

**ENFORCEMENT OF CHILD LABOUR LAWS IN INDIA - A STUDY
WITH SPECIAL REFERENCE TO PUNJAB**

Thesis Submitted for the Award of the Degree of

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LAW

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DECLARATION

I, hereby declared that the presented work in the thesis entitled **“Enforcement of Child Labour Laws in India - A Study with Special Reference to Punjab”** in fulfillment of the degree of Doctor of Philosophy (Ph. D.) is the outcome of research work carried out by me under the supervision **Dr Shobha Gulati** working as **Associate Professor, in the Department of Law of Lovely Professional University, Punjab, India.** In keeping with the general practice of reporting scientific observations, due acknowledgements have been made whenever the work described here has been based on the findings of other investigators. This work has not been submitted in part or whole to any other University or Institute for the award of any degree.



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CERTIFICATE

This is to certify that the work reported in the Ph. D. thesis entitled **“Enforcement of Child Labour Laws in India - A Study with Special Reference to Punjab”** submitted in fulfillment of the requirement for the reward of the degree of Doctor of Philosophy (Ph.D.) in the Department of Law, is a research work carried out by **Navpreet Kaur, Registration No. 11919688**, is a bonafide record of their original work carried out under my supervision and that no part of the thesis has been submitted for any other degree, diploma or equivalent course.



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ABSTRACT

Child exploitation occurs everywhere. Child Labour is one such form of exploitation analyzed in this thesis. An effort has been made to forecast the scope of child exploitation through Child Labour and the measures taken to lessen this heinous practice. This thesis also extensively examined the success and failure of efforts made in this approach. This thesis discusses the function of the UN and its network of agencies, like the ILO, UNICEF, etc., in great detail. The United Nations and other international organizations made an effort to address Child Labour positively. Geneva Conventions of 1924, the United Nations Declaration of Human Rights of 1948, the Declaration on the Rights of the Child of 1959, the Vienna Declaration and Program of Action of the World Conference on Human Rights of 1993, and others all aim to improve the conditions of children who work as children. India has supported the abolition of Child Labour through international law. Some constitutional articles also prohibit Child Labour. Articles 15(3), 21A, 23, 24, 39, and 45, among others, The Children (Pleadings of Labour) Act, 1933, the Factory Act, 1948, the Child Labour (Protection and Regulation) Act, 1986, and other laws have been passed by the legislature to discourage Child Labour. Studies have also been done on these laws. The judiciary has been crucial in reducing Child Labour. The court established a strict policy against Child Labour and actively defended Children's rights. The issue of what prevents Child Labour from being outlawed in India raises itself. In actuality, there are several types of Child Labour. It has a moral and human side and is connected to one's identity, status, and place in society. The growing issue of Child Labour is causing concern throughout the entire world. A thorough and detailed investigation was required on a topic of this importance.

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TABLE OF CONTENTS

S. No.	Description	Page No.
	<i>Declaration</i>	<i>i</i>
	<i>Certificate</i>	<i>ii</i>
	<i>Abstract</i>	<i>iii</i>
	<i>Acknowledgement</i>	<i>iv</i>
	<i>Table of Contents</i>	<i>v-x</i>
	<i>Abbreviations</i>	<i>xi-xii</i>
	<i>List of Cases</i>	<i>xiii-xvi</i>
	<i>List of Tables</i>	<i>xvii-xix</i>
	<i>List of Figures</i>	<i>xx</i>
CHAPTER I	INTRODUCTION AND HISTORICAL BACKGROUND OF CHILD LABOUR	1-48
1.1	PRELUDE	1
1.2	HISTORICAL BACKGROUND OF CHILD LABOUR IN INDIA	2-21
1.2.1	Child Labour in Ancient Period	4
1.2.2	Child Labour in Medieval Period	5
1.2.3	Child Labour in Modern Period	6
1.2.4	Child Labour Laws after Independence of India	9
1.2.4.1	Indian Constitution	10
1.2.4.2	Legislative Enactment	11
1.2.4.3	International Scenario	18
1.3	STATEMENT OF PROBLEM	22-23
1.4	OBJECTIVES OF THE STUDY	23
1.5	SCOPE OF THE STUDY	24
1.6	REVIEW OF LITERATURE	24
1.7	RESEARCH GAP	45
1.8	RESEARCH METHODOLOGY	45
1.9	LIMITATIONS OF STUDY	46
1.10	RESEARCH HYPOTHESIS	47

1.11	RESEARCH QUESTIONS	47
1.12	CHAPTERISATIONS	47-48
CHAPTER II	INTERNATIONAL CONVENTIONS ON ELIMINATION OF CHILD LABOUR	49-69
2.1	INTRODUCTION	49
2.2	CONVENTIONS FOR CHILD LABOUR ERADICATION	50
2.2.1	United Nations	50
2.2.1.1	Declaration of Rights of the Child, 1959	50
2.2.1.2	The International Covenant on Civil and Political Rights, 1966	51
2.2.1.3	The International Covenant on Economic, Social, and Cultural Rights, 1976	52
2.2.1.4	The United Nations Convention on the Rights of the Child, 1989	53
2.2.1.5	Sustainable Development Goals, Agenda 2030	55
2.2.1.6	UN Global Compact 2021 Action Pledge on Eliminating Child Labour	55
2.2.1.7	United Nations Policies Impacts	55
2.2.2	International Labour Organization	56
2.2.2.1	Forced Labour Conventions, 1930	56
2.2.2.2	Minimum Convention, 1973	57
2.2.2.3	Worst Forms of Child Labour, 1999	58
2.2.2.4	International Program on the Elimination of Child Labour, 1992	59
2.2.2.5	International Partnership for Cooperation on Child Labour in Agriculture, 2007	60
2.2.2.6	Domestic Workers Convention, 2011	60
2.2.2.7	United Nations International Children Emergency Fund, 1946	63
2.2.3	World Health Organisation	64
2.2.4	World Bank	65
2.2.5	World Trade Organization	65

2.3	COMPARATIVE STUDY OF CHILD LABOUR IN INDIA WITH VARIOUS COUNTRIES	66-69
CHAPTER III	FACTORS RESPONSIBLE FOR CHILD LABOUR	70-85
3.1	INTRODUCTION	70
3.2	ROOT CAUSES OF CHILD LABOUR	71
3.2.1	Social Reasons for Child Labour	71
3.2.1.1	Poverty	71
3.2.1.2	Illiteracy of Parents	73
3.2.1.3	Backwardness of Parents	74
3.2.1.4	Lack of Access to Quality Education	74
3.2.2	Economic Factors Responsible for Child Labour	74
3.2.2.1	Family Size Family Conditions	75
3.2.2.2	Insufficient Incomes of Family and Adult Unemployment	75
3.2.3	Cultural Factors Responsible for Child Labour	76
3.2.3.1	Family Traditions	76
3.2.3.2	Prevalence of Cultural Myths about Child Labour	76
3.2.4	Ineffective Enforcement of Legal Provisions and Lack of Foresight and Legal Awareness of Laws	77
3.2.5	Employers Preference for Unskilled and Cheap Labour on Law Wages	78
3.2.6	Lack of concern of Political Leaders and Government Officials	79
3.2.7	Access to Decent Work is Limited	79
3.2.8	Natural Disaster and Climate Change	80
3.2.9	Conflicts and Mass Migrations	80
3.2.10	Social Inequality between Girls and Boys	81
3.2.11	Addiction, disease or disability	81
3.3	FACTORS GIVE BIRTH TO DIFFERENT TYPES OF CHILD LABOUR	82
3.3.1	Child Labour in the Organised Sector	82
3.3.2	Child Labour in Unorganised Sector	82
3.3.2.1	Agriculture Child Labour	83
3.3.2.2	Domestic Child Labour	83

3.3.2.3	Child Labour in Worst Form	83
3.3.2.3.1	Forced/Bonded Labour	83
3.3.2.3.2	Modern Slavery	84
3.3.2.3.3	Child Trafficking for Prostitution or Sexual Exploitation	85
3.3.2.3.4	Children in Armed Conflict	85
3.3.2.3.5	Illicit Activities of Drug Trafficking	85
CHAPTER IV	CONSTITUTIONAL PROVISIONS GOVERNING CHILD RIGHTS IN INDIA	86-106
4.1	INTRODUCTION	86
4.2	CONSTITUENT ASSEMBLY DEBATES ON CHILD LABOUR	88
4.3	FUNDAMENTAL RIGHTS OF CHILD	89
4.4	DIRECTIVE PRINCIPLES OF STATE POLICY ON THE WELFARE OF CHILD	99
4.5	FUNDAMENTAL DUTIES TOWARD CHILD	105
CHAPTER V	LEGISLATIVE FRAMEWORK ON CHILD LABOUR IN INDIA	107-130
5.1	INTRODUCTION	107
5.2	VARIOUS LEGISLATIONS ON THE ELIMINATION OF CHILD LABOUR	109
5.2.1	The Child Labour (Prohibition and Protection) Act, 1986	110
5.2.2	The Child Labour and Adolescents (Prohibition and Regulation) Amendment Act, 2016	114
5.2.3	The Juvenile Justice (Care and Protection of Children) Act, 2015	115
5.2.4	National Child Labour Project Scheme, 1988	116
5.2.5	Mid-Day Meal Scheme under “the National Program of Nutritional Support to Primary Education” (NP-NSPE)	119
5.2.6	The Bonded Labour System (Abolition) Act, 1976	120
5.2.7	Bonded Labour Rehabilitation Scheme, 2016	121
5.3	PUNJAB STATE LEGISLATION	
5.3.1	The Punjab Child Labour (Prohibition and Regulation) Rules, 1997	123

5.3.2	The Punjab State Action Plan for Total Abolition of Child Labour	124
5.3.3	The Punjab State Commission for protection of Child Rights	128
5.3.4	The Punjab Integrated Child Protection Scheme	129
CHAPTER VI	JUDICIAL PERSPECTIVE TOWARDS ERADICATION OF CHILD LABOUR	131-154
6.1	INTRODUCTION	131
6.2	JUDICIAL APPROACH TO CHILD LABOUR	132
6.2.1	Child Labour and Right to Life	133
6.2.2	Child Labour and Right to Education	136
6.2.3	Child Labour Trafficking	140
6.2.4	Child Labour Rescue and Rehabilitation	142
6.2.5	Protection from Exploitation and Conditions of Work	145
6.2.6	Duties and Responsibilities of National Legal Service Authority	154
CHAPTER VII	ENFORCEMENT OF CHILD LABOUR LAWS IN PUNJAB: AN EMPIRICAL STUDY	155-274
7.1	INTRODUCTION	155
7.2	COLLECTION OF DATA	156
7.3	ANALYSIS OF DATA COLLECTION	157
CHAPTER VIII	CONCLUSION AND SUGGESTIONS	275-294
8.1	INTRODUCTION	275
8.2	CONCLUSION	276
8.3	HYPOTHESIS TESTING	281
8.4	SUGGESTIONS	283
8.4.1	Legislative Measures	283
8.4.2	Enforcement of Laws	287
8.4.3	Rehabilitation of Child Labour	287
8.4.4	Social Actions	289
	BIBLIOGRAPHY	295-309
	LIST OF APPENDICES	310-313
	LIST OF PUBLICATIONS	314

	LIST OF CONFERENCES	315
	LIST OF WORKSHOPS	316

ABBREVIATIONS

CLPRA:	Child Labour Prohibition and Regulation Act
CRC:	Convention on the Rights of the Child
CWC:	Child Welfare Committee
DPSP:	Directive Principle of State Policy
DRC:	Declaration of the Rights of the Child.
FR:	Fundamental Rights
GOI:	Government of India
HC:	High Court.
ICCPR:	International Convention on Civil and Political Rights.
ICESCR:	International Covenant on Economic, Social and Cultural Rights
ILO:	International Labour Organisation
IPC:	Indian Penal Code.
IPEC:	International Programme for the Elimination of Child Labour
ITPA:	Immoral Trafficking Prevention Act
IPEC:	International Programme on Eradication of Child Labour
JJA:	Juvenile Justice Act
NAECL:	National Authority for Elimination of Child Labour
NCLP:	National Child Labour Project
NCPCR:	National Commission for Protection of Child Rights.
NGO:	Non-Government Organization
NPC:	National Policy for Child
NPCL:	National Programme on Child Labour
NSSO:	National Sample Survey Organization
NCRB:	National Crime Beareo Report
NHRC:	National Human Rights Commissions
PIL:	Public Interest Litigation
POCSO:	Protection of Children from Sexual Offences

RTI: Right to Education
SC: Supreme Court
SSA: Sarve Shikha Abhiyan
UN: United Nations
UNDP: United Nations Development Programme
UNHRC: United Nations Human Rights Commission
UDHR: Universal Declaration on Human Rights
UNICEF: United Nations International Children`s Emergency Fund
WECLC: Worst Form of Child Labour Convention

LIST OF CASES

Cases	Page no.
A. Srirama Babu v/s. the Chief Secretary, ILR 1997 KAR 2269, 1998 (1) Kar LJ 191.	110
Avinash Mehrotra v/s. Union of India, AIR 2009 SC 363.	93
Balbir Kaur v/s. Steel Authority of India Ltd., AIR 2000 SC 1596.	88
Bandhu Mukti Morcha v/s. Union of India and Others, AIR 1984 SC 802, AIR 1997.	149
Bachpan Bachao Andolan v/s. Union of India and others, AIR 2011 SC 403.	16, 148
Court on its motion v/s. State of Punjab, 2013.	135,139,144
Court on Its Own Motion v/s. Govt of NCT Of Delhi, W.P.(C) 12326/2015.	117
Court on Its Own Motion v/s. State of Jharkhand, W.P.(PIL) No. 1301 of 2020.	110,117,152
Court on Its Own Motion on The Basis v/s. The State of Bihar on 18 September, 2020.	310
Dattatraya Moti Ram v/s. State of Bombay, AIR 1953 SC 311.	90
District Beedi Workers Union v/s. State of Tamil Nadu, AIR 1992 SCC 221.	128
Dulal Samanta v/s. D.M., Howrah, AIR 1958 Cal 365.	97
Ekta Rani And another v/s. State of Punjab and Others, CRWP-3794-2022.	152
Fatehchand v/s. State of Maharashtra AIR 1977 SC 1828.	88
Francis Coralie Mullin v/s. Union Territory of Delhi, AIR 1981 SC 746.	91,134
Ganesh Ram v/s. State of Jharkhand, 2006 (2) JCR 489.	110,152
Gaurav Jain v/s. Union of India, AIR 1997 SCC 114.	95,133
Gurpreet Singh and Another v/s. State of Haryana and Others, CRWP-	153

4111-2022.	
Hemendra Bhai v/s. State of Chhattisgarh, 2003 (97) FLR 402.	110
Harkamal Singh and Others v/s. State of Punjab and Others, CRM-M No. 47938 of 2022.	142
I.C. Golaknath v/s. State of Punjab, 1967 AIR 1643, 1967 SCR (2).	88
Indira Sawhney v/s. Union of India, AIR 1993 SC 2178.	104
Jayakumar NCT & Anr v/s. State of NCT of Delhi, W.P.(CRL) 1548/2015.	116,145
Jhunjhunwala v/s. B.K. Patnaik, AIR 1964, 2 L.L. J. 551.	151
Krishna Murthy v/s. The State of Telangana, 2021 SCC OnLine SC 388.	116
Lakshmi Kant Pandey v/s. Union of India, AIR 469, 1984 SCR (2) 79.	96
Labourers Working on Salal Hydro Project v/s. State of Jammu and Kashmir, AIR1984 (1) SCALE 680, (1984) 3 SCC 538.	137,145
M.C. Mehta v/s. State of Tamil Nadu, AIR 1997 SCC 283.	103,126,131,143
Madhu Bala v/s. State of Punjab, 24 April 2014.	117
Mahesh Kumar Garg and Others v/s. State of U.P. And Others, (2000) 2 UPLBEC 1426.	109,151
Mehakpreet Kaur and another v/s. State of Punjab and Others, CRWP-6703-2022.	152
Mansi v/s. State of Punjab and Others, CRWP-7332-2022 (O&M).	145
Mohini Jain v/s. State of Karnataka, AIR 1992 SC 1858.	92,138
Mukesh Advani v/s. State of M.P, AIR 1985 SC 1363.	96
N. Bhageerthan v/s. State, AIR 1999 Cr. LJ 632(Madras).	134
Najar Singh And Others v/s. State of Punjab and Others, CWP No.18921 of 2021.	140
Nazia Pace and Another v/s. State of Punjab, C.W.P. No.1052 of 2012.	96,152
Nilabati Behera v/s. State of Orissa, AIR 1993 SC 1960.	143
Neerja Chaudhary v/s. State of Madhya Pradesh, AIR 1984 SC 1099.	96,142

Pabudan v/s. State of Union Territory Chandigarh, CRWP No. 4608, 2022.	141
Pramati Educational and Cultural Trust v/s. Union of India, Writ Petition, (Civil) No. 416 of 2012.	99
Prerana v/s. State of Maharashtra, Writ Petition No. 1332 of 1999- Bombay High Court.	144
People's Union for Democratic Rights v/s. Union of India, AIR 1982 SC 1473.	138,147
Punjab State Human Rights v/s. Jai Singh, Civil Appeal No. 5911 of 2012.	136
Radha M & Ors. v/s. State of Karnataka & Ors, Writ Petition No. 2366/2021.	139
Rajangam, Secretary, District Beedi Workers Union v/s. State of Tamil Nadu and Others, AIR 1992 SCC 221.	147
Re Children in Street Situations v/s. State of Punjab, 2022.	154
Rosy Jacob v/s. Jacob A Chakramkkal, AIR 1993 (1) SCC 645.	134
Saint Stephen's College v/s. University of Delhi, 1991.	99
Sanjit Roy v/s. State of Rajasthan, AIR 1983 SC 328.	96
Sathyavan Kottarakkara v/s. State of Kerala, AIR 1997 Ker 133.	91
Seema Roy v/s. State (Govt of NCT Delhi) & Anr, W.P.(CRL) Nos. 1548	116
S.P. Gupta v/s. Union of India, AIR 1982 SC 149.	95
Shantistar Builders v/s. Narayan Khimalal Totame, AIR 1990 SC 630.	91
Sheela Barse v/s. Union of India, AIR 1986 SC 136.	100,140
Srirama Babu v/s. the Chief Secretary, ILR 1997 KAR 2269, 1998 (1) Kar LJ 191	110
State of Gujarat v/s. Bhupendra Kumar Jagjivandas, (2001) IILLJ 1517 Guj	151
State of Uttaranchal v/s. Balwant Singh Chaufal & Ors on 18 January 2010	310
State through Gokul Chand v/s. Banwari and Ors. AIR 1951 All 615	96
Sumanpreet Karu @ Sumanpreet Kaur v/s. State of Punjab and Others, CRWP-4568 of 2021.	153

The Ahmedabad St. Xaviers College v/s. State of Gujarat & Anr, 1974 AIR 1389, 1975 SCR (1) 173	87
TMA Pai Foundation v/s. Union of India, AIR 1994 SC 2372	93
Unni Krishnan v/s. State of Andhra Pradesh, AIR 1993 SC 2178	90
Vikram Deo Singh Tomar v/s. State of Bihar, 1988 AIR 1782	91
Vishaljeet v/s. Union of India, AIR 1412, 1990 SCR (2) 861	117
Walker T. Ltd. v/s. Martindale, AIR 1976, 85KL KB, 1543.	150

LIST OF TABLES

TABLE	TITLE	PAGE No.
7.1	Punjab at a Glance	155
7.2	Selected Districts for Data Collection	156
7.3	Respondents for Data Collection	156
7.4	Census Report 2001 and 2011	157
7.5	National Child Labour Project Scheme	158
7.6	Number of cases Registered under Child and Adolescent Labour (Prohibition and Regulation) Act, 1986	159
Part I: Child Labour		
7.7	Name of District where Child Labour is working?	160
7.8	Child Labour is found working in Sector?	162
7.9	What is the age group of Child labour?	164
7.10	What is the gender of Child labour boy/girl?	166
7.11	Child labour working in a rural area/urban area?	169
7.12	Does the Child migrants to Punjab?	171
7.13	What are the Factors responsible for Child Labour?	173
7.14	Does the Child work with the consent of their parents?	174
7.15	Does the Child regularly attend school?	178
7.16	What is the Reason for Child does not attend school?	180
7.17	How many Hours Child does work?	182
7.18	How much Wage Child gets?	185
7.19	Does the Child face any trouble at the workplace?	187
7.20	Does the Child face Physical Exploited at Workplace?	189
7.21	Does the Child face any Health illness during working?	191
Part II: Parents		
7.22	Are you aware of Child Labour?	194
7.23	Why do you allow your Child to Work?	196
7.24	Does your Child work with you?	198
7.25	Are you aware of 'Free and Compulsory Education' and 'mid-day meals scheme'?	200

7.26	Do you know that providing Education to Children is a Fundamental Duty of Parents?	202
7.27	Does your Child face any physical or mental problems at the workplace?	204
7.28	Does your Child get a basic salary for work?	206
	Part III: Legal Respondents, Police Officers, Department of Child Development, NGOs	
7.29	Have you seen Child Labour in your Area?	208
7.30	Under which circumstances children are working?	210
7.31	Does the concerned department of child welfare actively conduct raids in the areas where child labour is more prevalent?	213
7.32	Problems and challenges face during Child Labour Rescue and Rehabilitation?	215
7.33	When did the Child recover during raid handover to whom?	218
7.34	What is the condition of the Child when he/she recovers from Bonded Labour?	220
7.35	Is it possible for a child to be involved in labour without the consent of their parents? If yes explain it	222
7.36	Is the employer aware of the prohibition of Child Labour under 14?	224
7.37	Why do Employers hire a Child despite the ban on Child Labour?	227
7.38	What action is taken by the concerned department against the Employer?	229
7.39	What steps has the concerned department taken to eradicate Child/Bonded Labour?	232
7.40	Children in Punjab getting the benefits of welfare schemes?	235
7.41	Enforcement of 'Child Labour Laws' and 'Punjab State Action Plan for a total Abolition of Child Labour' in Punjab? Explain it.	237
7.42	Is it possible for Child Labour (Domestic, Agriculture, Vegetable & Grain Markets) to study with work? If yes explain it.	240
7.43	Is any mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets Labour in Punjab? If yes explain it	242

7.44	Should the registration of Child Labour be mandatory even in the unorganised sector also?	244
Part IV: Education Department		
7.45	Does Punjab Education Institutes provide bridge education to Child Labour as per the 'National Child Labour Projects Scheme'?	247
7.46	Does Punjab Educational Institutes provide 'Free and Compulsory Education to Children between the age of 6 to 14' without any kind of discrimination?	249
7.47	Who is responsible for dropouts in Child Labour?	251
7.48	How do departments spread awareness about Education?	254
7.49	Do you visit slums?	256
7.50	Do you encourage slum people to send their children to the school instead of labour?	258
7.51	How do you register children of slum people for school if they do not have an Adhaar Card?	260
Part V: Doctors		
7.52	When you receive information about a raid on Child Labour, do you conduct a Medical Examination of Children?	263
7.53	Do you provide counselling to Children while they are recovered? Explain it how	265
7.54	What is the condition of a child when he/she reaches you	267
7.55	Who issues a 'Certificate of Age' to a child in your department?	272
7.56	Does your department issue a 'Certificate of Age' for allowing the Child to take employment?	270

LIST OF FIGURES

FIGURE	TITLE	PAGE No.
2.1	Global Estimate of Child Labour by ILO, 2020	56
2.2	Global Estimate of Child Labour in Agriculture Work by ILO, 2020	60
2.3	Global Estimate of Child Labour in Domestic Work by ILO, 2020	62
3.1	Indian Poverty Statistics, 2021	72
3.2	Punjab Poverty Rate, 2020	72
3.3	World Poverty Clock, 2021	73
3.4	Unemployment Rate in India, Economic Survey, 2021	75
5.1	Ministry of Labour Employment Budget Allocation on National Child Labour Project Scheme, 2012-2019	118

CHAPTER I

INTRODUCTION AND HISTORICAL BACKGROUND OF CHILD LABOUR

"I dream for a world free of Child Labour, a world in which every child goes to school. A world in which every child gets their rights."

- Kailash Satyarthi

1.1 PRELUDE

Childhood is a child's most innocent stage of development. It is considered the best time of life, but unfortunately, this is not true for every child. Low-income families cannot afford adequate food and school fees, and they turn to their children as a source of money. They force their children to labour instead of school. It impacts developing and industrialized nations also. One in every eight children globally is exposed to dangerous types of labour, endangering their health. And over half of minors compel to labour in perilous conditions, like hazardous work, domestic slavery, drug peddling, and prostitution. The majority of these children work incredibly hard in dangerous situations where they may be harmed, injured, or ill. Laws have been ineffective in stopping the employment of minors, and employers frequently take advantage of legal loopholes. It is possible to develop an effective policy for ending Child Labour and putting it into practice. It is vital to change current laws affecting children and ensure they are correctly implemented.

A child worker is distinguishable from an adult worker based on their age. To communicate internationally relevant measurements of children's relationship with employment, its categories in three ways as 'Economic Activity,' 'Child Labour,' and 'Dangerous Job.' This is also true in India, where Child Labour is used as a social scourge and an economic activity being addressed through various legal and administrative means. The law's compelling demand is not just about the value of education in each child's life but also about what it means for the present nation as a whole – as a consequence of all children's combined impact in school. The causes of Child Labour may be investigated, and appropriate solutions can be devised and implemented. Sufficient funds from the government should be made available. A policy to eliminate Child Labour should be developed and executed precisely. Administrative authorities, parents, educationalists, police officials, employers, and a lack of enforcement of rules are all to blame in Punjab for this issue, which may be found in the domestic works, Agriculture, Vegetable and Grain Markets, and other sectors.

1.2 HISTORICAL BACKGROUND OF CHILD LABOUR IN INDIA

Child Labour is not a current phenomenon but a traditional phenomenon in the world. Long-term economic growth in Britain was influenced by a variety of causes, including the industrial revolution in the late 1700s and the widespread use of Child Labour during the industrial period. Little children who started working were frequently not coerced; they did so because they needed to support their family financially. In order to help feed and support the family, many parents who had limited employment options sent their kids to work on fields and in factories. Child Labour first appeared in England when family-run companies were transformed into neighbourhood labour marketplaces that mass-produced the once handmade goods. The demographic shifts that occurred in the eighteenth century also had an impact on child labour.¹

By the end of the eighteenth century, children between the ages of 5 and 14 made up 20% of the population. Children started working outside the family earlier in life as a result of this significant shift in the workforce's availability and the advancement of the industrial revolution. Nonetheless, despite the rise in child labour in factories like those producing cotton textiles, many children were still engaged in domestic and agricultural labour. The rising rate of illiteracy and the lack of a formal education became a widespread problem for many children who worked to support their families due to the high percentage of employed youngsters. Several parents changed their minds about whether or not to send their children to work as a result of this unfavourable trend. Additional elements that contributed to the fall of child labour included monetary changes in the economy, improvements in technology development, higher wages, and ongoing legislation regarding factories.²

Historical evidence of early Indian civilisation remarks on the prevalence of child-rearing due to caste, kinship, age, and gender. As a counter-balance, rulers such as **Ashoka (268-31 B.C.)** and **Chandragupta Vikramaditya (c. A.D. 375-415)** worked to promulgate a sense of morality in which respect for elders and obedience to parents was not only moral but also socially acceptable. Child slavery was the most common type of child work in ancient India. Domestic slavery was common in certain wealthy houses, where enslaved people were generally lower castes, recorded in **Kautilya's Arthashastra, third century B.C.** The medieval period spanned roughly from the **11th to the 17th centuries**, with the advent of **Afghans, Turks, Arabs, and**

¹ Ashhad Ahmad, *Child Labour in India: A Politico-Legal Study* 105 (Kalpaz Publication, Delhi, 2004).

² S.N. Tripathy, *Exploitation of Child Labour in tribal India* 113 (South Asia Books, Delhi, 1991).

Mughals. Children were frequently employed as trainees under artists and artisans, and specific trades were entirely dependent on the employment of children.³

Carpet weaving, cotton weaving, and silk weaving are all sectors that hire a lot of children. Children worked in an agricultural economy according to their abilities. It was an advanced age, and Child Labour seemed to be in primitive farming communities; however, it turned specifically conspicuous and started to be resisted at some point in the **18th century**; the **Industrial Revolution in England** was a landmark moment in history, ushering in economic and social order transformation. After the Industrial Revolution came to the advent of existing technology to evaluate in-house transactions, i.e., control techniques and ownership. As a result, the mill owners and, subsequently, the factory owner hired a considerable number of children. Due to adult man folk migrating to the industrial centre, the demand for labour has soared in the agricultural, leaving children to undertake various agrarian chores⁴

It became one of the **19th century's** most acceptable scandals, spreading to different international locations as they were industrialized. Interestingly, despite the historical and social information of early Indian civilization, there are simple prejudices of that length regarding the upbringing of children. **Chandragupta Vikramaditya (375-415 A.D.)**, the emperor of **Ashoka (268-31 B.C.)**, sought to promote moral precepts as a kind of stability in which obedience was attracted observation. Children often face negative changes due to the general financial crisis caused by parental resources. Families, specifically the main rural population, should no longer have funds for healthy meals and facilities for their children. Emphasis was placed on primary schooling, which became very usual earlier, step by step withered away.⁵

The **Nawab of Bengal, Siraj-ud-Daula**, was defeated by the English East India Company in the **Battle of Plassey** on June 23, **1757**. So, the British came to rule over east India (**Bengal, Bihar, and Orissa**), a prosperous region with thriving trade, manufacturing, and agriculture. As a result of the growing demand for inexpensive labour to manufacture a high volume of commodities, many youngsters were forced into labour. Due to the fact that they can be hired for less money and have more endurance to use in production environments, many multinational corporations frequently employed children. Another reason why many Indian children were employed was that they frequently lacked fundamental awareness of their rights, did not raise

³ H.L. Kumar, *Obligations of Employers* 39 (Universal Law publishing, Delhi, 2010).

⁴ Vijay Kumar Dewan, *Child Labour: A Socio-Legal Perspective* 601 (Pentagon Press, Delhi, 2009).

⁵ S.N. Tripathy, *Exploitation of Child Labour in tribal India* 25 (South Asia Books, Delhi, 1991).

difficulty or complain, and were frequently more reliable. The need for family money drove many people to take advantage of the naivety that comes with childhood in order to profit.⁶

But when industrialization and urbanisation took hold, the social landscape drastically altered due to the impact of newly created centrifugal and centripetal pressures. The destitute from rural areas were moving in an unstoppable stream to urban areas in quest of work. The young person was required to labour alone or for an employer. The workplace threatened his physical and mental development, which also resulted in his exploitation. As a result, protecting and caring for these children becomes a crucial social problem. Nonetheless, the extent and scope of it differ significantly from nation to nation. The abhorrent practise of child labour is pervasive in many third-world nations, including Brazil, Bangladesh, Nepal, Pakistan, India, and China. Despite numerous efforts made by both government and non-government organisations to stop the exploitation of children, many child laborers are still employed in various occupations. India now has the dubious distinction of having the world's largest child labour force.

The historical background of Child Labour is divided into the following parts:

- Child Labour in Ancient India
- Child Labour in Medieval Period
- Child Labour in Modern Period
- Child Labour After the Independence of India
 - Constitutional Provisions
 - Legislative Enactments

1.2.1. Child Labour in Ancient Period

Child Labour is not a significant challenge in the contemporary era that has constantly evolved throughout history. In India, children are always associated with employment. Children below 18 are sold and purchased like any other commodity for a low wage. Slave children were born enslaved, lived as enslaved people, and died as enslaved people unless the owner decided to liberate them. Parents' primary responsibilities were working for the landlord on poor salaries, which consequences children being forced to labour on the farms for a living. They stayed in the landlord's house as bonded labour alongside their parents to repay or reduce the debt that their parents had received from the landlord. On the other hand, children assisted their parents with

⁶ Vijay Kumar Dewan, *Child Labour: A Socio-Legal Perspective* 601 (Pentagon Press, Delhi, 2009).

household chores and family handicrafts. They picked up the abilities through watching and engaging in exercises like these. Marginal and small economic entities are unavoidable in largely rural cultures. Enslaved people, hired labourers, and unskilled employees had a worse financial situation. When they worked in the agriculture industry, they were in the same problem.⁷

According to **Kautilya**, the trade of Child slavery was prohibited in **Mlechchas** because they were savage and uncivilized. Later, **Kautilya** noticed that children could not perform menial tasks. As a result, the first reform **Kautilya** attempted to make in slavery was to ban the trade and purchase of enslaved children. People who promised or sold their minor children or the children of relatives as enslaved people were punished severely. **On the other hand, Arya's children** were forbidden to become enslaved. **Lord Cornwallis'** implementation of "**Permanent Settlement**" in March 1793 led to collecting land income resulting from the collection of **Land Revenue** and **Agrarian Economy**, giving birth to the problem of employment of children. Although there is scant proof of children working for money, if the slavery of children is believed, then it is difficult to deny it. The inefficiencies of the agricultural system have resulted in persistent Child Labour concerns in modern times. Some of the most difficult to overcome in the Middle Ages involve medieval children's lives and their place in society.⁸

1.2.2. Child Labour in Medieval Period

Child Labour was not uncommon in the early medieval period. The dispersion of holdings has resulted from increased strain on the land. Developing families must consider more than their personal growth to survive. Landless labourers arose, who were frequently enslaved by big landlords. Many farmers recruited the help of their children in their business endeavours. Artisans in rural areas rarely worked alone. Heredity played a significant role in determining occupations. Children were taught how to do their traditional skills at an early age. Child Labour persisted on a vast scale in medieval India, and even the kings encouraged turning it into a slave trade.⁹

Slavery of children was identified as a type of labour, and leaders have not tried to abolish the practice, even though they supported the trafficking of children. Thus, children were constantly exploited for self-interest. Under the **Mughals** regime, labour had no free will of its own. There was no distinction between goods and labour. The conditions of Child Labour in the

⁷ Ram Ahuja, *Social Problems in India* 132 (Allied Publisher, New Delhi, 2014).

⁸ Gopal Bhargava, *Child Labour* 223 (Gyan Publishing House, Delhi, 2003).

⁹ Ashhad Ahmad, *Child Labour in India: A Politico-Legal Study* 117 (Kalpaz Publication, Delhi, 2004).

