the law allows Adolescent to be employed except in the listed hazardous occupation and processes which include mining, inflammable substance and explosives related work and any other hazardous process as per the Factories Act, 1948. In 2001, an estimated 1% of all child workers, or about 1,20,000 children in India were in a hazardous job. Notably, the Constitution of India prohibits child labour in hazardous industries (but not in non-hazardous industries) as a Fundamental Right under Article 24. UNICEF estimates that India with its larger population, has the highest number of labourers in the world under 14 years of age, while sub-Saharan African countries have the highest percentage of

children who are deployed as child labourers. The International Labour Organization estimates that agriculture, at 60 percent, is the largest employer of child labour in the world, while the United Nations Food and Agriculture Organization estimates 70% of child labour is deployed in agriculture and related activities. Outside of agriculture, child labour is observed in almost all informal sectors of the Indian economy.

Companies including Gap, Primark, Monsanto have been criticised for child labour in their products. The companies claim they have strict policies against selling products made by underage children for their own profit, but there are many links in a supply chain making it difficult to oversee them all. In 2011, after three years of Primark's effort, BBC acknowledged that its award-winning investigative journalism report of Indian child labour use by Primark was a fake. The BBC apologised to Primark, to Indian suppliers and all its viewers. Another company that has come under much scrutiny was Nike. Nike was under pressure to speak up about alleged sweatshops that harbored children that the company was exploiting to make their sneakers. Since then Nike has come out with a separate web page that specifically points out where they get their products from and where their products are manufactured.

In December 2014, the U.S. Department of Labor issued a List of Goods Produced by Child Labor or Forced Labor and India figured among 74 countries where a significant incidence of critical working conditions has been observed. Unlike any other country, 23 goods were attributed to India, the majority of which are produced by child labour in the manufacturing sector.

In addition to the constitutional prohibition of hazardous child labour, various laws in India, such as the Juvenile Justice (care and protection) of Children Act-2000 and the Child Labour (Prohibition and Abolition) Act-1986 provide a basis in law to identify, prosecute and stop child labour in India.

Factories Act, 1948

The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on whom, when and how long can pre-adults aged 15–18 years be employed in any factory.

Mines Act, 1952

The Act prohibits the employment of children below 18 years of age in a mine.

The Child Labour (Prohibition and Regulation) Act, 1986

A "Child" is defined as any person below the age of 14 and the CLPR Act prohibits employment of a Child in any employment including as a domestic help (except helping own family in non-hazardous occupations). It is a cognizable criminal offence to employ a Child for any work. Children between age of 14 and 18 are defined as "Adolescent" and the law allows Adolescent to be employed except in the listed hazardous occupation and processes which include mining, inflammable substance and explosives related work and any other hazardous process as per the Factories Act, 1948.

Juvenile Justice (Care and Protection) of Children Act, 2015

This law made it a crime, punishable with a prison term, for anyone to keep a child in bondage for the purpose of employment.

Right of Children to Free and Compulsory Education Act, 2009

The law mandates free and compulsory education to all children aged 6 to 14 years. This legislation also mandated that 25 per cent of seats in every private school must be allocated for children from economically disadvantaged groups (implementation gaps remain).

India formulated a National Policy on Child Labour in 1987. This Policy seeks to adopt a gradual & sequential approach with a focus on rehabilitation of children working in hazardous occupations. It envisioned strict enforcement of Indian laws on child labour combined with development programs to address the root causes of child labour such as poverty. In 1988, this led to the National Child Labour Project (NCLP) initiative. This legal and development initiative continues, with a current central government funding of Rs. 6 billion, targeted solely to eliminate child labour in India. Despite these efforts, child labour remains a major challenge for India. No, child below age of 14 years shall be employed to work in any factory or mine or engaged in any hazardous employment.

1.3 CHILD LABOUR IN MEDIEVAL PERIOD

Child labour in medieval India too remained in existence in large scale. It is revealed that the children were exploited by the rich landlords and used them to help in their economic activity. The position of child labour during the period of Jahangir did not improve, as the supply of child labour was more than demand and the demand was restricted mainly to the capital. The slavery was encouraged by the king and his Omrahs mainly for two reasons. First, slave met a real demand which was then existed and second the king enjoyed the monopoly of slaves. The Mughal Emperor, Akbar the Great, during his reign when canabilism was practiced near to his capital, suggested and granted permission to hypothecation of children, in the situation of famines and unavoidable crisis. Under the Mughals a labourer had no free will of his own. There was no difference between him and the commodities he produced. When ordered to move he must move, and when ordered to stay he must stay. As to the work he might be called upon to do whatsoever the nature of the work might be, he had to do it. The decree of Akbar in 1554 A.D. clearly ordained "A father or mother might if forced by hunger and extreme misery sell their child and afterward when they have means to pay, might buy back from Servitude. From the above, it is clear that, child labour in Medieval India was quite rampant and rulers encouraged it with an intention to make only traffic in child slaves. The child labour was found in the form of child slavery and rulers did not made any sincere efforts to abolish this practice due to their selfish ends and there by exploited the children.

The middle Ages

The middle Ages was the medieval period of European history between the fall of the Roman Empire and the beginning of the Renaissance. While children in the Middle Ages spent many hours in manual labour, they did so in a family environment. "Children were an integral part of a peasant family's income as productive workers contributing to the farming production" (ThoughtCo, 2019). However, the importance of assisting around the house often meant very few children received a formal education. Teenagers in peasant families were more likely to work instead of attending school. Working conditions for children during the Middle Ages were particularly

safe, as most children performed simple chores within their families.

Working conditions

During the middle Ages, children from as young as age 5 or 6 were expected to work and provide valuable assistance around the household. Younger children often performed simple chores including fetching water, herding geese, sheep or goats, gathering fruit, nuts, or firewood, walking and feeding horses, and fishing. Older children were required to watch over their younger siblings (ThoughtCo, 2019). As children grew into their teenage years their workload increased with more difficult and demanding tasks. As well as performing simple chores around the house, it was not uncommon to find teenagers working as servants in other households.

1.4 CHILD LABOUR IN MODERN ERA:

Child labour became an important issue during British India. In Pre-capitalist societies and even in India, children were employing guild and trade occupations. A large number of labourers were displaced due to mechanisation of agriculture – the farmers were alienated from their home-based work place. They became wage-earning labourers. In Kautilya's Arthshastra of 3rd century B.C. In this century describe the existence of domestic slavery in many prosperous. In 18th century Industrial revolution in England gave a new term to the economic and social order. In this century the term of child labour is at times used as synonyms for employed child or as working child.

