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COMBATING CHILD LABOUR IN INDIA - A STUDY WITH SPECIAL REFERENCE TO CONTRIBUTION OF UNITED NATIONS SYSTEM OF ORGANISATIONS

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ABSTRACT

The important topic of the research is child labour in India, a widespread issue that impairs millions of development of children and violates their fundamental rights. Child labour continues because of ingrained socio-economic variables, even in the face of major legislative measures like the “Child Labour (Prohibition and Regulation) Act, 1986”, and other national initiatives aimed at its abolition. This cycle is largely perpetuated by poverty, illiteracy, as well as cultural standards. It is made worse by the COVID-19 pandemic, that has put many families in financial hardship and increased their dependency on child work to survive. The research is done to examine the various facets of child labour, investigating its underlying causes and evaluating the efficacy of current remedies and regulations. It draws attention to the shortcomings in cooperation and enforcement amongst different stakeholders, such as communities, NGOs, and government authorities. The research aims to give a thorough understanding of the obstacles to ending child work and the impact of socioeconomic issues on the rights of children through qualitative and quantitative analysis.¹ This study intends to provide practical solutions for enhancing policy implementation and creating a setting that supports children's development by examining the roles of education, awareness, as well as community involvement. The ultimate goal of the research is to provide stakeholders and policymakers with useful strategies for preventing child labour and ensuring that all children have access to a secure upbringing and an education. This essay adds to the current conversation about child labour by highlighting the necessity of a concerted effort to safeguard the prospects and rights of India's most vulnerable children.

¹ Next Team, ‘Child Labour in India: Causes, Consequences and Solutions’, Next IAS, 17 August, 2024 < <https://www.nextias.com/blog/child-labour-in-india/>> accessed at 23rd September 2024

1. INTRODUCTION

Child work is still a major problem today, as children are exploited in ways which are detrimental to their development, wellbeing, and access to school. Children have helped out with household chores throughout history, learning new skills and taking on new obligations. Even if helping families in non-exploitative, developmentally appropriate ways may be helpful, a lot of youngsters nowadays are compelled to labour in dangerous environments in inadequate settings for their age. Their rights have been gravely violated by this. Child employment is characterised as work that causes mental, physical, social, or moral harm to children, or that robs them of their youth and education. It involves activities that disrupt learning, causing kids to either finish school early or must balance learning with long, hard work. While it is more common in nations with lower socioeconomic status, child labour is also seen in developed countries. There are an estimated 152 million youngsters working as minors worldwide, with more boys than girls. Though there has been a fall since 2000, recent years have seen a marked slowdown in progress. Child labour is an intricate issue, especially about international supply networks. A report on forced labour, human trafficking, and child exploitation in supply networks emphasises how an important portion of child labour takes place in the lower levels of supply chains, especially in the extraction of raw materials and agriculture. It can be difficult to spot these situations and take appropriate action.²

The prevalence of child labour in worldwide supply chains differs by area; larger percentages are found in Latin America (22%) and Eastern & South-Eastern Asia (26%), while lower numbers are found³ in Central and Southern Asia (12%) as well as sub-Saharan Africa (12%). Child labour is a particularly serious issue in India. A discrepancy exists between stated data and legal action: whereas 10.1 million children were employed in employment in India in 2011, a total of 464 cases were lodged under The “Child Employment (Prohibition and Regulation) Amendment Act, 2016”. Whereas, the child employment rate in Nepal, a neighbouring country, is even higher, with one in three children under the age of 15 being classified as economically active. In India, efforts to stop child labour have been going on for many years. The Gurupadswamy Committee was formed by the government in 1979 to research child labour and offer remedies. The committee advocated a multi-policy solution, which included outlawing child work in dangerous industries and regulating it elsewhere, after finding that a

² Bharghab Barman, ‘Child Labour in India: An Overview’, (2022) 1269 IJRAR 2349

³ Max Roser, ‘Child Labor’, (2013) < <https://ourworldindata.org/child-labor> > accessed on 22nd September 2024

lack of education and poverty were major contributors.⁴

Due to this, the Child Labour (Prohibition & Regulation) Act got passed in 1986, outlawing child labour in certain dangerous jobs. The Child Labour (Prohibition & Regulation) Amendment legislation of 2016 reinforced this law even more by banning the recruitment of minors below age of 14 in all occupations and prohibiting teenagers (ages 14 to 18) from working in dangerous jobs. In 1987, the National Policy on Child Labour was created, which prioritises a progressive and restorative approach. The policy lays forth a legislative framework for stringent enforcement, project-based initiatives in regions with high rates of child labour, and an emphasis on developmental initiatives to raise families' socioeconomic standing. The goals of the National Child Labour Project (NCLP) programs and state government inspections on a regular basis include law enforcement and the rehabilitation of impacted children. But since poverty is still the main factor, strengthening family finances is crucial to lowering child labour for India.⁵

1.2. STATEMENT OF THE PROBLEM

In India, child work is still a major problem that violates the fundamental rights of a child and impedes growth and education. Millions of children are still working in dangerous situations, despite laws made to protect them, along with other governmental initiatives aimed at ending this social evil. It is difficult to put effective remedies in place because of socioeconomic reasons that sustain the cycle of child labour, such as poverty, illiteracy, as well as cultural standards. The COVID-19 pandemic has only made matters worse by forcing more youngsters into labour and placing more families in financial hardship. The ineffective implementation of current laws, poor agency cooperation, and little knowledge of children's rights all contribute to the extra complexity of the fight against child labour. The objectives of this study are to determine the underlying reasons of child labour in India, evaluate the efficacy of the country's present initiatives and policies, and investigate the obstacles to making meaningful headway in the issue's eradication.

1.3. RESEARCH OBJECTIVE

The main objective of this research paper is to examine the complex problem with child labour

⁴ 'About Child Labour', Gov Ministry of Labour & Employment, < <https://labour.gov.in/childlabour/about-child-labour> > accessed on 22nd September 2024.