Jahangir era did not improve. The demand for child trafficking exceeds the demand for finance. Children were used as trainees by **Artisans and Craftsmen** throughout that time. The employment of children depended on such craftsmanship. Children worked to the best of their ability in an Agrarian society and played a unique role.¹⁰

1.2.3. Child Labour in Modern Period

The **Technical Revolution** improved **Industrialisation** and **Urbanisation** and led to a massive change in the social scene. In **England**, the **Industrial Revolution** brought a new twist to human culture. It changed the overall economic and social order, much different from the previous century. Until then, while employed elsewhere, the 'worker' had his own identity in the scenario, whether an 'adult' or a 'child.' The transition in the production pattern, i.e., the use of modern methods, technologies, and asset ownership, occurred during the **Industrial Revolution**. It led to the shift in human relationships, which have never been included before. In the hands of its owners, it gave the worth of the 'labour' of the individual to the 'group.' Much as the owner buys other aspects of manufacturing equipment, raw materials, etc.¹¹ He now believes a person's work is 'adult' or 'child' with only one purpose making some money. One significant improvement in the manufacturing process resulted from the **Machine Era** that came after the **Industrial Revolution**.¹²

To run their machinery, the proprietors of these companies discovered a new supply of labour: children. Factory owners favoured children because they were less expensive, less inclined to strike, and easier to control than adults. As a result, mill owners have named many children, and Child Labour demands have also risen in the agriculture sector. In this case, might assume that industrialization on a wide scale led to increased employment of children in factories, hotel workshops, and other uncontrolled child abuse occupations. However, with the rise of capitalism in industrialization during the 18th century, the notion changed dramatically, and Child Labour became a societal concern. In **Cotton, Jute Mills, Coal-Mines**, and underground works, many children were working. In modern slavery, an approximated 40 million people are enslaved. It affects women and girls massively, contributing to about **29 million people**, or **71%** of the

¹⁰ H.L. Kumar, *Obligations of Employers* 132 (Universal Law publishing, Delhi, 2010).

¹¹ S.N. Tripathy, *Exploitation of Child Labour in tribal India* 25 (South Asia Books, Delhi, 1991).

¹² Vijay Kumar Dewan, *Child Labour: A Socio-Legal Perspective* 435 (Pentagon Press, Delhi, 2009).

population. Children account for one in every four victims of contemporary trafficking, or around 10 million children. Children made up **37 % (5.7 million)** among those forced to marry.¹³

Following is the legislation prohibiting the employment of Child Labour during the Modern Period:

The Indian Factories Act, 1881: The British established the first legislation in 1881 to ensure children's safeguards from employment. It barred the employment of 7 years children, limited their daily work hours, and required four days of vacation every month. Children aged 7 to 12 were required to labour 9 hours and stipulated a 1-hour break during the working day. It contained provisions to protect employees, forepersons, managers, medical practitioners, physicians, health officials, engineers, and Child Labourers from dangerous equipment. To avoid accidents, dangerous machinery should be adequately gated. Inspectors have been appointed to oversee the act's implementation. The investigator's goal was to look at the working hours and allowances for lunch breaks and holidays, the employment of children, and factory safety.¹⁴

The Mines Act, 1901: In 1901, the first Mines Act was enacted with the primary aim of reducing the danger of workplace hazards and diseases and demonstrating a safer working environment in mines for safety and protection and to control mining accidents. The act banned the employment of children under the age of 12. The Chief Inspector of Mines was empowered underact to prohibit children's work in dangerous workplaces if he was convinced that the conditions of employment were hazardous to the health and safety of children. In 1901, the first Mines Act was enacted in India, which only referred to mines in British India, followed by the "Bureau of Mines Inspection" establishment in Kolkata. In 1923, 1928, and 1935, the Mines Act was re-enacted.¹⁵

The Indian Factory Labour Commission of 1908: The 1908 Indian Factory Labour Commission investigation found that 30 to 40 % of people working in factories were tender-age children half of the time. The employer had no sense of proportion or human compassion when it came to the abuse of women and children. Even at such a vulnerable age as between 5 and 7, most cruelties were perpetrated everywhere. In defining the mode of work of the **Bengal Jute Factory**, the commission reported that the workers lived **3 to 4 miles** away from the mill. But

¹³ Tapan Kumar Shandiyā, *Child Labour Eradication: Problems, Awareness, Measures* 29 (Deep and Deep Publications, 2006).

¹⁴ Usha Ramanathan, "Evolution of the Law on Child Labour in India" 765 (2009).

¹⁵ R Sivarethinamohan, *Industrial Relations and Labour Welfare* 32 (PHI Learning Pvt. Ltd., Delhi, 2010).

when the siren struck at 3 o'clock in the night, the Child Labour under 7 years of age went to the plant, walking 3 to 4 miles on foot in the darkness of night. The Commission also found out that their well-being breaks down under the burden of working during the night concerning female labour. When the staff became unpleasant to any human being under the strain of his work, one set was replaced by a recruit, just as a new gear in a wheel was replaced by a new one.¹⁶

The Indian Factories Act, 1911: "The invention of electric lighting in factories in 1895 and the devastating effects of the plague also influenced labour accessibility to meet growing manufacturing capacity. The advent of electric lights in factories in 1895 and the disastrous consequences of the epidemic at about the same time impacted the availability of labour to meet the rising production capacity. During the first occasion, a certificate for children's age was required, and adult male workers' working hours were established at 12 hours per day for the first time. The protective clauses in the 1891 legislation have proven insufficient."¹⁷

The Indian Factories (Amendment) Act, 1922: The First World War broke out shortly after the 1911 Factories Act was implemented. Children under 14 years were not allowed to labour more than 60 hours a week, and night employment was prohibited. In 1919, the ILO was established to establish global universal labour standards, and it subsequently published many agreements and recommendations to that aim. The Government enacted the Indian Factories (Amendment) Act of 1922, partly due to a few essential Conventions and Guidelines and partly due to social consciousness and pressure.¹⁸

The Royal Commission on Labour, 1929: J. H. Whitley was born into a successful business family in **Halifax**. Before becoming Halifax's MP from 1900 until 1928, he worked with children and local politics. Children have been subjected to economic and social maltreatment by employers whose primary objective is profit maximization due to the rise of industrialization and urbanization. From 1929 to 31, Child Labour was highly unsatisfactory work, and working conditions were described in detail. He was the chairman of the BBC from 1930 to 1935 and travelled to India as the leader of the Royal Commission on Indian employment. The British Parliament created the commission of Inquiry on the Labour of Child. Hundreds of interviews, primarily with children, were done to learn about their employment circumstances, education, and daily food.¹⁹

¹⁶ H.L. Kumar, *Obligations of Employers* 127 (Universal Law Publishing, Delhi, 2010).

¹⁷ Ram Ahuja, *Social Problems in India* 87 (Allied Publisher, New Delhi, 2014).

¹⁸ H.L. Kumar, *Obligations of Employers* 231 (Universal Law publishing, Delhi, 2010).

¹⁹ Gopal Bhargava, *Child Labour* 129 (Gyan Publishing House, Delhi, 2003).

The Children (Pledging of Labour) Act, 1933 forbids the formation of contracts to pledge children's labour for employment. A child is a person who is under the age of 15 years. Under this Act, an agreement to promise a child's labour is void. Under the contract, contrary to public policy, such a contract would also be void under the Indian Contract Act. The act aims to enforce penalties on parents who enter into agreements guaranteeing their children's employment and individuals who knowingly employ children whose employment is committed.²⁰

The Mines (Amendment) Act, 1935: In 1934, implemented from January 1, 1935, a new consolidated and amended act was passed. Labour laws enacted by the Mines (Amendment) Act of 1935 mandated the construction of enforcement machinery mainly in the central and out in the states. The **Second World War** contributed to the country's labour administration extension. A new reform in the age of work was introduced by the revised act of 1935. The children's age has been raised to 15. Furthermore, this Amendment Act provided that juveniles, i.e., young people between 15 and 17 years of age, could function after a physical health certificate given by a recognized medical authority. The authorized working hours for children aged 12 to 15 years old was 5 hours per day. Mining boards were mandated by the provincial government to be set up.²¹

The Employment of Children Act, 1938: Legislation intended for regulating minors' work across India. It prohibited children from risky work and those detrimental to health. **Section 3, "Prohibition of employment of children in certain occupations.** No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation." The convention has special provisions for India and gives some compromises. This statute was created to provide safeguards for children working in workshops, which the Factories Act did not cover. The convention only applies to factories as described in the Indian Mines Act; railways; Employment of Children's Act, 1938. Based on secondary sources, Child Labour works, and working conditions are primarily intended to make a case for eradicating both dangerous and worst kinds of labour for children.²²

1.2.4. Child Labour Laws after Independence

Since **Independence**, India has taken a progressive approach to tackle Child Labour. The post-independence era has witnessed on enacted of various constitutional rights and legislations

²⁰ C. K. Shukla & S. Ali, *Child Labour: Socio-economic Dimensions* 56 (Sarup & Sons, Delhi, 2006).

²¹ Sinha, *Industrial Relations, Trade Unions, and Labour Legislation* 51 (Pearson Education, India, 2006).

²² Usha Ramanathan, *Evolution of the Law on Child Labour in India* 765 (2009).

on children welfare and safeguard., The labour department under the federal and state governments deals with the issue of Child Labour. As labour welfare vocational and technical training is placed in parallel to the child welfare law, the constitution can be implemented by both the **Centre and the State lists**. It is at this point that the need for laws and statutes to forbid the harmful practise of Child Labour became apparent. News of workplace accidents and risks killing innocent youngsters flashed all over the headlines at this point. Nowadays, many laws exist to condemn and forbid Child Labour.²³

Since Independence, Constitutional Provisions and Indian laws addressing the issue of Child Labour have been categorised:

1.2.4.1. Indian Constitution, 1950

It was promulgated in 1950 to ensure that children in a free India may enjoy distributive justice. The Indian Constitution has provisions for young people's survival, development, and safety, primarily safeguarded by Parts III and IV.²⁴

The following are India's constitutional obligations regarding children's welfare:

- **Article: 24**, "No child under the age of 14 should be employed in a factory or mine, or any other hazardous occupation."
- **Article: 39(e)** "That there is no abuse of the health and strength of workers, men and women, and of the tender age of children, and that citizens are not compelled by economic necessity to join occupations that are unfit for their age or strength."
- **Article 39(f)** "Children are given opportunities and facilities to develop healthy and under conditions of freedom and dignity, and to protect children and young people from abuse and moral and material abandonment."
- **Article 41** "The State makes provisions for economic capacity and development to ensure the right to work, education and public assistance in unemployment, old age, sickness and disability, and in other cases of underserved need."
- **Article 45** "The State shall endeavour to provide free and compulsory education for all children, up to fourteen, within ten years from the beginning of this Constitution."

²³ Suresh M. Makvana, "The International Journal of Indian Psychology" 3 *Red Shine Publication. Inc*, 214 (2016).

²⁴ Anil Rajimwale, *Oral History Documentation of Indian Labour Movement* 54 (V.V. Giri National Labour Institute, Uttar Pradesh, 2003).

- **Article 47** "The State shall consider the raising of the level of nutrition and the standard of living of its people and the improvement of public health as one of its primary tasks and, in particular, the State shall endeavour to prohibit the consumption of intoxicating drinks and drugs harmful to health, except for medical purposes."
- **Article 51-A (k)** "Parents or guardians' duty to give opportunities for the education of children between the ages of 6 and 14."²⁵

1.2.4.2. Legislature Enactments

In India, legislation to exploit and change Child Labour has existed for several decades. Determining the minimum age restrictions on Child Labour and guaranteeing the welfare of children by prohibiting Child Labour in dangerous work have all been addressed by regulation. There are several legislative provisions before and after independence to ban Child Labour and protect children's rights. Many Child Labour laws restrict children under the age of 14 and 15 to specific occupations. Yet Child Labour is a harsh fact, contrary to our international commitments and the declarations within the country's constitution, regardless of all legislative measures.²⁶

The Factories Act, 1948: Section 2 (c), "Child means a person who has not completed his 15 years of age", and "young person means a person who is either a child or an adolescent." **Section 67, "Prohibition of employment of young children** - No child who has not completed his fourteenth year shall be required or allowed to work in any factory." **Section 69, "Certificate of Fitness** - A child or teenager aged 14 or older is not permitted to work in a workplace unless the child or adolescent presents the factory manager with a 'certificate of fitness' given by a 'certifying surgeon,' and the child or adolescent wears a token at work referencing to the certificate." **Section 71, "Working hours for Children** - Child engaged in work not more than four and half hours. No child shall be forced or permitted to work in another factory on any day they have previously worked in another industry. Within 8 a.m. and 7 p.m., no female child shall be compelled or authorized to work in a workplace. Every factory organizer who employs children must keep a record of all child workers".²⁷

The Plantation Labour Act, 1951: A complaint raised against India's economic reform process is the claimed favouring labour policy, which is criticized for the production industry's lack of performance. **Section 2(c)**, "**Child** means a person who has not completed his fifteenth

²⁵ Usha Ramanathan, "Evolution of the Law on Child Labour in India" 789 (2009).

²⁶ Suresh M. Makvana, "The International Journal of Indian Psychology" 3 *Red Shine Publication. Inc*, 214 (2016).

²⁷ H.L. Kumar, *Obligations of Employers* 231 (Universal Law publishing, Delhi, 2010).

years." **Section 14, "Educational facilities** - Where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number, the State Government may make rules requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed." **Section 19, "Weekly hours**, no adult worker shall be required or allowed to work on any plantation over 48 hours a week and no adolescent 3 for more than 4 [27 hours] a week." **Section 27, "Certificate of fitness** - The Act allows a licensed surgeon to receive a 'certificate of fitness' from children and adolescents wishing to operate."²⁸

The Mines Act, 1952: In India, the first-ever mining legislation has been formulated and enforced after the Vedic Period. The Mines Act, 1952 governed the working conditions in the mines. It specified that "no child under the age of 15 shall be employed in any mining activity, nor shall any child be permitted to be present in any part of an underground mine or any open excavation in which any mining operation occurs". Child Labour in the mining sector is an issue that needs to be tackled effectively. Mining is an industry intentionally developed as a male sphere of commerce and employment. Therefore, the existence of children in the mine pits or around the mine pits is considered non-contextual.²⁹

The Motor Transport Workers Act, 1961: The Motor Transport Workers Act of 1961 was then given to ensure the well-being of motor transport workers and control their employment conditions. Section, 21, Prohibition of employment of children. No child shall be required or allowed to work in any capacity in any motor transport undertaking. The act aims to establish the criteria under which no child under the age of 14 may be admitted or entitled to work in any position in a motor vehicle company. It sets working hours for adults and teenagers, adults allow more than 8 hours of work every day and 48 hours of work every week, and adolescents who are 14 years of age and not 18 years of age are allowed to work more than 6 hours a day between 10 p.m. and 6 a.m.³⁰

The Beedi and Cigar Workers (Conditions of Employment) Act, 1966: Under the Beedi and Cigar Workers (Employment Conditions) Act, 1966, unlike other labour laws, the rules adopted under it impose various duties and obligations on employers and impose penalties if they are not fulfilled. These obligations and liabilities are described below, along with the penalty for

²⁸ Gopal Bhargava, *Child Labour* 129 (Gyan Publishing House, Delhi, 2003).

²⁹ Shreeru Goswami, *Indian Mining Legislation: a prospective study* 32 (Mines Tech, 2011).

³⁰ R.C. Sharma, *Industrial Relations, and Labour Legislation* 125 (PHI Learning Pvt. Ltd., New Delhi, 2016).

contravention. **Section: 24** of "the act forbids the employment of minors. There shall be no obligation or permission for any child to operate on any industrial premises".³¹

The Report of the First National Commission on Labour 1969: Despite a drop, specific jobs still use Child Labour. Its prevalence varies from location to location. It is particularly noticeable in small-scale, unorganised industries like agriculture and plantations; it is not wholly absent from the organised industrial sector. Even though the number of children working in the mica mines decreased significantly from 1944 to 1946, they are still engaged there. The continued use of Child Labour in the unorganised sector is troubling. Every time a weaver collaborates with a master weaver, they are supported by a child who is old enough to attend school. The children assist the employee and take whatever cash they can from him even though they are not the master weaver's employees. Catching them young seems to be the motto of most of the nation's carpet weaving and beedi industries.³²

The Employment of Children (Amendment) Act, 1978: The amending Act on Children, 1960 passed by Parliament in the 29th year of the Republic of India, stated "no child under the age of fifteen shall be engaged or permitted to work in any occupation related to the railway transportation of passengers, goods, or mails; or any port. No child who has completed his fifteenth year but has not completed his seventeenth year shall be employed or permitted to work in any occupation referred to in sub-section (1) unless the periods of work of such child for any day are fixed in such a way as to allow an interval of rest for at least twelve consecutive hours, including at least seven consecutive hours between 10 p.m. and 7 a.m." In 1978, the 1960 Children's Act was revised to make it more effective and to meet and make available the criteria of delinquent children. When the children leave the Children's Homes and Special Schools, aftercare programs.³³

The Gurupadswamy Committee, 1979: On December 21, 1976, the United National General Assembly adopted Resolution 311169, which declared 1979 as the International Year of the Child. In doing so, the general aim was to raise worldwide awareness of children's well-being, draw attention to their unique needs, and promote national action on behalf of children, exceptionally the least fortunate and those at work. India is among the nations where the problem of Child Labour is most evident. For some time, the government of India has been concerned

³¹ H.L. Kumar, *Obligations of Employers* 231 (Universal Law publishing, Delhi, 2010).

³² Government of India, "The Report of the National Commission on Labour" (Ministry of Labour Government of India, 1969).

³³ Pramila Pandit Barooah, *Handbook on Child, with Historical Background* 324 (Concept Publishing Company, New Delhi, 1999).

about the widespread existence of Child Labour in the country, both in the organised and unorganised sectors. Keeping in mind the general history of the issue and the significance of the International Year of the Child, the Ministry of Labour and the Government of India felt the need for a detailed assessment of the situation. The Government established the Gurupadswamy Committee in 1979 to investigate Child Labour and make recommendations for solutions. Accordingly, the government has taken proactive steps to resolve this issue through strict statutory requirements and concurrent rehabilitation initiatives. Because poverty is at the base of the problem and regulation alone will not solve it, the government has prioritized rehabilitating these children and improving their families' economic circumstances.³⁴

The Child Labour (Prohibition and Regulation) Act, 1986: The Child Labour (Prohibition and Regulation) Act, 1986 was introduced to reduce Child Labour. Since 1881, India's legislative history has travelled a long way by gradually extending legal security to working children. The provisions in different enactments about Child Labour mainly focused on reducing working hours, raising the minimum age, prohibiting minors from working in careers, and procedures harmful to the health and welfare of children of reproductive age. CLPRA repealed the Employment of Children Act, 1938, which was the first law on Child Labour. CLPRA, 1986, is the culmination of several suggestions made by several committees. From reading the recommendations made by the different committees, a national consensus was reached in favour of a comprehensive universal law banning children's participation in any other occupations. The CLPRA, which came into force on December 23, 1986, was passed by Parliament to achieve this purpose.³⁵

The National Child Labour Projects, 1987: India is taking a proactive approach to Child Labour. The NCLP, based on legislation, was established in 1987 to address children being compelled to work. As a result, the initiatives were first introduced in 1988 in areas with a high prevalence of employment of children. The programs are time bounded, programs that prioritize removing and rehabilitating minors. It is a national government initiative that focuses on locating, isolating, and gradually integrating children and teenage workers into rehabilitation. The adolescent employees are moved from dangerous occupations to a permissible occupation with proper skill training, while the youngsters are guaranteed access to formal schooling and vocational training. The Indian government has adopted several initiatives to eliminate and prevent Child Labour. The National Child Labour Project (NCLP) Scheme, the INDUS Project,

³⁴ Myron Weiner, *The Child and the State in India 167* (Princeton University Press, 2021).

³⁵ Gopal Bhargava, *Child Labour 137* (Gyan Publishing House, Delhi, 2003).

the Child Labour (Prohibition & Regulation) Amendment Act, 2016, and the Right to Education Act of 2009 were all implemented with the goal of preventing and eradicating the problem of Child Labour. The government has also collaborated with a number of organisations to raise public awareness of the same problem.³⁶

The National Policy on Child Labour, 1988: To rehabilitate Child Labour, the National Child Labour Project Scheme (NCLPS) was started in 1988. The goal of the Scheme was to follow a sequential approach focusing on the rehabilitation of children employed in risky works and processes. A survey of children engaging in dangerous occupations and procedures in a district or a designated area is undertaken under the Scheme; then, children in the 9-14 years age group are removed from these occupations and processes and placed in the NCLP Special Training Centre. There has been a range of changes since the NCLPS began in 1988 that involve a study of the basic strategy of running bridge schools/special schools under the NCLP. Parliament has passed the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act). Section 3(1) of the RTE Act specifies that any child in the 6-14 age group has the right to free and compulsory education in a neighborhood school until elementary education is completed.³⁷

The Report of the National Commission on Labour Volume I, 2002: The International Labour Organization (ILO) declaration on fundamental principles and rights at work, adopted by the International Labour Conference in June 1998, states, among other things, that all Member States, regardless of whether they have ratified the relevant conventions or not, should respect, to promote, and to realise the principles concerning the fundamental rights covered by those conventions, namely, the elimination of all forms of forced or compulsory labour; the effective abolition of slavery; and prohibition of Child Labour. To replace the provisions of the current law for the benefit of children and to further the goal of ending Child Labour, the Commission has proposed a new law on the subject of Child Labour. The proviso to the Children (Pledging of Labour) Act of 1933's definition of "an arrangement of the pledge of the labour of a child." If reasonable remuneration is paid, this condition would equate to approval of Child Labour. The Commission-appointed study group has identified several general characteristics of employment, including low wages and low earnings, a high percentage of women employed, the use of family labour, Child Labour, and migrant labour, home-based work or contractual work, seasonal

³⁶ Ram Ahuja, *Social Problems in India* 98 (Allied Publisher, New Delhi, 2004).

³⁷ Jaya Surianand D. Vezhavendan, "An Empirical Study on the Status of Child Labour before and after implementing the National Child Labour Project Scheme in India" 119 *International Journal of Pure and Applied Mathematics* 247-267 (2018).

employment, a lack of organisation into trade unions, multiple jobs, presence of debt bondage, and the existence of debt slavery.³⁸

The Report of the National Commission on Labour Volume II, 2002: The working conditions for factory workers were hardly any better. There were no limitations on using children as labourers in factories. There were no rest days, vacations, holidays, or restrictions on the hours a worker, including a woman or a child, may be required to labour. Once more, the state of these employees forced the British Parliament to pass legislation. A number of commissions were established to investigate the working conditions of employees in industries and mines. The Commission discussed the Child Labour (Prohibition and Regulation) Act of 1986 and proposed a new law to replace it with elements that would benefit children and help end Child Labour. The 1933 Children (Pledging of Labour) Act. We are unsure of the need for such an Act, and even in the event that Child Labour is pledged, it may undoubtedly be included in general law.³⁹

The Ban on Employment of Domestic Servants, Hotels and Restaurants, 2006: The Campaign Against Child Labour (CACL) has concentrated since 2002 on eradicating Child Labour from all industries using legal prohibition and social avoidance of children's entry into work. While the letter had to be accomplished by free compulsory schooling, the former had to be realized through incremental legislative changes. It is based, now and then, on particular sectors of employment. CACL concentrated on the work of children in the hotel and domestic sectors from 2002 onwards. A variety of events based on the demand for the inclusion of these sectors have been taken up. Bachpan Bachao Andolan and the other NGOs and Civil Society Organizations have also raised similar needs. The memorandum submitted by CACL to the Government of India on 23.07.02 requested that Child Labour in the hotel and domestic sectors be included in the list of hazardous occupations and processes referred to in CLPRA 1986, thus banning the employment of children in those sectors. A Public Hearing on Girl Child Labour in the domestic industry and the focus group was organized by CACL in Mysore in 2003-04. Therefore, the Government of India's notification of October 10, 2006, was both a response to the loud demands of civil society and a pledge of its own to phase out Child Labour. A very welcome move in this direction.⁴⁰

³⁸ Government of India, "The Report of the National Commission on Labour Volume I" (Ministry of Labour Government of India, 2002).

³⁹ Government of India, "The Report of the National Commission on Labour Volume II" (Ministry of Labour Government of India, 2002).

⁴⁰ National Social Audit, "Ban on Employment of Children in Domestic Sector" 67 (Dhabas and Eateries, 2010).

The Domestic Workers (Registration Social Security and Welfare) Act, 2008: Despite the inclusion of this occupation in the list of dangerous Child Labour (2006) by the Government of India (GOI), the employment of minors as domestic workers is still a common practice in India, prohibiting it for boys and girls under the age of eighteen and providing punishment of imprisonment of not less than six months and which may extend up to a maximum of seven years or a fine of Rs. 50 The Juvenile Justice Act, 2000 successfully rescues workers below the age of eighteen to some extent. However, the Child Labour Act has included domestic work for children only up to fourteen in prohibited pieces. As a result, minors beyond the age of fourteen can legally work under specific sections and are not covered by the Juvenile Justice Act. These measures remain grossly insufficient considering the large numbers and the enormity of the problems faced by this sector of staff.⁴¹

The Right to Free and Compulsory Education Act, 2009: Changing laws are introduced in Parliament in an apparent attempt to rectify this significant omission. However, rather than taking a positive step toward inclusion, the proposed Reforms appear to be on the verge of making the exclusion of children with severe and profound impairments lawful. Children with impairments, especially those with exceptionally high assistance requirements, have equal access to this fundamental right. However, the planned revisions to the Right to Education Act, 2009 water these children's fundamental rights. A child with significant assistance requirements can now be educated at home rather than in a school.⁴²

The Domestic Workers (Registration Social Security and Welfare) Act, 2010: Hiring children as domestic servants are still prevalent in India. "Child means a person who has not completed eighteen years." Domestic worker exploitation of women and children is a common and well-publicized issue. Several domestic helpers are becoming modern enslaved since they have no rights or standards to rely on. Children are exploited and trafficked by recruitment agencies that work openly with no restraints or rules. The so-called "Women Domestic Workers" lack proper training and effective unionisation. The majority of domestic helpers have evolved into modern slaves because they have no rights or regulations to rely on. The placement agencies, which operate openly and without any constraints or rules, are also well known for trafficking and utilising a large number of women and children.⁴³

⁴¹ SEWA, "Domestic Workers' Laws and Legal Issue in India. Women in Informal Employment: Globalizing and Organization (WIEGO) Law and Informality Resources"122 *WIEGO* (2014).

⁴² Suresh M. Makvana, "The International Journal of Indian Psychology" 3 *Red Shine Publication. Inc*, 214 (2016).

⁴³ SEWA, "Domestic Workers' Laws and Legal Issue in India. Women in Informal Employment: Globalizing and Organization (WIEGO) Law and Informality Resources"122 *WIEGO* (2014).

The Child Labour and Adolescent (Prohibition & Regulations) Amendment Act, 2016: Forbids "participation of children in all occupations and adolescents in hazardous occupations and procedures, with adolescents denoting those under the age of 18 and those under the age of 14." A child below 14 is allowed to work with "family members or in family enterprises" and "an artist in an audio-visual entertainment industry." An Act to prohibit the engagement of children in all occupations and the engagement of adolescents in hazardous occupations and processes and the matters connected in addition to that or incidental to it.⁴⁴

1.2.4.3. International Scenario

Nearly every nation in the world has laws that address and seek to prohibit child labour. The majority of nations have accepted and endorsed the international legislation that the International Labour Organization helped establish. Child Labour is defined by the ILO Minimum Age Convention (C138) of 1973 as any job carried out by children under the age of 12, non-light work carried out by children between the ages of 12 and 14, and hazardous work carried out by children between the ages of 15 and 17. According to this standard, "light work" is any activity that does not negatively impact a child's health or development or prevent them from attending school. Nations have ratified this agreement. The Convention on the Rights of the Child was ratified by 193 nations after being adopted by the United Nations in 1990.⁴⁵

According to Article 1 of the 1990 Convention, a child is "any human being below the age of eighteen years, unless a majority is achieved earlier under the law applicable to the child." States must "make primary education compulsory and provided free to all," according to Article 28 of this Agreement. Only Somalia and the United States have not ratified the convention, out of the 195 nations that are parties to it. Worst Forms Convention 182 (C182), which has been ratified domestically by 151 countries, including the United States, was co-sponsored by ILO in 1999. The worst types of child labour are prohibited under this international law, which is defined as all forms of slavery and slavery-like acts. Examples of such practises include child trafficking, debt bondage, forced labour, and the compulsion of minors to join military conflicts. The use of children in dangerous jobs, prostitution, the creation of illegal operations like the production and trafficking of drugs, and child labour generally are all prohibited by law.⁴⁶

⁴⁴ R Sivarethinamohan, *Industrial Relations and Labour Welfare* 32 (PHI Learning Pvt. Ltd., Delhi, 2010).

⁴⁵ Shreeru Goswami, *Indian Mining Legislation: A Prospective Study* 142 (Mines Tech, 2011).

⁴⁶ R.C. Sharma, *Industrial Relations, and Labour Legislation* 311 (PHI Learning Pvt. Ltd., New Delhi, 2016).

Child labour is addressed via the ILO's implementation of the Worst Forms Convention (C182) and the Minimum Age Convention (C138), two international labour regulations. The United Nations launched the International Program on the Elimination of Child Labour (IPEC) in 1992 in addition to establishing international law. In building national capacities to address some of the causes of child labour, this effort seeks to gradually end child labour. The so-called time-bounded programme countries, where child labour is most common and educational possibilities are few, are one of the major initiatives. The effort aims to make primary education accessible to all people, among other things. At the very least, the IPEC has reached its target nations of Bangladesh, Brazil, China, Egypt, India, Indonesia, Mexico, Nigeria, Pakistan, the Democratic Republic of the Congo, El Salvador, Nepal, Tanzania, the Dominican Republic, Costa Rica, the Philippines, Senegal, South Africa, and Turkey.⁴⁷

Consumers' moral complicity in purchasing goods assembled or otherwise produced in poor nations using Child Labour has frequently been questioned. Others, however, have expressed worries that banning goods made with Child Labour might encourage young kids to pursue riskier or more demanding careers, including prostitution or agriculture. For instance, a UNICEF study found that after the Child Labour Deterrence Act was passed in the US, an estimated 50,000 children in Bangladesh's garment industry were fired, forcing many of them to turn to jobs like "stone-crushing, street hustling, and prostitution," which are "more dangerous and exploitative than garment production." Before the Industrial Revolution, almost all children worked in agriculture, claims **Milton Friedman**.⁴⁸

A large number of these children switched from farm work to factory jobs during the Industrial Revolution. Child labour decreased before and after legislation because parents could afford to send their children to school instead of work as real wages increased over time. **E. P. Thompson**, a socialist historian from the **United Kingdom**, contrasts Child Labour in the home and involvement in the larger (waged) labour market in his book *The Formation of the English Working Class*. Furthermore, it has been questioned if the knowledge gained from the industrial revolution can be used to forecast current developments. In a piece written by the Cato Institute, a libertarian think tank based in **Washington, D.C.**, **Thomas DeGregori**, an economics professor at the **University of Houston**, claimed that "it is clear that technological and economic change are vital ingredients in getting children out of the workplace and into schools."⁴⁹

⁴⁷ H.L. Kumar, *Obligations of Employers* 214 (Universal Law publishing, Delhi, 2010).

⁴⁸ Myron Weiner, *The Child and the State in India* 167 (Princeton University Press, 2021).

⁴⁹ Gopal Bhargava, *Child Labour* 137 (Gyan Publishing House, Delhi, 2003).

They can then develop into responsible adults who live longer, healthier lives. But, like in our tradition until the late 19th century, working children are crucial for survival in many families in destitute nations like Bangladesh. Hence, even while the fight to stop Child Labour is important, getting there frequently means pursuing alternative paths, and unhappily, there are many political barriers in the way. The 1992-founded **International Programme on the Elimination of Child Labour (IPEC)** works to do just that. The largest programme of its sort in the world, it runs in 88 nations. IPEC collaborates with national and international organisations, NGOs, the media, children, and their families to stop Child Labour and give children access to education and support. Thousands of children were engaged in the glass manufacturing industries in the early 20th century. Making glass was a difficult and risky task, especially before modern technologies. 3,133 °F (1,723 °C) of extreme heat is used to melt glass throughout the production process.⁵⁰

In order to gradually end child work, the ILO established the International Program on the Elimination of Child Labour (IPEC) in 1992. The worst types of child labour, including as child enlistment in armed conflict, prostitution, drug trafficking, and enslavement, are addressed in this priority. IPEC collaborates with stakeholders from numerous nations to strengthen efforts and advance the fight against child labour. IPEC collaborates with various entities, including federal and international agencies, local nonprofits, faith-based organisations, privately held corporations, and children and their families. The ILO established the Child Labour Platform in 2012 as a business-led initiative to identify challenges and develop solutions for the community-level application of ILO agreements. All parties involved stakeholders and children and their families- win from this platform. This platform provides member businesses with training, research, and specialised tools so they may engage in anti-child labour efforts. Corporations have a social obligation to end Child Labour in keeping with their beliefs and what society expects of them.⁵¹

The boys are exposed to tremendous heat while they are at work. This could result from cuts, burns, heat exhaustion, lung conditions, and eye and lung problems. Workers were required to work nonstop over long periods of time since the piece paid them. There were night shifts from 5:00 pm to 3:00 am because furnaces had to be kept blazing continuously. Many manufacturing owners chose boys under the age of 16. By 1900, there were 1.7 million children under the age

⁵⁰ Ram Ahuja, *Social Problems in India* 98 (Allied Publisher, New Delhi, 2004).

⁵¹ Jaya Surianand D. Vezhavendan, "An Empirical Study on the Status of Child Labour before and after implementing the National Child Labour Project Scheme in India" 119 *International Journal of Pure and Applied Mathematics* 247-267 (2018).

of fifteen working in American industries. Almost 2 million youngsters in the same age range were working in the US in 1910. These included youngsters who worked in canneries, factories, bobbin doffer jobs in textile mills, coal mines, and the rolling of cigarettes. The suffering of working children in the American south was vividly depicted by Lewis Hine's images of child labourers taken in the 1910s. As the National Child Labour Committee's staff photographer between 1908 and 1917, Hine shot these pictures.⁵²

Morally and ethically, child work is unethical. The Convention on the Rights of the Child was originally ratified by the United Nations Children's Fund (UNICEF) in 1989. Children are now, for the first time in history, viewed as human beings with rights rather than as the financial possessions of their parents. Child labour is described as work that endangers children's health and denies them the opportunity to receive an education. Children who labour for their families are not exempt from this law. At different times and to varying degrees, children were exploited. The issue was widespread in underdeveloped and developing nations. Child labour was a component of the economy and the expansion of industry in the 1800s. Children under the age of 14 were employed in street hawker jobs, industries, mines, and agriculture. Children from low-income homes were expected to contribute to the family's income and occasionally performed 12-hour stints in hazardous conditions.⁵³

Country-based programmes were used to encourage policy reform. Institutional capacity-building has been stepped up in an effort to better grasp the challenges and boost the likelihood of securing long-term solutions. These policies aimed to reduce child labour and get children back in the classroom. All of these procedures involved the global collection of statistical data, the establishment of techniques, and the development of rules. There are justifications for child work notwithstanding all of these national and international laws forbidding it. Some contend that poor families would be even poorer without children's additional financial support. They won't have access to the necessities of life, such as food and shelter, which will lower their chances of surviving. In addition, children would become considerably more vulnerable to exploitation as poverty rose. Supporters of these concepts contend that it is advantageous to establish a secure workplace and permit youngsters to work in some circumstances. They also stress that work done by children is not considered Child Labour if it does not interfere with their education and is done under safe working conditions for a set number of hours each day.⁵⁴

⁵² Suresh M. Makvana, "The International Journal of Indian Psychology" 3 *Red Shine Publication. Inc*, 214 (2016).