Modern Slavery and Bonded Labor

There are an estimated 40 million people trapped in modern slavery of which about 10 million are children. Dishonest and unfair credit and work agreements result in slave like exploitation. Poverty ridden and illiterate people are often lured with small sums as loans with promise of work. Subsequently they are made to work in difficult conditions with meagre pay and are unable to pay back. Children are often made to work to pay the debts incurred by their parents or guardians. That work could be for several years starting at a very young age. Official sources deny the extent of bonded labor citing only 'stray cases'. A report in 1996 mentioned the findings of a court-appointed two-member commission in a Southern State. It was found that bonded labor existed in all

districts, there being almost a million of such workers. Nearly 53% were enslaved for more than 10 years. Children between 6-16 years formed 10% of the State's bonded labor. The never-ending cycle of labor for payment of debt leads to slave like situation. The bonded labor system has reportedly existed for centuries. A comprehensive report on bonded labor in India was brought out in 2005.

Children working in small industrial undertakings are often allowed little freedom. They are made to work for long hours in horrific conditions, unhealthy premises, paid meagre amounts and often abused. Some are trafficked from rural areas or found loitering, and put to work. They are at the mercy of their employers. Reports of such children having been rescued frequently appear in the media.

1.5 CHILD LABOUR IS A GLOBAL PROBLEM

There are several legislations pertaining to children in India namely the mines act, factories Act, out of which are child labour. But still there are several children who are in need of care and protection. Child labour is not a new phenomenon to our age; it has existed in one form or another in all historical times".

As already mentioned, the child population of India in the age group 5-14 years is 259.6 million of these 10.1 million (3.9% of the child population) are working. In addition more than children in India are not in school (ILO 2020) .A study in February 2019 revealed that 10,826 cases of violations of the child labour Act were reported across the country in the preceding four year.(Human trafficking).

As regard child labour in ancient India, it can be said that it existed in the form of child slaves. Child slaves could be purchased or sold like commodities. To some extent, parents' obligations were very often involved in working for the landlord on such low wages that it created conditions for the child to work in the farms for wages. The economic status of the slaves, hired labourers and unskilled workers was worse. The same was the position of child when he was engaged in agricultural sector. In Kautilya's Arthshastra of 3th century B.C. it describes the existence of domestic slavery, in many prosperous households, where slaves were normally from low cast child slaves of less than eight years of age were known working in many nobles houses (Banarjee.s 1981:12). Child Labour in medieval period was no exception. Increasing pressure on land led to fragmentation of holdings. Growing

families had to look beyond personal cultivation for subsistence.). In medieval period, children were normally placed as trainees under artisans and craftsman certain crafts depend totally on the employment of children. The tradition still continuous in carpet weaving or cotton or silk weaving industries which provide employment to large number of children even today in our country. In agrarian society, children work according to their capacities and there were always considered as a part and process of socialisation, children of agriculturist had to perform specific tasks. A class of landless labourers came into existence, often bonded to the large landowners. Child labour in medieval India remained in existence on a large scale and even the rulers encourage it with an intention to make only traffic in child slaves.

Globally the incidence of child labour decreased from 25% to 10% between 1960 and 2003, according to the world bank. Never the less, the total number of child labours remains high, with UNICEF and ILO acknowledging an estimated 168 million children aged 5-17 world wide, were involved in child labour in 2013. (wikipedia.org). Though the definition and concept of child labour may vary widely depending mainly on social, economic, environmental or physical postulates, the child labour is that segment of the child population of a country which is found to have engaged themselves in paid or unpaid employment in a given situation. Here, an attempt has been made to analysis the problem of child labour in the context of those working below the age of 14 years in any gainful industrial and non-industrial occupation, which are viewed not only injurious to their physical, mental or moral development but also hamper their social progress in a big way.

The estimates on the magnitude of the problem of child labour vary due to multiplicity of definitions, different methods of computation and the collection of data at different points of time.

According to a Report of the International Labour Organization, the number of working children in the 5-14 age groups in the developing countries is more than 250 million.⁴ Geographical break-up of these figures exhibit that, the magnitude of child labour is as high as 61 percent in Asian countries followed by 32 percent in African countries and a little over than 7 percent in Latin American countries.

In India the problem of child labour is quite alarming. It is said that roughly out of 5 children below the age

of 14 years, one child is engaged in some kind of labourer work, which means

20 percent children are labourer out of the total populations of the children in the country. In fact, there is not proper source of regular collection of statistics on child labour. The only authentic source of collection of data on child labour is the Census conducted every 10 years by the Government of India in the country. According to the Census 2001 figures there are 1.26 crore working children in the age group of 5-14 as compared to the total child population of 25.2 crore. There are approximately 12 lakhs children working in the hazardous occupations/processes which are covered under the Child Labour (Prohibition & Regulation) Act

Child Labor: A Global Issue

Recently, an Indian activist named Kailash Satyarthi won the Nobel Peace Prize for his efforts to protect the rights of children in the global labor force. Satyarthi created a South Asian Coalition on Child Servitude which has battled child labor by raiding factories across India and liberating more than 40,000 bonded workers. He has also campaigned for increased legislature banning child labor and created a global campaign against the issue, made up of over 2,000 civil society organizations around the world. Despite Satyarthi's efforts, child labor is still prevalent in many poor countries, and laws that directly ban the practice can do more bad than good.

According to the International Labor Office, there are currently about 168 million child laborers in the world. This figure amounts to about 1 in 10 of the world's children. Fortunately, the statistic has reduced by one-third in the past 14 years and only 4% of these children are in forced or bonded labor. However, children working on family farms or other businesses are still particularly at risk. These children work on average 27 hours per week. This makes them less likely to attend school, and if they still choose to, their performance may suffer due to over exhaustion. Exposure to dangerous chemicals such as pesticides also accounts for a 12% injury rate for children in the agriculture industry, as opposed to a 9% overall rate.

Passing laws entirely banning child labor can prove to be detrimental to family finances and the battle against the issue as a whole. In 1986, India passed the Child Labour (Prohibition and Regulation Act) which defines working conditions for children under the age

of 14. The legislation was meant to improve working environments for child laborers but instead drove down wages. As a result, families still needing money were forced to have their children increase hours worked to earn pay equivalent with earnings prior to the act. Fewer children enrolled in school because they were so busy earning money that education was not a viable option. These types of laws are a major threat for poor economies, such as Tanzania and Ethiopia, in which one-third of children are currently working. Countries with GDPs per capita higher than \$10,000 by comparison only see child labor rates of about 0 to 5%.