⁵ 'Child Labour in India', International Labour Organisation, < file:///C:/Users/DELL/Downloads/wcms_557089.pdf > 22nd September 2024

in India as well as offer workable solutions for its elimination. The study specifically aims to:

- 1) identify the socio-economic factors such as poverty and illiteracy that contribute to the persistence of child labour;
- 2) assess efficacy of current legislative frameworks and policies such as the Child Labour (Prohibition and Regulation) Act;
- 3) investigate the impact of the COVID-19 pandemic on trends in child labour and access to education;
- 4) evaluate the role of various stakeholders such as communities, NGOs, and government agencies in the fight against child labour; and
- 5) offer recommendations for improving policy implementation.

By completing these goals, the study hopes to add to the current conversation around child labour and educate decision-makers about practical methods for providing a secure and nurturing environment for kids in India.

2. HISTORY OF CHILD LABOUR

India has a long history of using child labour that dates back thousands of years. Child slavery is mentioned in the third-century B.C. Kautilya's Arthashastra, particularly in wealthy houses where young slaves often from lesser castes worked as domestic assistance.⁶ It has been reported that children as young as eight years old worked in aristocratic houses (Banarjee, 1981). Children were often employed as trainees by artisans and craftsmen during the Middle Ages, and child labour was crucial to the success of many ancient crafts like the carpet, cotton, and silk industries. Regrettably, a large number of youngsters are still employed in these businesses in many parts of India, wherever this practice is still in place. Child labour was accepted as a normal aspect of socialisation in rural civilisations. It was expected of children raised in farming households to make a contribution to the home economy by carrying out specific chores that matched their abilities. They were progressively given more difficult duties to do as they matured, which helped them contribute positively to their communities and families. These kids' responsibilities were seen as crucial in helping them acquire the skills required to support the family's livelihood, particularly in agricultural homes.⁷

Families in quasifeudal systems frequently worked for landlords. Usually, wages were so low that all members of the family, even the kids, had to help out to cover the necessities of the home. In some parts of India, this type of bonded work is still occasionally used today. Because of their families' unstable financial situations, children are forced to work, which feeds the

⁶ Sarah N. Cleghorn, 'History of child labor in the United States', (2017) U.S. Bureau of Labor Statistics <https://www.bls.gov/opub/mlr/2017/article/history-of-child-labor-in-the-united-states-part-1.htm> accessed at 23rd September 20204

⁷ Staff Reports, 'A History of Child Labor', Borgen , 18 July, 2018, < <https://www.borgenmagazine.com/history-child-labor/>>

cycle of poverty and dependency. The Industrial Revolution during the 18th century signified a momentous change in the world history of child employment. It altered the social and economic structure in England, and these modifications had a significant impact upon India as well. New ownership forms, technological breakthroughs, and management strategies that commodified labour were brought about by the Industrial Revolution. Businesses, particularly those operating factories and mills, started to value child labour as a cheap employment source. Initially in England, many children were employed to labour in factories; subsequently, the practice extended to India.⁸

In addition, as more adult males moved to industrial areas, there was a greater need for child labour for agricultural purposes to cover the workers' gaps. Though it has deeper meanings, the word "child labour" is sometimes used interchangeably with "working child" or "employed child." Child labour, in its most basic definition, is any job performed by a child for financial benefit. The phrase is more commonly employed, nevertheless, within a social context, when it alludes to unpleasant, unfair, or exploitative working circumstances. In India, the term "child labour" refers to the exploitation of children through work that impedes their growth and education. Depending on the type of job required, different sectors and occupations have varied minimum ages for employment. Youngsters under the age of 14 frequently labour in jobs that yield financial benefits in the form of money, goods, or services. While some of these kids might finish their education while working, many are compelled to leave school completely to provide their families. Child labour is still an issue in India despite government attempts and legislative frameworks to control it. This is due to historical and socioeconomic circumstances.

3. EVOLUTION OF CHILD LABOUR LAWS

Child Labour is a serious problem because of ingrained socioeconomic issues that support the practice. The methods used to stop child labour have changed throughout time, including international conventions, public interest lawsuits, and legislative changes. This evolution is a reflection of the nation's struggle to strike a balance between the need of safeguarding its children morally and legally, and the realities of the economy.⁹

3.1 EARLY LAWSUIT INITIATIVES

During the colonial era, child labour was initially formally addressed in India. The 1938

⁸ Staff Reports, 'A History of Child Labor', Borzen Magazine, (U.S. 08 July 2018)

⁹ Usha, 'Evolution of the Law on Child Labor in India', (2009) 56 Tylor & Francis Group 67.

Employment of Children Act was among the first legislative measures designed to control child labour. It did not, however, encompass all enterprises that were considered dangerous, such as those that produced pyrotechnics, explosives, and matches. The statute lacked sufficient enforcement measures and made little progress in tackling the larger problem in a variety of industries.

3.2 GURUPADASWAMY COMMITTEE AND THE POST-INDEPENDENCE

Child labour persisted after independence because of the socioeconomic circumstances of the nation. This Committee on Child Labour was founded during 1979 with the goal of evaluating the state of affairs and suggesting changes.¹⁰ It also suggested a single, agreed-upon definition of "child" for the purposes of labour regulations, which govern children's working hours and conditions. The committee's most important recommendations were to distinguish between dangerous and non-hazardous jobs and to forbid child labour in the former.

Establishing the foundation for the 1986 CLPRA was the Gurupadaswamy Committee. But even before it was passed, the Sanat Mehta Committee in 1986 reaffirmed the same suggestions, highlighting the necessity of legislative changes to address child labour from all angles.