⁵³ H.L. Kumar, *Obligations of Employers* 115 (Universal Law publishing, Delhi, 2010).

⁵⁴ Gopal Bhargava, *Child Labour* 213 (Gyan Publishing House, Delhi, 2003).

1.3 STATEMENT OF PROBLEM

- 1.** No uniform definition of a child in the legal framework. All labour laws defined the age of a 'child' differently. These definitions have no similarity, and the fight against Child Labour is still ineffective. There is no law or legal provision on the age for the child to enter employment. Under the Indian Constitution, the term 'child' is not defined. Only the age of a child for labour and education is limited. "Articles 21-A and 45" state that "all children from 6 to 14 would receive free and compulsory education." "Article 24" bans "children under 14 from working in factories, mines, or other hazardous jobs."
- 2.** Few employments and activities considered "hazardous" to children's lives are forbidden. However, "hazardous" has not been defined, and the Technical Advisory Committee established no standards or criteria to identify what is dangerous under "the Child Labour (Prohibition and Regulation) Act, 1986." The government has defended the choice to allow some types of work after school hours or during holidays, claiming that some children need to acquire traditional skills and that families require assistance, but precarious employment must be avoided.
- 3.** India's statutes impose penalties for illegal labour on Child Labour, but it does not entirely prohibit the employment of minors. Specific types of Child Labour, such as operating a family company or performing as a young artist, are permitted under certain circumstances. Children who work as family members are excluded from the Act's provisions.
- 4.** There is no clear definition of "Unorganized Sector" due to rarely recorded incidents. It is simpler for employers to employ many minors without fear of prosecution. The insufficient labour laws on unorganized sectors that why it's out of the control of appropriate authorities.
- 5.** No provisions for Child Labour, overtime work, paid leave, holidays, and leave due to sickness, minimum wages, etc., and children suffer high levels of exploitation. The hours of labour in rural regions and the so-called informal sector, where millions of children work in major cities and even smaller cities, are difficult to calculate due to the highly flexible work environment.
- 6.** Although the rules against Child Labour are severe, Child Labour is nevertheless widely practised, owing to a "lack of understanding of enforcement of the law" by authorities.
- 7.** Agriculture and related sectors, which account for the most considerable prevalence of Child Labour, are not covered by laws.

8. The absence of sufficient information and monitoring systems for addressing child domestic labour in India remains the most severe issue. It is commonly noted that girls are prioritized in domestic labour, increasing modern slavery, considering it a gender-based problem. Child Domestic labour does not exist in a vacuum; various variables and processes conspire to put children in these exploitative and dangerous working situations.
9. Child Labour regulations do not cover compensation for psychological harm caused to a child due to violating their fundamental rights, dignity, and independence.
10. In the cases filed under the CLPR Act, there is a low percentage of convictions; completed inspections do not result in prosecutions because some of the Act's or Rules' provisions are ignored during the inspection. Because of gaps in gathering adequate and credible evidence during inspections, prosecutions do not result in convictions.
11. Accused mostly get acquittals in Child Labour cases because required formalities are not completed. Signatures of the employer and the workers are not taken. The show cause notice does not indicate whether the accused admits or disputes the child's age. The prosecution fails to prove the child's age; prove beyond a doubt that the child was employed by the accused by presenting independent witnesses.
12. The fundamental "right to education" and the objective of universal education have been severely harmed. The infringement of children's "**Rights to Education**" is not addressed in laws protecting children from Child Labour. Child Labour is commonly linked to a child's absence from school.

1.4 OBJECTIVES OF THE STUDY

1. To study the Historical Background of Child Labour.
2. To discuss the impacts of International Labour Conventions on Child Labour legislation in India.
3. To examine the Socio-Economic conditions and factors responsible for Child Labour in Punjab.
4. To analyse the existing Constitutional provisions governing children's rights.
5. To evaluate the Laws for eradicating Child Labour in India and Punjab.
6. To appraise the role of the Judiciary in combating Child Labour.
7. To make an Empirical Study on the implementation of Child Labour Laws in Punjab.
8. To find loopholes in existing Child Labour laws in India and make a suitable recommendation to eradicate lacunas in Child Labour Laws in India.

1.5 SCOPE OF THE STUDY

Research work shall extend to "**Enforcement of Child Labour in India – A Study with Special Reference to Punjab.**" Children under Child Labour perform any hazardous work for their physical and mental health. Our Indian laws are strict against Child Labour, and these laws are very much prevalent, but it's fruitless in combating it. The study is confined to analysing the legislative, constitutional, and judicial safeguards provided to Indian children and the efforts made by "ILO and UN" at the global level to eradicate this problem. The present research will do their empirical work in different districts of Punjab only in the "Agriculture Sector, Domestic Sector, and Grain & Vegetable markets (Mandi's)" and analyse the factors forcing the child to become Labour.

1.6 REVIEW OF LITERATURE:

- **Leila Seth, "We, the Children of India: The Preamble to Our Constitution," Puffin, 2011.** The book de-mystifies the Preamble to the Indian Constitution and is sure to appeal to both children and adults. Children in India and throughout the arena are always entitled to provisions; however, their proper implementation can simply contribute to their realization. Children's rights violations can form part of criminality, human smuggling, insufficient health care, starvation, and other issues. The United Nations Convention has contributed to movement plans and has taken another step to combat the abuse of children's rights.
- **Vijay Kumar Dewan, "Child Labour: A Socio-Legal Perspective", Pentagon Press, 2009.** The book offers a clear image of Child Labour in Hotels, Tea-Stalls, Sweet-Shops, and Dhabas placed in India. It is found that almost all the child employees have joined those occupations due to the fact they may be essentially bad and want wages as a supply in their livelihood. There is pressing want for attitudinal change, social focus, and a competitive marketing campaign in opposition to the scourge of Child Labour. Countrywide responsibility to make certain physical and intellectual improvement of those younger ones with measures for regulating and humanizing Child Labour in conjunction with assault on poverty.
- **R. Sivarethnamohan, "Industrial Relations and Labour Welfare", PHI Learning Pvt. Ltd., 2010.** The essential standards and theories of industrial relation, analyses and

opinions of protection schemes of labour. The book has four pretty impartial components however can be studied withinside the series of Industrial Relations, Industrial Disputes, Labour Welfare and Safety & Occupational Health to apprehend higher the riding forces at the back of exact industrial relation. The human beings to be pleased with their delighted with their work, three matters are needed-they ought to be bodily and mentally suit and fresh, they ought to know no longer be made to overwork.

- **S.N. Tripathy, "Exploitation of Child Labour in tribal India," *Daya Books, 1991.*** Labour of child is a common occurrence. In all periods, the incidence of Child Labour is larger but less noticeable. Till lately few tries were made to recognize its genesis and processes. The issue comes out of the winning financial situations with the countries monetary. Trouble of employing children is mankind's belated reputation that youngsters are important, and taking care of every level of each children boom is vital if the country is to prosper.
- **Ram Ahuja, "Social Problems in India", *Allied Publisher, 2004.*** Trade unions work out a robust have an impact on the techniques of manufacturing of products and services, their distribution, and the allocation of financial resources. The origin, growth and capabilities of exchange unions without formulating a proper definition of the term. The exchange union motion may also range close to the right capabilities, objectives, roles, and techniques of exchange unions, however, all of them agree that the exchange union motion is the result of present-day industrialisation. Tough try has been made to hint at the ancestry of exchange unions to the medieval duration and even to advanced ages.
- **C. K. Shukla & S. Ali, "Child Labour: Socioeconomic Dimensions," *Sarup & Sons, 2006.*** The destiny of any country relies upon the sound improvement of the children. The employment of a child is a curse now no longer best for the child however additionally society as a whole. Moreover, socio-financial motives such as poverty and backwardness, etc., pressure children into the painting's pressure. The closing goal isn't best to end the employment of child, in all of the commercial and industrial sectors, however additionally from employment in understandings which in any other case generally tend to damage the health, endanger the lifestyles.
- **Balwant Singh, "Labour Policy and Administration," *M.D. Publication Pvt. Ltd., 1996.*** There are numerous statutory provisions regarding the welfare of labour in India, but there may be a standard consensus that labour isn't getting their due, and are dealing with numerous troubles regarding the adequacy of wages, low of wages, operating conditions, task protection and social protection, fitness and safety, welfare measures, etc.,

due to the fact their pursuits have now no longer been protected because of sure weaknesses within the implementation process. Economic, social and ethical issues have directly referred to it, therefore, labour has to stand troubles concerning economic, political social, psychological, criminal aspects.

- **Sunil, "Law and Menace of Child Labour", *Anmol Publications, 2000*.** There are approximately nationally and internationally, the justice topic to the minor have attracted all community eyes, ever for the reason that flip of the country. While the regulation and rules have been modified to end up extra child-friendly, exercise has now no longer been modified to the preferred degree. The growing range of references added earlier than the judiciary on behalf of children is indicative of the endurance of conventional attitudes and methods at a part of the ones entrusted with the implementation of legal guidelines and programmes delivered for the welfare of children.
- **Selwyn Stanley, "Social Problems in India: Perspectives for Intervention," *Allied Publisher, 2004*.** Children became an asset as prospective labour-power as a result of changes in the environment or the tribal economy, one would anticipate the trading of children of both genders to give way to the exchange of women. Child Labour has long been thought to be a sign of economic underdevelopment. This viewpoint implies that if a country achieves better rates of economic growth, poverty will end, and Labour of Children itself end. It cannot be seen just as a financial issue. Children can be kept out of dangerous industries if there is enough political will to enforce basic education.
- **H.L. Kumar, "Obligations of Employers under Labour Laws," *Universal Law publishing, 2010*.** The responsibilities of the employers as contained in all of the important labour statutes had been systematically organized below the respective head of each act. Even a layman can discover the correct responsibilities at a glance. The pondered consequences also are enumerated to allow the employers to keep away from the violations. The organization is needed to outline with truth situations of the carrier of their institutions to decrease them in writing and to get them licensed so one can keep away from useless industrial disputes. Harmonious industrial relations might now no longer best make contributions without delay to the productiveness of the unit involved however might assist in reaching balance in industrial growth.
- **Pramila Pandit Barooah, "Handbook on Child, with Historical Background," *Publishing Company, 1999*.** The deep records of Child Labour. Since historic times "The Family" has been the maximum crucial child care Institution in India. An excessive share of every institution could be children, much demise earlier than childhood, infanticide

turned into regular practice, seeing that a few infants, who have been weak, or tough to feed or to hold could have been genuinely redundant. Hunting injuries except sickness and hunger could have been a frequent reason for death. Human lifestyle has been in detail related to customs and conventions from earliest times and had been a part of the superb Indian heritage, whether or not they're accompanied or not. Worldwide significance concerns growing ancient times to the present, it has been concerned with issues critically and carefully.

- **Hugh Hindman, "The World of Child Labour: An Historical and Regional Survey," 2014.** The division of labour perplexes working youngsters. It's tremendous financial baffles in developing countries, and there is a global effort to end it. Countless more will be compelled to employment excessive hours due to cost or situation, robbing them of their upbringings and prospects. However, one significant new component of the competitive, increasingly Child Labour scenario: an actual worldwide campaign to end it is already happening. Activists & NGOs have organized present almost every area of the globe nowadays. Child Labour's world is essentially self.
- **Luca Nogler, Marco Pertile, "Child Labour in a Globalized World: A Legal Analysis of ILO Action," 2016.** Most pertinent documents are adequately considered, with a particular focus on Convention 182 explains the abolition of inferior kinds of Child Labour. Child Labour is a Globalized World outlines the ILO's efforts to erasure it while reviewing or assessing efficiency for applicable legislative structure and the operation to lower types of labour of a child. It has remained an elevated issue for the community of nations, and it is still seen as difficulty it faces. Causes and helpful suggestions contained in the detection of previous studies conducted in India have been extensively emphasized. For dealing with the subject of research, all pre-independence and post-independence Indian child welfare legislation, rules, regulations, and ILO conventions have been used and deftly adequately considered. The issue of working children infringement of rules.
- **Gamini Herath, "Child Labour in South Asia", 2016.** The worst kinds of human exploitation in today's employment opportunities include forced labour, human smuggling, and enslavement. It significantly influences policy, legislation, studies, and training at the provincial, local, and municipal levels around the world. Even though Child Labour is a worldwide issue that affects virtually every country on the planet, it is a concern in almost every country. Governments couldn't compromise upon this origin of human privileges and how to protect constitutional protections.

- **Gordon Brown, "The Universal Declaration of Human Rights in the 21st Century: A Living Documents a Changing World", 2016.** Each person has a right to certain fundamental personal liberties. Certain privileges are essential worldwide since they were bestowed upon you at birth, irrespective of ethnicity, religion, creed, tradition, or place of residence. Such human rights are absolute, so they can't be picked off. Persons are born, interdependent, and interrelated since one privilege's accomplishment contributes to the advancement of all others. When one privilege is taken away, it has a negative impact on others.
- **Jean Allan, "Forced Labour - from Slavery in International Law," 2013.** Forced labour encompasses a wide range of tasks. Its legal definition encompasses the completely innocuous case of a retail worker being forced to accept less than minimum pay over her will under danger of being dismissed and the more heinous scenario of forcing a slave to work. Slavery, debt bondage, child trafficking, and prostitute abuse will all fall under the umbrella of forced labour. Forced or obligatory labour does not arise as an international crime; instead, it is subsumed within the crime of servitude.
- **Gurcharan S. Bhatia, J. S. O'Neil, Gerald L. Gall, Patrick D. Bendin, "Peace, Justice, and Freedom: Human Rights Challenges for the New Millennium," 2000.** Children enjoy the very same individual rights and freedoms as anyone else. Still, under the Framework Of the united and local humanitarian law, its Implementation requires member governments to defend, encourage, and realize the right to trade unions through effective and transparent formation, as well as the Convention on Basic Humanitarian Law and its Implementation. Due to our shared humanity, everyone has the same rights worldwide.
- **International Labour Organization, "ILO Contributions to achieving Target 8.7", 2021.** It has 17 Sustainable development desires that place humans at its centre, giving the international network a framework for tackling the numerous demanding situations confronting humanity, consisting of those within the global of labour. The significance of respectable paintings in achieving sustainable improvement is highlighted using the intention to "sell sustained, inclusive and sustainable monetary growth, complete and effective employment and decent paintings for all." World goals strengthened aid of objectives provision of social protection, eradication of pressure and Child Labour, addressing young employment and skills development.
- **S. Balagopalan, "Inhabiting 'Childhood': Children, Labour and Schooling in Postcolonial India," Springer, 2014.** Inhabiting "Childhood" contributes significantly to

India's growing study on children and childhood studies by placing a group of "street children" in colonial and contemporary locations where they were involved in capitalist production and labour. The book challenges colonial and postcolonial nations' assumptions that "universal and compulsory schooling provides an ideal future" for all impoverished children through ethnography, participant observation, archival research, and theoretical interaction.

- **Cathryne L. Schmitz, "Child Labour: A Global View," Greenwood Publishing Group, 2004.** A third emphasis of the Report is hazardous jobs among adolescents aged 15 to 17. Child slavery and juvenile work are categorised as child exploitation and juvenile employment for children in bracket age beyond minimal productive countries and are deemed juveniles. The findings show that a significant percentage of labour youngsters aged 15 to 17 are employed in harmful activities and hence engage in working children. Eliminating Child Labour is an important policy aim in and of itself and a vital first step toward attaining decent employment for everybody. Child Labour paired with a lack of education might make young more vulnerable and make it more difficult for them to get decent employment.
- **Alessandro Cigno, "The Economics of Child Labour," OUP Oxford, 2005.** It necessitates a multi-sectoral policy response that includes both government and non-government players. Child Labour issues must be "mainstreamed" into broader national development goals and plans, including poverty reduction initiatives, as well as financial resource allocation choices. Manufacturers and labour organisations play a critical role in coordinating civilised societies and businesses to combat forced work. Biggest group of children affected by migration, might suffer substantial difficulties.
- **B Singh, "Industrial Relations and Labour Laws", 2009.** Industrial Relations are essentially focused only on the employers, sometimes known as employer-employee interactions. Breadth, however, is not confined to one aspect. Employment relations and social or social policy are also included. Work, salary, working conditions, labour unions, and employers' rights all fall under the umbrella of labour law. Labour law works with legislative obligations and group connections that are becoming progressively crucial in widespread economies, about personal legal arrangements arising from conventional employment situations. In the contemporary evolution of labour legislation, to enhance regulatory standards and collectively binding contracts at the cost of human employment duties and privileges.

- **R.C. Sharma, "Industrial Relations, and Labour Legislation," 2016.** Workforce, personal work relations, salaries and compensation, workplace conditions, wellness, protection, and social assistance, welfare benefits, labour unions and industrial relations, wage and hour management, and provisions for unique vocational or even other gatherings are the nine major types under which employment standards can be divided. The notion of occupation as a basic concept and classification of labour legislation is a relatively recent phenomenon. Most broadly, independence from bonded labour, equality of opportunity in work and activity, and unemployment benefits can all be considered part of the same essential topic.
- **Kapil Dev, "Lost Childhood: Unmasking the lives of street children in Metropolitan India," Taylor & Francis, 2020.** It also highlights several critical national and international processes, global behavioural norms toward minors, and legal and procedural flaws. It gives some instances and examines existing nongovernmental organization (NGO) actions and methods in the field to improve and safeguard children's rights. Child possession and custody, adoption, Child Labour, sexual abuse of children and exploitation, youth justice, schooling, child's food and wellness, and their freedom to compete and leisure are all addressed in this book. Health providers face a difficult task in solving the issues of child healthcare abuse.
- **G.S. Bajpai, "Juvenile Justice: Impact and Implementation in India," Bloomsbury Publishing, 2019.** There is now a void in the scholarly literature about the management of adolescents prior, though, and after the run-ins with authorities. The book aims to uncover and investigate this gap in the Contemporary juvenile system and its implications for young youngsters. It is awareness regarding mental and social-economic predictors of deviant acts, as well as the link between problem behaviours and psychiatric problems, to lessen the stereotype and bigotry against juvenile delinquents that persists today and serves as a means of reintegration into society and restoration. Because offenders in the juvenile court system generally have low economic origins and histories, it would be simpler for the youngsters to communicate with and relate to previous inmates, allowing them a better atmosphere.
- **Wendy Zeldin, "Human Rights and Civil Liberties, Labour Slavery, Treatise, and International Agreement Human Rights," International Labour Organization, 2016.** The centrality of the states openly disclosed to preserve personal freedoms underpins international law's supremacy. The supremacy of constitutional law originates from its guarantee that people will be masters of their fate. Both positions are compelling, and we

welcome the inevitable debate over their equal status. Continual conflicts between global and state rule best protect personal freedom. Personal freedoms safeguard all individuals globally from significant political, administrative, and social violations. The textual content units out a framework that restricts the fundamental rights, structure, procedures, powers, and duties of the citizens their fundamental rights, the Directive Principles, which provide mandatory obligations upon 'States.'

- **Geeta Chopra, "Child Rights in India: Challenges and Social Actions," Springer, 2015.** It examines the difficulties that Indian children can experience for that to happen, growth, and schooling, mainly whether they are disadvantaged, disability benefits, carelessness, or poor. The book discusses the factors, which include a massive community, poverty, migration, illiteracy, inadequate laws, and deeply ingrained social conventions and attitude. The right to be free of bonded labour demands that people be free of employment or activity that is coerced under fear of punishment and that the individual has not willingly consented to do. To comprehend the origins of such blockages and to assess government and non-government activities in India for youngsters.
- **S Wal, "Combating Child Labour Legal Approach," Sarup & Son, 2006.** Concentrating and coordinating capacity building to help youngsters as much as feasible; in the Department of Labour, a Group on the convergence of several public assistance programmes has been formed to guarantee that the parents of Child Labourers are made a priority in their improvement. From time to time, special monitoring and awareness-raising campaigns are initiated. The number of youngsters compelled to undertake dangerous jobs is also decreasing. Rural communities have considerably improved as a result of enhanced educational facilities.
- **Daniel Maul, "The International Labour Organization: 100 years of Global Social Policy," 2019.** Since every child needs a secure upbringing, Law enforcement in the battle against kidnapping, violence, and trafficking is the government's charity network and effective monitoring centre for all matters connected to avoiding and healing from child victimisation. When the gain is generated on children's fragility and loss of credibility, when people are harmed for the advantage of others, and when children start training although becoming too young or for lengthy periods, they are deemed abused. Children are also exploited when they work in hazardous or hazardous circumstances, are overpaid, or are compelled into slave labour, or prostitution. It is fair labour for a set number of hours that does not interrupt a child's schooling.

- **Raj Kumar Sen, Asis Dasgupta, "Problems of Child Labour in India," *Deep and Deep Publications, 2003.*** Democratic Candidates must adopt efforts to protect financial, political, and personal rights to the best of their abilities and, if necessary, inside the area of global collaboration. Children are not given "the finest that humanity must provide," although they may be protected from the worst. The government assured the security of childhood and adolescence from manipulation and material and psychological desertion. The book's overall goal is to thoroughly analyse the hurdles that the disadvantaged child in Indian experiences.
- **Anil Rajimwale, "Oral History Documentation of Indian Labour Movement", 2003.** It highlights the necessity of the household and the necessity to establish an atmosphere that promotes children's holistic learning and advancement. Because of their young age and underdeveloped minds, children require extra attention and safeguarding. They have particular statutory and unique privileges that are recognised domestically and globally. For the first time, India's Constitution recognised children's rights, with many articles addressing their freedom, wellbeing, and child psychology, non-discrimination in educational realms, compulsory primary education, and banning their workforce in industries, industrial facilities, and dangerous factories.
- **A Ashhad, "Child Labour in India: A Politico-Legal Study," 2004.** On the other hand, children have some additional privileges as a consequence of their particular circumstances, which need more excellent adult care and guidance. Several incidents are not their fault, but they do not deserve to be punished. As children become older, they develop diverse abilities and levels of awareness. Even if they are 15 or 16 years old, they still protect women. In our nation, youngsters under 18 are forced to marry and labour. They must not, however, be afforded less security only because society believes they have grown. They are given the finest possible safety, opportunity, and assistance.
- **L. Mishra, "Child Labour in India," *Oxford University, 2000.*** Childhood behaviour patterns, attitudes, and knowledge are rarely, and never readily, forgotten. We were not capable of protecting our children after this unpleasant reality, despite the pledges and obligations outlined in the Indian Constitution. It fights for legal changes and the enforcement of current regulations, and the situation analysis is an essential move in the right direction. Furthermore, it highlights that while the law is vital, it does not transform the social structure. A child is born on earth without any responsibility, which often leads to an uncertain future and falls victim to the exploitative establishment of society.

- **Shree Goswami, "Indian Mining Legislation: a prospective study" *Mines Tech*, 2011.** Most of the mining operations percentage several not unusual place stages, which have doubtlessly damaging influences on the natural surroundings, social and cultural situations, and the fitness and protection of employees and nearby population. Hence exceptional mining legislation has been formulated to ensure the safety of the surroundings in and around the business regions with the intention of sustainable improvement of the country. The environmental components of mining regions and the fitness and protection components of the mine employees are ruled via that legislation.
- **Abhay Vikram Singh, "Theory of Human Rights in Perspectives to Child Rights" *the Indian Journal of Political Science*, 2012.** Human Rights Education cannot be confined to the classroom. It serves as a bridge between classroom learning and societal changes. Elementary education is now considered one of everyone's necessities in India. The Constitution stipulates that all children. The youngster is the nation's future leader. It is considered a major persistent social evil in this country, and no viable remedy has been found to address the problem. As a vital social unit, a child must be cared for as a whole rather than at separate stages in his development, and the phrase "let children be children" should be forgotten.
- **SEWA, "Domestic Workers' Laws and Legal Issue in India. Women in Informal Employment: Globalizing and Organization (WIEGO) Law and Informality Resources", 2014.** By employing children, unequal competition is formed between Child Labour and adult workers, resulting in widespread unemployment among adults. Employing children before 18 interferes with their schooling, limits their opportunities for vocational training, and hinders their intellectual development. When Child Labour at their homes becomes wage earners, they are treated as adult members, which interferes with regular family life and encourages the breakdown of social control, which is heavily reliant on maintaining the current social order.
- **Zoe Moody, "The United Nations Declaration of the Rights of the Child (1959): Genesis, transformation, and dissemination of a treaty (re)constituting a transnational cause", 2015.** Children's rights took on a new dimension thanks to inter and NGOs. He has created a compelling case based on scores of interviews with government officials, educators, social activists, and youngsters. He spoke with several education authorities at many levels, but not one campaigned for compulsory schooling. He studied the topic at a micro level in a developing country like India, which has a well-known

welfare viewpoint. He examined numerous subject elements, including economic, sociological, and demographic.

- **Avkash Jadhav, "Significance of the Factory Act, 1881: The Working-Class Movement in Bombay in the late 19th century and the early 20th century", *Masters International Research & Development Centre, Prague, Czech Republic, 2016.*** The improvement of the Industrial Revolution had driven many European countries to the edge of Industrial Development. The concept of the business revolution filtered down from England to India; it additionally introduced the tiers of the evolution of industries and some upload on capabilities. The inauguration of Industries in India, below the patronage of British and local marketers, also unfolded the troubles of workers' rights. A family-primarily based machine of financial business started to offer manner to a predominantly business machine wherein the consultant unit of production changed into consistently large than the family, on the farm in most of the developing world, as well as part of many sorts of domestic work and non-market activities with their parents in rural areas of the developed world.
- **S Agarwal, "Impact of Child Labour on the Nutritional Level and Developmental 9-12 Years", 2017** Risks and dangers at employment can have an even more significant impact on children. When mixed in repeated instances, bodily pressure on expanding skeletal system can result in retardation, specific damage, and other existing deformations and impairments. Working and residing in an atmosphere wherein minors are subjected to abuse, aggression, and torture has a detrimental effect on them. Furthermore, a chance for good schooling prevents them from becoming trapped in a poverty trap and oppression. Children are made sickly and fall prey to various ailments. Consequently, children are driven to do difficult jobs and perform above their capabilities throughout their formative years.
- **R. Shanmathi & P. Ragu Balan, "A Conceptual Analysis of Child Labour Regulation and its Constitutional Validity in India," 2018.** Children are usually compared to the devout manifestations of the Divine, who endeavour to pleasure, happiness, purity, and optimism in them. The manner a region regards its women and children determines its destiny, and besides an optimism to enhance economic growth and provide qualified human resources who have entry to the necessities of life while also studying the precepts of Indian education. A child's education and goals should not be sacrificed for employment. It divests minor entitlement to pursue upbringing or attend school.

- **Jaspal Kaur, "Child Labour in India: Causes, Impacts and Preventive Measures"** *International Journal of Management Review*, 2019. One of our humanity's most significant and uncertain situations is employment. Since the beginning, children have been tremendously essential resources for wages. Children are the nation's future citizens, and ensuring their proper development is its primary responsibility. These include tasks assisting at home and physically hazardous and morally unacceptable individuals. Child Labour is a complicated and divisive topic. It has been a preoccupation of social reformers, clergymen, legislators, jurists, philosophers, politicians, and economists from the beginning.
- **John A. Hargreaves, Keith Laybourn, Richard Toye, "Liberal Reform and Industrial Relations: J.H. Whitley (1866-1935)," Halifax Radical and Speaker of the House of Commons. Routledge, 2019.** Industrial family members can be described because the family members and interactions in the enterprise, in particular among the labour and to the control of the affairs of the enterprise, for the betterment of now, no longer handiest the control and the employees however additionally of the enterprise and the economic system as a whole. Industrial relation is the relation inside the enterprise created through the way of means of the numerous and complex strategies of each control and employees about the control of the enterprise. The practice of exploiting and forcing children. When the sun rises early in the morning, some youngsters carry their lunch boxes to school, while others carry them to work.
- **United Nations, "The Ten Principles of the UN Global Compact," 2019.** It works to eliminate and would raise awareness of the need to safeguard these rights, which is an essential priority for any country's progress. Keeping youngsters out of harmful activities or labour will be ineffective without supporting and caring for the family's needs and worries. In addition, when a family is experiencing financial difficulties. It's terrible to see clever and bright youngsters in school, helping their families working in dangerous jobs.
- **Subhash, "United Nations Convention on the Rights of the Child and Indian Children"** *Global Journal for Research Analytics*, 2017. A substantial number of economically active children can be found in tiny workshops, cottage industries, and handicraft enterprises in both towns and rural. Child Labour is essentially a result of adult wage get unemployment and underemployment, as well as acute poverty and rising demand for Child Labour. The illness of the Labour of a Child has come on social risk threatening the material of a social milieu. It has remained monetary and social trouble for an extended time. Working in family-based occupations, those children expand their

capabilities to ensure conventional crafts, enhancing India's developing economic growth employment generation. A straightforward definition might examine this: children under 14 or below, who are hired and exploited at the price of their possibilities for improving their childhood.

- **Berthe De Vos-Neven, "Int Year for the eradication of Child Labour," *SI UN Representative Geneva, 2021*.** The agreement emphasises the participating countries' obligations to "carry urgent action to combat to eliminate slave labour, end slavery, and human trafficking, and safeguard the restriction and abolition of the worst employment of children, including all the hiring and use of combatants, and end Child Labour throughout all aspects by 2025." Great strides have been made, owing in significant part to vigorous lobbying, nationwide mobilization, and legal and actual effort. Children labour in farming; half are subjected to direct hazards or engage in hazardous environments that endanger their survival.
- **D Raju and A. Chen, "Towards a Theoretical Framework for Understanding Capitalist Violence against Child Labour," 2019.** Children's and female assaults are a severe social justice and human liberties issue. It is directly associated with poverty and civilization in reduced nations, having high social and environmental ramifications for households. The overarching goal was to investigate the unique conditions of family abuse, along with the status of working children, and construct a price of crime framework that took into account the strain on households. The additional characteristics helped us adequately understand the entire blame faced by parents. Children and women are more susceptible to harm due to deprivation, being illiterate, and male dominance in control of resources.
- **Bennett, "A Critique of the Emerging Convention on the Rights of the Child," 1987.** Children's 1st draught after its eighth session in Geneva in March 1986. A comprehensive societal statement on children's physical, intellectual, and emotional needs is starting to emerge. The remark is sometimes in written terms, other times in terms of State Party obligations, and other times in terms of parental responsibilities while highlighting areas of particular concern. The majority of their labour is tedious, repetitive, and dull, frequently unsuited to their physical and mental capacities. The ILO would remain to provide technical assistance, such as in developing the Authority's implementation measures and the implementation of measures.
- **Michael F.C. Bourdillon, Ben White, and William E. Myers, "Re-assessing minimum-age standards for children's work," 2009.** It is a time for learning and fun. It is crucial as the formative period of life, during which the child's behaviour, conduct, and sentiments

are formed, and the child is entitled to everything that contributes to a healthy lifestyle, including good recreation, schooling that is tailored; as a result, it is the optimum time for physical, mental, and emotional growth. This extraordinary success of one recent ILO Convention is by no means the first attack on the exploitation of children.

- **Mavunga, "A critical assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999", 2013.** Such agreements aim to reduce and eventually eliminate harmful labour practices. Many nations have passed domestic legislation forbidding detrimental labour after ratifying such treaties. Child Labour has become commonplace, and it is now a social and economic issue and a legal challenge. Before pointing out the dangers of Child Labour, it's a good idea to familiarize yourself with its definition and causes. A child does not come into the world as a labourer. At such a young age, his social, psychological, and economic circumstances drive him to engage in the act of earning.
- **Rama Kant Rai, "History of Child rights and Child Labour," 2014.** However, to better understand this atrocity, it would be more beneficial to investigate some of the primary reasons that contributed. Occupational health comes in a variety of forms. Hazards are the first and most serious symptoms, sometimes resulting in malformations in Child Labour. Second, this difficulty leads to a slew of additional economic issues, including using labour at its lowest productivity, meaning an inefficient use of labour-power.
- **Apurva Pathak, "An Insight into Child Labour in the Light of Gurupadswamy Committee Report," 2014.** Children are the nation's destiny, and they want particular safety due to their age and bodily and intellectual faculties. These days can't broaden to be an accountable and efficient member of tomorrow's society except in surroundings that characterize everlasting optimism inside the individual and always offer the capability for human improvement. Labour is, without a question, worship.
- **Donald K. Anton, "Introductory Note to Protocol of 2014 to the Forced Labour Convention, 1930 (I.L.O.)", *International Legal Materials*, 2014.** A child is the germ of natural growth in politics, society, and economics, and the government, both executive and legislative, has taken numerous steps to protect them. Children are forced to labour in unsanitary circumstances with little or no air and light in most workplaces where they are employed. Contact with pesticides and fertilizers causes skin irritation and poisoning in agricultural workers. In impoverished nations, he found, parents or relatives are the ones who drive their children to work first.

- **Lana Osment, "Child Labour: the effect on child, causes, and remedies to the revolving menace," 2014.** They are not always compensated for their job. Furthermore, they are confronted with many issues threatening to ruin their upbringing. International organisations have made significant attempts to eradicate Child Labour worldwide. This study is entirely socioeconomic and does not address any legal issues. But often lack the foresight to assess the risks of early Child Labour.
- **Rebecca Langford and others, "The World Health Organization's Health Promoting Schools framework: A Cochrane systematic review and meta-analysis" *BMC Public Health*, 2015.** The effectiveness of this strategy has yet to be thoroughly evaluated. According to a Cochrane review, the WHO HPS framework improves several elements of student health. The effects are minor, but they can potentially be significant at the population level. The importance of childhood and adolescence for public health cannot be overstated. Children should not be allowed to work, which is favourable to their growth and development, demonstrating a conceptual difference between 'work' and 'labour.'
- **Parvathamma, "Child Labour in India –A Conceptual and Descriptive Study," 2015.** Grounds are the parents' low educational and occupational position and the legislative system's inadequacies and lack of enforcement. Other elements contributing to the working child issue society include honesty, sincerity, efficiency, and cheap labour. The author recognized that employing young labourers benefits both the child and society because it hastens socialization. Simultaneously, it is claimed that the negative implications outweighed the beneficial ones. Furthermore, Child Labourers are more likely to suffer from malnutrition and undernourishment.
- **P Agarwal and Pathak, "A Socio-Economic Analysis of Child Labour in India," 2015.** The world's children are helpless, defenseless, and reliant. They're all interested, energetic, and hopeful. Their lives should be filled with pleasure, tranquillity, and opportunities to play, study, and grow. Their future should be moulded by cooperation and peace. As child extend their horizons and encounter new experiences, their childhood should grow. Abandoning children and denying them a decent basis for life is evil to humankind against humanity. Youngsters can't count then tomorrow, and their awareness of their environment grows with them. Growing up, developing skills, and preparing for adult tasks are part of the process, with their parents on domestic and agricultural operations or in family businesses during the socialization process.