One method with proven past success is providing families with money to send their kids to school through cash transfer programs. In Mexico, the Oportunidades program gives a child's parents approximately the equivalent of two-thirds the pay that their child would have earned working so that they may instead attend school. The program has helped to reduce child labor rates in the country by almost a quarter. In less economically developed countries, simply giving the money unconditionally to families in need has helped to reduce overall child labor rates. Any incentivizing program which rewards the family for allowing children to attend school rather than punishing them for allowing their children to work seems to be more beneficial.

The global challenge of child labour: Going for the goal

The global campaign against child labour – especially in its worst forms – is at a crossroads. From an optimistic projection just four years ago that the end of the worst forms of child labour was in sight, the most recent ILO report casts doubt on whether that goal can be reached by the target year of 2016. It calls for urgent steps to accelerate action against child labour. The key messages of the report were delivered at a Global Conference on Child Labour hosted by the Government of the Netherlands on 10–11 May in The Hague. The Conference adopted a new “roadmap” aimed at achieving the goals set in 2006. IPEC Director Constance Thomas examines achievements made and challenges that remain in the fight against child labour.

GENEVA – In 2006, the ILO's second Global Report on child labour reported significant progress in the fight against child labour. Encouraged by the positive

trend, the ILO established a visionary target – to eliminate child labour in its worst forms by 2016. Four years on, the third Global Report paints a different picture: although child labour continues to decline, it is at a slower pace. If countries carry on with business as usual the 2016 target will not be met.

The new report (Note 1) says that there was a reduction of just 3 per cent in child labour in the four-year period covered by the global estimates. 215 million children are still caught in child labour and a staggering 115 million are exposed to hazardous work.

We have seen the largest reduction among children aged 5–14 where child labour fell by 10 per cent. There are also fewer children in hazardous work, a proxy sometimes used for the worst forms of child labour. However, child labour has been increasing among boys whilst decreasing among girls. Alarming, there has been a 20 per cent increase in child labour in the 15–17 years age group. These are mainly children who have reached the minimum age of employment but are working in conditions or sectors categorized as hazardous for children.

The new Global Report provides a strong warning and a call for action. Though the pace of progress is simply not sufficient to achieve the 2016 target, it is not too late to turn things around. The elimination of child labour is possible and affordable if we have the will to fight for it. The ILO has estimated that the global cost of eliminating child labour is outweighed by the economic benefits by a ratio of 6.7 to 1. The amounts which would need to be spent are far less than what governments recently allocated to save commercial banks during the global financial crisis. It's just a matter of ambition and political will.

The report identifies some key challenges in tackling child labour: the alarming scale of the problem in Africa and South Asia, the need for a drive against child labour in agriculture and the need to tackle sometimes “hidden” forms of child labour which are often also among the worst forms. It is time for governments to honor their commitments and accelerate action to tackle child labour.

Regional trends

For the first time, the ILO's Global Report includes regional trends. The most significant reduction of child labour over the last decade was seen in the Americas, while Africa remains the region with the least progress. Africa is also the region with the highest

incidence of children working, with one in four children engaged in child labour.

Another region that faces a critical situation is South Asia, home to large numbers of child labourers and where a greater political commitment to the ratification of ILO child labour Conventions is required. As for the Arab region, whilst there are no recent estimates past IPEC experience suggests child labour remains a significant problem in some countries and that it is often compounded by poverty, widespread unemployment and the poor quality of education.

Possible impact of the global economic and social crisis

In 2009 IPEC issued a report warning that the crisis could push an increasing number of children, especially girls, into child labour. It is still too early to make a detailed assessment of the situation as the impact of the crisis is still unfolding in many parts of the world.

However, judging from previous crises, we could expect to see an increase in child labour in low-income countries, especially for poorer households in those countries. For middle-income countries, there is some evidence that the impact of falling living standards might be accompanied by reduced employment opportunities for children. Household responses are also likely to depend on the presence of well-functioning social safety nets.

As to the chances of meeting the 2016 target, it depends on whether governments choose to use the crisis to justify spending cuts in key social areas such as education and foreign aid commitment, or whether they seize the opportunity and mobilize the necessary political will to prioritize the elimination of child labour as a wise investment in future development.

Mutually reinforcing action is required in areas such as access to quality education until at least the minimum age of employment, building a social floor by enhancing social protection policies and programmes that can help poor families to keep their children in school, tackling poverty by ensuring that adults have decent work opportunities, and ratification and implementation by governments of ILO Conventions on child labour. Employers, trade unions and civil society organizations also have an important role to play in this context.

We know that when the right policy choices are made, child labour can be reduced. Much progress has been made in the ratification of the Conventions. A decade after adopting Convention No. 182, we are close to achieving its universal ratification – just 12 of the ILO’s 183 member States have yet to ratify it. At the same time, Convention No. 138 on the minimum age of employment has now been ratified by some 155 member States. However, impressive as this global picture is, one-third of the children of the world still live in countries that have not ratified these fundamental ILO Conventions. At the same time, many countries fail to follow up on the ratification of these Conventions with practical action for implementation.

ILO leadership in the fight against child labour is critical

The ILO’s leadership in keeping up the momentum for the elimination of child labour is critical. The situation calls for a re-energized global campaign against child labour. The tripartite ILO, bringing together governments, employers and workers, must be a central actor and a powerful advocate in the worldwide movement. We need to extend and reinforce coalitions. Drawing on the ILO’s Decent Work Agenda, IPEC needs to continue to support ILO constituents to integrate child labour in national development agendas.

We must scale up action and move into a higher gear. The economic downturn cannot become an excuse for diminished ambition and inaction. Instead it offers the opportunity to implement the policy measures that work for people, for recovery and for sustainable development. International solidarity – including commitment of resources – will continue to be indispensable to allow the ILO’s International Programme on the Elimination of Child Labour to support these efforts. But the ILO cannot do it alone. The new report stresses the value of partnerships, such as those between UN agencies and south-south cooperation.

Most child labour is rooted in poverty. The way to tackle the problem is clear. We must ensure that all children have the chance to go to school, we need social protection systems that support vulnerable families – particularly at times of crisis – and we need to ensure that adults have a chance of decent work.

These measures, combined with effective enforcement of laws that protect children, provide the way forward.