4. INDIA'S LEGAL FRAMEWORK REGARDING CHILD LABOUR

India has a strong legal system that addresses child labour; it is based on constitutional provisions that prioritise the safety and well-being of children. These rules are made to make sure that kids get the protection and care they require because of their young age. Child's rights to liberty, subsistence, and education are recognised by both domestic and international legal frameworks, which also forbid their employment in dangerous occupations. Fundamental Rights and Provisions of the Constitution. The State is required under Article 15¹¹ to provide specific measures for children. Due to which, numerous laws are passed with the goal of enhancing the welfare of children.¹²

¹⁰ Nilanjana Banerjee, 'Examining the Evolution of Child Labour Laws: National and Global Standpoint', [2023] 6 National Journal of Labour and Industrial Law, Labour Law, Industrial Law 2, < <https://lawjournals.celnet.in/index.php/jlil/article/view/1358>>

¹¹ India Const, art 15

¹² Anushri Joshi, 'Combating Child Labour in India: Analyzing Legal Frameworks, Judicial Interventions, and Implementation Challenges', Legal Service India, < <https://www.legalserviceindia.com/legal/article-17773-combating-child-labour-in-india-analyzing-legal-frameworks-judicial-interventions-and-implementation-challenges.html>>

The Supreme Court has interpreted Article 21's¹³ guarantee of the right to life as include the right to education and to live with dignity. This clause emphasises children's entitlement to a life of dignity, free from exploitation. Particularly addressing the right to education, Article 21-A¹⁴ states that the State should provide all children between the ages of 6 and 14 with free and compulsory education. This right to education is a fundamental right that is necessary for leading a dignified life, as the Supreme Court has upheld. Trafficking, begging, as well as forced labour are all forbidden by Article 23¹⁵, and breaking this law is illegal. The legal system has acknowledged that child trafficking for illicit and commercial objectives is a form of trafficking, which strengthens the need to shield kids from exploitation.

Children below the age of 14 are expressly forbidden from working in mines, factories, or other hazardous jobs by Article 24¹⁶. This was brought to light in the *M.C. Mehta v. State of Tamil Nadu*¹⁷ case, in which the Court directed the prosecution to stop child labour and encourage education for the children who were impacted.

4.2 STATE POLICY DIRECTIVE PRINCIPLES (DPSP)

The DPSP are essential for directing national policy, collaborating with fundamental rights to guarantee that children's wellbeing is given top priority. The State is required by Article 39(e)¹⁸ to safeguard children from economic exploitation and to keep them from being coerced into inappropriate jobs out of need for money. According to Article 45¹⁹, the State is required to offer education and care to children till they turn 14 years old. Later on, this article was changed to include Article 21-A, which established the right to education. The Supreme Court underlined in cases such *Mohini Jain v. State of Karnataka*²⁰ how crucial it is to transform these clauses into fundamental rights in order to hasten advancements in child welfare.

4.3 FUNDAMENTAL DUTIES

The primary responsibility of guardians and parents to educate their children is emphasised in Article 51-A(k)²¹. In order to support children's general development, this provision

¹³ India Const, art 21

¹⁴ India Const, art 21 sub clause a

¹⁵ India Const, art 23

¹⁶ India Const, art 24

¹⁷ AIR (1996) 6 SCC 756

¹⁸ India Const, art 39 clause e

¹⁹ India Const, art 45

²⁰ AIR (1992) 3 SCC 658

²¹ India Const, art 51 clauses a sub-clause k

emphasises the duty of families to make sure their children receive the education to which they are entitled.

4.4 THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

An important law in India's campaign against child labour was the CLPRA of 1986. The statute forbade hiring minors under the age of 14 for a specified list of dangerous jobs and procedures. Additionally, it set limitations on working hours and required suitable working conditions for youngsters employed in non-hazardous sectors.²²

Nonetheless, the legislation featured a noteworthy weakness that permitted minors to labour in businesses owned by their families. Many enterprises used this clause to cover up child labour as family work in order to avoid being prosecuted, which led to widespread criticism that it encouraged exploitative behaviour. Furthermore, the law originally only covered a small number of jobs and procedures, even if it forbade child labour in some dangerous areas. Between 1986 and 1999, the list of industries that were outlawed grew from five to thirteen occupations as well as from eleven to fifty-seven processes. The CLPRA was not well enforced in spite of these changes. Few cases were brought to court, and even when someone was found guilty, the punishment was insufficient to stop the offender. Children were nevertheless working long hours in hazardous situations because the act's regulatory framework regarding non-hazardous work was ineffectual.

4.4.1 OBJECTIVES AND JUSTIFICATION OF THE ACT

The Act's main goals are to control working conditions for kids in other jobs and to outlaw the hiring of minors under a specific age for certain dangerous activities. Although the Act attempts to protect kids from exploitation, it doesn't have any explicit procedures in place to decide which tasks or procedures are too young for kids to perform. Furthermore, it leaves a gap in the protections offered to this vulnerable population by failing to sufficiently regulate the conditions of working youngsters engaged into non-hazardous areas. The Act's rules are applicable to a variety of establishments, with the exception of workshops operated by family members and institutions that have received government recognition. This exception has raised questions about potential misuse since it gives employers a way to get around laws that forbid using underage labour by creating loopholes.

²² India Consti art 24

4.4.2 STRUCTURE

The Act of 1986 comprises twenty-six sections separated into four parts. The Act's stated goal is to restrict child labour in specific industries while overseeing the working conditions of minors employed in legal professions. The Act, among other things, forbids the employment of minors under fourteen years of age in certain professions and procedures. Nevertheless, the Act's purpose is undermined by the exemption outlined in Section 3 which permits government-approved facilities and family-run workshops to hire youngsters without any limitations. Critics contend that this provision has made it easier for child labour to be exploited in the name of family support.

4.5 COMMITTEES CONCERNING CHILD LABOUR

The government has persistently endeavoured to tackle the problem of child labour, forming multiple committees throughout history to investigate the scope, allocation, terms of employment, and other difficulties encountered by minors engaged in the workforce.

1) **The Whitley Commission's 1930 Royal Commission on Labour in India Report**

This Commission sought to compile a large amount of labour-related data quickly.²³In its extensive report, it was mentioned that the 1922 Act had reduced the number of working children in the mills. Nonetheless, youngsters frequently toiled for five hours a day without rest, in hazardous settings with inadequate hygiene. The study emphasised that one of the main causes of child labour is the poverty.

2) **The Labour Investigation Committee's 1946 report**

The Labour Investigation Committee was formed to gather information on pay, employment, housing, and social circumstances of labour in India. Mr. D.V. Rege serves as the committee's chair. The group looked at factors that could cause labour instability and looked into solutions, concentrating on housing and working conditions in factories to make life better for employees.