- **Dr. Dhananjay Mandlik, “Child Labour in India: A Curse on Humanity,” 2015.** The Indian government has made it a priority to eliminate the labour of children by enacting new regulations and penalising violators. According to the author, a rural family would desire to have many children because each one would be expected to work and contribute revenue. The most significant repercussion of children's economic activities is increased reproduction, whereas another consequence of juvenile labour is a reduction in adult income. Early involvement in dangerous activities reduces their life expectancy and future earnings. Child Labourers are more likely to suffer from malnutrition and undernourishment.
- **Ch. Ramana Rao, “Child Labour and Education in India,” 2015.** Recognizes that a youngster who attends a formal school is a child who is not working. The essential variables are motivation and infrastructure availability rather than poverty. It has revealed and explored the interrelationship between literacy and schooling, as well as the gap between the goal of universal literacy and elementary education and reality on the other. At the same time, his work critiques national policy and proposes that a more vigorous policy push for universal literacy within a set time limit is needed. The belief favouring their growth and development demonstrates a conceptual distinction between 'work' and 'labour.'
- **Naresh Kumar Gupta, “Child Labour in India: A Brief Study of Law and its Implementation,” *Indian Journals.com*, 2015.** These occupations vary from relatively innocuous, even commendable, tasks such as assisting in the household to physically hazardous and morally unacceptable behaviours. He proposes rethinking the belief that youngsters should not be allowed to work. The ultimate goal of ending the Child Labour problem can only be realized if the living conditions improve sufficiently. This study is entirely socioeconomic and does not address any legal issues. He has chosen to research several aspects of Child Labour and has limited his research to the carpet industry. India, too, has enacted legislation to reform and eliminate all types of Child Labour.
- **Kumar Sanjiv, “Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs): Addressing Unfinished Agenda and Strengthening Sustainable Development and Partnership,” 2016.** MDGs were simple to relate to, comprehend, convey, implement, and monitor, but SDGs, while similar to MDGs in some ways, had the flaw of being too many and unwieldy to execute and monitor. The author also tried to learn about their pre-work and socio-educational lives to uncover the causes that led them to accept employment and to learn about their socio-economic and familial

backgrounds. Even though he discusses and touches on Child Labour regulations, the author fails to discuss and touch on all statutory and constitutional safeguards, and the author remains utterly silent on the court's reaction to the situation.

- **Derek G. Shindell, Saisattha Noomnual, Shumaila Chishti, “Exposures Resulting in Safety and Health Concerns for Child Laborers in Less Developed Countries,” 2016.** They defined 'children' as individuals between the ages of 6 and 15 who work for pay in family-owned or non-family-owned carpet weaving businesses. "Child Labour" has the potential for exploitation, which can have far-reaching implications for children's general growth and development. Unfortunately, there is a lack of study in this field. Although the Indian government initiatives, none of these measures appears to have had much of an influence on achieving universal primary education or abolishing Child Labour. In the Indian setting, work is mainly centered.
- **J. Williams, "Addressing Child Labour: reflections on the WTO's role" *14 Journal of International Trade Law and Policy* 4-22(2015).** However, Child Labour is not included explicitly in WTO-covered agreements. They advocated for population education, compulsory school enrollment, effective implementation of non-formal educational program packages, and easily adaptable birth control methods, among other things. He also stressed that Child Labour in the unorganized sector should be taken seriously and that regular and innovative income-generating job programs for parents and implemented. In 1878 the Factory and Workshop Consolidation Act repealed all former legal guidelines and substituted a Factory Code which made policies greater stringent. The new Factory Code of 1902 raised the minimum age for infant people from eleven to twelve years. The first time the public interest changed into drawn closer to a record in 1873, 'Administration of the Bombay Cotton Department in which the author Major Moore defined the factory situations in Bombay close to lengthy operating hours, situations of women and children of six years' operating from dawn to sundown with a small interval of 1/2 of an hour and best vacations in a month.
- **Diane F. Frey and Gillian Mac Naughton, “A Human Rights Lens on Full Employment and Decent Work in the 2030 Sustainable Development Agenda”, 2016.** Child Labour can only be eliminated through two types of policies: long-term and short-term. Although certain legislative modifications, support to the families of Child Labourers, adequate rehabilitation, and other measures are included in the short-term policy, the writers the long-term eradication of poverty, illiteracy, and other issues. Because as long as these issues exist in society, they will indirectly contribute to the

presence of Child Labour. Without question, research is thorough, educational, and enjoyable. It thoroughly investigated many Acts, Rules, and Regulations that have been considered to address the study's topic.

- **D Peksen, “The impact of ILO conventions on worker rights: Are empty promises worse than no promises?” *Springer*, 2016.** The potential impact of seven key ILO agreements on labour rights in ratified countries. The goal of social protection and labour programmes is to reduce poverty, improve poor people's well-being, and safeguard households from economic shocks. Based on these categories, the ILO, 2013 estimates that there were 264 worldwide (16.7 percent), with 168 million engaged in Child Labour. Around 51% of juvenile labourers (85.3 million) worked in dangerous conditions. The potential to influence and impact policy, curriculum, and pedagogy in early childhood by offering ideas on how rights-based perspectives may become foundational. Even now, such a job is not regarded as exploitative. Children begin working with their parents on household projects at a young age. Parents, relatives, or friends later accompany them to their future employers.
- **Basha P, “Child Labour – An overview of its causes, consequences and necessary measures,” 2017.** Child Labour is deeply ingrained in socioeconomic inequality, mass poverty, illiteracy, and unemployment, especially in the state's tribal communities. The system is a long-standing problem that stunts child development owing to early work. Children are humanity's greatest gift, yet that gift is being exploited for selfish gain through Child Labour. It refers to any job that prevents them from receiving an education. Children are compelled to labour in the most dangerous and unsanitary settings, putting them at risk of severe health problems. Legal provisions and judicial responses to Child Labour welfare are examined to some extent. They are exploited and humiliated to a substantial extent in both cases. Some children may be abused, humiliated, and even beaten, while others may be forced to care for their parents.
- **Satendra Kumar Singh, “Child Labour in India: A Historical Perspective,” 2018.** The paper represents an ancient historical background of Child Labour. Policies implemented by successive Union governments; India has been unable to address the problem. Poverty, systematic destruction of rural life, frightening urbanization, commercialization of education, attitude toward various poverty relief programs, proper non-implementation of statutory regulations, and other reasons in India. As a result, the author placed a strong emphasis on improving the living and working situations of working-class parents. Furthermore, it is the government's responsibility to transform, which necessitates more

significant attention to rehabilitation measures, adequate educational facilities, and the involvement of NGOs, and trade unions from various political parties, among other things.

- **Jaya B Surian and D. Vezhavendan, “An Empirical Study on the Status of Child Labour before and after the implementation of National Child Labour Project Scheme in India,” 2018.** The employment of children is a worrying problem in India, and this problem changed, triumphing over one hundred years. India does have Child Labour legal guidelines or ratified their charter in numerous instances. Children are like mirrors that reflect a nation's future image. Children are a nation's future and a nation's strength in reserve. Lacking in characteristics, the nation's future is doomed to tragedy. While speaking to a group of lawyers, jurists, and judges, he stated providing justice.
- **Goswami, Padmaja. “The Child Labour (Prohibition and Regulation) Amendment Act 2016 and the Right to Education for Girls: Tensions and Contradictions,” 2018.** The variety of jobs that children can do is virtually unlimited, and they cover almost every area of human work and life. Carpet, beedi, firework, and glass and bangle sectors are among the worst Child Labour offenders. Children can also be found working in private mines and as ceramic workers. Attitude change, creation of working human circumstances. By classifying Child Labour into rural and urban areas and concluding that if Child Labour is eliminated, thousands of families will be affected, the problem is approached from both the supply and demand sides.
- **F Humbert, “The WTO and Child Labour: Implications for the Debate on International Constitutionalism,” 2018.** It is not a problem with WTO policies and disciplines. However, a few WTO member governments in Europe and the North believe that the issue ought to be taken up with the aid of the WTO in some form if public self-assurance in the WTO and the worldwide buying and selling machine is to be reinforced. The liberty to a good deal and the elimination of workplace abuse are subjects for consideration in the WTO. ILO said they diagnosed characteristics of poverty and that an extended period strategy for removing exploitative and dangerous infant labour is through sustained economic increase. Shockingly, these beautiful blossoms are ignored.
- **B.S. Lal, “Child Labour in India: Causes and Consequences,” 2019.** They will be humiliated by their employers if they are even a few minutes late. They go to work without looking outside to see if it's chilly or a scorching summer day, without a smile on their lips or dry eyes. They are only interested in carrying out an order from their boss, even if it jeopardizes their health. They work throughout the warmest summer months when other people sit in air-conditioned rooms, and they work without sweaters or complete clothing

on their bodies during the harsh winter. As a result, individuals confront serious health problems, bodily injuries, hunger, and other problems. In simple terms, whether physically, intellectually, morally, or through limiting their access to education. The scale of the problem, particularly in developing nations, is enormous, and the challenge of addressing it must be focused on national and international action.

- **Rajendra N Srivastava, “Children at Work, Child Labour and Modern Slavery in India: An Overview,” *Indian Pediatrics*, 2019.** India has a considerable Child Labour force, estimated to be over “40 million people.” Because children are compelled to work or have no option but to work, Child Labour is viewed as a kind of contemporary slavery. Children work in many jobs, and many are on dangerous gases, which are hazardous to one's health. Children are employed as domestic workers and at restaurants and car repair shops in metropolitan regions. Without a doubt, child exploitation is illegal. Children must be engaged in human rights education programmes and guiding papers focusing on early childhood education, which would improve early childhood research, policy, and education.
- **Saurabh Ranjan, “History of the Safety Movement and the Factories Act, 2020.”** Each day, a considerable number of Indian youngsters are compelled to work as slave labourers, robbing them of their childhood, schooling, and general cognitive and emotional growth. Our founding fathers were well aware of this flaw. As a result, to preserve the rights of the Indian people, they developed numerous articles to defend children's rights. They lay out a basic framework for forming standards and policies based on them. It became more of thinking about the universe in India and the United States. The prevalence of child exploitation nowadays poses a severe threat to the global community.
- **V.N. Shukla, *the Constitution of India* 310, Eastern Book Company, Lucknow, 2001.** Constitution grants rights to minors like people of the country. The government has even developed particular laws to reflect their unique position. The state can enact necessary administrative actions to protect children's rights; no court may compel the government to do so because these are directions. These directions have allowed the judiciary to issue historic decisions. This means that everyone under 18 in your village or town must be considered children who require your help and care.
- **Das Sudip, “Sexual Abuse in Children and Relevance of POCSO Act: A Report of Four Cases,” *Indian Journal Dermatol*, 2020.** Sexual assault, physical molestation, psychological abuse, and abandonment are the four primary kinds of child harassing behaviour, according to the World Health Organization. With less confusing and much

stricter legal regulations, it adequately solves offenses of minor physical abuse. To help counter the grave offenses of sexual harassment and sex trafficking of minors by enacting more precise and harsh legal regulations. The Act was passed to safeguard minors from child molestation, bullying, and obscenity. Parents in the majority of underdeveloped countries rely on their children. These children undertake crucial tasks and are the primary or sole source of assistance for elderly parents.

- **Ministry of Labour Government of India, “Report of the First National Commission on Labour”, 1967.** It is however doubtful if statistics compiled from the returns under the Factory Act tell the whole story regarding Child Labour. For, it is well within the experience of Factory Inspectors as well as other officers engaged on field inquiries that no sooner, they make their appearance on the scene than quite a large number of children run away from the factory premises. These are often children below the minimum age for employment." Neither the weaver nor the person who hires the weaver are interested in the mate's education. Children assist the weaver and take whatever money they can from him even if they are not his direct employees. They eventually pick up the trade. The parents' poverty is to fault if a child's education suffers as a result of the process. Another difficult task that frequently uses Child Labour is brocade work.
- **Ministry of Labour Government of India, “Report of the National Commission on Labour Volume I”, 2002.** The Eighth Plan also made reference of the necessity to offer workers in both organised and unorganised sectors a sufficient level of pay, decent working conditions, a minimum wage, and social security. Additionally, it discussed raising productivity. In later years, the Plans included recommendations for putting into action steps to track down, free, and rehabilitate bonded labour, improve protection for migrant workers, and address the issues with Child Labour. It demanded that the protection, welfare, and equality that are rightfully owed to female employees be given special consideration. The needs that have emerged as a result of globalisation have been mentioned in the two plans that have followed it since 1992.
- **Ministry of Labour Government of India, “Report of the National Commission on Labour Volume II”, 2002.** The majority of workers in the construction sector are engaged on a temporary basis. The main aspects of labour for construction employees include unstable employment/earnings and moving workplaces. Despite the fact that it is forbidden, youngsters work in unskilled jobs. Laws governing minimum wages, equal pay, Child Labour, contract labour, and interstate migratory labourers are broken. Construction workers are still unrepresented, voiceless, exposed, and unseen. Through the use of Child

Labour in the construction sector, a system of bondage exists and is passed down from generation to generation. The Commission acknowledges the valuable contribution scrap collectors make to civic hygienic practises as well as recycling efforts. Therefore, it is imperative that they be shielded from insecurity in all of its forms by actions like the provision of identity cards, receipts for transactions, minimum pay if employed, health facilities, the establishment of welfare funds, and the prohibition of Child Labour. The local entities should also consider the issues we brought up (in our report) and implement the necessary rules and arrangements.

1.7 RESEARCH GAP

1. In Punjab, previous researchers have done empirical work on children working in “Factories, Hotels, Dhabas, Shops, Bricks industry, and Migrant Child Labour indulging in Drugs Trafficking and Prostitution.” The present researcher will do their Empirical Work on children working in “Agriculture, Domestic Services, and Grain & Vegetable markets (mandi’s).”
2. The researcher will focus on filling the loopholes in existing laws and filling the gap in the definition of ‘child,’ which has been defined differently by different acts.

1.8 RESEARCH METHODOLOGY

The methodology adopted in the research is based on “**Doctrinal and Empirical Study.**” Under **Doctrinal Legal Research**, data is collected from **Primary Sources**, including Constitution, Statutes, and Judgments decided by courts. **Secondary Sources** are the analysis of Books, Reports, Journals, Articles, International Conventions, Newspapers, Periodicals, Census 2011, Periodic Labour Force Survey, India Poverty Statistics 2021, World Poverty Clock 2021, Economic Survey 2021, National Child Labour Project Schemes Report 2010-2021, National Crime Records Bureau 2020, Punjab Poverty Rate 2020, Child Labour Global Estimated 2020 Report, Annual Status of Education Report, 2022, and Websites.

In the **Empirical method**, data is collected through the “**Interview Schedule and Questionnaire Methods**” from different districts of Punjab.

Sample Size

The sample size will be collected from **400 respondents** from three districts of each region of Punjab; Amritsar from Malwa, Kapurthala from Doaba, and Ludhiana from Malwa. **Simple Random Sampling** is used for arranging these samples. The “**Interview Schedule**” is conducted on “**Structure-Based Questions**” from Child Labour and their Parents and Authorities. “**Questionnaire Method**” contains “**Open-Ended and Closed-Ended Questions**” from Legal Respondents, Doctors, Police Officers, Principals & Teachers of Government Schools, and Child Development Departments.

Sr.No.	Respondents	Numbers
1.	Child Labour	80
2.	Parents	80
3.	Legal Respondents (Judges & Advocates)	160
4.	Police Department	
5.	Child Development Department	
6.	NGOs	
7.	Education Department	40
8.	Doctors	40
	Total Sample Size	400

Data Analyses

The collected is analysed through the SPSS. Descriptive Statistics are used to find out Frequency, measures of Central Tendency, and Measures of Variables to provide basic information about variables in a dataset. Under the Non-Parametric Test, the Chi-square test compares the observed and expected results of variables.

1.9 LIMITATIONS OF THE STUDY

1. The researcher is focused only on the State of Punjab on the proposed research topic “**Enforcement of Child Labour Laws in India – A Study with Special Reference to Punjab.**”

2. The study would face time constraints and financial constraints.

1.10 RESEARCH HYPOTHESIS

Keeping above mentioned objectives in mind, the following hypothesis for the present study are formulated:

- “Child Labour and Poverty” are co-related to each other. Most of the employed Children are “Socially Backward and Economically Poor.”
- Legislative measures to protect Child Labour are ineffective in Punjab.
- There is a Lack of Awareness about the legal rights of Children in Punjab.

1.11 RESEARCH QUESTIONS

1. What is the International Labour Organisation's role in tackling Child Labour in India?
2. What are the hidden causes of indulging Children in working in Domestic Sectors, Agriculture, and Grain and vegetable Markets in Punjab?
3. What are the Constitutional Provisions enumerated for the welfare and safeguards of Children in India?
4. What are the Legislative Measures to check Child Labour in India and Punjab?
5. What is the role of the Supreme Court of India, Punjab, and Haryana High Court in mitigating Child Labour?
6. What initiatives are taken by the Government of Punjab to stop Child Labour?
7. What is the solution to end Child Labour and improve the condition of working Children in Punjab?

1.12 CHAPERISATIONS

Chapter-I: Introduction and Historical Background of Child Labour

Chapter-II: International Conventions on Elimination of Child Labour

Chapter-III: Factors Responsible for Child Labour

Chapter-IV: Constitutional Provisions Governing Child Rights in India

Chapter-V: Legislative Framework on Child Labour in India

Chapter-VI: Judicial Perspective towards Eradication of Child Labour

Chapter-VII: Enforcement of Child Labour Laws in Punjab: An Empirical Study

Chapter-VIII: Conclusion and Suggestions

Bibliography

CHAPTER II

INTERNATIONAL CONVENTIONS ON ELIMINATION OF CHILD LABOUR

“If we can’t begin to agree on fundamentals, such as the elimination of the most abusive forms of Child Labour, then we are not ready to march forward into the future.”

- Alexis Herman

2.1 INTRODUCTION

In recent years, the United States and its organs, such as UNICEF, UNESCO, and WHO, have been more conscious of the need to organize conventions on “children’s rights” to bring humanitarian obligations of nations to the welfare of children on par with international law. When the League of Nations was founded, several international treaties and declarations were created to defend children's privileges. Children must be 15 years old to work in industry, transportation, or commercial agriculture, according to the 58th International Labour Conference in Geneva. In certain developing countries, however, lower age of 14 years was permitted. 152 million children are working worldwide, including 88 million boys and 64 million girls. It represents nearly one-tenth of all children on the planet. Child Labour can be seen in both prosperous and impoverished societies. Despite significant efforts by the ILO, UN, and India, roughly 10 million children in India are actively working or seeking employment.⁵⁵

The UDHR was drafted as “soft law,” meaning it was intended to be an aspiration rather than legally obligatory. Children make up a significant portion of the 35.8 million people believed to be enslaved by Walk Free throughout the world. Over 85 million children engage in hazardous labour that is dangerous to their moral, social, intellectual, and physical development. Detrimental occupation disrupts children's schooling by prohibiting or reducing school attendance due to excessively long and difficult labour. According to the ILO and UNICEF's recent study, Child Labour has climbed to 160 million globally, the first hike in 20 years. Through a succession of internationally recognised treaties and national legislation, the international community has developed a worldwide consensus against the employment of children. Children worked alongside their parents until barely a few generations ago. Only affluent children could avoid manual labour, and in this manner.⁵⁶

⁵⁵ Antonella Invernizzi, *Human Rights of Children* 94 (Rutledge, United Kingdom, 2016).

⁵⁶ R Sivarethinamohan, *Industrial Relations and Labour Welfare* 49 (PHI Learning Pvt. Ltd., Delhi, 2010).

2.2 CONVENTIONS FOR CHILD LABOUR ERADICATION

2.2.1 United Nations

Child Labour is more complicated than it appears from human rights. The League of Nations adopted the Geneva Proclamation on “the Rights of the Child in 1924”; it was the first comprehensive international declaration to expressly acknowledge children's rights. The 1959 Declaration of the Child's Rights recognised the right to an education and protection against exploitation. While several legally binding international human rights documents include special clauses on children's rights, the United Nations Convention on the Rights of the Child, 1989, was the first legally enforceable implement to include the complete spectrum of civil and political rights as well as economic, social, and cultural rights concerning children.⁵⁷

An agreement outlines children's rights aged 0 to 18 years old and the government's responsibilities in ensuring that these rights are fulfilled. They belong to everyone's children, regardless of colour, gender, religion, or socioeconomic background, and call for them to live, grow, contribute, and reach their full potential. The formation of independent human rights organizations has been aggressively advocated by the UN system as a vehicle to aid progress in fulfilling human rights obligations.⁵⁸

2.2.1.1 Declaration of the Rights of the Child, 1959

Tracing history treaties for children's rights provides an excellent illustration of this process. The Declaration established the broad “principles” for children's care and protection. Instead of political and civil rights, it was concerned with social, economic, and cultural concerns. Except for a few rare situations, children are generally classified as those under 18, and this area is concerned with their health and well-being.⁵⁹

Article: 32, “States Parties recognize the right of children to be protected from economic exploitation and from performing any employment that is likely to be hazardous, interfere with their education, or be harmful to their health or physical, mental, spiritual, moral, or social development.” Without counting the millions of children working off the grid, about 215 million youngsters are working today. The bulk of child employees are found in domestic and agricultural work, where children are abused, exposed to dangerous chemicals, and put through lengthy shifts. This type of work is frequently exempt from rules controlling child

⁵⁷ S.N. Tripathy, *Exploitation of Child Labour in tribal India* 32 (Daya Publishing House, New Delhi, 1991).

⁵⁸ W.H. Bennett, “A Critique of the Emerging Convention on the Rights of the Child” 20 *International Law Journal* 119 (1987).

⁵⁹ Myron Weiner, *The Child and the State in India* 221 (Princeton University Press, New Jersey, 2021).

labour and workplace safety. This is not to imply that children should not work; nevertheless, if they must or choose to work, it must be safe, fairly compensated, and not interfere with their education. Child labour is commonly understood to be the practise of allowing children to live adult lives before they are ready, working long hours for meagre pay in dangerous settings, sometimes being separated from their families, and being denied access to important educational possibilities. It robs kids of their innocence and takes away their dignity. The goal is to work with the neighbourhood to eradicate the practise at the village level while also making sure that children attend school instead of working.⁶⁰

Article: 33, “States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.” Drug use among children endangers their ability to survive, develop, and maintain good health. Nevertheless, in many regions, instead of receiving the assistance they require, drug-using youngsters are dealt with by the criminal justice system. A failure to accept that children use drugs also prevents children from obtaining access to resources for harm reduction and recovery. People often claim that must protect children, but the best protection is to provide them with the services and honest, unbiased information they require to make wise decisions. Notwithstanding the physical, psychological, and mental issues common among children who use drugs, children involved in the drug trade face additional dangers and risks. Children involved in drug trafficking (CDT) are exposed to and given an introduction to the world of crime. They become inexorably linked to circumstances of tension, dread, suspicion, and conflict once they become involved. They are quite susceptible to intimidation and exploitation from drug dealers and the police.⁶¹

2.2.1.2 The International Covenant on Civil and Political Rights, 1966

It appears in essential sections that protect minors against involuntary activities. The International Covenant on Civil and Political Rights (ICCPR), ratified by the United Nations General Assembly in 1966, was one of the first legal documents to recognise a child's right to protection. The right of the child to a calm environment and protection from abuse, exploitation, and violence is essential to ECD.⁶²

⁶⁰ Antonella Invernizzi, *Human Rights of Children* 94 (Rutledge, United Kingdom, 2016).

⁶¹ R Sivarethinamohan, *Industrial Relations and Labour Welfare* 49 (PHI Learning Pvt. Ltd., Delhi, 2010).

⁶² United Nations Human Rights Commission, “International Covenant on Civil and Political Rights 1966”, 2021.

Article 24, “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by their status as a minor, on the part of their family, society and the State; Every child shall be registered immediately after birth and shall have a name; and Every child has the right to acquire a nationality.” The Committee emphasises that children have other rights recognised by the Covenant in addition to those listed in article 24, and that as individuals, children are entitled to all of the civil rights outlined in the Covenant. Certain Covenant clauses explicitly advise States to take action in order to give adolescents more protection than adults when enumerating a right. So, in terms of the right to life, offences committed by people under the age of 18 cannot result in the death penalty being applied. Similarly, if they are lawfully taken from their homes, accused juveniles must be kept apart from adults and have the right to be brought to court as soon as possible for a decision. Convicted juvenile offenders must then be placed in a penitentiary system that separates them from adults and is suitable for their age and legal standing in order to promote reformation and social rehabilitation. Other rights recognised by the Covenant, such as the right to publicise a verdict in a legal proceeding or a criminal case, from which an exception may be made when the interest of the minor so requires, may be restricted in certain circumstances, protecting children, provided that the restriction is justified.⁶³

2.2.1.3 The International Covenant on Economic, Social, and Cultural Rights, 1966

Article 10 (3), “the States Parties to the present Covenant recognize that: Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young people should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life, or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of Child Labour should be prohibited and punishable by law.” Every child has the right to a childhood that is filled with dignity, worth, and respect. For a child to be healthy and have access to the services they require to live and thrive, they must have the right to a childhood free from prejudice and exclusion. According to the United Nations' classifications and categories of minorities, the impact of discrimination on children is primarily focused on discrimination against children based on their ethnicity, language, religion, or nationality as well as racial discrimination. In order to illustrate how children from

⁶³ S.N. Tripathy, *Exploitation of Child Labour in tribal India* 112 (Daya Publishing House, New Delhi, 1991).

marginalised or minority backgrounds continue to fall behind, it offers numerous examples from a wide variety of nations.⁶⁴

Article 13 (3), “the States Parties to present Covenant to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children’s schools, other than those established by public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure religious and moral education to children in conformity with their convictions.” Child rights are a foreign, Western concept in the majority of Indian households where strict parenting is the norm. Indian families still lack internal democracy and are still dominated by command-and-control parenting styles. The majority of parents are ignorant that kids are also citizens with rights protected by the Indian Constitution and other local, national, and international laws. Every parent is responsible for upholding children's rights and guarding them against exploitation, abuse, and prejudice, starting at home. The majority of parents are ignorant that children are also citizens with rights protected by the Indian Constitution and other local, national, and international laws. Every parent is responsible for upholding children's rights and guarding them against exploitation, abuse, and prejudice, starting at home.⁶⁵

2.2.1.4 The United Nations Convention on the Rights of the Child, 1989

A person of 18 years considered must highlight that not all Child Labour is deemed hazardous or subject to elimination under international labour standards. It is a legally enforceable international treaty establishing Social, Cultural, Economic, Political, and Civil rights for children, irrespective of race, religion, or aptitude.⁶⁶

Article 28, “Education states every child has the right to education. Primary education should be compulsory and free. Different forms of secondary education should be available to every child. School discipline should respect children’s dignity and rights. Richer countries should support poorer countries in this.” According to the UN Convention on the Rights of the Child, every child has a right to education. Education aims to help children reach their highest potential while also teaching them to respect others' fundamental liberties and human rights. Non-discrimination, the child's best interests, the child's right to life, survival, and development, as well as the child's freedom to express opinions, are among the general

⁶⁴ Antonella Invernizzi, *Human Rights of Children* 114 (Routledge, United Kingdom, 2016).

⁶⁵ UN Human Rights Commission, “The International Covenant on Economic, Social, and Cultural Rights, 1966”, 2021.

⁶⁶ R Sivarethinamohan, *Industrial Relations and Labour Welfare* 152 (PHI Learning Pvt. Ltd., Delhi, 2010).

principles of the Convention that are pertinent to education. While discussing how to change schools, these concepts might be useful tool.⁶⁷

Article 29, “Education and children's development defines education should help develop every child's personality, talents and mental and physical abilities to the full. It should develop children's respect for their rights and those of others, for their parents, for their own culture and the culture.” Eight areas for progressive reform in light of the Convention include: universal access, equitable opportunities, appropriate educational content, cultural roots and global values, new learning methodologies, mutual respect, student engagement, and the roles of educators, parents, and the community. It also looks at the difficulties in carrying out and funding such reform. The author comes to the conclusion that the Convention serves as a helpful agenda for developing a school that is child-friendly and that offers the best learning opportunities.⁶⁸

Article 32, “Child Labour defines every child as the right to be protected from any dangerous work that interferes with their education or is harmful to their health. Governments must set a minimum working age and make sure working conditions are safe and appropriate.” The majority of parents are ignorant that children are also citizens with rights protected by the Indian Constitution and other local, national, and international laws. Starting at home, every parent is responsible for upholding children's rights and guarding them against exploitation, abuse, and prejudice. The mission of Childhood Education International is to ensure that every child has access to a high-quality education in every country. Through this education, children will be given the tools they need to grow up to be involved, responsible citizens who can adapt to a changing world.⁶⁹

Article 38, “Armed conflict defined states should do all they can to protect children under 15 from taking part in the conflict of joining armed forces. Children in conflict zones should be given special protection. The CRC is a human rights treaty covering all of a child's rights. A child is defined as anybody under the age of 18 years unless national legislation states otherwise.” They work together as a community of educators and child advocates to analyse and put into practise educational initiatives that will best develop children's abilities and skills. Additionally, they support children's rights to education and wellbeing, collaborate with organisations that share their views, and promote the development of educators and carers.⁷⁰

⁶⁷ S.N. Tripathy, *Exploitation of Child Labour in tribal India* 312 (Daya Publishing House, New Delhi, 1991).

⁶⁸ Antonella Invernizzi, *Human Rights of Children* 94 (Routledge, United Kingdom, 2016).

⁶⁹ Myron Weiner, *The Child and the State in India* 351 (Princeton University Press, New Jersey, 2021).

⁷⁰ N Kaur, “Prevalence and potential consequences of Child Labour in India and the possible impact of COVID-19 – a contemporary overview” *Medicine, Science and the Law* 9 (2021).

2.2.1.5 Sustainable Development Goals, Agenda 2030

All UNs Member States adopted the SDGs in 2015 to eradicate poverty, end Child Labour, reduce inequality, and create more peaceful, prosperous communities by 2030. It's also known as the Global Goals, a pledge for the safety of everyone. Without achieving children's rights, the SDGs will be impossible. UNICEF works with governments, partners, and other UN organisations to ensure that country's goals are fulfilled today and in the future for and with all children.⁷¹

The partnership's goal is for every young person to enrol in education, training, or work by 2030. **Target 8.7** stated that “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of Child Labour, including the recruitment and use of child soldiers, and by 2025 end Child Labour in all its forms.” **Target 16.2** states, “End abuse, exploitation, trafficking, and all forms of violence and torture against children.”⁷²

2.2.1.6 UN Global Compact 2021 Action Pledge on Eliminating Child Labour

Principle 4 defined, “Businesses should hold the elimination of all forms of forced and compulsory labour”, and **Principle 5** defined, “Businesses should uphold the effective abolition of Child Labour.” “No child should be denied the right to a childhood, protection, health, safety, morality, or get an education. It unveiled a promise to rally its over 12,000 business members to renew and expand their efforts to end forced Child Labour. Detect, avoid, reduce, and account for adverse human rights consequences in their operation to combat child and bonded labour.”⁷³

2.2.1.7 United Nations Policies Impacts

The National Human Rights Commission appealed to entire state secretaries and union territory administrators to submit a report on the efforts taken in their states to implement UNCRC provisions of articles and ‘**the Child and Adolescent Labour (Amendment) Act, 2016**’. The Committee concluded that India enacted the UN Convention on the Rights of the Child, 1992 and that the UN General Assembly unanimously declared 2021 the International

⁷¹ Antonella Invernizzi, *Human Rights of Children* 148 (Rutledge, United Kingdom, 2016).

⁷² R Sivarethinamohan, *Industrial Relations and Labour Welfare* 213 (PHI Learning Pvt. Ltd., Delhi, 2010).

⁷³ Global Compact Network USA, “UN Global Compact Announces New 2021 Action Pledge to Help End Child Labour” *Thunderbird School of Global Management* 2021.

Year for the Elimination of Child Labour, requiring all states and union territories to submit reports.⁷⁴

2.2.2 International Labour Organisation

Children face a risk of bodily and psychological harm due to work. There appears to be a substantial correlation between Child Labour and poverty. Poverty is perpetuated by keeping poor children from dropping school and restricting their possibilities for upward social progress through decades. A decline in social resources has been linked to the economy's sluggish growth.⁷⁵

Child Labour across age				
Children Age		Index		
5-11 years		9.7%		
12-14 years		9.3%		
15-17 years		9.5%		
Child Labour worldwide as per groups based on Gender				
Gender	5-11 years	12-14 years	15-17 years	Index
Girls	8.4%	7.5%	6.6%	63 million
Boys	10.4%	11.0%	12.2%	97 million
Total				160 million
Child Labour in rural and Urban Area aged 5 to 17 years				
Areas	Girls	Boys	Index	Percentage
Rural Area	11.6%	16.1%	122.2 million	13.7%
Urban Area	3.6%	5.7%	37.3 million	4.7%

Figure 2.1: Global Estimate of Child Labour by ILO, 2020

⁷⁴ PTI, “NHRC Asks All States to Submit Action Report to End Child Labour” *Outlook: the Fully Loaded Magazine*, 24 August 2021.

⁷⁵ Noam Peleg, “Illusion of inclusion: challenging universalistic conceptions in international children’s rights law” 24 *Australian Journal of Human Rights* 326–344 (2018).

2.2.2.1 Forced Labour Convention, 1930 (No. 29)

Officially known as “the Convention Concerning Forced or Compulsory Labour, 1930.” League of Nations was the first to examine the subject of forced labour; however, such labour was regarded as part of colonial power's “civilizing mission,” As a result, League members were reluctant to do anything to limit it. The Protocol and Recommendation update ILO rules on forced labour for the twenty-first century. The new Protocol outlines duties for avoiding forced labour, protecting victims, providing remedies, and highlighting the link between forced labour and human trafficking. The Protocol to C.No. 29 emphasises the need for prosecuting forced labour violators to end impunity.⁷⁶

2.2.2.2 Minimum Age Convention, 1973 (No. 138)

It was adopted 50 years later, “enlarged these precise industry bans into a near-total ban on the hiring of school-aged children in all types of employment, establishing an age requirement of 15 years (or the age of finalisation of compulsory education, whichever is higher) below which no child shall be admitted to employment or work in any occupation.” As consequence, labour and school were defined as fundamentally at odds in early development, differences between hazardous and healthy types of employment were ignored, and work became, for the first time, the goal to be eliminated. The Minimum Age for entre to labour went into effect on 1976. Previous ILO agreements focused on specific economic sectors like agriculture and mining.

Article 1, “Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of Child Labour and to raise the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young person’s progressively.”

Article 2, “The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. Member whose economy and educational facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.”

Article 3, “The minimum age for admission to any type of employment or work which by its nature or the circumstances in which is likely to jeopardize the health, safety or morals of young people shall not be less than 18 years.”