1.6 CHILD LABOUR LEGISLATION IN COLONIAL INDIA

Child labour restrictive legislation dates back to the colonial period in India from whence were introduced limits on age and time of work for children and their restriction to certain sectors of employment. National Policy on child labour in August 1987. In Pursuance of NCLP scheme was started 1988 to rehabilitate child labour. Under the scheme, after a survey of child labour engaged in hazardous occupation and processes has been conducted children Legislative action plan for strict enforcement of child labour act and other labour laws to ensure that children are not employed in hazardous employments.

ILO Convention No. 138 concerning Minimum Age for Entry to Employment & Work was adopted by the International Labour Conference at its 58th Session in June, 1973. Specify a minimum age for Entry to employment or work which will not be less than the ages of completion of compulsory schooling. Guarantee that the minimum age of entry to any type of employment or work, which is likely to compromise health, safety of morals of young persons shall not be less than 18 years.

ILO Convention No. 182 and the accompanying Recommendation No. 190 concerning Worst Forms of Child Labour was adopted by the ILO in its 87th Session at Geneva in June, 1999. The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances. The use, procuring or offering of a child for illicit activities, in particular of the production and trafficking of drugs as defined in the relevant international treaties. Work which by its nature or the circumstances in which it is carried out is likely to harm the health, safety or morals of children.

Legislation

When in the 20th Century, child labour became so prominent that news of factory hazards and mishappenings taking innocent children’s life, flashed all around in the newspapers, then was the time, a need for legislations and statutes were felt to prohibit the mal practice of child labour. Today, there are sufficient statutes condemning and prohibiting child labour such as:

The Factories Act of 1948: The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on whom, when and how long can pre-adults aged 15–18 years be employed in any factory.

The Mines Act of 1952: The Act prohibits the employment of children below 18 years of age in a mine. Mining being one of the most dangerous occupations, which in the past has led to many major accidents taking life of children, is completely banned for them.

The Child Labour (Prohibition and Regulation) Act of 1986: The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. The list was expanded in 2006, and again in 2008.

The Juvenile Justice (Care and Protection) of Children Act of 2000: This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage. This act provides punishment to those who act in contravention to the previous acts by employing children to work.

The Right of Children to Free and Compulsory Education Act of 2009: The law mandates free and compulsory education to all children aged 6 to 14 years. This legislation also mandated that 25 percent of seats in every private school must be allocated for children from disadvantaged groups and physically challenged children.

Hazardous Occupations

Part III of ‘The Child Labour (Prohibition and Regulation) Act of 1986 provides for the ‘Prohibition of employment of children in certain occupations and processes’. The Schedule gives a list of hazardous occupations in two parts, via; A and B

Part A provides that, No child shall be employed or permitted to work in any of the following occupations:

1. Transport of passengers, goods; or mails by railway
2. Cinder picking, clearing of an ash pit or building operation in the railway premise.
3. Work in a catering establishment at a railway station, involving the movement of vendor or any other employee of the establishment from one platform to another or into or out of a moving train.
4. Work relating to the construction of railway station or with any other work where such work is

done in close proximity to or between the railway lines.

5. The port authority within the limits of any port.
6. Work relating to selling of crackers and fireworks in shops with temporary licenses
7. Abattoirs/slaughter Houses
8. Automobile workshops and garages.
9. Foundries
10. Handling of taxies or inflammable substance or explosives
11. Handloom and power loom industry
12. Mines (Underground and under water) and collieries
13. Plastic units and Fiber glass workshop

Part B provides that, No child shall be employed or permitted to work in any of the following workshop wherein any of the following processes is carried on.

1. Beedi making
2. Carpet Weaving
3. Cement manufacture including bagging of cement
4. Cloth printing, dyeing and weaving
5. Manufacture of matches, explosive and fireworks
6. Mica cutting and splitting
7. Shellac manufacture
8. Soap manufacture
9. Tanning
10. Wool cleaning
11. Building and construction industry
12. Manufacture of slate pencils (including packing)
13. Manufacture of products of agate
14. Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos
15. All Hazardous process an defined in section 2(cb) and dangerous operations as notified in ruler made under section 87 of the factories Act 1948
16. Printing (as defined in section 2(k) of the factories Act 1948
17. Cashew and cashew nut descaling and processing
18. Soldering process in electronic industries
19. Incense Stick (Agarbathi) manufacturing
20. Automobile repairs and maintenance (namely welding lather work, dent beating and printing)
21. Brick kilns and Roof files units
22. Cotton ginning and processing and production of hosiery goods
23. Detergent manufacturing

24. Fabrication workshops (ferrous and non-ferrous)
25. Gem cutting and polishing
26. Handling of chromites and manganes ores
27. Jute textile manufacture and of coir making
28. Lime kilns and manufacture of lime
29. Lock making
30. Manufacturing process has exposure to lead such as primary and secondary smelting, welding etc.
31. Manufacture of glass, glass ware including bangles fluorescent tubes bulbs and other similar glass products
32. Manufacturing of cement pipes, cement products, and other related work.
33. Manufacture of dyes and dye stuff
34. Manufacturing or handling of pesticides and insecticides
35. Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo enlarging and soldering processes in electronic industry
36. Manufacturing of burning coal and coal briquette
37. Manufacturing of sports goods involving to synthetic materials, chemicals and leather
38. Moulding and processing of fiberglass and plastics
39. Oil expelling and refinery
40. Paper making
41. Potteries and ceramic industry
42. Polishing, moulding, cutting welding and manufacture of brass goods in all forms
43. Process in agriculture where tractors, threshing and harvesting machines are used and chabt cutting
44. Saw mill all process
45. Sericulture processing
46. Skinning dyeing and process for manufacturing of leather and leather products
47. Stone breaking and stone crushing
48. Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form
49. Tyre making repairing, re-trading and graphite beneficiation
50. Utensils making polishing and metal buffing
51. Zari Making (all process)

Hours of Period and Work

No child shall be required or permitted to work in any establishment in excess of number of hours prescribed (Section-7)

The period of work on each day shall not exceed three hours and no child shall work for more than three hours before he has had an interval for rest for at least one hour. No child shall be permitted or required to work between 7 p.m. and 8 a.m.

No child shall be required or permitted to work overtime. (Section-7).

Penalties

Violations under Section-3 shall be punishable with imprisonment which shall not be less than three months which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both. Continuing offence under section (3) shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

Any other violations under the Act shall be punishable with simple imprisonment, which may extend to one month or with fine, which may extend to ten thousand rupees or with both.