3) **The National Commission on Labor's 1969 report**

The Commission on Labour examined labour conditions & initiatives for change after being appointed in 1966. Although child labour was decreasing in organised industries,

²³ John, 'Report of the Royal Commission on Labour in India', 1931 LONDON, His Majesty's Stationery office < <https://archive.org/details/dli.ministry.21474> > assessed at 23rd September 2024

it was discovered that 8% of workers were under the age of 15, mostly in agriculture.²⁴ The panel pushed for set working hours that allowed for schooling, pointed out the horrible working conditions in several industries, and underlined that the major reason for child labour was economic.

4) 1974's National Policy for Children

This Policy was enacted in August 1974 with the intention of offering children comprehensive care. The government's concerns about child labour were highlighted by the emphasis on nutrition and health initiatives, alternative schooling, protection against exploitation and neglect, and free and obligatory schooling for children up to the age of 14.

5) Harbans Singh Committee Report, 1977

After looking into child labour in the Tamil Nadu match industry, the Harbans Singh Committee found that 40–45% of workers were children, with girls outnumbering boys by a large margin. The committee reported on labour law infractions and suggested mandatory schooling, longer workdays, higher pay that is tied to living expenses, and reduced working hours.

6) Committee on Child Labour Report, 1979

This committee, established in 1979, looked at the circumstances and causes of child labour²⁵. It outlined cases of child labour exploitation across a range of industries, proposed a uniform legislative framework, and suggested that minors be allowed to enter the workforce as early as 15 years old. The committee placed a strong emphasis on including stakeholders in enforcement actions and routinely evaluating child employment.

7) The Indian Industries Report on Child Labour, 1981

This report, which examined child labour in both organised and unorganised sectors, was produced by the Labour Bureau. It exposed extensive labour law infractions, with minors being paid pitiful salaries to work in dangerous situations. The report

²⁴ Baljit 'Report of the National Commission on Labour, 1969', (1969) New Delhi, Ministry of Labour and Employment and Rehabilitation, < <https://archive.org/details/dli.csl.415> > assessed at 23rd September

²⁵ Bhashyam 'Report of the Committee on Child Labour', (1979) New Delhi, Ministry of Labour < <https://archive.org/details/dli.csl.2389> > assessed at 23rd September 2024

recommended improved social attitudes regarding child labour, increased enforcement of labour regulations, and opportunities for continued education.

8) **The 1987 National Labour Policy**

Because of financial need, child labour continues in India, making a complete ban impractical. The government understands that preventing child labour requires improving the financial circumstances of parents. If these steps are not taken, the emphasis switches to improving working conditions and giving impacted children non-formal education.

4.6 INDIAN JUDICIARY ON CHILD LABOUR

Through significant decisions, the judiciary has been instrumental in the advancement of child rights. The Supreme Court established a basic right under Article 24 in case of *M.C. Mehta v. State of Tamil Nadu*²⁶, whereby it was emphasised that minors under the age of 14 are not employed in hazardous vocations. The CLPRA was enforced by the Court, which required employers to make sure that the impacted children received compensation and an education. The Court also emphasised India's adherence to the UN Convention on the Child Right, emphasising the necessity of protecting and rehabilitating marginalised children, including those who are employed as sex workers. The Supreme Court distinguished between criminal fines as well as social welfare measures when it affirmed compensation orders for using child labour in *Hayath Khan v. The Deputy Labour Commissioner*.²⁷

In addition, the court in the *Vishnu Dayal Sarma* case emphasised the necessity of rehabilitation initiatives as well as the pressing need to address missing children. When taken as a whole, these decisions demonstrate the judiciary's dedication to ending child labour and defending children's rights, underscoring the need for social responsibility and government intervention. Historic rulings such as *M.C. Mehta*, in which the Supreme Court forbade the employment of minors in jobs and stressed the necessity of enforcing the Child Labour (Prohibition and Regulation) Act, demonstrate the judiciary's dedication to child welfare. It emphasised that underprivileged children including those born into prostitution deserve respect, safety, and healing. The Delhi High Court, ordered the National Commission for Protection of Child Rights to develop an enforcement action plan in the 1986 Act. The Court claimed that the

²⁶ AIR (1997) SCC 49

²⁷ AIR (2006) 1 SCC 245

Juvenile Justice (Care and Protection of Children) Act, 2000 applied in these cases because it found weaknesses in the Act governing young workers in non-scheduled occupations. These decisions demonstrate a strong legal framework that addresses child labour, but as will be covered in later chapters, efforts to find a lasting solution are necessary due to the issue's continued existence.

5. GLOBAL INITIATIVE AGAINST CHILD LABOUR

Given children's vulnerability, the United Nations along with other international organisations, such as the ILO and UNICEF, have long recognised the need for extra protection for them. In the past, people like Robert Owen brought attention to the worldwide problem of child labour, which grew worse as a result of industrialisation. Since then, international initiatives and laws have centred on preventing child exploitation and advancing the social, and physical development of children.

5.1 THE RIGHTS OF THE CHILD: A DECLARATION OF GENEVA (1924)

First international treaty addressing child rights was the Geneva Declaration on the Child Right, which was ratified by the League of Nations on November 26, 1924. Created by Eglantyne Jebb and approved by the International Union for the Welfare of Children in 1923, it was dubbed the "World Child Welfare Charter." The statement highlighted children's rights to particular treatment when they are ill, starving, or orphaned, as well as their rights to physical and spiritual growth and protection from exploitation.²⁸ It reaffirmed that children should always receive aid first in times of need and that social responsibility and career readiness should be emphasised in their upbringing. The Declaration acknowledged that it is everyone's duty to put the welfare of children ahead of all racial, national, and religious considerations. It emphasised the need to protect children's welfare and set the stage for global campaigns for children's rights. 4

5.2 UNITED NATIONS ON CHILD LABOR

The ICJ Statute was a crucial component of the United Nations Charter, signed on June 26, 1945, established the foundation for international cooperation. The Universal Declaration of Human Rights was adopted by the UN General Assembly, recognising that children needed special attention. The United Nations adopted the enlarged Declaration of the Rights of the

²⁸ Milton, 'Geneva Convention' (2017) < <https://www.history.com/topics/world-war-ii/geneva-convention> > assessed at 23rd September

Child on November 20, 1959, which established ten principles and protected rights like protection, health care, and education²⁹. Today is marked as Universal Children's Day. Here is a summary of the proclamation as well as the ten principles:

5.3 PROCLAMATION

Rights of child have always been a priority for the United Nations, as seen by the Universal Declaration of Human Rights, which acknowledges that because of their physical and mental immaturity, children require special protection and care. Ten principles, such as the rights to healthcare, education, and protection from exploitation, were outlined in the 1959 Declaration of the Rights of the Child, which was accepted by the UN General Assembly. This proclamation cleared a path for the 1989 Convention, an all-encompassing agreement that prioritised children's welfare and guaranteed each child their right to life, identity, education, protection against abuse, along with a say in legal affairs.