⁷⁶ Wendy Zeldin, “Human Rights and Civil Liberties, Labour Slavery, Treatise and International Agreement Human Rights” 69 (International Labour Organization, Geneva, 2016).

Article 6, “This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out by conditions prescribed by the competent authority, after consultation with the organizations of employers and workers concerned.”

Article 7, “National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work.”

Article 8, “After consultation with the organizations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.”⁷⁷

Work	Developing Nations	Developed Nations
Hazardous Work	18 years	18 years
Regular Work	15 years	14 years
Light Work	13 years	12 years

2.2.2.3 Worst Forms of Child Labour Convention, 1999 (No. 182)

It “prohibition and immediate action for the elimination of the worst forms of Child Labour,” and “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.” The ILO general assembly evaluated a list of labour activities acceptable for this category in Recommendation 190, approved shortly after the convention.⁷⁸

Article 1, “Each member who ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of Child Labour as a matter of urgency.” **Article 2**, “The Convention applies to all persons under the age of 18 years.”

Article 3, “The Convention Calls for immediate and effective measures to prohibit and eliminate the worst forms of Child Labour: All forms of slavery and slavery-like practices, such

⁷⁷ P. Boateng and H. West, “Child Domestic Work” *Institute of Development Studies* 91 (2017).

⁷⁸ Yoshie Noguchi, “ILO Convention No. 182 on the worst forms of Child Labour and the convention on the Rights of the Child” (2002).

as child trafficking, debt bondage, and forced labour, including forced recruitment of children into armed conflict; using a child for prostitution or the production of pornography; using a child for illicit activities, in particular, drug production and trafficking; and hazardous work.”

Article 4, “The Convention encourages the determination of hazardous work at the national level. Member states will take into consideration problems that are unique to them, and the definition of hazardous work will therefore differ from country to country.”

Article 5, “Each member state should establish or designate appropriate mechanisms to monitor the implementation of the provisions; giving effect to the Convention.”

Article 6, “Each member shall design and implement programs of action to eliminate as a priority the worst forms of Child Labour.”

Article 7, “The Convention does not provide a guideline as to what could be an appropriate sanction for a Child Labour offence, and discretion is given to member states.”

Article 8, “Members shall take appropriate steps to assist one another in giving effect to the provision of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programs and universal education.”

2.2.2.4 International Program on the Elimination of Child Labour, 1992

It formed gradually end labour children by the increasing state for addressing Child Labour issues and supporting the global anti-Child Labour movement. The organization's major focus is to prevent and end all kinds of Child Labour as described under Convention No. 182. To ensure that Child Labour solutions benefit children and work for the availability of options for children and families. Its immediate goals are: “enhancement of ILO constituents' and NGOs' abilities to develop and evaluate Child Labour programs; identification of community and national initiatives that might be replicated and creation of awareness and social mobilization for the eradication of Child Labour.”⁷⁹

There are two logical explanations for why Child Labour continues despite public outrage. On the one hand, some variables impact communities and families, like poverty, a lack of education, habits, and cultural and social traditions. Employers, on the other hand, exploit children for poor salaries. Finally, the UN General Assembly proclaimed 2021 entrusted with putting resolution into effect by adopting immediate steps. All 187 Member States approved

⁷⁹ Dr. A. Aruna Sri Lakshmi, “India’s Ratification of ILO Conventions 138 and 182 - A Way Forward to Eliminate Child Labour” 2 Journal of Rights of the Child of National Law University Odisha 12-13, 2017.

and accepted an "International Labour Standard" in 2020, marking a historical point in ILO history.⁸⁰

2.2.2.5 The International Partnership for Cooperation on Child Labour in Agriculture, 2007

From the perspective of work-related mortality, non-fatal accidents, and illness in the workplace, agriculture is one of the three highly risky industries. Nonetheless, if the activity is to be abolished, the dangerous aspect of agricultural labour and the distribution of agricultural production must be tackled. Encourage collaboration between agriculture and labour stakeholders, and keep regulations and programs to prevent Child Labour consistent. When agricultural and labour organizations organize their operations, consider Child Labor issues.⁸¹

Gender	Percentage
Girls	70.3%
Boys	69.9%
Child Labour in Agriculture Sector in aged group	
Aged Groups	Percentage
5-11 years	76.6%
12-14 years	75.8%
15-17 years	47.8%
Total aged 5-17 years	70.0%

Figure 2.2: Global Estimate of Child Labour in Agriculture Work by ILO, 2020

Children have been a part of the agricultural work. In 2006, an estimated 218 million young people were employed in various vocations, with agriculture accounting for 70% of all jobs, including forestry and inland fisheries. Agricultural or related jobs employ nine out of ten working adolescents in rural regions, as agriculture provides most labour in rural communities. The Partnership supports coordination between the labour and agricultural sectors to adequately manage the labour of children in agriculture. Legislation on the labour of children

⁸⁰ Wendy Zeldin, "Human Rights and Civil Liberties, Labour Slavery, Treatise and International Agreement Human Rights" 89 (International Labour Organization, Geneva, 2016).

⁸¹ Antonella Invernizzi, *Human Rights of Children* 182 (Rutledge, United Kingdom, 2016).

necessitates knowledge sharing and policy coordination between labour and agricultural groups. Agricultural support services, farmer's organisations, and ministries of labour, agriculture, fisheries, and forestry are all working together agricultural workers' unions bring together a wide range of technical expertise and understanding of Child Labour issues.⁸²

2.2.2.5 Domestic Workers Convention, 2011 (No. 189)

Domestic servants enjoy a same fundamental right as other employees in their nation under the Convention, namely weekly days off, hourly limits, minimum pay coverage, overtime payments, welfare benefits, and specific details about their job terms and circumstances.⁸³

Article 3, “the effective abolition of Child Labour. Domestic workers must be protected from abuse and violence. Commercial employment agencies that recruit and hire domestic employees must be regulated, and Child Labour in domestic work is prohibited under the new regulations. They are entitled to the same fundamental labour rights as other workers, and governments must protect them from abuse and violence, regulate private employment agencies that recruit and hire domestic workers, and prohibit Child Labour in the domestic sector.”

Article 4, “Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.”

Owing to its connections to social and cultural trends within its specific conditions, the subject of domestic work of children is sometimes disguised and complicated. It encompasses a broad are influenced by the employees' age, gender, ethnicity, migratory position, and the economic and cultural environment in which they work. Domestic labour and the people who execute it are still being decided based on the tasks they accomplish. One of the most serious issues with domestic labour is that it is frequently misunderstood as anything other than employment.⁸⁴

⁸² International Labour Organization, “The International partnership for cooperation on Child Labour in agriculture” 2021.

⁸³ Myron Weiner, *The Child and the State in India* 223 (Princeton University Press, New Jersey, 2021).

⁸⁴ P. Boateng and H. West, “Child Domestic Work” *Institute of Development Studies* 84 (2017).

Child Labour in Domestic Works in the aged group			
Aged Groups		Percentage	
5-11 years		4.6%	
12-14 years		3.0%	
15-17 years		5.7%	
Total aged 5-17 years		4.5%	
Child Labour in Domestic Work as per Gender			
Gender	5-11 years	12-14 years	15-17 years
Boys	1.6 million	0.4 million	0.8 million
Girls	2.5 million	0.6 million	1.2 million
Total	Child Labour aged 5-17 is 7.1 million		

Figure 2.3: Global Estimate of Child Labour in Domestic Work by ILO, 2020

Influence of ILO Conventions on Child Labour laws in India: “The Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182) have both been ratified by the Government of India, as has the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016, which provides financial assistance for the rehabilitation of rescued bonded labourers. India has ratified major ILO Conventions on Child Labour, the Bonded Labour System (Abolition) Act, 1976, and the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016” all of which provide financial aid for the rehabilitation of rescued bonded labourers.⁸⁵

Mr Bandaru Dattatreya, India's Minister of Labour, said that ratifying the two ILO Conventions reinforced his country's "commitment to a Child Labour-free society." He noted several initiatives in this area, including “**the Child Labour (Prohibition and Regulation) Act, 1986**” which took effect on September 1, 2016. The adoption of “**the Child Labour Amendment (Prohibition and Regulation) Act, 2016**”, “**the Right to Education Act, 2009**” made the signing of the ILO's two main conventions possible. The change now makes it illegal

⁸⁵ International Labour Organization, “India ratifies both fundamental ILO Conventions on Child Labour”, *International Labour standards*, 56 (2021).

to engage or work minors under the age of 14 in any activity or process and employ teenagers aged 14 to 18 in dangerous jobs and processes. Furthermore, the recently updated “**Child Labour (Prohibition and Regulation) Central Rules**” for the first time, provide a broad and clear structure for the reduction, ban on child employees. Strengthening “**the National Child Labour Project,**” which is a rehabilitative plan offering bridge education and vocational training to teenagers, is another notable recent move done to accomplish the goal of a Child Labour-free society.⁸⁶

2.2.2.6 United Nations International Children Emergency Fund, 1946

The exploitation still threatens to national economies, with substantial immediate and long-term consequences for children, such as denial of education and deterioration of physical and mental health. It obstructs children's education, inhibits their rights, and hinders their long-term prospects. Strengthening child protection systems, Child Labour, violence against children, mental health, and psychosocial assistance are some of the issues that UNICEF engages in India. It promotes social protection initiatives aimed at reducing Child Labour is a primary objective. The Global Movement for Children is an organisation that helps children in war-torn countries while also protecting them from physical exploitation and violence. The most significant way to assess a society's quality is how it treats its women and children.⁸⁷

UNICEF on Child Labour in India: UNICEF and its Indian partners are collaborating to safeguard children from abuse in the workplace and other types of abuse that harm their upbringing. Strengthening and advocating for efficient implementation of preventative and accountable child protection services in selected states is an important significant area of UNICEF. It is putting the components of a child protection system together in collaboration with the civil society organisations, Government of India, encompassing human resources, 17 state governments, and financial firms, change implementation, and implementation and review. The country has a fairly extensive policy and legal framework in place to address children's rights and protection.

In four essential statutes, children's basic protection is established: “the **Juvenile Justice Act/Care and Protection (2000, amended in 2015)**; the **Child Marriage Prohibition Act (2006)**; the **Protection of Children from Sexual Offences Act (2012)**; and the **Child Labour**

⁸⁶ D. Ravi Kanth, “India's ratification of ILO conventions on Child Labour a good step”, *mint*, 2017.

⁸⁷ R. Das and A. Chen, “Towards a Theoretical Framework for Understanding Capitalist Violence against Child Labour”¹⁰ *World Review of Political Economy* 191-219 (2019).

Prohibition and Regulation (1986, amended in 2016). In the last five years, significant progress has been achieved in establishing fast-track courts and combating cybercrime against children and women. The **Protection of Children from Sexual Offences Bill was modified in 2019**, making sexual offences against children subject to harsher penalties.”⁸⁸

2.2.3 World Health Organization

The WHO released the results of a research group meeting in 1987, detailing the history of the UN system's efforts to tackle working Children and show worry towards children health. Most nations could not specify the dimensions and expectations of "light labour," which the ILO defines as acceptable for youth aged 13 to 15. As a result, no proof of a proper application of this idea, including the obligation to regard children's health and education, could be found. Children may be found in nearly every industry. Mining (1%) and construction (1%) are two other industries where children work (2%). For the most part, the work done is quite hazardous to children. However, most of them work in agriculture worldwide, 70%. Pesticide exposure and the use of dangerous gear or instruments such as knives, lugging large loads, the presence of snakes, and so on are all risks of the highest injuries. The dangers to children working as domestic labourers are not often evident.⁸⁹

Psychological risks, such as isolation, abuse, can make this type harmful. Domestic labour is sometimes referred to as "hidden," and locating those children might be challenging. 6.1 million children and adolescents died in 2019, the majority of which might have been avoided. The WHO leads on global health issues by forming guidelines and values, expressing substantial proof policy alternatives and technical assistance to countries are all on the research agenda and monitoring and analysing health trends. In partnership with UNICEF, WHO is launching a global campaign to ensure that all children receive enough immunization the importance of childhood and adolescence for public health cannot be overstated. Activists propose right to education and stricter domestic legislation to ensure its implementation combat Child Labour.⁹⁰

2.2.4 World Bank

While other international agencies UNICEF, ILO, WHO, and UNESCO, have the primary responsibility for Child Labour issues and regulations, the World Bank is concerned

⁸⁸ Child Protection, UNICEF, 2021.

⁸⁹ Rebecca Langford and others, "The World Health Organization's Health Promoting Schools framework: A Cochrane systematic review and meta-analysis" *BMC Public Health* 130 (2015).

⁹⁰ Kasmin Fernandes, "How Child Rights Came to Be" *The CSR Journal Integral Part of the Solution* (2019).

about it from both a development and humanitarian standpoint. The research suggests that lowering poverty, improving women's conditions, and expanding access to quality education are the best long-term solutions to Child Labour issues. The Bank can help and perhaps expedite the decrease of Child Labour in various ways, including through lending and non-lending operations and changes in some operating procedures.⁹¹

In contrast, activities like the Bank's Children's Initiative, which currently monitors activities involving children in health and education, can be strengthened by expanding them to include Child Labour issues. Only if the Bank's personnel are aware of the magnitude of the problem and how to solve it will its efforts in this area be practical. Several projects are underway or in the works to address the issue of Child Labour.⁹² World Bank is taking more significant action to address the issue more proactively, and it lays out what has to be done and how it should be done. Section I discusses Child Labour's fundamental facts, concerns, and pertinent legislation and international organizations' perspectives. In Section II, the effective methods of Child Labour are discussed, followed by a summary of the Bank's stance in Section III.⁹³

2.2.5 World Trade Organization

It settles trade disputes and sort out trade problems to assist manufacturers of goods and services and exporters and importers with their operations. In an essential general equilibrium, two-sector model of a small open economy with perfectly competitive markets, efficient wages, and free trade, Child Labour is a problem. In the contemporary economy, skilled adult labour and capital are used, whereas unskilled labour and skilled adult labour are used in agriculture. Child Labour is reduced by trade policies, foreign direct investment, or both that enhance modern-sector production. It is still a major issue all over the world. Despite many efforts to reduce Child Labour in global supply chains, children are still manufacturing agricultural products for export.⁹⁴

Analysing some critical legal issues relevant to the WTO law-compatibility of trade restrictions on Child Labour, it claims under the present condition of WTO law, certain trade policies on Child Labour may be deemed to be WTO law-compliant. However, it believes that an ILO-WTO *de lege ferenda* (with a view to future legislation) implementation mechanism is

⁹¹ Ram Ahuja, *Social Problems in India* 175 (Allied Publisher, New Delhi, 2004).

⁹² R Sivarethnamohan, *Industrial Relations and Labour Welfare* 95 (PHI Learning Pvt. Ltd., Delhi, 2010).

⁹³ Myron Weiner, *The Child and the State in India* 223 (Princeton University Press, 2021).

⁹⁴ R. Das and Ashley, "Towards a Theoretical Framework for Understanding Capitalist Violence against Child Labour" *10 World Review of Political Economy* 191-219 (2019).

a more effective way to prevent Child Labour. No globally agreed legal definition of Child Labour exists, and no universally acknowledged statistical measure of Child Labour exists. Child Labour has two drawbacks: It is seldom the primary focus on labour welfare programs, and (ii) treatments which they are created are not always chosen by a consistent knowledge-generation approach. Relying on evaluation research, these limits dictate how we understand what helps in combating Child Labour.⁹⁵

The WTO policies are causing poverty to spread and workers' circumstances to deteriorate worldwide. Child Labour is one symptom or result of the pressures placed on the majority of the worldwide people by a neoliberal monetary strategy. If globalization is lamed for the massive rise in the frequency of Child Labour, then more restrictive trade policies should help developing nations address the problem. The argument is based on the premise that globalization is increasing Child Labour. The term "labour standards" refers to the rules that govern how employees are handled. The WTO imposes import restrictions or prohibitions on products made with Child Labour.⁹⁶

It will look at the WTO's present posture, which implies that the issue of child workers has not been resolved, instead to "disengaged" from it without explicitly ruling it out. Despite the reality, that Child Labour is not specifically included in any of the existing WTO-covered accords. Child Labour is a difficult issue in the international trade area. It is the foundation of today's international trade system. The WTO-accredited agreements make no mention of Child Labour.⁹⁷

2.3 COMPARATIVE STUDY OF CHILD LABOUR IN INDIA WITH VARIOUS COUNTRIES:

Country	Law s	Legal Age for Work
India	“The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986”	• “Below 14 is prohibited, but they are allowed to work with their family members. Children between 15-18 allow work in non-hazardous occupations.”

⁹⁵ Kasmin Fernandes, “How Child Rights Came to Be” *The CSR Journal Integral Part of the Solution* (2019).

⁹⁶ Ram Ahuja, *Social Problems in India* 182 (Allied Publisher, New Delhi, 2004).

⁹⁷ Franziska Humbert, “The WTO and Child Labour: Implications for the Debate on International Constitutionalism” *Labour Standards in International Economic Law* 1-8 (2018).

United Kingdom	“Children and Young Persons Act, 2008”	<ul style="list-style-type: none"> • “Except for those interested in fields like modelling for television or theatre, a youngster cannot begin part-time employment until they are 13 years old. A performance license is required for children working in these fields.” • “When a child reaches the minimum school graduation age, they can begin working full-time and can work up to 40 hours per week. When a person turns 16, pay them via PAYE. When a person turns 18, adult employment laws and rights take effect.”
Canada	“The Canada Labour Standards Regulations”	<ul style="list-style-type: none"> • “The persons under 17 years of age may be employed provided that: they are not required by provincial law to attend school; the work is not likely to endanger their health or safety; they are not required to work underground in a mine or in employment prohibited for young workers under the <i>Explosives Regulations</i>, the <i>Nuclear Safety and Control Act and Regulations</i>, or the <i>Canada Shipping Act</i>; and they are not required to work between 11 p.m. on one day and 6 a.m. on day.”
America	“The Fair Labour Standards Act (FLSA) of 1938.”	<ul style="list-style-type: none"> • “It establishes minimum salary, working hours, and safety standards for minors (those under the age of 18) employed in jobs covered by the act. Depending on the minor's age and the nature of the profession, different rules apply. The FLSA generally establishes 14 as the

		<p>minimum age for employment and places restrictions on the number of hours that minors under the age of 16 may work.”</p> <ul style="list-style-type: none"> • “It sets the minimum age for the majority of non-agricultural jobs at 14. But young people of any age can distribute newspapers, appear in radio, television, film, or theatre productions, work in businesses run by their parents (apart from dangerous vocations like mining), babysit, or do-little activities around a private home. Youth may also be hired as homemakers at any age to collect evergreens and build evergreen wreaths.”
Australia	“Fair Work Ombudsman, 2009”	<ul style="list-style-type: none"> • “Children may work at any age, however there are limitations for those under the age of 15. These limitations apply to both the type of work that children can do and the work hours they can work. In every state but Tasmania and Queensland, where the leaving age is 17 years old, children are required to attend school until a minimum age of 15 years old.”
Germany	“The <i>Jugendarbeitsschutzgesetz</i> (Youth Labour Protection Laws), 1976”	<ul style="list-style-type: none"> • “It applies to teenagers between 15-18, and children younger than 14 are not allowed to work and are required to attend school five days per week. In addition, there are restrictions on the types of work that can be performed by teenagers - it cannot in any way endanger the teenager's physical or mental health.”

China	“Regulations Banning Child Labour, 2002”	<ul style="list-style-type: none"> • “Chinese law forbids the use of Child Labour until the age of 16 but allows it in some instances, such as in the arts or sports, or if the child's "educational labour" and "occupational training" do not endanger them personal health and safety.”
Pakistan	“Employment of Children Act, 1991”	<ul style="list-style-type: none"> • “The law prohibits employment of children less than 14 years of age in sectors other than agriculture or household enterprises.”
Bangladesh	“The Children Act, 2013”	<ul style="list-style-type: none"> • “Although 12- and 13-year-olds are allowed to perform what is regarded as "light work" for up to 42 hours per week, the legal age of employment in Bangladesh is 14. While not technically defined, light work expressly forbids children from working overnight shifts in industries, railroads, or ports.”
Africa	“The Basic Conditions of Employment Act, 1997”	<ul style="list-style-type: none"> • “It is a criminal offence to employ a child younger than 15, except in the performing arts with a permit from the Department of Labour. Children aged 15 to 18 may not be employed to do work inappropriate for them age, or work that place them at risk.”

CHAPTER III

FACTORS RESPONSIBLE FOR CHILD LABOUR

“Child Labour and poverty are inevitably bonded together and if you continue to use the labour of children as the treatment for the social disease of poverty, you will have both poverty and Child Labour to the end of time.”

- Grace Abbott

3.1 INTRODUCTION

Children involvement in socio-economic life can begin very early due to family circumstances. Children of ethnic minorities are more vulnerable to exploitation by low-income and lower-class groups. For cultural and economic reasons, children’s employment benefits them. Several children start at the age of 6 or 7, typically on family work. They assist in agricultural operations such as caring for livestock and sheep, frightening birds away from fields, planting, harvesting, collecting firewood, water, and undertaking various household and non-domestic labours in their houses, much like a cottage industry. Many children begin working due to being orphaned, abandoned by their families, and other household difficulties. Poor children have been utterly abandoned in the streets with no one to care for them. Young girls are enticed into prostitution in these awful situations, and children have been pushed into organised beggars, even being wounded in the process. When children labour too early, for too long, for too little money, and in dangerous settings, labour becomes exploitation.⁹⁸

Child Labour is prevalent for a variety of reasons that are complicated and firmly established in culture. By starting work at a young age, children are more likely to have their health issues deteriorate. Working children are from poor homes and are malnourished, thus their nutritional needs are increased by their job, which they are unable to satisfy. In the workplace, children are exposed to infectious cases of tuberculosis and other communicable diseases; on occasion, children perform dirty jobs such as rag-picking, etc., often barefooted and without protective clothing among toxic substances and harmful chemicals, sorting glass, plastic, metal, and other materials. Poisoning from welding, manufacturing, textile production and other sectors has influenced the children’s health, who work in such fields. Workplace stress, physical and

⁹⁸ Dr. Anjana Verma, “Child Labour: The effect on child” 3 *International Journal of Advanced Educational Research* 83-86 (2018).

mental abuse and neglect, isolation from family, and the anxiety of a bleak future, all variables that hurt personality development.⁹⁹

3.2 ROOT CAUSES OF CHILD LABOUR

Socially backward parents don't permit their children to go to school regularly. As a result, their children must work in Child Labour. It is a socio-economic issue that impacts children's development and public awareness, and it will not be eliminated until poverty is eradicated in its current form. Due to illiteracy, most parents are uninformed of various information and programs for their children's education. In reality, the Jagirdari or Zamindar system and its emblems continue to exacerbate the problem of the labour of children. The majority of laws adopted only applied to organized-sector employees, although the numbers of Child Labour under unorganised works. The issue of Child Labour is less prevalent under organised sector work but has gained dimensions in the unorganised sector.¹⁰⁰

3.2.1 Social Reasons Responsible for Child Labour

It contributes socioeconomic injustice and prejudice and robbing girls and boys of their childhood. Child Labour is a group of socially disadvantaged people. They have a lack fundamental requirements such as education, good food, and procreative time, among others.

3.2.1.1 Poverty

India remains one of the least developed nations after four decades of independence. Conditions under which the labour of a child is common in India are insufficient for a thorough investigation of the issue. It is critical to comprehend the relationship between Child Labour and poverty differently in every field and time. According to estimates, agricultural labourers own just 4% of the land among India's poorest half of the rural population. Around 70% of our population lives on less than the minimum wage, resulting in a rise in Child Labour. Poverty-stricken parents must force their children to labour from an early age to pay for their health, food,

⁹⁹ C. K. Shukla, S. Ali, *Child Labour and the Law* 2 and 181 (Sarup & Sons, New Delhi, 2006).

¹⁰⁰ B. Suresh Lal, "Child Labour in India: Causes and Consequences" 8 *International Journal of Science and Research* 2199-2206 (2019).

and education. On the one hand, the concentration of money is increasing while on the other hand the poor quasi-proletariat and unemployment are increasing.¹⁰¹

India Poverty Statistics 2021

Total Population	1,392,046,336
People living in extreme poverty	86.8 million or roughly 6% of the population
Males	39,746,566
Female	47,052,932
Punjab	8.26

Figure 3.1: World Poverty Clock, 2021

Punjab Poverty Rate, 2020

State	Specific Poverty Line		% of the population living below the national poverty percentage
	Rural	Urban	
Punjab	1054	1155	8.26%

Figure 3.2: NITI Aayog's Sustainable Development Goals dashboard, and India's Handbook of Statistics on Indian Economy, 2021

According to Medelivich, Poverty and Child Labour create a vicious cycle, “in reality, there is a vicious cycle at work here, on the one hand, Child Labour raises adult unemployment and decreases their salaries; on the other hand, adult unemployment and low pay push parents to hire their children to enhance the family income. As a consequence, it increases or decreases family income, but it lowers rather than increases it.” When their expenses exceed their parents' earnings, children from low-income families may feel compelled to support their family's income. Children can be found labour in mines or hawking on the streets to pay for their families'

¹⁰¹ Jaspal Kaur, “Child Labour in India: Causes, Impacts and Preventive Measures” 7 *International Journal of Management Review* 164 (2019).

necessities. Instead of attending school, children may be employed in industries to help support their families.¹⁰²

Poverty in India - Age Groups

Age Groups	Number of People
0-4	9,987,452
5-9	10,801,357
10-14	12,045,253
15-19	9,042,344
20-24	4,576,843

Figure 3.3: World Poverty Clock, 2021

3.2.1.2 Illiteracy of Parents

Illiterate parents who do not value education want their children to obtain a job as soon as possible, desirable as a family's income source. In improving life and living conditions, Child Labour is a reality. Illiterate parents discourage their children from attending school because they are ignorant of the benefits of education. Due to a lack of education, they may have put their child to work. Parents who do not believe that Child Labour is detrimental are personally responsible for their children's negative consequences. Because of their illiteracy, they are unable to make educated decisions about their children.¹⁰³

Health, education, and social activities are often overlooked by parents who see a great impact on their children's lives. They believe they have done an excellent job of including young children in the labour force. The adolescent makes money, which he was unable to do while in school. As a result, parents are increasingly responsible for the prevalence of Child Labour. A society with a big educated population recognises the value of graduating from high school and pursuing one's goals. Children have the potential and time to grow into the person they wish to

¹⁰² R. Shanmathi and Ragu Balan. P, "A Conceptual Analysis of Child Labour Regulation and its Constitutional Validity in India" 120 *Int J Pure & Applied Maths* 4619-4636 (2018).

¹⁰³ Jaspal Kaur, "Child Labour in India: Causes, Impacts and Preventive Measures" 7 *International Journal of Management Review* 164 (2019).

be. Uneducated person does not know that education is a safety net. As a result, they may be unable to educate their children and lay solid foundations for future success.¹⁰⁴

3.2.1.3 Backwardness of Parents

In India, Child Labour is mostly caused by the backwardness of parents who are socially backwards don't allow children to attend school forced them to work. Backwardness and stagnation in the global distribution of Child Labour statistics; is once again a key factor of the intensity of Child Labour which indicates the emerging nations account for 90%. Child Labour, **Prof. Gangrade**, is caused by several causes such as traditional views, a lack of education or parental refusal to attend school, migration, urbanisation, and industrialization. According to the organisations, "Child Labour is no longer a technique of economic exploitation, but rather a means of meeting the economic needs of parents and, in many cases, the needs of the child."¹⁰⁵

3.2.1.4 Lack of Access to Quality Education:

Even after our country's freedom, children's fundamental right to education continues to be denied. The poorest families are the most negatively impacted, as acquiring education for their children is a pipe dream for them. Due to a shortage of affordable schools for their education, poor children are frequently left uninformed and helpless. Children are forced to live in a world where they are unable to learn. And such compulsions can sometimes trap children in Child Labour. A great desire exists to ensure that underprivileged children are denied educational chances.¹⁰⁶

3.2.2 Economic Factors Responsible for Child Labour

The desire to boost the family's total earnings pushes children into the labour force. Many factors contribute to Child Labour, including family size, economic conditions, and adult unemployment. Children provide a significant portion of the family's overall income. Some disadvantaged families rely only on their children's wages to make ends meet.¹⁰⁷

¹⁰⁴ C. K. Shukla, S. Ali, *Child Labour and the Law* 94 (Sarup & Sons, New Delhi, 2006).

¹⁰⁵ Dr. Ch. Ramana Rao, "Child Labour and Education in India" 2 *International Journal of Academic Research* 57-62 (2015).

¹⁰⁶ B. Suresh Lal, "Child Labour in India: Causes and Consequences" 8 *International Journal of Science and Research* 2199-2206 (2019).

¹⁰⁷ Dr. P Chand Basha, "Child Labour – An overview of its causes, consequences and necessary measures" 3 *International Journal of Humanities and Social Science Research* 96-102 (2017).

3.2.2.1 Family Size and Family Condition

A large family with a low income will struggle to find happiness. Family members miss more possibilities for education, health care, and creating a strong family environment. On the other hand, a modest, well-planned family guarantees that its members have all of their potential growth opportunities while also helping them shield themselves from life's uncertainties. Large families with low incomes may have a negative mental image of themselves.¹⁰⁸ Illiterate and uneducated parents believe the opposite. They think that God will feed him when he has been given a body. They also believe that having three or four children is preferable to having one or two. Having more children equals more money for them. They say, having only one mouth with which to eat, each human body has two hands with which to feed itself.¹⁰⁹

3.2.1.2 Insufficient Incomes of Family and Adult Unemployment

Labour is frequently employed to replace adult labour. Children work faster and earn less money than adults. Adults talk about things like income, workload, and working hours, but children don't. This also contributes significantly to Child Labour. When they are in need, which is constantly lack of resources, and work possibilities in remote places are limited.¹¹⁰

Unemployment Rate in Punja

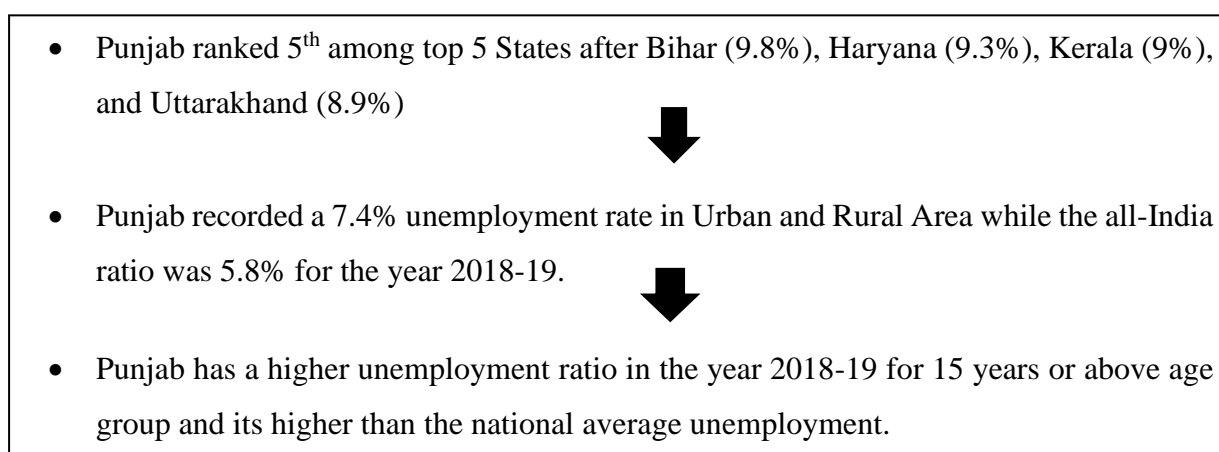


Figure 3.4: Economic Survey, 2021

¹⁰⁸ Jaspal Kaur, "Child Labour in India: Causes, Impacts and Preventive Measures" 7 *International Journal of Management Review* 164 (2019).

¹⁰⁹ Dr. Anjana Verma, "Child Labour: The effect on child" 3 *International Journal of Advanced Educational Research* 83-86 (2018).

¹¹⁰ Dr. P Chand Basha, "Child Labour – An overview of its causes, consequences and necessary measures" 3 *International Journal of Humanities and Social Science Research* 96-102 (2017).

3.2.3 Cultural Factors Responsible for Child Labour

A multitude of factors contribute to Child Labour, including cultural effects. It has long been thought that a child should pick up on his or her family's responsibilities. This practice helps in increasing child involvement in employment in India and parents and children justify it. Children are viewed as supporting their families rather than working in these settings. As a result, they are compelled to pick up the transaction as quickly as possible.¹¹¹

3.2.3.1 Family Tradition

Numerous families in our culture find it quite simple to justify Child Labour under the guise of tradition or custom, which is a startling but awful fact. The notion is that Child Labour is advantageous to their character and skill expansion. It is another aspect that encourages young people to seek employment. They believed that children needed to learn skills that would benefit them in future. The issue of children's labor in India, mainly voluntary, is exacerbated by cultural and traditional family norms. Several families assume that a happy existence is out of reach and that their only source of money and survival is the age-old practice of labour. Small businesses waste their children's lives to keep their family businesses running at a reduced cost of production. Many parents believe employment at an early age will help their children grow up to be more responsible and worldly.¹¹²

Early employment, they believe, will aid in developing their children's personalities, making it easier for them to organise their future lives. Young children in cities begin working by assisting their fathers in low-paying occupations on the streets. Some tasks they perform include polishing shoes, guarding parked cars, cleaning automobiles, selling fruit and peanuts, magazines and newspapers, and carrying messages. Children have been found trafficking narcotics in major cities. Children start working in family businesses at a young age, accompanied by their parents, relatives, or acquaintances, who introduce them to their future bosses. The attitude of the employer has a huge impact on how a working child is treated. Some children may be mistreated, humiliated, or even beaten by their parents, while they look after others. The bulk of their employment is tedious, repetitive, and monotonous, and it is frequently improper for their

¹¹¹ B. Suresh Lal, "Child Labour in India: Causes and Consequences" 8 *International Journal of Science and Research* 2199-2206 (2019).