1.7 LEGISLATIVE PROVISIONS PROHIBITING AND REGULATING EMPLOYMENT OF CHILDREN

- As per the Child Labour (Prohibition & Regulation) Act, 1986 “child” means a person who has not completed is 14th year of age.
- The Act prohibits employment of children in 13 occupations and 57 processes contained in Part A & B of the Schedule to the Act (Section 3).
- Under the Act, a Technical Advisory Committee is constituted to advice for inclusion of further occupations & processes in the Schedule.
- The Act regulates the condition of employment's in all occupations and processes not prohibited under the Act (Part III).
- Any person who employs any child in contravention of the provisions of section 3 of the Act is liable for punishment with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than Rs 10,000 but

which may extend to Rs 20,000 or both. ((Section 14).

- The Central and the State Governments enforce the provisions of the Act in their respective spheres.
- The Child Labour (Prohibition and Regulation) Amendment Bill, 2012 was introduced in the Rajya Sabha on December 4, 2012 by the Minister of Labour and Employment, Mallikarjun Kharge.
- The Bill seeks to amend the Child Labour (Prohibition and Regulation) Act, 1986, which prohibits the engagement of children in certain types of occupations and regulates the condition of work of children in other occupations.
- The Act prohibits employment of children below 14 years in certain occupations such as automobile workshops, bidi-making, carpet weaving, handloom and power loom industry, mines and domestic work. In light of the Right of Children to Free and Compulsory Education Act, 2009, the Bill seeks to prohibit employment of children below 14 years in all occupations except where the child helps his family after school hours.
- The Bill adds a new category of persons called “adolescent”. An adolescent means a person between 14 and 18 years of age. The Bill prohibits employment of adolescents in hazardous occupations as specified (mines, inflammable substance and hazardous processes).
- The central government may add or omit any hazardous occupation from the list included in the Bill.
- The Bill enhances the punishment for employing any child in an occupation. It also includes penalty for employing an adolescent in a hazardous occupation.
- The penalty for employing a child was increased to imprisonment between 6 months and two years (from 3 months-one year) or a fine of Rs 20,000 to Rs 50,000 (from Rs 10,000-20,000) or both.
- The penalty for employing an adolescent in hazardous occupation is imprisonment between 6 months and two years or a fine of Rs 20,000 to Rs 50,000 or both.
- The government may confer powers on a District Magistrate to ensure that the provisions of the law are properly carried out.

- The Bill empowers the government to make periodic inspection of places at which employment of children and adolescents are prohibited.

1.8 LAW AND ACT

1. The Bonded Labor System (Abolition) Act, 1976
2. Child Labor (Prohibition and Regulation) Act, 1986
3. Juvenile Justice (Care and Protection) Act, 2000
4. POCSO Act 2012 defines a child as any person below eighteen years of age.
5. The Immoral Traffic (Prevention) Act 1986
6. Factories Act, 1948:
7. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966:
8. Plantation Labour Act, 1951:
9. Domestic Workers (Registration Social Security and Welfare) Act, 2008:

1.9 INTERNATIONAL LAWS

- Minimum Age Convention, 1973 (No. 138)
This fundamental convention sets the general minimum age for admission to employment or work at 15 years (13 for light work) and the minimum age for hazardous work at 18 (16 under certain strict conditions). It provides for the possibility of initially setting the general minimum age at 14 (12 for light work) where the economy and educational facilities are insufficiently developed.
- Worst Forms of Child Labour Convention, 1999 (No. 182)
This fundamental convention defines as a "child" a person under 18 years of age. It requires ratifying states to eliminate the worst forms of child labour, including all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; child prostitution and pornography; using children for illicit activities, in particular for the production and trafficking of drugs; and work which is likely to harm the health, safety or morals of children. The convention requires ratifying states to provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. It also requires states to ensure

access to free basic education and, wherever possible and appropriate, vocational training for children removed from the worst forms of child labour

- ILO MINIMUM AGE CONVENTION (NO. 138)

ILO Minimum Age Convention No. 138 establishes 15 years as the minimum age for work, though in some cases 14 years is allowed for a specified period of time. The minimum age for work that is likely to jeopardize the health, safety or morals of young persons is 18, while light work that does not harm health or school work is allowed for children aged 13–15.

- ILO WORST FORMS OF CHILD LABOR CONVENTION (NO. 182)

ILO Worst Forms of Child Labor Convention No. 182 requires ratifying countries to take immediate action to prohibit and eliminate the worst forms of child labor defined as: all forms of slavery, commercial sexual exploitation of children, and any work that by its nature is harmful to the health, safety, or morals of children.

2. METHODOLOGY

Out the various laws 5 basic laws have been identified to develop theoretical framework of the study. This research is based upon the analysis of the secondary data obtained from various reports, blogs, research paper and website. The result of the study indicate that there is need to enforce the child labour laws with more firm attitude by all the participants of the whole ecosystem of this societal threat.

3. OBJECTIVE

1. To find out existing laws related to child labour in India.
2. To evaluate the provisions for welfare in the existing laws.
3. To analysis the efficacy of laws with respect to child labour problem in India.

4. LITERATURE REVIEW

Basu K, Tzannatos Z (2003) The world is home to 1.2 billion individuals aged 10-19 years. However, despite its menace in various forms, the data shows the variation in the prevalence of child labor across the

globe, and the statistical figures about child labor are very alarming. There are an estimated 186 million child laborers worldwide. The 2001 national census of India estimated the total number of child labor aged 5–14 to be at 12.6 million.

Burra, Neera (2009) Although the Constitution of India guarantees free and compulsory education to children between the age of 6 to 14 and prohibits employment of children younger than 14 in 18 hazardous occupations, child labor is still prevalent in the informal sectors of the Indian economy.

Chandan Roy, Jiten Barman(2012) India has five million working children which are more than two percent of the total child population in the age group of 5-14 years.

Kulshrestha is of the view that, child labor, in a restricted sense, means the employment of a child in gainful occupations, which are dangerous to their health and deny them the opportunities of development. According to him, the term ‘child labor’ not only applies to the children working in the industries, but also to the children in all forms of non-industrial occupations which are injurious to their physical, mental, moral and social development.

Alakh Narayan Sharma opines that child labor means the employment of children in gainful occupations (in industrial as well as non-industrial occupations) which are injurious to their physical, mental, moral, and social development. Thus the term includes wage labor as well as self-employed children working independently as well as in family enterprises.

Child work and Education (1998) is a collection of interesting findings of the case study of Latin America done by UNICEF. In this study, it has been discovered that Child Labor is not only a result of economic need or exploitation but also a consequence of children dropping out from schools to join the labor force due to poor quality of schooling. According to this study, the education system is bankrupt and reformation to be taken on a war-footing.7 Learning or Working? (1995) is a compilation of works on Child Labor and basic education by the UNICEF. In this study, the situation of Child Labor in Ghana, Nigeria, Peru, India, the USA, and Colombia has been described. The study analyses the necessity of compulsory education for the elimination of Child Labor.