Despite the Convention being accepted by nearly all UN members, there are still issues in nations like India where child labour is a problem even in the face of legal safeguards. The continued need for advancements in child care and protection is shown by this international commitment. Adopted in 1989, the Convention on the Child Right is the first legally enforceable document that safeguards the civil, cultural, and social rights of children. Even with international initiatives, such as India's official endorsement of international standards, a lot of children in underdeveloped nations continue to suffer issues like child labour, which necessitate national enforcement.

6. CONTRIBUTION OF SOME IMPORTANT UNITED NATIONS

SYSTEM OF ORGANIZATIONS:

6.1 INTERNATIONAL LABOUR ORGANIZATION (ILO) IN COMBATING CHILD LABOUR

For many years, the ILO has led the charge in the worldwide campaign to end child labour. The ILO tackles this complicated problem by taking a multifaceted approach that prioritises the defence of child rights, the advancement of social justice, and the improvement of educational opportunities. The ILO is a specialised organisation of the UN committed to

²⁹ Henery, 'Chil Labor' (2024), UNICEFF Data for every child, < <https://data.unicef.org/topic/child-protection/child-labour/>> assessed at 24th September

promoting worker rights and bettering working conditions globally. It was founded in 1919. Its dedication to ending child work is a reflection of its core conviction that kids should have the freedom to grow up in a, safe surroundings free from exploitation. The ILO's creation of international labour standards is one of its major achievements to the fight against child labour. A defined foundation for the minimum age of employment is provided by ILO Convention No. 138, which was approved in 1973 and states that children should not be employed in jobs that could endanger their health, safety, and moral development. It stipulates that a person must be at least 15 years old to be employed, or 14 years old in developing nations. For the purpose of shielding children from dangerous labour, national laws and policies must be based on this convention.³⁰

They also adopted Convention No. 182, which focuses primarily on the worst types of child labour, in 1999 in addition to Convention No. 138. The worst kinds of labour are defined under this convention as labour that poses a risk to children's health, safety, or morality, as well as slavery and human trafficking. The ILO urges member states to act decisively and demands quick and effective actions to end these abuses. The ILO gives nations a foundation to create their own laws and enforcement systems to prevent child labour by establishing these worldwide standards.

The IPEC, which was introduced in 1992, is a fundamental component of the ILO's strategy. By giving nations money and technical support, IPEC seeks to support the global campaign against child labour. The ILO collaborates with governments, trade unions, employers, and civil society organisations through IPEC to create national action plans that tackle the underlying causes of child labour. These plans frequently involve tactics to increase educational access, strengthen the application of child labour laws, and support low-income families who could be dependent on the earnings of their children.

Another essential component of the ILO's work is research. The group carries out in-depth research on the frequency and kind of child labour, offering insightful information that guides programs and policy choices. The ILO assists stakeholders in understanding the root causes of child labour, including poverty, limited access to education, as well as unstable economies, by spotting patterns and trends in the practice. This research is essential for developing successful

³⁰ 'International Labour Standards', International Labour Organization < <https://webapps.ilo.org/business-case/cases/child-labour>>

interventions and tracking the abolition of child employment. The ILO's approach is centred on collaboration. The organisation works with a range of stakeholders to develop a thorough strategy to address child labour. This covers collaborations with governmental bodies, private enterprises, and non-governmental organisations (NGOs). The ILO hopes to gather information and resources that can improve the efficacy of programs aimed at stopping child labour by encouraging communication and collaboration amongst various groups. To promote ethical business practices, partnerships with the private sector, for example, can result in the creation of responsible supply chains free from child labour.³¹

The ILO also emphasises how crucial education is in the fight against child labour. Since the ILO believes that education is essential to ending the cycle of poverty, it promotes free and open education for all kids. In order to make it easier for working children to reintegrate into the formal school system, the ILO's Right to school project supports educational initiatives that are specifically designed to meet their needs. The ILO assists in giving children the skills required to gain better employment possibilities in the future by offering bridge education including vocational training. Assessment and observation are crucial aspects of the ILO's mission. The organisation evaluates member governments' efforts to eliminate child labour on a regular basis and offers assistance and recommendations as needed. Through ensuring that nations fulfil their obligations, the ILO promotes ongoing advancements in efforts to end child labour. This monitoring procedure aids in guaranteeing that resources are distributed properly and that the actions implemented are effective.

Child work is still a major global issue, despite the ILO as well as its partners' notable progress. In many parts of the world, cultural attitudes, economic instability, and poverty are among the factors that continue to support the exploitation of children. But the ILO's all-encompassing strategy, which combines research, international standards, cooperation, and an emphasis on education, offers a strong framework for dealing with this problem. The International Labour Organisation is a vital player in the global campaign for social justice and the defence of children's rights in the fight against child labour. The ILO works to end child labour and build a world where every child may enjoy their rights to education, health, as well as a safe childhood, free from exploitation, through its established conventions, creative initiatives, and cooperative efforts. Millions of children throughout the world find hope in the ILO's continued

³¹ 'Child labour', (2013) International Labor Organization < <https://www.ilo.org/regions-and-countries/europe-and-central-asia/eastern-europe-and-central-asia/areas-work/child-labour> > assessed at 24th September

dedication to this cause, which emphasises the value of group action in resolving one of the most urgent human rights concerns of our day.