¹¹² Jaspal Kaur, "Child Labour in India: Causes, Impacts and Preventive Measures" 7 *International Journal of Management Review* 164 (2019).

physical and mental skills. Because he has low expectations for his job, the teenager continues to work under horrible conditions, knowing that he is employed and may make some money.¹¹³

A child working in a family business, whether in agriculture, manufacturing, trade or handicrafts, is more likely to be abused than a child working for pay. The particular attention and care that his parents may provide him during work and leisure hours help compensate for the stress, weariness, and negative consequences to which he is exposed. Work time which is simply too much for their young bodies to bear? They often have no set hours in places like roadside cafés, workshops, and household jobs. The time spent travelling to and from home should be included in this. In the unorganised urban sector, a child's earnings are solely determined by the value of the labour he performs. In any event, the child is paid far less than an adult for the same job. Employers will justify their prejudice by claiming that the children lack experience, that the quantity and quality of work they produce are inferior to that of adults, that they must be trained, and that this takes time and effort. Children are rarely paid the legal minimum wage, even in the organised sector.¹¹⁴

3.2.3.2 Prevalence of Cultural Myths about Child Labour

Misconceptions might exacerbate it. When their children start jobs, parents frequently feel overworked by their employers. Employers are just interested in making money; therefore, they maximise profit in less time and at a lower cost. There is no evidence, however, that traditional arts and crafts necessitate Child Labour. It's a common misperception that only children's agile figures can tie knots. Due to economic restrictions, it is also commonly believed that Child Labour cannot be prohibited. Child Labour is a serious issue arising from economic concerns, but strong laws and a determination to abolish it can help eliminate it.¹¹⁵

3.2.4 Ineffective Enforcement of Legal Provisions and Lack of Foresight and Legal Awareness of Laws

The government has enforced various laws to enforce various Child Labour norms and regulations. State and municipal administrative entities, city cops, and child protection committees are responsible for their execution. These methods are unsuccessful in preventing

¹¹³ Dr. Anjana Verma, "Child Labour: The effect on child" 3 *International Journal of Advanced Educational Research* 83-86 (2018).

¹¹⁴ Dr. Anup Sangwan, "Child Labour Policy and Empowerment: A Study" 9 *International Research Journal of Management Sociology & Humanity* 150-159 (2018).

¹¹⁵ P Chand Basha, "Child Labour – An overview of its causes, consequences and necessary measures" 3 *International Journal of Humanities and Social Science Research* 96-102 (2017).

Child Labour. There are violations of the law, and those who recruit and exploit children are rarely penalised. Even though a job might assist financially, families see no immediate benefits from sending their children to school. Even though several constitutional limits against Child Labour exist, they are not successfully applied, and inspections by district labour offices are ineffective. Inspectors only go to low-impact regions where Child Labour is rare; elevated areas are never visited. However, this legislation is broken throughout the nation. To end Child Labour and welfare regulations, none of these programmes, plans, or laws have been successfully implemented. Poor parents freely participate in the labour force with their children. Parents frequently feel that because their children are their property, they have the authority to choose their children's fates. They also decide how and when children should be utilised to support the family financially.¹¹⁶

3.2.5 Employer's Preference for Unskilled and Cheap Labour on Low Wages

Child Labour is both inexpensive and easy. They are also unable to seek overtime pay, as well as medical and other benefits, from their employers. Due to this country's low cost of domestic labour, extremely young children are hired. Low-income families include middle-class families, and boys and girls aged 8 to 14 want to augment their income by working as domestic workers in their homes. Employers claim that children are also more suited for discipline and control. For failing to meet expectations, they can be persuaded, warned, pulled, and disciplined without jeopardising the relationship. Child Labour is cheap, and it's easy to control children in the face of adult employees who may make excessive demands.¹¹⁷

None of the employees interviewed, however, admitted to utilising Child Labour because it was cheaper. Employers exploit children by forcing them to work long hours for short profit. The youths and their families are not permitted to bargain with the employer regarding pay. These people fulfilled the aspirations of the parents by providing jobs for their children. Some merchants, companies, and factory owners hire young people to pay them less, resulting in the usage of cheap labour. Shopkeepers and small business owners make children work as hard as adults while only paying them half as much. When youngsters are working, there is also a lower likelihood of theft, greed, or financial mismanagement. Child Labour has grown in India as a result of globalisation, privatisation, and consumerist culture, which is connected to the economic requirements of low-income families. Because of its low cost, Child Labour boosts profit margins

¹¹⁶ B. Suresh Lal, "Child Labour in India: Causes and Consequences" 8 *International Journal of Science and Research* 2199-2206 (2019).

¹¹⁷ Jaspal Kaur, "Child Labour in India: Causes, Impacts and Preventive Measures" 7 *International Journal of Management Review* 164 (2019).

for marketers whose primary objective is to maximise profits at all costs, even if it means compromising ethical and legal business practices. By influencing or intimidating young people, these sorts of businesses might force them to labour under unfavourable conditions.¹¹⁸

3.2.6 Lack of concern of Political Leaders and Government Officials

Even though almost all hazardous and non-hazardous sectors use children in various parts of the nation, owing to a lack of a strong feeling of responsibility for their responsibilities. The issue of Child employees is overlooked. These difficulties can only be remedied by implementing stringent legislative laws. The presence of Child Labour is due to these economic and cultural factors. There's also the issue of culture to consider. As a result of weak laws, Child Labour thrives even more.¹¹⁹

3.2.7 Access to Decent Work is Limited

Early in the lifespan, a set of policies is needed to encourage education as a substitute to Child Labour, ensuring that children achieve adulthood with the necessary skills and competencies for further study and respectable employment. Early in the lifecycle, policy success in providing excellent job prospects for teenagers may have a substantial positive feedback effect by persuading parents to spend in their younger children's education. Early interfering is necessary for a healthy working environment getting children into school and away from Child Labour; increasing the number of suitable job opportunities for young people, adolescents in dangerous environments; eradicating labour of children labour under 15 to 17 aged; equal pay for women and men in the workplace; taking into consideration female children's and teenagers' specific vulnerabilities, ensure that policymakers are well-informed; filling knowledge gaps in the area of child and young labour, as well as making the favourable situation of advancement; Creating a welcoming environment. For several factors, including poverty spreading, limited source of education, and non-enforcement of labour rules, Child Labour is ubiquitous in rural economies.¹²⁰

3.2.8 Natural Disasters and Climate Change

¹¹⁸ B. Suresh Lal, "Child Ragpickers in India: An Investigation in Waste Management Health Hazardous and Earnings in Telangana" *Economic Challenger* 107-116 (2019).

¹¹⁹ Dr. P Chand Basha, "Child Labour – An overview of its causes, consequences and necessary measures" 3 *International Journal of Humanities and Social Science Research* 96-102 (2017).

¹²⁰ International Labour Organization, *World Report on Child Labour 2015 Paving the way to decent work for young people* 23-26 (International Labour Office., Geneva: ILO, 2015).

Farmers in rural regions who have lost their crops as a result of weather, and engage their children in work. Agricultural households whose livelihoods are dependent on regular seasons are particularly prone to temperature and precipitation changes, soil degradation, or extreme weather. Natural calamities and environmental issues are two issues that are getting increasingly serious. Changes in rainfall patterns, soil erosion, and extreme weather are especially dangerous to agricultural populations whose livelihoods are dependent on regular seasons. Families struggle to make ends meet when harvests fail or farming land is damaged, and their children tend to be sent to labour on neighbouring farms.¹²¹

3.2.9 Conflicts and Mass Migrations

Seasonal migration in distress is a major problem for India. Families are compelled to leave school as a consequence of these migrations, thereby cutting off the sole way to stop. These children are frequently compelled for employment on construction projects, building and other industrial and agro-industrial sectors. Many rural families are relocating to cities as a result of rural push and urban pull pressures. Many Child Labourers live in filthy slums, and these children live in urban poverty and work in dangerous situations such as domestic employment, hotels, and restaurants, to name a few.¹²²

This shows that cities are becoming more crowded as a result of immigration and natural growth. Poverty in cities is a complex problem. People living in urban poverty in developing countries face a variety of challenges in their daily life. Many underprivileged people's lives have been made harder by unemployment, housing shortages, crime, and dangerous environments. As a result of growing urbanisation, cities have become poorer. As a result of urban impoverishment, slums proliferate.¹²³

3.2.10 Social Inequality between Girls and Boys

The girl child in India requires special attention when it comes to Child Labour. Even though both girls and boys are exploited for labour, girls' situation in labour is more severe, than women's labour, and they face the lowest types of bigotry in almost every setting rural and urban. Girls are allocated duller or hard tasks that are more detrimental to education, are underpaid, and

¹²¹ "Why does Child Labour happen? Here are some of the root causes", eclt foundation, 2021.

¹²² Niti Nagar and Bindu Roy, "A Critical Analysis of Child Labour in India" 1 *International Journal of Current Research in Multidisciplinary* 7 – 18 (2019).

¹²³ Rajendra N Srivastava, "Children at Work, Child Labour and Modern Slavery in India: An Overview" 56 *Indian Pediatrics* 633-638 (2019).

work long hours a day than boys. Girl labour includes household employment, primarily as babysitters, farms, domestic work, and bonded labour. Child Labour demonstrates the presence of inequalities. They are subjected to widespread and continuous sexual and physical assault in all areas of employment.¹²⁴

Younger children, immigrant or minority children, or children from a different caste may be prejudiced by older children. Children's employment reflects the gendered division of labour that exists in adults. Consequently, it's critical to look into all the variables. Cultural influences, family history, and the work culture that boys and girls are given are all variables that contribute to gender inequalities. In the workplace, boys and females are treated differently. Because such labour is deemed heavy, boys are generally driven to sectors such as cars, fishing, mining, and construction, whereas girls are encouraged to handle household duties and lighter jobs, such as in the textile industry. Because it is founded on biological factors, this prejudice is illegitimate.¹²⁵

3.2.11 Addiction, disease or disability

Due to drunkenness, disease, or disability, many families cannot work, and their children's wages are their sole source of income. Unemployment is growing in lockstep with population growth, which has a detrimental impact on the prevention. Instead sending child for school, parents willing send work to boost family's income. Due to drunkenness, disease, or disability, many families cannot work, and their children's wages are their sole source of income. Child Labour protection is becoming increasingly difficult as unemployment rises in lockstep with population growth. Alcoholism is a disease in which a person has an emotional or physical need for alcohol even though it has a detrimental impact on their lives. It's a disease that can only be healed via willpower; it requires treatment. If not treated, it may harm one's personal, familial, and social lives, as well as one's career, physical health, sense of worth, and well-being, among other things. Alcoholism is usually referred to be a family sickness since it impacts the lives of family members and those close to the alcoholic.¹²⁶

¹²⁴ B. Suresh Lal, "Child Labour in India: Causes and Consequences" 8 *International Journal of Science and Research* 2199-2206 (2019).

¹²⁵ C. K. Shukla, S. Ali, *Child Labour and the Law* 123 (Sarup & Sons, New Delhi, 2006).

¹²⁶ B. Suresh Lal, "Child Ragpickers in India: An Investigation in Waste Management Health Hazardous and Earnings in Telangana" *Economic Challenger* 107-116 (2019).

3.3 FACTORS GIVE BIRTH TO DIFFERENT TYPES OF CHILDREN LABOUR

3.3.1 Child Labour in Organised Sectors

Under the term "organised sector" refers to work activities that are regulated by one or more government acts. To put it another way, organised sector units are occupations that are subject to government regulations and limitations from time to time. According to census data, virtually all of India's children used to work on farms, but are now pursuing non-farm careers, notably in the service industry. Children are increasingly employed in non-farm jobs in the service economy. Non-farm Child Labour is most prevalent in big cities, although it is also prevalent in agricultural areas such as Punjab and Haryana.¹²⁷

Several locations around the country have a significant number of small and cottage companies. Carpets, silk garments and weaving, power looms, firecrackers, brass and metal artefacts; diamond polishing, glass goods, leather items, and bids, to name a few. Although the exact number of persons engaged in this field is unknown, the carpet manufacturing apparel sector employs a significant number of people. Many family businesses have hard traditions, such as teaching young children skills and then sharing the job. Different types of labour may be found in different regions of the nation. The working atmosphere varies greatly. Children engage in a variety of supporting activities at home and acquire abilities, and exploitation is not a big concern, but schooling and leisure activities are still insufficient.¹²⁸

3.3.2 Child Labour in Unorganised Sector

There is no clear definition of Unorganised Sector. In basic terms, any person below 14 who engages under any work that not defined in the Organized Sector for the goal of earning money or aiding in the earning of money for his family is considered to be working as a child in the Unorganized Sector. When there are authorities in place to enforce the prohibition of Child Labourers, the majority of unorganised Child Labour work in prohibited areas where Child Labour is prohibited.¹²⁹

¹²⁷ Legal India: Legal Helpline and Resource Portal, "Organised vs. Unorganised Child Labourers", (2018).

¹²⁸ Rajendra N Srivastava, "Children at Work, Child Labour and Modern Slavery in India: An Overview" 56 *Indian Pediatrics* 633 (2019).

¹²⁹ Legal India: Legal Helpline and Resource Portal, "Organised vs. Unorganised Child Labourers", October 2013, 01:42 PM, 03-07-2021 <https://www.legalindia.com/organised-vs-un-organised-child-labourers/>

3.3.2.1 Agricultural Labour

India is mostly an agricultural country. Cultivation, crop watering, harvesting, weeding, and planting, as well as home-based cottage enterprises, is all things they help with. Cotton farming and tea plantations are major sources of income in many areas of the country. Although they confront work-related dangers, children who work in agriculture are more able to survive with their families and are less likely to be abused or treated harshly. They are, however, frequently denied access to education and adequate health care.¹³⁰

3.3.2.2 Domestic Child Servants

In most cities, children are engaged as domestic servants by the wealthy. Workplace circumstances and treatment differ significantly depending on the employer's attitude. Many are subjected to severe treatment, while others may be well cared about and allowed to attend school. Domestic labour appears to favour females, and abuse of girls in such situations is a major problem. Because they are mistreated and treated with disrespect to their classmates, children from rich families develop poor self-esteem. Apart from children who work as domestic assistance for pay (whether bonded or not), there are a considerable number of youngsters (particularly females) who labour in their own homes, engaging in what is not often considered "economic activity." These youngsters are responsible for younger siblings, as well as cleaning, cooking, and other home chores must be regarded as labour, according to the literature on women's work.¹³¹

3.3.2.3 Child Labour in Worst Forms

3.3.2.3.1 Forced/Bonded Labour

“Slavery is typically connected with forced labour. It is a worldwide issue that affects every country on the planet, developed or developing, rich or poor.” The "worst sorts of Child Labour," accounting approximately half victims in Agriculture, mining, forced labour, quarrying, domestic labour, construction, and brick kilns, manufacturing processing and packaging, and prostitution are among

¹³⁰ B. Suresh Lal, “Child Labour in India: Causes and Consequences” 8 *International Journal of Science and Research* 2199-2206 (2019).

¹³¹ Rajendra N Srivastava, “Children at Work, Child Labour and Modern Slavery in India: An Overview” 56 *Indian Pediatrics* 633-638 (2019).

the most affected industries.¹³² It is a hidden concern because the informal sector employs the vast majority of bonded Child Labourers. Children who have strong emotional ties to their families or who inherit their parents' debts are frequently seen labouring in agriculture or supporting relatives in brick kilns and marble crushers. As a result, they are mostly from the lower castes. ILO, 5.5 million young people in Asia were forced to work in 2000. They are routinely abused and made to work long hours in horrible conditions, in dirty settings, for pathetic salaries.¹³³

3.3.2.3.2 Modern Slavery

Slavery is described as “the use of force, compulsion, abuse of vulnerability, deception, or other tactics to recruit, transport, harbour, or receive children, women, or men for exploitation.” It entails maintaining someone in a state of slavery, servitude, or forced labour, as well as assisting their movement to exploit them later. Trafficking, forced labour, forced crime, domestic slavery, and forced marriage are all examples of this. Child Labour is classified based on the age of the child, the kinds of employment, the number of hours worked, and the working circumstances. UNICEF's benchmark indicators for “Child Labour include at least 1 hour of paid work per week or 21 hours of unpaid domestic for children aged 5 to 11 and 12-14 years old.”¹³⁴

3.3.2.3.3 Child Trafficking for Prostitution or Sexual Exploitation

Children are trafficking for labour in domestic slavery, industries, or a variety of other jobs. They are commonly exploited for activities such as drug couriering, explosives, and forced begging. Demand for both boys and girls drive child trafficking. Because of the enormous demand, trafficking has become a kind of organised crime. The issue of missing children is another aspect of child trafficking. Every year, around 100,000 children are missing, with an estimated 40% of those who remain untraced suspected of being trafficked. Children account for more than 40% of prostitution workers in India, according to studies. Prostitution is the most

¹³² Dr. Anup Sangwan, “Child Labour Policy and Empowerment: A Study” 9 *International Research Journal of Management Sociology & Humanity* 150-159 (2018).

¹³³ Dr. G.L. Parvathamma, “Child Labour in India –A Conceptual and Descriptive Study” 4 *International Journal of Humanities and Social Science Invention* 23-32 (2015).

¹³⁴ Rajendra N Srivastava, “Children at Work, Child Labour and Modern Slavery in India: An Overview” 56 *Indian Pediatrics* 633-638 (2019).

terrible kind of slavery in brothels or under the pretence of massage parlours, tourism circuits, and fake marriages, among other things. Children are frequently sexually exploited in railway stations, bus stops, and other congested areas.¹³⁵

3.3.2.3.4 Children in Armed conflict

International accords, treaties, and statutory provisions may only be utilised to define a child soldier indirectly. “Any anyone under the age of 18 who is a member of regular or irregular military forces in any capacity, including but not limited to chefs, porters, couriers, and those accompanying such groups, other than merely as family members,” according to the UNICEF definition. NSAGs and the Indian government have both been recruiting young people in India. They are accused of forcing 5,000 young people to join them, although the government denies this. NSAGs and the Indian government have both been recruiting young people in India. Although the government disputes it, NSAGs are accused of pushing 5,000 young people to join them.¹³⁶

3.3.2.3.5 Illicit Activities of Drugs Trafficking

Substance abuse is defined as pushing or allowing a child to take, sell, or participate in the smuggling or peddling of drugs or substances, or to consume alcohol or any other addictive drug or substance that retards or negatively affects child's physical and mental well-being and progress. The Narcotic Drugs and Psychotropic Substances Act is distinct legislation that deals with substance misuse.¹³⁷

¹³⁵ B. Suresh Lal, “Child Ragpickers in India: An Investigation in Waste Management Health Hazardous and Earnings in Telangana” *Economic Challenger* 107-116 (2019).

¹³⁶ UC Jha, “The scourge of child soldiers is taking root in India”, DNA India, Oct 30, 2017, 08:09 AM IST, <https://www.dnaindia.com/analysis/column-the-scourge-of-child-soldiers-is-taking-root-in-india-2556259> (11:07 A.M., 04-07-2021).

¹³⁷ Shikha Trivedi, “Protection of Children from Abuse and Neglect in India” 10 *International Research Journal of Management Sociology & Humanities* 221-231 (2019).

CHAPTER IV

CONSTITUTIONAL PROVISIONS GOVERNING CHILD RIGHTS IN INDIA

“The Child Labour is a soul with a being, a nature and capacities of its own, who must be helped to find them, to grow into their maturity, into a fullness of physical and vital energy and the utmost breadth, depth and height of its emotional, intellectual and spiritual being; otherwise, there cannot be a healthy growth of the nation.”

- P.N. Bhagawati

4.1 INTRODUCTION

A child is an incredible tool for any community and is essential to the country's growth. How a country's children are raised to become future generations determines the country's fate. Children require an atmosphere in which they may continue to develop biologically, physically, mentally, and intellectually, as well as opportunities for moral development. The surrounding atmosphere must be both caring and challenging. They should be protected against abuse and require protection. In a society that helps with care and protection, all children have an entitlement to such things. The majority of children are unaware of their rights. Adults have a responsibility to teach children about fundamental rights. Every child has the same set of rights as their elders. It makes no difference if the child is wealthy, orphan, healthy, weak, impoverished, or lives in any part of the country. Several plans, policies, laws, and programs are designed to care for and protect children. Despite this, children are hungry, abused, humiliated, ignored, mistreated, and trafficked, and their fundamental rights to family care, protection, education, food, and health are violated.

It is necessary to be a child rights champion and to raise public knowledge about the concept, importance, and methods for achieving child rights. Post-independence, the opinions of the **Whitley Commission** and the **Labour Investigation Committee in 1946**, as well as numerous remarks and comments by many social reformers, impacted the authors of our Constitution. He proposed that the government minimize income and wealth disparity and severely enforce laws on working children. The architects of the Indian Constitution felt it was essential to include particular provisions to safeguard children's rights to work and ban using child servants by the Governments. Working children in India have traditionally been afforded legal protection against exploitation. Realizing the need, the Constitution included many clauses related to welfare. Our Constitution guarantees the state's obligations toward children. Before the country's independence, a few child-related legislation were enacted. With its dedication to

welfare, India's government adopted a slew of social laws in the post-independence period that was unmatched in the country's lengthy history. The Indian Constitution, ILO agreements and recommendations, “the ‘**United Nations Central Assembly's Declaration of the Rights of the Child,**’ and ‘**the Government of India's Resolution on National Policy for Children**’ all contribute to the legitimacy and strength of these laws.”

The Indian Constitution recognises children as citizens, and the government has enacted specific legislation to highlight their privileged status. They are not only allowed the same broad range of fundamental rights as other Indian citizens but also receive additional benefits due to their caring attitude toward them. They are not only allowed the same broad range of fundamental rights as other Indian citizens but also receive additional benefits due to their caring attitude toward them. A quick examination of the Indian Constitution reveals that a few relevant provisions on child work and child healthcare were placed into Parts III and IV. The Indian government is apprehensive about the health condition of working children.¹³⁸

The Indian Constitution's authors purposefully included essential provisions for children in **Articles 24, 39 (e), and (f)**, as well as mandatory universal primary education in **Article 45**. However, due to a lack of political commitment and determination, the core aim of obligatory schooling till the age of 14 years has yet to be realised. Rural areas' lack of educational infrastructure is a crucial impediment to ending Child Labour. There are also fundamental rights that every individual has. As a result, **the question arises as to whether or not a child has access to fundamental rights**. The appropriate response could be whether ‘person’ includes a child.¹³⁹

Indian Constitution does not define the term ‘person,’ therefore “person cannot include as an artificial person” under the Constitution. Including an unborn child in the definition of person under Articles 14, 17, 18(1), 20, 21, 22, 23, 25, 26, 27, 28, and 32 remains the question. **On the other hand, Allahabad High Court** concluded that the term “person” includes a child, whether born or unborn, as per **Sec: 304-A** of the **IPC**. An unborn infant is regarded as a "person." under **Hindu law** and is eligible for a portion of the family's joint property. As a result, a child may have access to the same fundamental rights as everyone else. **Articles 15(3), 24, 39(e), (f), and 45** are specific provisions dealing with the welfare of children. **Articles 14, 23, 38, 41, 42, 46, and 47** are some implied provisions dealing with children's welfare.¹⁴⁰

¹³⁸ Ram Ahuja, *Social Problems in India* 231 (Allied Publisher, New Delhi, 2004).

¹³⁹ B. Suresh Lal, “Child Ragpickers in India: An Investigation in Waste Management Health Hazardous and Earnings in Telangana” *Economic Challenger* 107-116 (2019).

¹⁴⁰ Rajendra N Srivastava, “Children at Work, Child Labour and Modern Slavery in India: An Overview” 56 *Indian Pediatrics* 633-638 (2019).

- **I.C. Golaknath v. State of Punjab**,¹⁴¹ All laws in India are built on the foundation of the Indian Constitution. The Preamble, which follows a socialist pattern, strives to provide equality of position and opportunity, freedom from slavery, and liberty of the individual in general, to all Indian people, including children. The Preamble to our Constitution is more than sixty-three words neatly ordered and catalogued in some normative language; it is, above all, about the people of India's democratic aspirations and goals.
- **Fatehchand v/s. State of Maharashtra**,¹⁴² “A Constitution is the documentation of the founding faiths of a nation and the fundamental directions for their fulfillment. After Independence, however, the State has become fully conscious of its responsibility toward children. Consequently, this consciousness is reflected in some of the Constitutional provisions passed for protecting the rights and well-being of children.”
- **Balbir Kaur v/s. Steel Authority of India Ltd.**,¹⁴³ “The Constitution makers were wise enough to understand this problem the country faced after its independence. That is why Constitution includes these provisions for the welfare of children. Constitutional philosophy should be allowed to become a part of every man’s life in this country. Then only the constitution can reach everyone, and the ideals of the constituent framers would be achieved since the people would be nearer the goal set by the Constitution-an ideal situation but a far cry presently.”

4.2 CONSTITUENT ASSEMBLY DEBATES ON CHILD LABOUR

The **Karachi Resolution of 1931** was the first historical constitution to refer to Child Labour: “6. Ban on employment of minors of schoolgoing age in factories.” Fifteen years later, a clause outlawing Child Labour started to emerge as a fundamental right during the first subcommittee phases of India's constitution-making process. The **Yugoslavian Constitution** and the **1933 Indian National Congress** proclamation appear to have had an influence on the Constituent Assembly when it came to the creation of **Article 24**. **Article 23** initial subclause on Child Labour (forced labour). Child Labour was added as a separate **Article 24** of the Constitution during the Advisory Committee stage. At the time, the clause against Child Labour was incorporated into another one that forbade forced labour (what later became **Article 23**).¹⁴⁴

¹⁴¹ AIR 1967 SCR (2) 762.

¹⁴² AIR 1977 SC 1828.

¹⁴³ AIR 2000 SC 1596.

¹⁴⁴ C. K. Shukla, S. Ali, Child Labour and the Law 413 (Sarup & Sons, New Delhi, 2006).

The Child Labour clause was separated out as a separate Article at the **Advisory Committee** stage and later inserted as **Article 18** of the **Draft Constitution of India 1948**: “No child under the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.” The **Constituent Assembly** debated Draft **Article 18** on December 3rd, 1948. There was hardly any discussion. It need not be assumed that Assembly members did not consider a specific Constitutional Article to be important if there was little or no discussion of it; there may have been disagreement. What is apparent, though, is that discussions on issues involving forced labour seemed to predominate at the cost of discussions about Child Labour. Draft **Article 18** ultimately evolved into **Article 24** of the **Indian Constitution of 1950**. The Assembly's discussion on the Child Labour clause has another odd component.¹⁴⁵

Article 17 (Untouchability) and **Article 23** (Forced Labour) of the **Universal Declaration of Human Rights** stand out among the fundamental rights because they both contain a criminal clause. Contrary to other fundamental rights, the Constitution expressly requires the state to treat violations of **Articles 17 and 23** as crimes by passing appropriate laws. The Assembly apparently evaluated three factors to determine whether a basic right was a contender to contain a criminal element in its language based on discussions surrounding and the contents of **Articles 17 and 23**. The right had to address a social practise that the Assembly wished to outlaw, be a horizontal right (one that ensures protection from others rather than the state), and be textually explicit. All three requirements appeared to be met by **Article 24**: it was a horizontal right, textually explicit, and a particular social behaviour that Assembly wished to outlaw. Nonetheless, it is perplexing that **Article 24** does not have a penal clause that makes breaking it a crime.¹⁴⁶

4.3 FUNDAMENTAL RIGHTS OF CHILD

Post-independence, the Indian Constitution's founding fathers stressed promoting people's well-being, and several provisions in the Indian Constitution have been adopted for the objectives of a well-being state. Despite the symbolic character of democratic institutions, there are limitations on all of the government's powers, including legislation and execution, which are required for securing public and private rights. Fundamental rights are seen as such because they

¹⁴⁵ Ram Ahuja, *Social Problems in India* 143 (Allied Publisher, New Delhi, 2004).

¹⁴⁶ R Sivarethinamohan, *Industrial Relations and Labour Welfare* 143 (PHI Learning Pvt. Ltd., Delhi, 2010).

are required for an individual's full cognitive development. All of the fundamental rights that every Indian enjoys are also available to children.

These rights are discussed below:

Prohibition of discrimination on the ground of religion, race, caste, sex, or place of birth: Article 15(3) states, “Nothing in this article shall prevent the State from making any special provision for women and children.” It demonstrates enhance of government for children well enough without prejudice. It indicates that the constitution writers included an affirmative clause permitting the state to pass laws protecting children's wellbeing and treating them differently than members of society. It is always to remove ambiguity and express concern to enhance children's well-being. The constitution's writers felt forced to add a positive clause empowering the state to enact laws for children's welfare and offer special privileges, acknowledging the loneliness of children and hating their exploitation at a young age.¹⁴⁷

- **Dattatraya Moti Ram v/s. State of Bombay**,¹⁴⁸ “the state may discriminate in favour of women and children over men, according to **Chagla, C.J.** In addition, the government said that it could not discriminate against women and children in favour of men.”

Protection of Life and Personal Liberty: Article 21, “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Supreme Court determined that the right to a good education constituted a fundamental right in 1993. Education is now a Fundamental Right for all children between the ages of 6 and 14 thanks to “the Constitutional (86th Amendment) Act of 2002,” which added a new “Article 21-A.” On the other hand, because “Article 21 of the Child (Labour & Prohibition) Act of 1986” refers to mandatory schooling rather than outright prohibiting it and governs Child Labour in certain situations, the two cannot coexist. It is therefore advisable to amend “the Child (Labour & Prohibition) Act in light of Article 21.”¹⁴⁹

- **Unni Krishnan v/s. State of Andhra Pradesh**,¹⁵⁰ “Education has been recognised as a basic right for all children aged 6 to 14 by the Supreme Court.”

¹⁴⁷ R. Shanmathi and Ragu Balan. P, “A Conceptual Analysis of Child Labour Regulation and its Constitutional Validity in India” 120 *Int J Pure & Applied Maths* 4619-4636 (2018).

¹⁴⁸ AIR 1953 SC 311.

¹⁴⁹ Krupasindhu Nayak, “Inclusion of children below 6 in Right of Children to Free and Compulsory Education Act, 2009” 24 *Legal News and Views* 5-6 (2010).

¹⁵⁰ AIR 1993 SC 2178.

- **Shantistar Builders v/s. Narayan Khimalal Totame**,¹⁵¹ “the right to life would encompass the right to food, the right to clothes, the right to a good environment, and the right to acceptable living accommodations,” the Court stated. It's important to remember the distinction between an animal's need for shelter and a human's need for shelter. “For an animal, it is only body protection; for a human being, it must be a proper accommodation that allows him to flourish in every aspect – physical, mental, and intellectual,” the Court stated. Every child's complete growth is a goal of the Constitution.
- **Francis Coralie Mullin v/s. Union Territory of Delhi**,¹⁵² “Article 21 protects employees' health and strength, as well as men, women, and minorities of children, against abuse. Children should have chance and services to grow and develop healthily.”
- **Sathyavan Kottarakkara v/s. State of Kerala**,¹⁵³ “In addition to the significance our founding fathers accorded to Articles 39, 41, 45, and 46 of the Constitution, Article 21 of the Constitution guarantees the right to education and the right to an uninterrupted education. Parents and guardians have a social responsibility to make sure their kids don't engage in anti-social behaviour, especially on school property. They have to send their child to school to receive an education. Children will only develop complete emotional, intellectual, and spiritual stability and maturity, as well as self-confidence, self-respect, and a balanced outlook on life with a full appreciation and realization of the role they have to play in the nation-building process through consistent care and attention.”
- **Vikram Deo Singh Tomar v/s. State of Bihar**,¹⁵⁴ “The Supreme Court of India directed the state of Bihar to take urgent action for the welfare of the women and children residing in the home in response to a complaint over the conditions of the public care home. It instructed the state to renovate the home, provide adequate water and electricity, a suitable selection of furniture, adequate clothing, blankets, and sheets, as well as soap, oil, and other toiletries. It also instructed the state to provide suitable alternative housing for the home inmates. Additionally, it mandated the appointment of a Superintendent and a daily doctor visit to the residence. Every Indian citizen has the fundamental right to live in dignity, and the State is required to uphold "constitutional standards" and provide "at least the necessary conditions ensuring human dignity.”

¹⁵¹ AIR 1990 SC 630.

¹⁵² AIR 1981 SC 746.

¹⁵³ AIR 1997 Ker 133.

¹⁵⁴ 1988 AIR 1782.

Right to Education: Article 21-A, “the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.” It requires the courts to use a different approach. Consider the potential for adjustment if the state had adopted Article 21-A but not the Right to Education Statute or if it had passed more limited legislation. It cannot be regarded as a "right to free education wherever it is offered.” Furthermore, Article 21-A imposes completely justifiable responsibility on the State to establish an education system (which involves building more schools, employing more instructors, and so on) that offers education to all children. As a result, an act written in the manner indicated would fail to fulfill the requirement imposed by Article 21-A, requiring the judiciary to order that its scope be expanded.¹⁵⁵

Its phrase is "right to education." Article 21-A effectively eliminates and reduces Child Labour, and children under 14 years old should be required to attend school compulsory under the Constitution and state laws. Meanwhile, children who are working and not in school should get non-formal education. Education for children displaced from industries and family businesses should include a component of vocational training to help them find work in profitable trades in the future. Furthermore, restrains forced labour of 14 aged children in dangerous jobs. The government is dedicated to supporting measures that safeguard children from being exploited. The government's mid-day food programme is an excellent example of government involvement targeted at enticing young children to school and keeping them in the classrooms to study.¹⁵⁶

If they come to the schools, they are almost certainly not working. “The Right of Children to Free and Compulsory Education Act,” often known as the “Right to Education Act,” is an Indian law that highlights the importance of free and compulsory education for children aged 6 to 14 in India. India joined a club of 135 nations that have guaranteed education. The act does not achieve the objective statement regarding the objectives of the 86th amendment to the constitution. All children under the age of six get early care and education and aged 6-14 receive obligatory schooling.¹⁵⁷

- **Mohini Jain v/s. the State of Karnataka**,¹⁵⁸ “Mohini Jain, often referred to as the "capitation fee case," which happened in 1992; the right to free and compulsory education

¹⁵⁵ Anup Sangwan, “Child Labour Policy and Empowerment: A Study” 9 *International Research Journal of Management Sociology & Humanity* 150-159 (2018).

¹⁵⁶ Shikha Trivedi, “Protection of Children from Abuse and Neglect in India” 10 *International Research Journal of Management Sociology & Humanities* 221-231 (2019).

¹⁵⁷ K Sharma, “The Right to Free Education Act: some views”, *Journal of Legal Study* 206 (2011).

¹⁵⁸ AIR 1992 SC 1858.

was recognised until they were fourteen. Though we still don't see such rights being exercised as asserted, people should be denied education owing to economic circumstances to enroll in government-aided schools and ensure that they are entitled to their rights as stated in Article 21 and Article 21-A of the Constitutional provisions. Article 45 was formerly just a directive idea of state policy. According to the Supreme Court, DPSPs must be construed in light of basic rights.”

- **TMA Pai Foundation v/s. Union of India,**¹⁵⁹ “According to the court, it is a parent's or guardian’s fundamental obligation to give educational opportunities to their child under the age of 14 years. To complete this progress in the field of education and to recognise it as a basic right, the Parliament passed the Right of Children to Free and Compulsory Education Act, 2009, which provides free and compulsory education for all children aged 6 to 14 years.”
- **Avinash Mehrotra v/s. Union of India,**¹⁶⁰ “The court interpreted quality access to feel the safe atmosphere in schools, and schools were obliged to follow the ruling's fire safety guidelines. It established education that “the State should offer free and compulsory education to all children aged six to fourteen years in such way as the State may, by legislation, designate.” The state's obligation cannot be met by providing dangerous schools. The state must support children who are not harmed because they enjoy their fundamental right to education. As a result, schools must provide safe facilities as part of compulsory education.