Varandani, G. (1994): There is a distinction between the terms ‘child labor’ and ‘child worker’ also. Child

labor work on a full-time basis instead of wages payable after the regular interval,

child worker, on the other hand, often attends school regularly and during spare time at home, he or she either assists his or her parents in domestic work or agricultural pursuits or some other work done by the family, and under these circumstances, his involvement is on a part-time basis.

(Lakshapati, P.:)The definition of child labor is not uniform all over the world. It is also by no means the same in all statutes that refer to the employment of children.

Mehta P.L., S.S. Jaiswal (1996) There are two components of the term 'child labor'. The word 'child' is used in terms of chronological age and "labor" in terms of its nature, quantum, and income generation capacity. While defining the term 'child labor', the meaning is attached to both these two components. Child labor, however, can broadly be defined as that segment of the child population that participates in work either paid or unpaid.

Chandra, Navin The term 'Child Labor' is often used synonymously with 'Employed Child' or 'Working Child'. In this sense, it is co-extensive with any work done by the child for gainful purposes. But more commonly it suggests something hateful and exploitative

Kalpna Srivastava(2011) Children are future citizens of the Nation and their adequate development is the utmost priority of the country. Unfortunately, child labor engulfs children across the world. The world is home to 1.2 billion individuals aged 10-19 years.

Naresh Kumar Gupta(2015) Children throughout the world are engaged in a great number of activities classified as work. This range from fairly harmless, even laudable, activities like helping out in the home, to physically dangerous and morally objectionable ones. Child labor is a complex and controversial issue. But many millions of children work under abusive and exploitative conditions that are dangerous to them.

Kdevi and Gautam Roy. (2008) "Study of Child Labour among School children in Urban and Rural Areas of Pondicherry". This article deals with very specific case studies on child labour.

Zutshi, Bupinder“(2002)”In the Name of Child Labour: Eradication and Evaluation programme” cites evidence that magnitude of child labour in India is under-estimated due to inadequate and unreliable data.

Akansha Agarwal(November 2013.)“Child Labour in India” - published in Indian Labour Journal, through this Paper the Author has attempted to scale the pattern and magnitude of child labour in India by extracting the unit level data of 66th round of employment - unemployment data.

Shakti Kumar (Assistant Professor, Department of Economics and Rural Development) (Dec.2012.) “Law to Combat Child Labour in India” Through this Paper the Author has attempted to draw attention of the society to combat child labour in India; and its object to know laws pertaining to combat child labour in India.

Lana Osment (1998) (Lund University, Sweden) “Child labour; the Effect on Child, Causes and Remedies to the Revolving Menace” - This Research Paper has illustrates how both India and Nigeria have adopted laws and regulations to eliminate Child Labour. However, despite all these efforts, the child labour and the factors that influence the incidence of Child Labour continues to be prevalent.

Mr. Samsuddin Khan(Aligarh Muslim University) (Dec.2014.) “The Overcoming of Child Labour in India: In Perspective of Constitutional and Legislative Framework” Journal of Business Management and Social Sciences Research. In this Paper the Author intend to give scenario in which Child Labour gets increased and various challenges that have emerged due to this particular problem, like violence, child trafficking, etc. are also elaborated. The required efforts to overcome these problems are proposed.

Reddy (2012) “Child labour in Hotel Industry: A Case Study of Tirupati and Tirumala” found that the children working in hotels and its first and foremost reason is poverty and other reasons are the lack of protective child labour legislation and the evasion of existing laws for the protection of child labour, keeping the child labour going and getting protected.

Ryan (1993) As there are no national statistics on child labour, in his Article written that the estimates done by various studies have indicated that in India at least 55 million children between age of 5 to 14 years are working in hazardous conditions and working for 14-16 hours in a day

Vankateswarlu (1998) in his study found that the children are employed in developing countries like India, Pakistan, Bangladesh in occupations which do not come under government regulation, such as

Manufacturing of biddies, Leather products, Stone Carving, Textiles, Jewellery, Agriculture.

5. RESULT AND FINDING

5.1 Findings

Through a comprehensive systematic review, we conclude that child labor continues to be a major public health challenge. Child labor continues to be negatively associated with the physical and psychological health of children involved. Although

no cause-effect relation can be established, as all studies included are cross-sectional, studies documented higher prevalence of different health issues in working children compared to control groups or general population. This reflects a failure of policies not only to eliminate child labor, but also to make it safer. Although there is a decline in the number of working children, the quality of life of those still engaged in child labor seems to remain low.

5.2 Result

S.no.	Name of Acts	Definition of child labour	Provisions related to children	Penalizing provision related to children	Year of Act
1.	The Bonded Labor System (Abolition)	Under article 23 of the constitution of India, Prohibition is imposed on the Practice of traffic in human being and of forced labour.	Prohibition is imposed on the practice of traffic in human being and of forced labour. it also provides that contravention of said prohibition is an offense under law	After the commencement of this Act, compels any person to render any bonded labour shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.	1976
2.	Child Labor and Regulation (Prohibition and Regulation)	Law enacted on 23 December 1986 by the parliament of India and ministry of labour and employment.	The act prohibits private, government or semi government companies, organization, civil department or child's family from employing occupier or employer caught doing such thing in which a child is being used as a labourer below 14.	Anyone who violates the Act's provisions can be imprisoned for up to a month or fined up to Rs. 10,000 or both. Anyone who employs a child or allows him or her to do work prohibited by the Act can be imprisoned for three months to a year or be fined Rs. 10,000-20,000 or both. A person who violates the Act's provisions more than once can face imprisonment for six months to two years.	1986
3.	Juvenile Justice (Care and Protection) Act	The law made it a crime, Punishable with a prison term, for any one to keep a child in bondage for the purpose of employment.	Under Section 15, special provisions have been made to tackle child offenders committing heinous offences in the age group of 16-18 years. The Juvenile Justice Board is given the option to transfer cases of heinous offences by such children to a Children's Court (Court of Session) after conducting preliminary assessment. The provisions provide for placing children in a 'place of safety' both during and after the trial till they attain the age of 21 years after which an evaluation of the child shall be conducted by the Children's Court	Penalties for cruelty against a child, offering a narcotic substance to a child, and abduction or selling a child have been prescribed. Any official, who does not report an abandoned or orphaned child within 24 hours, is liable to imprisonment up to six months or fine of Rs 10,000 or both. The penalty for non-registration of child care institutions is imprisonment up to one year or fine of one lakh rupees, or both. The penalty for giving a child intoxicating liquor, narcotic or psychotropic substances is imprisonment up to seven years or fine of one lakh rupees, or both.	2000
4.	POCSO Act	The POCSO act is a comprehensive law to provide for the protection of children from the offence of sexual assault, sexual harassment and pornography, while safeguarding the interest	By defining a child as 'any person' below the age of 18 years, the POCSO Act sets a gender-neutral tone for the legal framework available to child sexual abuse victims. Consequently, a child of any gender who has been sexually wronged has access to the	Section 14 (Punishment for using Child for pornographic purposes) amended to increase the punishment to minimum of five years and to synchronise with IT Act, 2000; Section 15 (Punishment for storage of pornographic material involving a child) amended to introduce a fine (Rs 5,000/- on the first occasion, Rs	2012