6.2 INTERNATIONAL PROGRAMME ON THE ELIMINATION OF CHILD LABOUR (IPEC)

Despite this Convention being accepted by nearly all UN members, there are still issues in nations like India where child labour is a problem even in the face of legal safeguards. The continued need for advancements in child care and protection is shown by this international commitment. Adopted in 1989, the Convention is the first legally enforceable document that safeguards the civil, cultural, economic, including social rights of children. Even with international initiatives, such as India's official endorsement of international standards, a lot of children in underdeveloped nations continue to suffer issues like child labour, which necessitate national enforcement.³² Increasing the capacities of NGOs and ILO members, finding successful interventions, and raising awareness are some strategies. Ensuring complete representation, monitoring is carried out through a National Steering Committee in India and a Programme Steering Committee on a global scale.

6.2.1 THE SUCCESS OF THE IPEC PROGRAMME IS AS FOLLOWS:

Organising Global Events: The battle against child labour was highlighted by a number of significant worldwide events. Notably, a new statistical standard for child labour was created at the 18th International Conference of Labour Statisticians (Geneva, November 2008), improving comparability between countries. Furthermore, the 3rd World Congress against Sexual Exploitation of Children and Adolescents (November 2008, Rio de Janeiro) emphasised on link between ending the worst types of child labour and bolstering international efforts against commercial sexual exploitation. The UN General Assembly passed a resolution on children's rights in December 2008, recommending that nations ratify the Worst Forms of Child Labour Convention (1999) and the ILO's Minimum Age Convention (1973). A total of five new ratifications of child labour treaties were added in 2008, 1 for Convention No. 138 as well as four with Convention No. 182, indicating a significant step towards the universal ratification of treaties Nos. 138 and 182. With Samoa's adoption, Convention No. 138 now has 151 signatory states, or nearly 80% of ILO member states. Only 13 nations remain to ratify Convention No. 182, having received 169 ratifications, or more than 90% of ILO members.

³² 'IPEC', (2006) Minister of Labour and Employment, < <https://labour.gov.in/childlabour/ipec> > assessed at 25th September

IPEC is working with other ILO departments to create technical advice services that will help the remaining countries ratify these treaties more easily by addressing the challenges they encounter.³³

Initiatives taken in 2008 to combat child labour through IPEC After conducting research and implementing projects for more than 16 years, IPEC has collected a substantial body of knowledge that it disseminates to partners, constituents, and the general public through training workshops, capacity-building initiatives, and child labour courses offered in association with the International Training Centre of the ILO. The program has produced a number of resources, such as monographs on the relationships among child labour, health, and education. Additionally, new recommendations on child labour survey methodology were published by IPEC's SIMPOC section. Furthermore, two essential tools on child trafficking were released, offering practitioners and policymakers fighting child trafficking for labour exploitation practical advice and insights. Convention No. 182: June 17, 1999 saw the approval of the Worst Forms of Child Labour Convention, which is celebrating its tenth anniversary in 2009. Together with Convention No. 138, this convention has had a major impact on global legislative and policy frameworks, acting as a cornerstone international normative benchmark for the abolition of child labour. Convention No. 182, which has been sanctioned by more than 90% of ILO member states, is now widely used as a guide for developing national action plans and legislation aimed at stopping the most severe types of child labour, including child trafficking including hazardous work. Twenty-one nations were given assistance in 2008 so they could carry out National Time-Bound Programs in compliance with the Convention.

6.3 UNITED NATIONS CHILDREN'S FUND (UNICEF) AND CHILD LABOUR

In tackling the complicated problem of child labour, UNICEF is essential in promoting rights of child globally and working towards a future in which all children have the chance to grow up in safety, health, and education. UNICEF was founded in 1946 with the primary goal of helping children in the immediate post-World War II aftermath by providing food and medical assistance. Its current mission has broadened to include a number of child-related concerns, including as health, education, violence prevention, and the abolition of child labour.

A significant global issue is child labour, as millions of young people work in dangerous jobs

³³ Jasmin, 'Marking progress against child labor', (2006) 978 International Labor Office 923.

that are harmful to their development. UNICEF acknowledges that child labour is a systematic problem with roots in poverty, inequality, as well as limited access to high-quality education rather than just a product of unique situations. UNICEF stresses a comprehensive strategy that addresses the root causes of child labour while making sure that children get the care and support they require in order to overcome it. UNICEF's dedication to advancing education is one of its main efforts in combating child labour. It is acknowledged that education is a basic human right and an important factor for ending the cycle of poverty that forces young people into the economy. UNICEF promotes universal free and compulsory education, highlighting the importance of a high-quality education for children's growth and prospects in the future.³⁴ UNICEF hopes that by funding educational programs, it will give kids the information and abilities they need to find better jobs and become less dependent on child labour. Additionally, UNICEF carries out initiatives that support working children's reintegration into formal educational systems. UNICEF assists children in making the transition from employment to school by offering programs like bridging education as well as vocational training, which provide them the tools they need to thrive academically and socially. These programs are especially important for kids who have worked in dangerous jobs since they have a hard time adjusting to the classroom setting.

UNICEF strives to improve laws and regulations that shield kids from exploitation in addition to providing education. It works with governments to create and implement laws that protect children's rights and forbid child labour. Through encouraging governments to give the abolition of child employment top priority on their national agendas, UNICEF's advocacy efforts seek to increase public awareness of the significance of child protection laws and their implementation. UNICEF works to safeguard children from hazardous labour and to guarantee that their rights are respected by creating a favourable legislative environment. In the fight against child labour, UNICEF acknowledges the need of community involvement as well. It involves local communities in efforts to raise awareness and inform families about the detrimental effects that child employment has on the health and development of children. Through emphasising the significance of education as well as the possible repercussions of child work, UNICEF equips communities to make knowledgeable decisions about the futures of their children. A key element of UNICEF's approach is community mobilisation, which promotes group action and empowers communities to take charge of the problem.