‘It is now important for the government to set a realistic deadline by which it must completely execute Article 21A, which provides compulsory education free for citizens of the nation. Budget allocations for education should be revised appropriately by the government. Priorities must be established appropriately. It is essential and must be completely fulfilled in the national interest. The other essential rights are practically rendered worthless without Article 21A. Education takes precedence over other rights since it allows one to enforce one's fundamental rights. The court must be responsible for the government's expenditure on free and compulsory education.’”

¹⁵⁹ AIR 1994 SC 2372.

¹⁶⁰ AIR 2009 SC 363.

Prohibition of Traffic in Human Beings and Forced Labour: Article 23, “(1) Traffic in human beings and the beggars and other similar forms of forced labour are prohibited, and any contravention of this provision shall be an offense punishable in accordance with law. 2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service, the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.” That would only be feasible if the child lived in a safe environment. For individuals in India, a good dwelling option.¹⁶¹

The right to be free of exploitation is declared a fundamental right. It indicates ‘Rule of Law’ in India prohibits all forms of human exploitation. Laws were enacted to stop such wicked acts and provide welfare to Child Labour victims, and different methods were used. It deals with Child Labour because, even if it provides forced labour, Article 23 prohibits the exploitation of children, who make up a significant component of the labour force, which states explicitly that exploitation of the working class as forced labour is a crime punishable as per with the relevant provisions legislations mentioned above as follows: “**the Suppression of Immoral Traffic in Women and Girls Act of 1956**” and “**the Bonded Labour System (Abolition) Act of 1976**” passed based on core Article 23.¹⁶²

Even though Article 23 (1) does not explicitly name children, it applies to all of them and is particularly significant in their situation since children are society's most cherished members. Many children are mistreated by their parents, who endure it because of their poverty, and their victimisation by close relatives is even worse while their parents are absent. Children are robbed of primary education and forced to do various dangerous tasks to their health and personalities. It is wanted to save individuals not only from the government but also from other private people. Article 23 does not apply just to the state; it also outlaws “human trafficking and beggar and other similar types of forced labour” whenever it is detected.¹⁶³

The article forbids not only "beggar" but all other types of forced labour, in whatever shape they may take because it violates human dignity and goes against core human principles. It indicates that India's **Rule of Law** prohibits all forms of human exploitation. In the battle against Child Labour, Article 23 is crucial. In addition, the Apex Court ruled that anybody released from

¹⁶¹ Ram Ahuja, *Social Problems in India* 96 (Allied Publisher, New Delhi, 2004).

¹⁶² Shikha Trivedi, “Protection of Children from Abuse and Neglect in India” 10 *International Research Journal of Management Sociology & Humanities* 221-231 (2019).

¹⁶³ G.L. Parvathamma, “Child Labour in India –A Conceptual and Descriptive Study” 4 *International Journal of Humanities and Social Science Invention* 23-32 (2015).

forced labour, as described by Article 23, has a right to adequate rehabilitation from the state in question.¹⁶⁴

In India, Child Labour is now outlawed mainly under the legal system, with Article 23 serving as an essential provision. The unlawful acquisition and selling of human beings as products or commodities for malicious purposes are known as human trafficking. The nationals because it protects both citizens and non-citizens and holds the government accountable for making efforts to end human trafficking and other kinds of bonded labour. Its reach is further broadened by protecting persons from immoral trafficking, slavery, and bonded labour, not just groups. Nevertheless, this Article does not ban forced labour as a penalty for criminal acts.¹⁶⁵

- **People’s Union of Democratic India v/s. Union of India,**¹⁶⁶ “Article 23 purview, with **Bhagwati J** believing that “forced labour” identified any work in which a person is forced to perform and that the “force” that compels such a person to offer such services might come in a variety of forms. Such forces may develop due to physical force obliging a person to give services, legal force obliging a person to provide services in exchange for jail or penalties, or as a consequence of poverty, lack, or deprivation. Bhagwati concluded that such force should not just be interpreted to indicate bodily or legal coercion, as well as the pressure imposed by economic conditions, which compel an individual to provide services even for a rate much below the minimum wage.
- **S.P. Gupta v/s. Union of India,**¹⁶⁷ “the Supreme Court of India has implemented reforms in the field of justice delivery to secure the preservation of the basic fundamental rights of the underprivileged and vulnerable segments of society, including those who are forced to labour as minors, through Public Interest Litigation (PIL).”
- **Gaurav Jain v/s. Union of India,**¹⁶⁸ “The Supreme Court issued an order mandating, among other things, the formation of a commission to conduct an in-depth examination of the issues of prostitution, child prostitution, and children of prostitutes to assist in the development of appropriate programmes for their rescue and rehabilitation.”

¹⁶⁴ B. Suresh Lal, “Child Ragpickers in India: An Investigation in Waste Management Health Hazardous and Earnings in Telangana” *Economic Challenger* 107-116 (2019).

¹⁶⁵ J.N. Pandey, *Constitutional Law of India* 237 (14th ed., Central Law Agency, Allahabad, 2014).

¹⁶⁶ 1982 AIR 1473.

¹⁶⁷ AIR 1982 SC 149.

¹⁶⁸ AIR 1997 SCC 114.

- **Sanjit Roy v/s. State of Rajasthan,**¹⁶⁹ “Employing anyone for any job for less than the minimum wage violates that individual's Fundamental Right under Article 23, and the work done by that person comes under the definition of forced labour under Article 23.”
- **Mukesh Advani v/s. State of M.P.,**¹⁷⁰ “to minimise abuse of workers under Article 23, the Supreme Court ordered the Central Government to establish minimum salaries for jobs in flagstone. Similarly, while the validity of the exceptions to Article 23 that allow the state to enforce obligatory assistance for public benefit was upheld, it was determined that such services do not violate Article 23 because they do not make anyone a beggar or cause human trafficking unless and until there is no discrimination based on religion, race, caste, or other factors.”
- **Neerja Chaudhary v/s. State of Madhya Pradesh,**¹⁷¹ “According to the requirements of the Bonded Labour System (Abolition) Act, 1976, the State Government was required to ensure the rehabilitation of freed bonded workers, and failure to do so amounted to a breach of that workers' fundamental rights under Article 21 of the Constitution.”
- **Lakshmi Kant Pandey v/s. Union of India,**¹⁷² “The court first ordered that the Government takes steps to abolish Domestic Bonded Child Labour below the age of 14.”
- **Nazia Pace and Another v/s. the State of Punjab,**¹⁷³ “The court directed the State to an appointed committee to monitor the situation of Child Labour, and it will be open for “the organizations and individuals” to bring into the notice of the said committee any instances of Child Exploitation or engagement of Children in Employment.”
- **State through Gokul Chand v/s. Banwari and Others.,**¹⁷⁴ “No one may refuse to perform any service for another person because they are a member of a scheduled caste, according to Section 3 of the act. As long as the service is rendered in the normal course of business. According to the appellants, this Section violated Article 23 of the Constitution. The Court disagreed and ruled that it does not constitute beggary to make it unlawful for someone to refuse service to someone only because they are a scheduled case.”

¹⁶⁹ AIR 1983 SC 328.

¹⁷⁰ AIR 1985 SC 1363.

¹⁷¹ AIR 1984 SC 1099.

¹⁷² AIR 469, 1984 SCR (2) 795.

¹⁷³ C.W.P. No.1052 of 2012.

¹⁷⁴ AIR 1951 All 615.

- **Dulal Samanta v/s. D.M., Howrah,**¹⁷⁵ “The Court dismissed his appeal and ruled that being drafted into the police force cannot be compared to being a beggar, a human trafficker, or any other similar sort of forced labour.”

Prohibition of employment of children in factories, etc.: Article 24, “No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.” The Child Labour issue has arisen as one of the most severe global concerns with the coming of the new century. Due to numerous socio-economic issues, millions of children worldwide have become Child Labourers. The Constitution has provisions barring the employment of children in workplaces.¹⁷⁶

Dr B. R. Ambedkar and the writers on the problem of child employee’s problem in the Constitution included a fundamental right for children in Article 24, prohibiting companies from hiring children under the age of 14. To comply with this constitutional commitment, provisions forbidding the labour of minors were included in several labour regulations viz, “**the Factories Act, 1948; the Plantations Labour Act, 1951; the Mines Act, 1962; the Merchant Shipping Act, 1958; the Motor Transport Workers Act, 1961; the Apprentices Act, 1961; the Shops and (Commercial) Establishment Act** of various State as well as Territories; **the Bidi and Cigar Workers (Conditions of Employment) Act, 1966, etc.**”¹⁷⁷

The action taken by the federal and state governments, as well as local governments, described above, could highlight the legislature's desire, desire, and anxiety to complete the task of restricting and governing Child Labour as per constitutional compulsion as a result of the recognising of Fundamental Rights by inputting appropriate statutory provisions in numerous laws governing the employment of workers. The protection was thus included without hesitation or second thoughts as a guaranteed and fundamental enforceable right in Article 24 of the Constitution. “**Dr B.R. Ambedkar, Dr K.M. Munshi, and Mr K.T. Shah**” all produced draughts, but “**Dr Munshi**” included a section prohibiting all forms of Child Labour. Child Labour is illegal in any form, and hiring children for any purpose is prohibited unless explicitly permitted by Union regulation, “**Dr Munshi**” was the one who recommended it in the first place.¹⁷⁸

¹⁷⁵ AIR 1958 Cal 365.

¹⁷⁶ Tapan Kumar Shandilya, *Child Labour Eradication: Problems, Awareness, Measures* 150 (Deep and Deep Publications, Delhi, 2006).

¹⁷⁷ Jaspal Kaur, “Child Labour in India: Causes, Impacts and Preventive Measures” 7 *International Journal of Management Review* 164 (2019).

¹⁷⁸ Anup Sangwan, “Child Labour Policy and Empowerment: A Study” 9 *International Research Journal of Management Sociology & Humanity* 150-159 (2018).

“**Sardar Vallabh Bhai Patel**” initial clause was recast, modified, and eventually became Art 24, thanks to his suggestion. The Advisory Committee on Minorities and Fundamental Rights, chaired by “**Sardar Vallabhbhai Patel**”, concluded that the Constitution should incorporate some policy instructions combined with justified fundamental rights. No questions are inexcusably and persistently marginalised, if not wholly ignored. This appears to have happened in our nation throughout the years, despite the best intentions of our country's founders, to whose eternal credit it must be noted that the subject to Child Labour was not permitted to be overtaken at the time of Indian Constitution formulation. In reality, the situation was brought to light openly and honestly.¹⁷⁹

There is no way that exploitation is not dangerous, and the constitution expresses its opposition to this danger in Article 24 and its associated sections. With **Articles 14, 15(3), 21, 23, 45, 39(e), and 39(f)**, as well as **the 93rd Constitutional Amendment, 2005**, Article 24 must be studied and comprehended. Non-discrimination (among children) is one of the most significant protections contained in Article 14. Because millions of children are discriminated against and exploited, the Constitution's authors combined Article 14 with Article 24 (Prohibition of Employment) and Article 15(3), giving the authority to make any specific child welfare law. With the advent of the modern period, the problem of Child Labour has become one of the most severe worldwide challenges. Due to numerous socio-economic issues, millions of children worldwide have become Child Labourers. The constitution has provisions forbidding the employment of children in workplaces.¹⁸⁰

- **Democratic Rights v/s. Union of India (Asiad’s Workers case)**, “Construction labour is a risky activity, according to the Supreme Court, and no child under the age of 14 should do it. Even if employers claimed that minors accompanied men's family members and that such children and their parents adamantly desired and asserted employment. The Court dismissed this argument, stating that under the Occupational Safety and Health Act, but that, despite this, it would be necessary to maintain existing socio-economic conditions, it must be conceded and prohibited wholly and unconditionally.¹⁸¹

Right of minorities to establish and administer educational institutions: Article 30

“All minorities, whether based on religion or language, shall have the right to establish and

¹⁷⁹ Dr. L M Singhvi, Laxmi Mall Singhvi, *Evolution of Indian Judiciary* 25 (Prabhat Prakashan, 2021).

¹⁸⁰ T. Paul, “Judicial Response to Child Labour in India: A Human Rights perspective” 1 *Asia Law Quarterly* 63-86 (2009).

¹⁸¹ Ram Ahuja, *Social Problems in India* 162 (Allied Publisher, New Delhi, 2004).

administer educational institutions of their choice. In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed.

In granting aid to educational institutions, the State shall not discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.” Article 21A and Article 30 (1) are primarily concerned with the right to education, although they take different approaches. The former is an individual right for every child, whereas the latter is a community right that only minorities have. It's essential to figure out where the two pieces complement each other, where they compete or contradict each other, and to what extent.¹⁸²

In cases like “**Re Kerala Education Bill, Saint Xavier College v. the State of Gujarat, Saint Stephen's College v. the University of Delhi, T.M.A. Pai Foundation v. the State of Karnataka, and Islamic Academy of Education v. the State of Karnataka**” the Supreme Court has had many chances to debate the essence of Art 30 (1). The problem, however, was permanently restricted to the extent to which various government laws may impinge on the freedom to 'administer' minority educational establishments; under “**Pramati Educational and Cultural Trust v/s. Union of India**”, the Supreme Court constitutional majority focused primarily on whether aided or unassisted minority educational institutions must exercise the right to "administer" minority educational institutions. However, another suitable component, the right to 'establish' minority educational institutions, was not addressed. The goal of this essay is to see if minorities can construct whatever sort of educational institution they choose or if the substantive character of those institutions can be limited for public policy and constitutional reasons. The question of what kinds of educational institutions minorities can build has never gotten the attention it deserves.¹⁸³

4.4 DIRECTIVE PRINCIPLES OF STATE POLICY ON THE WELFARE CHILD

It is founded on "setting precise social and economic goals for quick attainment through a peaceful social revolution." It attempts to realise children's welfare objective through such a social revolution. It was established on a genuine desire to improve people's lives by constructing and maintaining an adequately regulated structure. It is required by many parts of the constitution

¹⁸² Vishal Sharma, “Article 21A versus Article 30(1): Right to Education versus Minority Rights” *ILI Law Review* 44 (2016).

¹⁸³ Dr. L M Singhvi, Laxmi Mall Singhvi, *Evolution of Indian Judiciary* 98 (Prabhat Prakashan, New Delhi, 2021).

to guarantee that children's vulnerable years and abilities. The Indian government has formulated national policy and implemented workplace health and safety legislation through Directive principles and international treaties.¹⁸⁴

As a result, the Directive Principles call for various governmental actions. Including but not limited accept occupations unfit for their age strength due to financial necessity. Children, in particular, have always been given chances and facilitations to flourish healthily and respectfully. The government has considered the following characteristics phenomenon of children employees. The need protects youngsters from enslavement, being forced to work in dangerous conditions that endangers their cognitive functioning, ensuring workplace safety and health, and protecting children from working excessive overtime or at night.¹⁸⁵

Certain principles of policy to be followed by the State: Article 39(e) and (f) stipulates “the health and strength of not only men and women, but also children of delicate age, are protected against abuse and exploitation, is explicitly and completely expressed, should not be assaulted by their supervisor, and that the State is guided to shape initiatives to ensure that they receive the necessary protection.” The state could have a clear assessment of children's exploitation by their employers; also, the inability for the implementation and enforcement of industrial equipment to rectify the current situation, as an amendment to Article 39 was initiated, the States ensue, children are neither compelled to work in physically demanding nor hazardous jobs that are unsuitable for their health and abilities, and that their physical and mental development is not hindered in any way, and a new clause (f) was replaced for providing the children with the necessary steps to ensure them to develop.¹⁸⁶

The environmental, financial, and infrastructural circumstances must be favourable for a child's healthy growth. They must also be protected against exploitation and material and moral neglect by the state.¹⁸⁷

- **Sheela Barse v/s. Union of India**,¹⁸⁸ “Article 39(f) mandates that the state implement guidelines to promote those children are given the chance and resources to advance in a healthy, free, and dignified way and that children be protected from being exploited and abandoned morally financially. While many states have passed Children's Acts to fulfill the

¹⁸⁴ S Wal, *Combating Child Labour Legal Approach* 254 & 256 (Sarup & Son, Delhi, 2006).

¹⁸⁵ M. Mustafa, Onkar Sharma, *Child Labour in India: A Bitter Truth* 138 (Deep and Deep Publications, New Delhi, 1996).

¹⁸⁶ L M Singhvi, Laxmi Mall Singhvi, *Evolution of Indian Judiciary* 25 (Prabhat Prakashan, New Delhi, 2021).

¹⁸⁷ Tapan Kumar Shandilya, *Child Labour Eradication: Problems, Awareness, Measures* 150 (Deep and Deep Publications, Delhi, 2006).

¹⁸⁸ AIR 1986 SC 136.

commitment to children's welfare, other states do not enforce them. The Supreme Court noted this and emphasized the importance of passing and prescribing such beneficial acts as soon as practical.”

Right to work, to education and public assistance in some instances: Article 41, “the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.”

Part IV of the Constitutional Provisions has several clauses. Article 45 is the only one that mentions a time restriction for making this right justiciable. In Part IV, there isn't a single article that does. When India's constitution was written in 1950, it was apparent that the architects of the document understood the importance of education in realising a person's potential and guaranteeing her rights.¹⁸⁹

The ideas must incorporate into fundamental rights. The state has a constitutional responsibility to provide circumstances where people can like the fundamental rights granted under Part III. The Court relied on the Article 21 explanations and expansions put out in previous judgments to maintain education. The Court rejected that Article 21's Right to Life is simply negative. **J. Jeevan Reddy** likewise dealt with the issue of inadequate resources in a very creative way. He correctly points out that only Article 41 refers to the state's financial ability, but the obstacle that would not impede carving off its capability is not addressed in Article 45.¹⁹⁰

Even though he is well aware that this would have significant financial ramifications, he persists. "We are not attempting to put down priorities for the government; we are simply emphasising constitutional doctrine as revealed by Articles 45, 46, and 41." These constitutional protections are, without a doubt, wise. Article 41, when read in conjunction with Articles 21 and 47, states that the public and commercial sectors must hire only adults. Article 47 "considers" improving the residents.' These two articles are critical to ensuring that the Constitutional obligation of the right to live in dignity, security, and freedom is carried out.¹⁹¹

Put another way, according to Article 41; every adult should be guaranteed the right to labour. As a result, Articles 41 and 47 are intended to strengthen Articles 24, 25, 45, 39(e), and

¹⁸⁹ Pandey, *Constitutional Law of India* 237 (Central Law Agency, Allahabad, 2014).

¹⁹⁰ Anup Sangwan, “Child Labour Policy and Empowerment: A Study” 9 *International Research Journal of Management Sociology & Humanity* 150-159 (2018).

¹⁹¹ M. Mustafa, Onkar Sharma, *Child Labour in India: A Bitter Truth* 218 (Deep and Deep Publications, New Delhi, 1996).

39(f) (f). If all adults were allowed to work, there would be 80 million or more Child Labourers in schools rather than in the workplace. It is also necessary to ensure Articles 39(a) and 39(b), which discuss the right to means of adequacy subsistence and material resources, are divided in a method that better promotes the public good for the child's holistic development be wholly realised. Equality must ensure an equal and just social order, which would then serve as the foundation for children's holistic development. Furthermore, many Child Labourers are from the SC, ST, OBC, and minority populations.¹⁹²

Provision for just and humane conditions of work and maternity relief: Article 42, “The State shall make provision for securing just and humane conditions of work and for maternity relief.” It implicitly strives for a healthy favourable working environment for children, as Article 24 does not entirely restrict their work.¹⁹³

Uniform civil code for the citizens: Article 44, “the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.” Yet no UCC adoption to assist thousands of orphaned, poor, or out-of-wedlock children in finding a home or family, ensuring that they have a home, a name, and rights. Children's protection from abandonment, bodily, moral exploitation, sequestration, trafficking, sex assault, employment or economic exploitation, and risky activities. It is necessary to have a unified policy that covers all aspects of child development. A standard children's law should substitute religious laws. Children's laws should strive to provide each child with an environment favourable to their well-being and harmonious progress.¹⁹⁴

Provision for early childhood care and education for children below the age of six: Article 45, “The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.” From the moment they pledged to offer education, India's history of education has been one of the unfulfilled promises. By 1960, India's Constitution pledged to accomplish the aim of “free and compulsory education for all children till they reach 14.” Implementation measures to bring the current practice to the age of fourteen

¹⁹² Dr. LM Singhvi, Laxmi Mall Singhvi, *Evolution of Indian Judiciary* 12 (Prabhat Prakashan, New Delhi, 2012).

¹⁹³ Jaspal Kaur, “Child Labour in India: Causes, Impacts and Preventive Measures” 7 *International Journal of Management Review* 164 (2019).

¹⁹⁴ J.N. Pandey, *Constitutional Law of India*, 237 (14th ed., Central Law Agency, Allahabad, 2014).

years. When read separately, the legal consequences of Article 45 and Article 21-A appear almost similar. Article 21-A's requirement appears to be greater ('must provide' rather than 'shall attempt to supply'), but its actual extent, in comparison, is likewise restricted.¹⁹⁵

Furthermore, Article 21-A does not provide a timeframe for implementation. Even though primary education was now clearly a fundamental right, and the Bill had been overwhelmingly enacted, the change was met with significant opposition. The controversy of the age limit on amendments was most likely the most strongly voiced complaint. Article 21-A only applies to children aged 6 to 14. As a result, focused on the effects of **Unni Krishan**, the amendment was a step back. After that decision, there was a fundamental right to education without this age restriction at the lower end.¹⁹⁶

- **M.C. Mehta v/s. State of Tamil Nadu**,¹⁹⁷ “the Supreme Court of India recognised the spirit of the Constitution in that children must not be employed in factories for obvious reasons, such as the fact that childhood is a critical era for a child's growth, and that only at this time can a child's development be improved. To preserve this fundamental characteristic, the authors of the Constitution stipulated in Article 45 of Part IV of the Constitution that minors shall not be engaged in industries until they have reached 14 years of age.”¹⁹⁸
- **Neeraja Chaudhary v/s. State of Madhya Pradesh**,¹⁹⁹ “the Supreme Court of India ruled, in this case, that Child Labourers should be rescued and that provisions should be made for rehabilitation. The case concerned a challenge to the validity of state legislation controlling capitation fees paid by some private, professional educational establishments. The Supreme Court believes that the right to basic education is implied when the fundamental right to life is interpreted in conjunction with the guiding principle of education. The Court held that the right's parameters must be interpreted in light of the Directive Principles of State Policy, particularly Article 45, which states that the state must strive to provide free and compulsory education to all children under the age of 14 within ten years of the Constitution's inception.”

Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections: Article 46, “the State shall promote with special care the

¹⁹⁵ Ashhad Ahmad, *Child Labour in India: A Politico-Legal Study* 119 (Kalpaz Publication, Delhi, 2004).

¹⁹⁶ Florian Matthey-Prakash, *The Right to Education in India: The importance of Enforceability of a Fundamental Rights* 31 (Oxford University Press, 2019).

¹⁹⁷ AIR 1997 SCC 283.

¹⁹⁸ C.K. Shukla, S. Ali, *Child Labour and the Law* 56 (Sarup & Sons, 2006).

¹⁹⁹ AIR 1984 SC 1099.

educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.” In Constitution, the phrase "weaker parts of the people" is not explained.²⁰⁰

- **Indira Sawhney v/s. Union of India**,²⁰¹ commonly known as the “**Mandal Commission case**”, established the term “weaker portions of the population” encompassed more than “backward classes of citizens,” “socially and educationally backward groups,” or “Scheduled Castes and Scheduled Tribes.” The term referred to people of spheres of life that had been rendered owing to various factors such as poverty, natural and physical handicaps, etc. The State may make such provisions or reservations for the benefit and improvement of the weaker and economically disadvantaged sectors and carry out the Directive Principle outlined in “Article 46.”

Duty of the State to raise the level of nutrition and the standard of living and to improve public health: Article 47, “the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.”²⁰²

The necessity for enhancing one's health is emphasised in this article. The government should take necessary actions to improve the standard of living for women in society, including abolishing Child Labour and eradicating poverty. The “Right to Food” is established in “Article 21” as the right to life, which is realised when the government fulfils its obligations under “Article 47.” The government is urged to establish a food regulator to safeguard food safety. Because medicines may be helpful and harmful, the amount and frequency are crucial. As a result, declaring a drug harmful without thoroughly examining it will be unclear.²⁰³

Promotion of International Peace and Security: Article 51(c) “fosters respect for international law and treaty obligations in the dealing of organised peoples with one another.” “The United Nations Convention on the Rights of the Child” goes considerably beyond explicitly stating a child as everyone under 18 in 1992. Despite adhering to its aims and purposes, as well

²⁰⁰ Ashhad Ahmad, *Child Labour in India: A Politico-Legal Study* 211 (Kalpaz Publication, Delhi, 2004).

²⁰¹ AIR 1993 SC 2178.

²⁰² Ram Ahuja, *Social Problems in India* 315 (Allied Publisher, New Delhi, 2004).

²⁰³ Florian Matthey, *The Right to Education in India: The importance of Enforceability of a Fundamental Rights* 35 (Oxford University Press, 2019).

as its basic premise of the better welfare of the child, India raised reservations. The study focused on “prescribed minimum incomes for every area of work,” which jeopardised other generally recognised educational rights. India must sign the pact in its entirety. “The Child Labour (Protection and Regulation) Act, 1986” must be substantially modified to meet the constitutional responsibilities and commitments on Children’s Rights and ratified the ILO conventions.²⁰⁴

4.5 FUNDAMENTAL DUTIES TOWARDS CHILD

Fundamental Duties of an Indian Citizen, as established by “the 42nd Amendment, 1976”, say that it is the citizen’s moral responsibility to maintain the country’s unity and integrity. Fundamental Duties are not legally enforceable. Children greatly benefit any nation and are humanity's ultimate blessing. They have untapped talent and are valuable human resources for the country's advancement. These little creatures are a critical source of state and a compelling for change. They play a critical part in the democratic and egalitarian process of fostering unity, economic success, and political stability in a society. The Fundamental Duty may have little significance in today's world since modern parents appear to have taken up the duty of teaching their children without regard for their ability. This Fundamental Duty is owed to the country because today's children represent the nation's future promise.²⁰⁵

Article 51-A (a), “to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.” Article 13(2) states, “state does not pass legislation that takes away or limits constitutionally protected fundamental rights. It specifies that “law” encompasses, among other things, any legally binding notice. When we put the aforementioned Constitutional provisions together, we clearly understand the State's responsibilities to India's children. Any employment of minors violates the constitution's concept of a children's overall upbringing and is thus unlawful.”²⁰⁶

Nonetheless, state laws for handloom and power loom employees, such as “**the Child Labour Act 1986, Factories Act 1946, and the Beedi and Cigar Workers (Condition of Employment) Act 1966**. Articles 14, 21, 23, and 24 of the Constitution are violated by **the Shops**

²⁰⁴ D.C. Nanjunda, *Child Labour and Human Rights* 238 (Gyan Publishing House, Delhi, 2008).

²⁰⁵ K. Sathyan, *My Nation My Heaven* Kerala (State Legal Services Authority, KOCHI, 2016).

²⁰⁶ Anup Sangwan, “Child Labour Policy and Empowerment: A Study” 9 *International Research Journal of Management Sociology & Humanity* 150-159 (2018).

and Commercial Establishment Act of 1961,” for example. This Act repeals the protections afforded to children by these Articles against all hazardous labour and exploitation of minors in only certified occupations and processes.²⁰⁷

Article 51-A (k), “who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years (Inserted by the Constitution (Eighty-sixth Amendment) Act, 2002).” It has taken several steps to guarantee the wellbeing and safeguards of children. Offering educational opportunities must be seen in such a way that education is suited to the children's interests and talents rather than burdening the child with the parent's goals. At the age of six, a child begins to comprehend the intricacies of the world, which develops at an inconceivable rate and dimension until he is fourteen years old.²⁰⁸

Every parent or guardian is responsible for giving children education opportunities, helping them understand the complexities of life and the value of education, and guiding them through the proper channels so that an appropriately directed child will choose his path to achieve maximum benefit for the nation. Article 21A, “the State should offer free and compulsory education to all children aged 6 to 14 years in such way as the State may, by legislation, determine,” is appropriately supported and reinforced by Article 51A(k). The 86th amendment is about the financial or monetary implications of doing so. It establishes a fundamental necessity for providing basic education for the development of a nation. As a result, it has a prominent position in the Fundamental Duties.²⁰⁹

²⁰⁷ D.C. Nanjunda, *Child Labour and Human Rights* 236 (Gyan Publishing House, Delhi, 2008).

²⁰⁸ Krupasindhu Nayak, “Inclusion of children below 6 in Right of Children to Free and Compulsory Education Act, 2009”

24 *Legal News and Views* 5-6 (2010).

²⁰⁹ Ram Ahuja, *Social Problems in India* 235 (Allied Publisher, New Delhi, 2004).

CHAPTER V

LEGISLATIVE FRAMEWORK ON CHILD LABOUR IN INDIA

“If we are to teach real peace in this world and if we are to carry on a real war against War, we shall have to begin with the children.”

- Mahatma Gandhi

5.1 INTRODUCTION

From a historical viewpoint, child protection policy, legislation, and practice have changed dramatically. It existed in the sense of influence and power before 1839. The ‘father’ had ultimate custodial rights over their children, according to the legal system. Following that, the welfare concept was represented in the prevailing family philosophy. It was created by British judges who supported one dominating family type. The old Indian concept of prosperity is founded on *data, bhiksha, tyaga, swadharma, dana, Dakshina*, and *ahimsa*, the basis for **sacrifice, discipline** and **care** for everyone on the earth. These principles were thought to be essential for children's well-being. Social security benefits were given to children. The notion of child welfare principles did not develop until the twentieth century. That shift in emphasis from 'wellbeing' to 'rights' is crucial since legal protections are obligations. It usually indicates responsibilities and objectives. The protection concept relies on social fairness, anti-discrimination, equality, and empowerment.²¹⁰

The process of employing children for financial growth, whether part-time or full-time, is known as Child Labour, and the outcome of such conduct, children lose their childhood, and cognitive and emotional growth is also damaged. The administration has adopted a variety of sensible precautions to solve this problem. Ever since independence from colonisation, India has passed several legal and constitutional restrictions concerning Child Labour. Special laws were enacted to prohibit and control Child Labour working conditions and age. Several measures are in place to protect and secure working conditions for children. In India's federalism, both governments have the authority to control Child Labour. To eradicate Child Labour, considerably more has to be accomplished in India's political scene. Child Labour laws must be toughened and enforced more aggressively. Extreme poverty, a significant contributor to Child Labour, must also be tackled. Ending Child Labour in India requires addressing poverty and inequality.²¹¹

²¹⁰ K. Sathyan, *My Nation My Heaven* Kerala (State Legal Services Authority KOCHI, 2016).

²¹¹ Krishna Kishore Pandala, “Child Labour -A Conceptual Study” 40 *Studies in Indian Place Names* 2291 (2020).

The different legislation contained policies that support children's protection provisions in India. Such legislation is especially essential for the safety and restoration of socially disadvantaged children, such as those who have been ignored, impoverished, traumatised, criminal, or abused. The term 'child' has been explained in numerous statutes to indicate a connection, ability, and particular care. The various requirements are based on entirely different conceptions of the child. Observing children as a responsibility brings uprisings to support and maintenance; children are treated with temporary disabilities as assets for the nation's progress necessitates their emotional support and growth.²¹²

Labour legislation is one of the instruments to regulate working children. The labour of minors in industry, fixation with the minimum age for employment under the different labour legislation, medical examination of children before entering employment and their medical check- at regular intervals during their employment is some of the issues which have been regulated by various legislation. Despite all initiatives, children are deprived of adequate safety measures and recreation, which is essential to proper cognitive development and for children's growth, which results in them growing immature and without having enjoyed the blessings of childhood.²¹³

The government has attempted to address the problem by enforcing statutory restrictions and implementing rehabilitative programmes. It is worth mentioning that Child Labour cannot be abolished by mere legislation but instead requires the effort of the government and other voluntary organizations to safeguard child workers. Even though most children start working early for economic reasons, doing so allows them to break free from some social restraints. Given that one, India's Child Labour legislation has developed across ages. The relevant executing entities, the state legislatures, have been undertaking routine monitoring and raids to discover incidents of noncompliance.²¹⁴

In India, legislation has influenced and altered Child Labour for centuries. It has attempted to resolve two significant challenges: fixing the age limit for minors to be hired and controlling work hours, and protecting children's health by forbidding the hiring of minors under dangerous occupations. Young children engaged in labour were implemented between freedom to fulfil the nation's commitment to the global community and the treaty's obligation to eradicate the sin of

²¹² Anup Sangwan, "Child Labour Policy and Empowerment: A Study" 9 *International Research Journal of Management Sociology & Humanity* 150-159 (2018).

²¹³ S Wal, *Combating Child Labour Legal Approach* 151 (Sarup & Sons, 2006).

²¹⁴ Ram Ahuja, *Social Problems in India* 96 (Allied Publisher, New Delhi, 2004).

labour on children. However, despite our worldwide pledge and all declarations contained in the national constitution, and despite all legal efforts, Child Labour remains a horrible truth.²¹⁵

5.2 VARIOUS LEGISLATIONS ON ELIMINATION OF CHILD LABOUR

The first statute on “Child Labour” protection in India was passed in 1881 as a revised version of the 'Indian Factory Act,' which prohibited children under seven from working and limited children's work to nine hours per day. It provided four holidays and rest hours per month. The British government used it to suppress production in Indian firms by imposing legislative limitations. It argued that the International Labour Organization’s numerous Conventions and Recommendations have significantly impacted Indian labour policy, particularly child protection legislation. Many statutory regulations provide legal protection to minors in several vocations, in addition to Constitutional requirements. The Gurupadswamy Committee was established in 1979 as the first legislative committee at the national level to inspect and examine the Child Labour problem in India. At the federal and state levels, several social programmes were implemented to rehabilitate children who were no longer subjected to Child Labour. The board was also tasked with formulating specific suggestions for preventing Child Labour.²¹⁶

5.2.1 The Child Labour (Prohibition and Protection) Act, 1986

Act strives to eliminate all types of harassment of children in the workplace, stop hiring children of 14 under dangerous activities, and regulate the working ability of children. It prohibits children from working in dangerous occupations while also adjusting employment conditions under non-dangerous occupations and processes. And right now, a flurry of new rules and regulations are being enacted to deal with concerns about the Labour of children.²¹⁷

- **Mahesh Kumar Garg and Others v/s. State of U.P. And Others,**²¹⁸ “the court held in all cases of like nature an inspection has to be made by the Inspector and in case the Inspector is of the view that the Child Labour has been engaged in contravention of the Act, a show-cause notice shall be issued to the offending employer/occupier who within the time stipulated, may file an objection against the said inspection report raising the plea regarding age issue. The

²¹⁵ Shanmathi R, Ragu Balan. P, “A Conceptual Analysis of Child Labour Regulation and its Constitutional Validity in India” 120 *Int J of Pure & Applied Math* 4626 (2018).