		of the child at every stage .	remedies provided under the act.	10,000 on the second occasion) for not reporting child porn material, which could be extended to imprisonment if such material is propagated. If the material is used for commercial purposes, then the minimum punishment will be imprisonment for not less than three years which may extend to five years or with fine or both and in the event of second or subsequent conviction with imprisonment for a term which may not be less than five years which may extend to seven years and also liable to be fine or with.	
5.	The immoral Traffic (Prevention)	Under this act, the word child means a person who has not completed the age of sixteen year and the word major means a person who has completed the age of eighteen years. The minor girl who has completed 16 but not complete 18.	Child" means 'a person who has not completed the age of sixteen years' minor" means 'a person who has completed the age of sixteen years but who has not completed the age of eighteen years'	Imprisonment for a term of not less than one year and not more than three years and also fine which may extent to two thousand rupees and in the event of second or subsequent conviction, with rigorous imprisonment for a term of not less than two years and not more than five years and also fine which may extent to two thousand rupees.	1986

6. CONCLUSION & RECOMMENDATION

6.1 Conclusion

A paradigm shift from the Welfare to the Developmental from the “Needs” to the “Rights” and from “Institutional Care” to “Non-Institutional Care” are significant changes in intervention “Families at Risk” and “Children in Need of Care and Protection” (CNC),. The rehabilitation of abandoned and destitute children through institutional care has been the practice so far. The emphasis in the future should be on improving the quality of child care in residential institutions, ensuring the participation of children, and simultaneously developing community-oriented and family-based alter-natives.

The UN-CRC must be converted from being a declaration of intent to an effective tool for ensuring Child rights. Poverty is the major cause of this problem The government has allowed Great emphasis is on rehabilitation and economic amelioration of their families. Many NGOs are also working to eradicate child Labor in India when translated into knowledge legislation and action and ideas forward, child Labor can be prevented without India until 2015The world for every child to complete primary school Can't reach your looks.

6.2 Recommendation

The National Institute for Occupational Safety and Health, in collaboration with the Bureau of Labor

Statistics and other relevant federal and state agencies, should develop and implement a comprehensive plan for monitoring the work-related injuries and illnesses sustained by workers under the age of 18 and for monitoring the hazards to which these young workers are exposed. Additional resources should be allocated to the appropriate agencies to implement the components of such a plan that are not currently funded.

The Bureau of Labor Statistics should routinely collect and report data on the employment of young people aged 14 and older. Such data should be reported by informative age groupings, by school status (e.g., school year or summer and in-school or not-in-school), and by hours worked per job. For the decennial census, the Bureau of the Census should collect and report similar data on employment for young workers. The Bureau of Labor Statistics should periodically conduct special studies to document the employment of children under the age of 14 and of special populations of children and adolescents, such as minorities, immigrants, migrant farm workers, and those who are poor or disabled. Also needed are periodic studies of children and adolescents who are illegally employed.

The Bureau of Labor Statistics should develop methods to generate reliable estimates of youth employment at the state level. Federal agencies that collect data related to work by children and adolescents should establish standardized

nomenclature and definitions for such variables as work status, age groups, and hours of work. Those agencies that collect data for health, education, and development purposes should also collect data on the employment of youngsters in their surveys. A national initiative should be undertaken to develop and provide information and training to reduce the risks and enhance the benefits associated with youth employment. Adequate resources should be allocated to an agency to lead this effort.

The Departments of Education and Labor, in their evaluation of the School-to-Work Opportunities Act, should make certain that the evaluation includes comprehensive assessment of the success of different programs in conveying appropriate and effective workplace health and safety information and training. Those practices found to be effective should be continued after the School-to-Work Opportunities Act expires. The Secretary of Labor should convene a prestigious group representing all affected parties to develop criteria for designating "commendable workplaces for youth." These criteria would be used by local groups to identify which employers would earn the designation and to determine which employers are eligible to employ young people in publicly supported school-related programs. The Department of Labor should be authorized by Congress to adopt a standard limiting the weekly maximum number of hours of work for 16- and 17-year-olds during the school year. This standard should be based on the extensive research about the adverse effects of high-intensity work while school is in session. Currently, children and adolescents working in agriculture are permitted to work many more hours and at younger ages than those who work in nonagricultural workplaces. Yet, the negative consequences of long hours of work are equally serious for youngsters working in agriculture as for those working in other industries.

The current distinction in federal child labor restrictions on the total maximum weekly hours youngsters are allowed to work in agricultural and nonagricultural industries should be eliminated in favor of the more stringent nonagricultural restrictions. The Department of Labor should undertake periodic reviews of its hazardous orders in order to eliminate outdated orders, strengthen inadequate orders, and develop additional orders to address new and emerging technologies and working

conditions. Changes to the hazardous orders should be based on periodic reviews by the National Institute for Occupational Safety and Health of current workplace hazards and the adequacy of existing hazardous orders to address them. The current distinctions between hazardous orders in agricultural and nonagricultural industries should be eliminated.

Furthermore, the minimum age of 18 should apply for all hazardous occupations, regardless of whether the adolescent is working in an agricultural or nonagricultural job, and whether the minor is employed by a stranger or by a parent or other person standing in for the parent. The National Institute for Occupational Safety and Health, in consultation with the Occupational Safety and Health Administration and the Environmental Protection Agency, including the latter's Office of Child Health Protection, should report on the extent to which existing occupational health and safety and pesticide standards take into consideration special risks for young workers. In addition, the Task Force on Environmental Health Risks and Safety Risks to Children, created by Executive Order 13045, should ensure that its definition of children include older children and adolescents and includes exposures to children and adolescents at work.