³⁴ 'What is child labour', UNICEF for Every Child, < <https://www.unicef.org/protection/child-labour> >

In addition, UNICEF works with other groups and interested parties to address the complex issues surrounding child labour. UNICEF is better able to address the issue holistically when it forms partnerships with international organisations, the commercial sector, and civil society. For instance, UNICEF encourages businesses to implement policies that forbid child labour in their operations as well as supply chains by collaborating with them to promote moral labour standards and accountable supply networks. This cooperative strategy not only increases the effectiveness of UNICEF's programs but also strengthens public support for the abolition of child labour.

Research and data gathering are essential components of UNICEF's efforts to end child labour. Through comprehensive investigations into the frequency, origins, and aftermath of child labour, UNICEF produces significant knowledge that guides the formulation of policies and initiatives. The implementation of an evidence-based approach guarantees that interventions are efficacious and tailored to the unique requirements of families and kids impacted by child employment. In many areas, especially developing nations, child employment is still a problem despite the tremendous advancements made by UNICEF and its partners. The issue is made worse by elements like natural catastrophes, armed conflict, and poverty, which force youngsters into the workforce as families fight to make ends meet. UNICEF is still in favour of persistent attempts to deal with these underlying issues, stressing the importance of integrated strategies that take social protection, health, and education into account.

In summary, UNICEF is a key player in the battle against child labour, utilising a multifaceted approach that includes community involvement, legal advocacy, education, and cooperative partnerships. UNICEF works to prevent child labour and promote children's rights so that all children can grow up in a world free from exploitation along with the opportunity to realise their full potential. UNICEF provides hope to millions of children worldwide via its unwavering dedication and creative initiatives, reaffirming the idea that a better future is achievable when we come together to protect children's rights.

6.3.1 UNICEF'S INITIATIVES IN INDIA TO COMBAT CHILD LABOUR

In India, UNICEF has carried out a number of programs to advance children's rights. Given the widespread prevalence of child labour in the nation, UNICEF concentrates on addressing the structural problems that force families to turn to child labour in order to survive as well as the urgent needs of the impacted children. The promotion of education, which UNICEF recognises

as a vital instrument for ending the cycle of poverty that feeds child labour, is one of the main programs. UNICEF strives on making sure that children whose are at risk of or presently involved in child labour have a chance to learn and acquire critical skills over their future through programs that make access to high-quality education easier.³⁵

In order to assist the implementation of the Right to Education Act, which needs free and compulsory education for children aged 6 to 14, UNICEF works with the Government of India. In order to help local authorities create schools, educate teachers, and make sure that underprivileged people are aware of their rights to education, the organisation offers technical aid³⁶. UNICEF helps to reintegrate children who have been working in formal school systems by advocating for inclusive education. This is generally accomplished through alternative education programs that are tailored to the individual needs of the children. UNICEF concentrates on awareness initiatives that inform communities about the detrimental impacts of child labour in addition to education. These initiatives seek to alter public perceptions and emphasise how crucial education is for young people. UNICEF promotes families to put their children's education ahead of work and builds a community commitment to ending child labour by involving parents, local leaders, and organisations.

UNICEF also stresses the value of research and data gathering in comprehending the dynamic forces of child labour. UNICEF collects data on the incidence of child labour, the kinds of work that children are doing, and the socioeconomic factors which contribute to the problem through surveys and studies. Policy suggestions and targeted interventions that address the underlying causes of child labour are shaped by this evidence-based approach. Within the framework of rehabilitation, UNICEF has set up initiatives to offer assistance to kids who have been freed from abusive labour situations. To aid with the reintegration of these kids into society, these programs offer educational options, psychosocial support, and vocational training. UNICEF makes sure that these kids may have a better future and stay out of cycles of exploitation by putting a strong emphasis on rehabilitation. In addition, UNICEF works with a range of partners, such as international organisations, government agencies, and NGOs, to advance a

³⁵ Aseil Alshehail 'Action Against Child Labour', (2015) UNICEF for every child < <https://www.unicef.org/media/155001/file/Child%20Labour%20Case%20Studies.pdf>> assessed at 25th September

³⁶ K.G. Santhya, 'Educational strategies that can reduce child labour in India: A literature review' (2024) UNICEF for every child < <https://www.unicef.org/innocenti/media/8391/file/UNICEF-Innocenti-Education-Child-Labour-India-2024.pdf.pdf>> 25th September 2024

comprehensive response to child labour. Through the exchange of best practices, capacity building, and resource mobilisation made possible by these collaborations, child protection measures can be implemented more successfully.

Initiatives from UNICEF also focus on tackling the socioeconomic issues that lead families to use child employment. UNICEF seeks to lessen the financial pressures that result in child labour by supporting family welfare initiatives that enhance economic circumstances, such as activities that generate revenue for parents. This all-encompassing strategy understands that combating child labour necessitates long-term plans to pull families out of poverty in addition to quick treatments for the children. In order to defend children's rights, the organisation has also advocated for stricter legislative frameworks and enforcement procedures in India. UNICEF advocates for the establishment of new rules that fill fortification gaps and the effective enforcement of current laws that forbid child labour by collaborating closely with legislators.

UNICEF's efforts to end child labour in India are diverse and based on a dedication to the rights of children. UNICEF works to create an environment where children may thrive free from exploitation through a combination of educational assistance, community awareness, data-driven advocacy, rehabilitation programs, as well as socio-economic initiatives. UNICEF aims to guarantee that every child in India has the opportunity to fulfil their potential and have a happy childhood by tackling the fundamental causes of child labour including strengthening families.

7. DATA ANALYSIS RELATED TO CHILD LABOUR

The information provided below presents the demographic details concerning the distribution and composition of our selected sample of child workers involved in the slate industry, categorized by sex and age group.

S NO.	AGE GROUP	SEX OF THE RESPONDENTS (NUMBER TO TOTAL POPULATION)		TOTAL
		Male	Female	
1	5-8	30 (6.66)	39 (8.67)	69 (15.33)
2	9-12	81 (18)	99 (22)	180 (40)

3	13-14	89 (19.78)	112 (24.89)	201 (44.67)
TOTAL	=	200 (44.44)	250 (55.56)	450 (100)

The table illustrates the distribution of 450 child respondents by age and gender. Among the respondents, 44.44% are male and 55.56% are female. The majority, 44.67%, are aged 13-14, while 40% are aged 9-12, and 15.33% are in the 5-8 age group. The data highlights a higher participation of girls in child labor, particularly in the older age groups compared to boys.³⁷

The distribution of child respondents according to their social community, shown below:

S. NO	SOCIAL COMMUNITY	SEX		TOTAL
		MALE	FEMALE	
1	OC	35 (7.77)	39 (8.67)	74 (16.44)
2	BC	81 (18)	98 (21.78)	179 (39.78)
3	SC	84 (25.11)	113 (18.67)	197 (43.78)
TOTAL		200 (44.44)	250 (55.56)	450 (100)

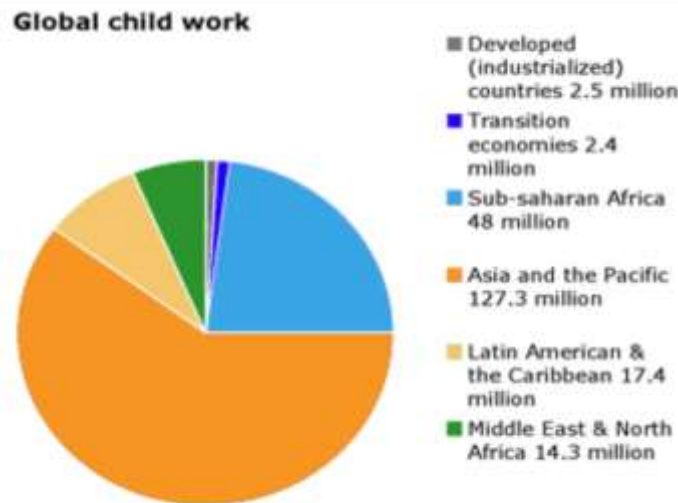
The table shows the distribution of 450 child respondents by social community and gender. Of the total, 44.44% are male and 55.56% are female. The SC category constitutes the largest group, making up 43.78%, followed by BC with 39.78%, and OC at 16.44%. Female participation is higher across all categories, with the SC group showing the largest number of respondents overall.

Given below are diagrammatic representations of Child Labor



³⁷ Max, 'Child Labor Why and where do children work? How did child labor change over time?', (2016) Our World in Data < <https://ourworldindata.org/child-labor> > assessed at 25th September 2024

The graph represents the Child workers in different sectors. The graph represents Child Labour in the different work forces.



This graph represents the number of child labour or workers in different regions across the world

8. CHALLENGES IN ERADICATING CHILD LABOUR IN INDIA

Even with a number of laws and initiatives, ending child labour in India is still a difficult task. One of the main challenges is the ingrained socioeconomic framework that supports child labour. Due to the fact that many families rely on the extra money their children bring in, poverty is a major contributing factor. It is challenging to keep an eye on child employment practices in rural areas since children are frequently employed in the unregulated and unregulated sectors of agriculture and the informal economy. In addition, the issue is made worse by illiteracy and ignorance about children's rights.³⁸

Cultural customs and standards also come into play; in some communities, child labour is accepted as the standard, especially in certain industries like mining or handicrafts. Furthermore, a lack of cooperation amongst government entities, corruption, and insufficient funding contribute to the lax enforcement of current legislation. When conducting raids or inspections in the unofficial sectors, where child labour is most common, inspectors frequently encounter difficulties. Furthermore, the COVID-19 pandemic has made matters worse by

³⁸ Orchie Bandyopadhyay, 'Child labour in India: a persistent problem', Features 08 February 2024, <<https://www.britsafe.in/safety-management-news/2024/child-labour-in-india-a-persistent-problem>>

driving more families into poverty and increasing the number of youngsters working outside the home as they are taken out of school to support their families.

9. RECOMMENDATIONS

There are various ideas that can be put into practice to effectively combat child labour. To begin with, a thorough awareness campaign regarding the negative impacts of child work and the value of education should be started in order to inform communities about these issues. Furthermore, it is critical to improve families' financial support through focused social protection initiatives. One way to encourage families to retain their children in school instead of putting them to work is through conditional financial transfers. Increasing the number of inspectors, giving them proper training, and guaranteeing severe punishments for infractions are all important ways to strengthen the enforcement of current legislation.³⁹

Furthermore, cooperation between different ministries like those of labour, education, and rural development can aid in the creation of a more comprehensive strategy to address child labour. Instead of using child labour, vocational training programs can give older children the skills and opportunity they need to find better jobs. Last but not least, in order to address this issue locally, NGOs and civil society should be given the authority to actively monitor and report child labour activities. By putting these suggestions into practice, child labour can be completely eliminated in India, giving all children a more secure and equal environment.

10. CONCLUSION

In India, child labour is still a serious problem that is closely linked to socioeconomic issues including poverty, illiteracy, along with cultural standards. Many children still lack access to their basic rights, even in the face of the Child Labour (Prohibition and Regulation) Act, 1986, which provided a statutory framework, and other governmental measures meant to discourse such problem. The paper has brought attention to the critical need for an all-encompassing strategy that targets the underlying socioeconomic issues that force families to depend on their children for cash in addition to the legal aspects of child labour.⁴⁰

³⁹ Lorena Roque, 'Federal Recommendations to Combat Child Labor', (2024) CLASP, <<https://www.clasp.org/publications/fact-sheet/clasp-federal-recommendations-to-combat-child-labor/>> assessed at 26th September 2024

⁴⁰ Grace Aboott, 'Child Labour, Definition and Key Elements', Britannica (24 August 2024)

Improving cooperation between governmental, non-governmental, and community organisations is crucial for combating child labour. A more encouraging atmosphere for kids can be produced through programs that emphasise economic rehabilitation, awareness-raising, and education for families. Furthermore, the fight against child labour can be strengthened by utilising the advantages of institutions like UNICEF and the ILO. Stakeholders can strive towards a future where each child has the chance to live a safe, healthy, and meaningful childhood by putting the study's recommendations into practice. This will eventually lead to a more equal society.