REFERENCE

- [1] Maryam Ajilian Abbasi Masumeh Saeidi , Ali Khakshour February 2015 Child Labor Facts in the Worldwide: A Review Article International Journal of Pediatrics 3(1.2):475-481
- [2] Nehaluddin Ahmad Published online: 09 Mar 2011 Child labor: ground realities of Indian labor laws Pages 61-74 |
- [3] All About Child Labor: An Indian Perspective
- [4] 2004 Monitoring International Labor Standards: Techniques and Sources of Information
- [5] 2018 National Child Labour Legislation, Policy and Programme Review
- [6] Child labor issues and challenges Kalpana Srivastava
- [7] The Global Child Labor Problem: What do we know and what can we do? Kaushik Basu, Zafiris Tzannatos
- [8] Challenges and perspectives of child labor Amir Radfar, Seyed Ahmad Ahmadi

- [9] Geneva: ILO; 1992. ILO (International Labour Office). World Labour Report 1992
- [10] Child Labor and Responses in South Asia International Labour Organization (ILO) 1996-2012
- [11] ILO. Child Labor: How the challenge is being met. *Int Labor Rev.* 1997;136:233–57
- [12] Unicef, Guide to the Convention on the Rights of the Child. 2006. [Last accessed on 2006]. Available from: <http://www.unicef.org/crc/>
- [13] Burra, Neera “Child labor in rural areas with a special focus on migration, agriculture, mining and brick kilns” National Commission for Protection of Child Rights. [Last retrieved on 2009 Oct 19]. www.ncpcr.gov.in/report.
- [14] Child Labor & Inclusive Education in Backward Districts of India Chandan Roy, Jiten Bar
- [15] Child labor in India: A brief study of law and its implementation Gupta Naresh Kumar Online published on 2 December 2015.
- [16] Receptivity to Child-Rights Legislation: A Survey Richard K. Kerckhoff and Jeffrey McPhee *Young Children* Vol. 39, No. 2 (January 1984), pp. 58-61
- [17] Child protection and the juvenile justice system Nilima Mehta Mumbai, Childline India Foundation, 2008
- [18] A Study On Rights Of Children In India S Prabhu *Global Journal For Research Analysis* 9 (2), 2020
- [19] Human Rights Of Women And Children– Problems And Perspectives
- [20] Rekha A Lande *Dynamics of Human Rights*, 2016
- [21] Constitution of India and child rights safeguarded under it. Krishna Moni Sarma *Clarion: International Multidisciplinary Journal* 9 (1), 2020
- [22] The Situation of the Child in India: Quest for Equity Geeta Chopra *Child Rights in India*, 2544, 2015
- [23] Slums, Open Learning and Its Effect on Socio-Economic Upliftment: A Case Study of Guwahati Metropolis Krishna Moni Sarma Krishna Kanta Handiqui State Open University, 2017
- [24] Right to childhood and equitable access to justice Asha Bajpai *Childhoods in India: Traditions, trends, and transformations*, 2017
- [25] Child labor legislation in India http://shodhganga.inflibnet.ac.in/bitstream/10603/67085/11/11_chapter%204.pdf
- [26] Employment of Children Act, 1938
- [27] Sinha, Shanta, “Child Labor and Legislation for Compulsory Education in
- [28] UNICEF”, in *The Child and the Law* (1994): UNICEF, India Country Office,
- [29] Varandani, G. (1994): *Child Labor and the Women Workers*, Ashish Publishing House, New Delhi
- [30] Lakshapati, P.: “The Plight of Working Children in India” in Srinivasan Kamala & Veena Gandotra (Ed.) (1993): *Child Labor- Multi-Dimensional Problem*, Ajanta Publications, New Delhi,
- [31] Mehta P.L., S.S. Jaiswal (1996) *Child Labor and the Law*, Deep and Deep Publications, New Delhi
- [32] Chandra, Navin: “The Problem of Child labor” in *Child Labour in India- An Overview* (2001), National Resource Centre on Child Labor, Noida,
- [33] Hamdan-Mansour AM, Al-Gamal, Sultan MK et al. *Open JNurs* 2013 Health status of working children in Jordan: comparison between working and nonworking children at schools and industrial sites; 3(01):55. Google Scholar Crossref
- [34] Tiwari RR, Saha A *Int J Occup Environ Med* 2014;5(3):125–9. Morbidity profile of child labor at gem polishing units of Jaipur, India.
- [35] *Child Labour in India – Rights, Welfare and Protection* by Dipak Das, 2011
- [36] Government of India, Planning Commission, Working Group for Social inclusion of Vulnerable Grouplike Child Labour and
- [37] *Bonded and Migrant Labour in the 12th Five Year Plan* (2012-17)
- [38] India, Ministry of Labour and Employment, Annual Report 2012-13, p. 91
- [39] *Problems of Child Labour in India* by Raj Kumar Sen and Asis Das Gupta (Editors), 2003
- [40] *Child Labour in India – Rights, Welfare and Protection* by Dipak Das, 2011
- [41] *The Assam Tribune*, Guwahati dated 2.1.2013
- [42] Aditya Kumar Patra and Sujana Nayak (2009), "Child labour: An ugly face of the civilized society" *JSOC.* 19(3) 201-203. Bremner, Robert.
- [43] M (1974) "Child and youth in America: A documentary History": Vol
- [44] I and I Cambridge, MA: Harvard University pres. Danlabotz (209)
- [45] *The World crisis, capital and labour: The 1930s and Today*". *Economic & political Weekly.* March 28, 2009, 179-185. Dhurjati

- [46] Mukherje (2008), "Change of societal attitude imperative" Yojana vol. 34 No. 1 May 208, 28-30
- [47] Gawai B.E (2008) "Child labour problems in Marathwada: A critical Study". Southern economist. August 15, 2008, 41-42
- [48] Kailash Satyarthi (2008), "No more tools in tiny hands" Yojana vol 34. No. 1 May 208.13-15.
- [49] Kiran Sharma (2008), children as change makers Yojana vol 34(1) May 208, 2-23.
- [50] Lindenmeyer, Kriste (1997) "A Right of childhood": The US Childrens Bureau and child May 2008, Rasvirs. Dhaka and Jagbir Narwal (2005) "Childlabour in the city of Rohtak: A study". The Indian instiute of publicadministration Januar & March 2005, 38-47.
- [51] Saho U.C. (1995), "Childlabour in agrarian society" Rawat publications Jaipur and New Delhi 195, 9-15.