²¹⁶ Ram Ahuja, *Social Problems in India* 315 (Allied Publisher, New Delhi, 2004).

²¹⁷ The Child Labour (Prohibition and Protection) Act, 1986 (Act 61 of 1986).

²¹⁸ (2000) 2 UPLBEC 1426.

act's goals are to ban child work and certain activities; establish a system for deciding on changes to the schedule of prohibited vocations or procedures; children's working circumstances and employment when they are not forbidden from working are regulated; laws forbidding such employment.”

- **Ganesh Ram v/s. State of Jharkhand**,²¹⁹ “If a person under the age of 14 is appointed, a punitive order can be made against the employer under the Child Labour (Prohibition and Regulation Act 1986), but no order, penal in nature, can be passed against the employee.”
- **Srirama Babu v/s. the Chief Secretary**,²²⁰ the court said, “this needs a take a fresh look, and an abolition of such a distinction will undoubtedly go a long way in enhancing adult employment opportunities and discouraging employers from using Child Labour. As a result, the state must intervene to halt the trend of using children for labour. The law mandates that the state take all reasonable steps to educate the public about the dangers of child abuse and Child Labour and that the state establish a separate, independent department dedicated to child welfare. Furthermore, the state should keep track of the child's birth and development.”
- **Hemendra Bhai v/s. State of Chhattisgarh**,²²¹ “No child shall be employed in any of the occupations listed in Part A of the Schedule, nor shall a child be authorized to work in any workshop where any processes listed in Part B of the Schedule are being performed.”

Prohibition of employment of children in certain occupations and processes: Section 3, “No child shall be employed or permitted to work in any of the occupations outlined in Part A of the Schedule or any workshop wherein any of the processes outlined in Part B of the Schedule is carried on: Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government. It prohibits the children from working in 13 occupations and 51 activities.”

The following jobs are not permitted for children under the age of 14:

- Cleaning a dust dump, picking cinders, or doing building work on the railway’s property;
- Working in a railway station catering facility that needs you to move between one station to the next, through one train to another, or enter or depart a speeding train;

²¹⁹ 2006 (2) JCR 489.

²²⁰ ILR 1997 KAR 2269, 1998 (1) Kar LJ 191.

²²¹ 2003 (97) FLR 402.

- Employment that entails work connected to the building of a railway station or any activity that is performed near to or between railway lines;
- Occupations involving the railway transportation of passengers, cargo, or mail;
- Any employment that takes place inside the confines of a port;
- Working at Slaughterhouses.

The Part B Schedule lists the activities that are banned for children:

- Carpet-weaving is a method in which yarn is woven into a carpet;
- Cement manufacturing or cement bagging;
- Mica splitting and cutting
- The activities involved in making Bidi;
- The procedures involved in producing matches, explosives, and fireworks;
- Work that is connected to the construction and building sector;
- Slate pencil manufacturing;
- Production of agate-based goods;
- Descaling and processing cashews and cashew nuts;
- Wool cleaning is a procedure that includes extracting the wool from its natural condition and washing it, such as in the creation of shellac, soap, or tanning;
- Textiles operations include printing, dyeing, weaving; and

Child Labour Technical Advisory Committee: Section 5, “If the Central Government deems it essential, it may establish an advisory body, the Child Labour Technical Advisory Committee, by publishing a notice in the Official Gazette. If there is a need to add occupations or procedures to the Schedule, the Committee must notify the Central Government. Members of the Committee are appointed by the central government, although the Committee should not have more than ten members. A Chairman will be appointed to the committee. There is no limit to the number of meetings the Committee can have. The committee will convene whenever they see it necessary, and the sessions will be governed by a method they will determine. If the Committee thinks it is necessary, it may form one or more sub-committees. The Chairman and other Committee members are entitled to a stipend.”

Hours and period of work: Section 7, “According to the Act, no child employee may work in any place for more than the number of hours determined and prescribed for that

establishment or class of establishment. The employer must determine the number of hours worked, and the minor employee must not work for more than three hours without a one-hour break. The total number of hours worked by a child employee cannot exceed six. One hour of the interval is required in addition to the six hours. According to the Act, no employer can force a minor employee to work between 7 p.m. and 8 a.m., and no employer can allow the child to work overtime. If a child has already worked in one establishment for the day, they shall not be allowed to work in another on the same day.”

Weekly holidays: Section 8, “Every child employed in an establishment shall be allowed in each week, a holiday of one whole day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.”

Notice to Inspector: Section 9, “Notice is needed to be sent to the Inspector within whose local limits the employer of such establishment situates the establishment if he employs a child employee or by the occupier of an establishment in which a child is employed or is permitted to work. The notice to be sent must be in writing. It must contain the following particulars: the name of the establishment and place in which it is situated, the name of the person who manages the establishment, the postal address of the establishment, and the details such as the nature of occupation or process which is carried on in the establishment. Every employer who permits a child to work in his establishment must send a notice within 30 days to the Inspector within whose local limits the establishment is situated. Where the occupier carries on a process with the aid of Government, or it receives assistance or recognition from Government for it, then such establishment shall not be subject to the provisions of Section 7, 8, 9 of the Act.”

Disputes as to age: Section 10, “If an Inspector and an occupier disagree about the age of a child who was allowed to work in an institution by the occupier, the Inspector might appoint a medical authority to determine the age of the child in the absence of an age certificate.”

Maintenance of Register: Section 11, “The occupant must keep a record of all minors who are engaged or permitted to work in his establishment. The following things must be included in the register that the occupier keeps on hand at the time for inspection: Names and birth certificates of the children who work for the occupier; Working hours and time fixed for child

employee is required to labour; Job nature and tasks assigned to the child worker; and other specifics requirements which required.”

Health and safety: Section 13, “By issuing a notice in the Official Gazette, the Government may impose regulations for the health and safety of children who are employed or permitted to work in a business or class of establishments if it believes it necessary. According to the Act, the following are the requirements that the establishment must follow for the sake of safety and hygiene:”

- Workplace hygiene was maintained, as well as the absence of any annoyances;
- An appropriate location for waste and effluent disposal;
- Proper ventilation should be provided, and the temperature in the workplace should be kept at a comfortable level;
- There should be provisions in place to limit dust and odours; It is necessary to provide artificial humidification;
- The lighting in the workplace must be adequate;
- Water must be available for drinking;
- Employees must have access to toilet facilities at work;
- To maintain the workplace clean, spittoons should be supplied;
- The machines that are used in the workplace should be appropriately gated;
- In the workplace, self-acting devices should be employed;
- Affordability of modern machinery;
- Floors should be installed correctly, as well as a way of gaining access through steps.
- Pits, sumps, and floor holes must be constructed;
- Lifting excessive weights while working is not authorised for child employees.
- Eye protection must be supplied;
- Children do not work in gas, explosives, flammable dust, or other substances.
- If the fire is utilised in the workplace, adequate safety precautions must be implemented.
- Buildings and machines must be properly maintained.

Penalties: Section 14, “When an employer hires a child or allows a child to work in violation of Section 3, the employer may be punished by imprisonment for a term of up to one year, a fine of not less than ten thousand rupees and up to twenty thousand rupees, or both. Suppose a person is convicted of the aforementioned act under Section 3 and commits the same

offence again in the future. In that case, he will be sentenced to a period of imprisonment of not less than six months and up to two years. When an employer fails to give a notice as required by Section 9 of the Act, or fails to keep a register containing the details of child employees as required by Section 11 of the Act, or makes any false entry in any such register, or fails to post a notice containing an abstract as required by Section 3, or fails to comply with or contravenes any other provision of the Act or any statutory provision.”

Procedure relating to offences: Section 16, “Under the Act, a police officer, an inspector, or anybody else can submit a complaint against an employer for committing an infraction. A complaint may be brought under this Act in any court with jurisdiction over the matter. Every certificate as to the age of a child that is given by a designated medical authority should be regarded as conclusive evidence as to the age of the child employee to whom it relates in instances where there is a doubt as to the age of the child employee to whom it relates. A court that is neither a Metropolitan Magistrate nor a Magistrate of the First Class must not try a case of an offence under this Act.”

Appointment of Inspectors: Section 17, “The Government may appoint Inspectors to ensure compliance with the Act's requirements, and any Inspector thus appointed is assumed to be a public servant within the meaning of the Indian Penal Code.”

Power to make rules: Section 18, “By notifying the public in the Official Gazette, the government can adopt rules subject to prior publication. The rules might include provisions for the Chairman's and members' terms of office, as well as requirements concerning the way of filling casual vacancies and allowances due to the Chairman and members of the Child Labour Technical Advisory Committee. Under Section 7 (1) of the Act, a child may be forced or authorised to labour for a certain number of hours. Regarding the issue of a minor employee's certificate, there are several rules to follow. For issuing such a certificate, the government may levy a fee. If the application for the certificate is accompanied by proof of the child's age, there shall be no costs for issuing the certificate. Rules governing the details of the register that must be kept by the occupier, who allows a child to work under Section 11 of the Act.”

5.2.2 The Child Labour and Adolescent (Prohibition and Regulation) Amendment Act,

2016

“On 13.06.2017, India ratified ILO conventions No.138 (minimum age of entrance to employment) and 182 (worst form of Child Labour) after making appropriate amendments to the Child Labour Act. The ratification of Conventions Nos. 138 and 182 would take the government one step closer to realising the aim of ending Child Labour in the country since compliance with the terms of the Conventions would be legally enforceable. By ratifying these two key agreements, India joins most nations that have passed laws prohibiting or severely restricting children's employment and labour.”

Funding for Child and Adolescent Labour Rehabilitation: “The Government has made a provision in the Child Labour (Prohibition of Regulation) Amendment Act, 2016, for the establishment of a Child & Adolescent Labour Rehabilitation Fund at the district level to ensure that the child and adolescent are not only rescued but that the amount collected in the fund for his welfare and education secures his future. The fine collected from the child or adolescent's employer will be credited to the rehabilitation fund, and the appropriate government will additionally credit a sum of Rs. 15,000 to each child or teenager freed from labour. An Act prohibiting the employment of minors in all jobs, as well as the employment of teenagers in hazardous activities and procedures, and issues associated with or incidental to such employment. The words, brackets, and figures of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 must be changed with the Child Labour (Prohibition and Regulation) Act, 1986.”²²²

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

The act addresses the needs of minors who require safeguard and reforming the legislation governing children. The main goal is to change the legislation regarding children in dispute of law, requiring particular support by giving them particular attention to safety. A minor is “someone under the age of eighteen under this legislation.” As a result, the child is separated from adults and treated according to age and legal standing. In essence, the child's transformation has been completed.²²³

The exploitation of a Child Employee: Section 79, “Whoever ostensibly engages a child and keeps him in bondage for employment, withholds his earnings, or uses such earnings for his

²²² Krishna Kishore Pandala, “Child Labour -A Conceptual Study” 40 *Studies in Indian Place Names* 2291 (2020).

²²³ The Juvenile Justice (Care and Protection of Children) Act, 2015, (Act 2 of 2016).

purposes, shall be punished by rigorous imprisonment for a term that may extend to five years, as well as a fine of one lakh rupees, regardless of what is contained in any current law.”

- **Krishna Murthy v/s. The State of Telangana,**²²⁴ “According to the Child Labour Prohibition and Regulation Act, a "child" is anyone under 14 years old. Therefore, the Child Labour Prohibition and Regulation Act's Sections 3, 7, and 14 did not also apply. In this case, the victims came of their own free will, sought jobs to support their studies, and admitted that payments were being paid to them, making it appear as though Sections 23 and 26 of the Juvenile Justice Act were likewise not applicable to the facts of the case. It would not be considered hazardous to work on the petitioner's property, and it was likely that the case would result in an acquittal.”

5.2.4 National Child Labour Project Scheme, 1988

It has been approved under 313 districts across 21 states. Project organizations are constituted in districts under District Magistrate. Children aged 9 to 14 are removed from the workforce and placed in NCLP Specialized Training Institutes, where they receive a good education, skills training, lunch, pay, and medical care before reintegrating into society and the public education system. Through tight collaboration with the Sarva Shiksha Abhiyan, children from 5-8 years are promptly enrolled in school. Teenager labour is defined as 14 to 18-year-olds engaged in hazardous occupations. Furthermore, to ensure efficient control of the Child Labour Act's provisions and the flawless execution of the NCLP Scheme through stronger facilitating the implementation and quick and efficient removal of employment with clarification.²²⁵

- **Jayakumar NCT & Anr v/s. State of NCT of Delhi,**²²⁶ “The Court directs the Govt to set schemes to address the rehabilitation of rescued children by providing economic help so that the parents or guardians do not force them to work as Child Labourers.”
- **Seema Roy v/s. State (Govt of NCT Delhi) & Anr,**²²⁷ “Child Labour needs care, protection and rehabilitation. The rescued child shall be produced before the Committee without any loss of time, within 24 hours, including the time necessary for the journey.”

²²⁴ 2021 SCC OnLine SC 388.

²²⁵ Shanmathi R, Ragu Balan. P, “A Conceptual Analysis of Child Labour Regulation and its Constitutional Validity in India” 120 *International Journal of Pure & Applied Math* 4626 (2018).

²²⁶ W.P.(CRL) 1548/2015.

²²⁷ W.P.(CRL) Nos. 1548, 1805 of 2015.

- **Court on Its Own Motion v/s. Govt of NCT of Delhi,**²²⁸ “Children who have been saved from Child Labour, should treat them with respect and honour before giving them to a children's home under the supervision of the Women and Child Welfare Department officials. Bring Section 32 cases of Child Labour before the Child Welfare Committee with the assistance of the Action Force. If the Children are from other states, they should be given to their parents via JAPU, as the Child Welfare Committee decided.”
- **Court on Its Own Motion v/s. State of Jharkhand,**²²⁹ “The Court directs that the Child Welfare Department must combat and rehabilitate Child Labour and make a record of schemes and benefits given to children in the State, and the records would be the part of the investigation in any case proceedings relating to Child Labour.”
- **Vishaljeet v/s. Union of India,**²³⁰ “The Central and State Governments should establish advisory committees to make suggestions for the social welfare programs to be implemented for the care, protection, and rehabilitation of the child victims, to make suggestions for amendments of the existing laws, and to recommend the enactment of new laws, according to the Supreme Court of India's ruling in a PIL that it handed down on May 2, 1998. All the Union and states in the nation received directives from the Supreme Court. Additionally, these were in contact with one another and took action in compliance with the court order.”
- **Madhu Bala v/s. State of Punjab,**²³¹ “The court imposes ban and penalises sale of Women and Children for labour, with 5 to 7 years imprisonment with Fine.”

The Scheme Objectives:

- The most important Central Sector Scheme for Child Labour rehabilitation.
- The scheme aims to take a structured method, concentrating on children's recovery, particularly in high-risk vocations and activities.
- A study of Child Labour involved in harmful occupations and activities was undertaken as part of the Scheme.
- District-level programme organisations enthusiastically promote the creation of schools and rehabilitation centres for Child Labourers.
- Particular schools/Rehabilitation Centers provide the following services: Non-formal Education system is a sort of education that takes place outside of the classroom;

²²⁸ W.P.(C) 12326/2015.

²²⁹ W.P.(PIL) No. 1301 of 2020.

²³⁰ AIR 1412, 1990 SCR (2) 861.

²³¹ 29 April, 2014.

Vocational/skilled training; a meal in the middle of the day; Each child receives an allowance of Rs.150/- every month; and medical treatment is provided by a doctor assigned to a group of 20 schools.

Target: “The project organizations must research to assess children employed in dangerous jobs or procedures. The children will subsequently be the program society's main target. Children under the 5-8 years category would have integrated straight into the official school system via the SSA. Employed children aged 9 and 14 will need to be rescued through the Project Society's NCLP schools.”

Project Execution: “The project must be carried out by a registered society led by the district's high commissioner, such as the District Magistrate/Deputy Commissioner/Collector. Members of the society might include representatives from pertinent public bodies, Panchayati Raj organizations, NGOs, and labour unions.”

Funding: “The initiatives have also been undertaken in the Central Sector, and Government is accountable for funding. Depending on the success of project operations, funding is allocated to the concerned Project Associations.”

NCLP Program's Current Position: “Under the NCLP system, about 6000 good schools are operational. The Program has resulted in the integration of nearly ten lakh students into formal education.”

The following are the year-by-year budget allocations and expenditures generated under the programme over the previous five years:

Year	Budget Allocation	Expenditure
2012-13	130.18	128.11
2013-14	111.00	110.73
2014-15	110.87	102.34
2015-16	99.50	93.20
2016-17	105.00	104.73
2017-28	95.17	94.03
2018-19	110.00	57.00 (as of Oct. 2018)

Figure 6.1: Minister of Labour & Employment under Indian Government

Measures to follow to establish new National Child Labour Projects (NCLPs) include:

- The District Administration will survey with the aid of the Labour and Education Department to determine many children in the district are involved in hazardous or non-hazardous jobs and procedures.
- Full data will be collected including the children's names, father's name, age, residence, and occupation/process from which the child would be pulled.
- The District Administration will finalise the number and sites of the suggested Special Schools under the NCLP.
- It is necessary to provide a proper rationale for the establishment of NCLP.
- The District Collector will decide the Project Society's structure.
- The District Collector will draught and finalise the Project Society's bylaws.
- Authorize Governments of State's recommendations to the Indian government.
- India Government will consider the project proposal.
- The Government of India has issued the approval.
- The Chairperson is in charge of hiring the Project Director and other Projects Society employees.
- The Chairperson, of NCLP, finalises the names of the NGOs administering the Specific Schools.
- Distribution of Special Schools to Non-Governmental Organizations (NGOs).
- For the nominated NGOs, there will be a training/orientation seminar.
- Staffing of particular schools by non-governmental organisations (NGOs).
- Entrance to special schools for children.
- The State Government established a State Level Monitoring Committee.

5.2.5 Mid-Day Meal Scheme under “the National Program of Nutritional Support to Primary Education” (NP-NSPE)

It was started to improve enrollment, and maintenance while advancing children nutritional status. The NP-NSPE was first launched in 2408 blocks across the country in 1995, and by 1997–1998 it had been implemented in every block. For primary-aged students, hot midday meals were to be provided at all government-run, government-aided, and local schools. In 2001, the Supreme Court issued a wake-up call to the states, ordering them to implement the mid-day meal

programme by providing meals to every government- and government-aided primary school student. After a few states challenged the Supreme Court's decision to allow midday meals under MDM regulations, the Indian government revived the programme in 2004. These new regulations declare that MDM was carried out in 20 states, all seven union territories, and primarily in the remaining eight states (Assam, Bihar, Goa, Jammu & Kashmir, Punjab, Uttar Pradesh and West Bengal). From 2008 to 2009, the initiative was extended to all zones around the country. At least 700 calories and 20 grammes of protein were determined to be the calorific value of a midday meal at the upper primary stage by providing 150 grammes of cereal grains (rice or wheat) per child/school day.²³²

5.2.6 The Bonded Labour System (Abolition Act), 1976

“It eradicates the bonded labour system, and issues related to or supplementary to it, to halt the financial and social maltreatment of the lower parts of the population.”²³³

Punishment for enforcement of bonded labour: Section 16, “Whoever, after the beginning of this Act, forces anybody to perform any bonded labour will be punished by imprisonment for up to three years, as well as a fine of up to two thousand rupees.”

Punishment for the advancement of bonded debt: Section 17, “Anyone who advances any bonded obligation after the beginning of this Act is punished by imprisonment for a term of up to three years, as well as a fine of up to two thousand rupees.”

Punishment for extracting bonded labour under the bonded labour system: Section 18, “Whoever enforces any custom, tradition, contract, agreement, or another instrument after the commencement of this Act, by which any person, member of their family, or dependant of such person is required to render any service under the bonded labour system, shall be punished with imprisonment for a term up to three years, as well as a fine up to three times the amount of the fine.”

Punishment for omission or failure to restore possession of the property to bonded labourers: Section 19, “Whoever, after being required by this Act to return any property to a bonded labourer, omits or fails to do so within thirty days of the Act's commencement, shall be

²³² Neha Singh, “Mid Day Meal Programme and Rural School Children: An Overview of Strengths” 5 *International Journal of Research in Humanities, Arts and Literature* 143-150 (2017).

²³³ The Bonded Labour System (Abolition Act), 1976, (Act 19 of 1976).

punished with imprisonment for a term up to one year, or a fine up to one thousand rupees, or both; and, if the fine is recovered, payment shall be made to the bonded labourer.”

Abetment to be an offence: Section 20, “Whether or not the offence abetted is committed, anybody who abets an offence punishable under this Act is subject to the same punishment as the offence abetted.”

Offences to be tried by Executive Magistrates: Section 21, “For the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may confer on an Executive Magistrate the powers of a Judicial Magistrate of the first class or the second class for the trial of offences under this Act; and, upon such conferment of powers, the Executive Magistrate on whom the powers are conferred shall be deemed to be a Judicial Magistrate of the first class or the second class. A Magistrate may try an offence under this Act summarily.”

Cognizance of Offences: Section 22, “This Act makes every offence cognizable and bailable.”

Offences by companies: Section 23, “When a company commits an offence under this Act, every person who was in charge of, and responsible to, the company for the conduct of the company's business at the time the offence was committed, as well as the company, is deemed guilty of the offence and is liable to be prosecuted and punished accordingly. Regardless of what is said in sub-section (1), if a company commits an offence under this Act and it is proven that the offence was committed with the consent or connivance of, or is attributable to, any director, manager, secretary, or another officer of the company, that director, manager, secretary, or another officer shall be deemed guilty.”

5.2.7 Bonded Labour Rehabilitation Scheme, 2016

“Human trafficking and forced labour are becoming more prevalent, especially among children and other vulnerable populations, necessitating a more comprehensive perspective to law enforcement as well as a treatment and rehabilitation system for sociological, mental, educational, and financial rehabilitation. The new scheme, which went into force on May 17, 2016, is a Central Sector Scheme.²³⁴”

²³⁴ Shanmathi R, Ragu Balan. P, “A Conceptual Analysis of Child Labour Regulation and its Constitutional Validity in India” 120 *International Journal of Pure & Applied Math* 4626 (2018).

Guidelines on Child Welfare:

- The Scheme covers all bonded labour throughout the nation, including child bonded labour.
- For monetary rehabilitation aid, state governments will not be obligated to make matching contributions.
- Each district would receive Rs. 4.50 lakh in support for bonded labourer surveys.
- Each adult male beneficiary will receive a rehabilitation package of Rs. 1,000,000. The beneficiary will have the option of receiving a cash reward or putting the money in an annuity. The amount of rehabilitation assistance for strategically oriented recipients, like children, orphaned children, and those freed from structured and compelled begging bands or even other aspects of forcible working children and females.
- Education for children.
- States and UTAs are required to concentrate their emphasis on the following:
 - In collaboration with all relevant government agencies, the District Administration will make efforts to provide safe surrounding psychosocial counselling and temporary stay home till schooling up to class 12th, as well as skill development, should be included in the rehabilitation package.
 - Apart from the various capacity-building initiatives stated previously, the State Government would give financial and other support for marriage to meet the requirements of female released bonded labourers.
 - Apart from other capacity-building initiatives, the state should provide special attention to address the requirements of handicapped people as per national policy for disabled people.
 - Adults bonded workers who do not fit into one of the above criteria must complete marketable vocational training skills as part of their rehabilitation.
- If perpetrators of bonded labour are found guilty, the entire penalty may be paid in this separate fund. The money goes toward providing immediate support to bonded labourers who have been released.
- District Magistrate's discretion, the District Administration would grant immediate economic help to rescued individuals. DM determines that if a specific saved individual requires more than Rs.5, 000 they may dispense any additional funds, but only up to the maximum sum allowed under this plan. Any deposit will be subtracted from the federal government's total financial assistance.

5.3 PUNJAB STATE LEGISLATIONS

5.3.1 The Punjab Child Labour (Prohibition and Regulation) Rules, 1997

Working hours: Section 3, “The number of hours of work, which shall constitute a normal working day, as required under subsection (1) of section 7, shall be four and a half hours with one hour’s rest after the first three hours of work.”

Maintenance of register under section 11: Section 4, “Every occupier of an establishment shall maintain a register in respect of children employed or permitted to work therein in form A. The register referred to in sub-rule first shall be maintained yearly but shall be retained by the occupier for three years after the last entry was made therein.”

Certificate of age: Section 5, “All children in the employment or seeking employment in any of the occupation outlined in Part ‘A’ of the Schedule or any workshop wherein any of the processes outlined in part ‘B’ of the Schedule are carried on shall produce a certificate of age from the appropriate medical authority, whenever required to do so by an Inspector. The appropriate medical authority shall be a Government Medical Officer not below the rank of an Assistant Civil Surgeon of ‘A’ District or a regular doctor of equivalent rank employed in the Employees, State Insurance Dispensaries or Hospitals. The age certificate shall be issued in form ‘B’, and no fee shall be charged for the same.”

Prohibition of employment of Child Labour in dangerous operations: Section 6, “The following areas shall be deemed to be dangerous where the employment of Child Labour shall be prohibited, namely dangerous machines, including power process other than hydraulic process, milling machines used in metal trades, guillotine machines, circular saws plates and printing machines; work machinery in motion; self-acting Machine; carrying of excessive weights beyond sixteen kilograms in case of a male child and thirteen kilograms in case of the female child; explosives; inflammable dust, gas, etc.; exposure to chemical and toxic substances; and cotton ginning.”

Protection of Child Labour: Section 7, “The establishment employing Child Labour in the following work shall provide protection: Protection of eyes. The establishment employing Child Labour in the following work shall provide the following protection: welding or cutting metals using an electric OZY-acetylene or similar processes; all work on furnaces with a risk of exposure to excessive light. Processes relating to cutting or forging metals; and any other process with a risk to the eyes. Fencing of machinery; Protection from fire and explosive risk; Protection

from leakage of flammable liquids; and Safety valves for closed vessels in which gas is passed and in which the pressure is liable to rise to a dangerous degree. The establishment shall take adequate precautions to prevent the emission of effluents, which may be dangerous or poisonous. Breathing apparatus shall be provided by the establishment in operations, where dangerous gas or fume is liable to escape.”

Health Measures: Section 8, “Every establishment shall be kept clean and free from effluvia arising from any drain or other nuisance. Effective and suitable provisions shall be made in every establishment for securing and maintaining a healthy atmosphere in the workroom by providing the following facilities, namely adequate ventilation for the circulation of fresh air; and such room temperatures as are required for the workers for reasonable conditions of comfort and prevention of injury to the health keeping in view the climatic conditions. In every establishment, effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all Child Labourers employed therein a sufficient supply of wholesome drinking water. In every establishment, sufficient latrine and urinal accommodations shall be provided.”

Safety education: Section 8, “Every establishment employing Child Labour shall impart sufficient safety education to the Child Labour before their engagement.”

5.3.2 The Punjab State Action Plan for Total Abolition of Child Labour, 2019

“Child Labour is a social and legal issue. There is a pressing need for laws prohibiting the use of children as slaves to be strictly enforced. Equally critical, though, is the need to rehabilitate rescued Child Labourers. Coordination between multiple government ministries is essential for the comprehensive economic and educational rehabilitation of Child Labourers. Each department's function must be articulated explicitly so there is no conflict and each stakeholder's position is understood completely. It is necessary to educate all stakeholders about the dangers of Child Labour. After being rescued, the migrant Child Labourer must be repatriated and reunited with their family, and it must be assured that the recovered Child Labourer does not relapse into the same situation. It is critical for the child's educational and economic rehabilitation and the family's economic rehabilitation to achieve this goal.²³⁵” Keeping the goals above in mind, the following are the roles of several government departments:

²³⁵ https://pblabour.gov.in/pbLabourStaticSiteAdmin/uploads/b0bafb77-965c-49c5-8a0ee8cd72e0c706_State%20Action%20Plan.pdf

Punjab Police

- a) To prepare appropriate force plans of police raids by demands and requirements of the Task Force, formed by the relevant Deputy Commissioner for the raid; and help the Department of Women and Child Development;
- b) Where applicable, lodge a First Information Report against the employer under “Sections 331, 362, 370, 374, and 34 of the IPC, as well as Sections 23,24, and 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000, and Sections 16,17,18,19, and 20 of the Bonded Labour System (Abolition) Act, 1976.” Take the required efforts to apprehend the guilty owner and plan a strategy to pursue court prosecutions in the future;
- c) To cherish and care for the freed Child Labourers and to give the child home by CWD.
- d) To present situations of Child Labour, as defined by Section 32, to CWC. If the children are from other states, the Child Welfare Committee ruled that they will be returned to their parents via the “Punjab Department of Women and Child Development's Nodal Officer.”

Department of Labour

- a) Maintain active monitoring of the regions of authority where child employment to employed;
- b) If Child Labour is discovered at large, quick action should be taken by informing the Deputy Commissioner and police officers and conducting a raid with Task Force within 24 hours. Many children working is low, quick action should be made with the aid of departmental colleagues and the police to free them on the same day;
- c) Each Child Labour recovery effort should get a sufficient amount of police and inspectors on hand to keep track of the operation's preparation and implementation. Involvement in the abolition of working children must be active. If the provisions of “Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986” apply, necessary action against the Child Labour employer should be conducted. If “Section 3 of the Act does not apply, the provisions of Sections 7, 8, 9, 11, 12, and 13 of the Child Labour (Prohibition and Regulation) Act, 1986” would be applied;
- d) If child employment doesn't fall into the risky type of employment, Child Labour should be rescued from the grasp of bad employers and turned over to the police to eliminate the damaging incidence of Child Labour and to integrate these children into the area of education;
- e) Acquiring the information liberated employees pleasantly and politely and delivering a copy to the police force;
- f) If it is discovered while obtaining information from Child Labour that the employer-provided any financial assistance, loan advance, or other financial assistance for the parents, a report

will be sent to “District Magistrate” as soon as possible, requesting the declaration of the juvenile labourer as a bonded labourer, with a copy to the Government;

- g) The Labour Inspector recovered the amount of “Rs.20 000” employer as per the directives granted by the Supreme Court in the matter of “**M.C. Mehta v/s. State of Tamil Nadu**²³⁶.” If it is not paid, the sum will be collected as land revenue arrears and placed in the “District Child Labour Rehabilitation-cum-Welfare Fund” it would not be subject to the guilty employer's conviction order and only used for the education of the rescued child;

Department of Women and Child Development

- a) Raise public awareness in the workplace regarding labour children;
- b) Working with children from the local region to make efforts for their rehabilitation with the aid of the Deputy Commissioner and volunteer groups;
- c) To take responsibility for the Task Force's Child Labourers and see that they are fed, clothed, and housed correctly. Their safety should be taken into consideration;
- d) Children, if they live nearby, will get quality education under the supervision of educational officers;
- e) Every month, information on the Child Welfare Committee's (CWC) orders shall be separately reported to the Deputy Commissioner and Labour Commissioner;
- f) The Punjab CWD shall appoint personnel to serve on the Task Force in each district;
- g) Keeping the Homes ready for arrival and providing adequate housing, food, and other necessities to the rescued Child Labourers.
- h) Please send letters to the respective CWCs inviting them to propose a member for the District Child Labour Task Force.

Department of Education

- a) Incorporate working children in the education sector without bias (based on gender, class, or other characteristics); they should be given compulsory education all children and forced to attend them.
- b) The number of government-sponsored programs implemented.
- c) They should be eligible for the State Government's free meals program during their academic years.
- d) It critically ensures the children who work as labour acquire an interest in schooling.

²³⁶ AIR 1997 SC 699.

- e) Dropouts among Child Labourers receiving education shall be held accountable by the principal of the school and the Education Officer.
- f) Families of children who work must be encouraged to stress the importance of schooling to the children.
- g) NGOs will be involved in the monitoring of academically inferior students in schools.
- h) A relevant District Education Officer shall submit a progress report monthly based to the District Deputy Commissioner, with a duplicate to the Punjab Director of Education, on the following points: Attendance, dropouts by school and class, based on the pupil's registration figures; A listing of the percentage of school children in the district.
- i) The efforts are made to raise awareness, sensitise, and educate children and their parents. During the next session of "district level Task Force and the State Level Monitoring Committee" and also at the top standard in "the Punjab Education Department" such reports will be examined for remediation.
- j) Instructors about the number of pupils in each class (where applicable) and that they are available on time. It should also develop a school improvement incentive/reward system for its pupils.

Department of Health

- a) A detailed medical examination of liberated Child Labour must be undertaken after gathering data on the Task Force of Officers.
- b) If medicinal care is applied, it must be initiated as soon as possible.
- c) The precise certificate of age of fitness by Government Assistant Surgeon, Child should be presented to the examining police or labour department.

Department of Local Government

"To provide the District Administration and the Labour Department with all necessary assistance in monitoring rehabilitation activities in general and tracking Child Labour and their families in particular for educational and economic rehabilitation."

Deputy Commissioner of the District Concerned

- a) Inquire incidences of Child Labour.
- b) Manage and supervise the District Task Force on Child Labour regular meetings.
- c) The Punjab Government will get a report of the findings during regular meetings.

- d) To collect non-profit organisations that deal with issues of Child Labour, as well as expertise sections of sectors, and to maintain up to date constant schedule. Efforts to raise public awareness should be coordinated with these organisations. Education is a child's right and the first move toward growth, and public opinion should be nurtured to emphasise this.
- e) The Deputy Commissioner would pay for treatment and the issue of a medical certificate.
- f) It keeps updated on Child Labour searches, recoveries, and rehab centres in the district, as well as gives the Rescue Team any necessary support.
- g) Whereas if underlying facts encompassing Child Labour result to the conclusion that they can be forced/bonded labour, he should first adopt a proactive approach in his jurisdiction “the Centrally Sponsored Plan Scheme for Bonded Labour Rehabilitation.”
- h) With relation to the use of collected monies, guidance from the Punjab Labour Commissioner may be requested (when applicable). As far as feasible, funds generated can be used to help the Child Labourers for whom they were raised.
- i) Suppose the child has accepted a job because of the family's financial situation. In that case, the government shall make every effort for financial support to the family, which is available under social security programmes.

5.3.3 The Punjab State Commission for Protection of Child Rights, 2005

“The Punjab government established it under section 17 of the Commissions for Protection of Child Rights Act, 2005-A Govt. of India Act, by issuing Notification No.5/1/2006-1SS/916. On the 15th of April, 2011, The Act enables the Commission to practise the powers of a Civil Court to conduct suo-moto investigations and investigate complaints involving insufficiency and infringement of children's rights, non-implementation of laws providing for children's development and protection, and non-compliance with guidelines and policies. The Commission keeps track of Child Labour rescue and rehabilitation cases covered under the Right of Children to Free and Compulsory Education (RTE) Act of 2009 and the Protection of Children from Sexual Offenses (POCSO) Act of 2012. The mandate of the Commission is to ensure that all laws, policies, programmes, and administrative mechanisms are consistent with the Child Rights viewpoint as entrenched in the Indian Constitution and the UN Convention on the Rights of the Child. A child is someone who is between the ages of 0 and 18.²³⁷”

²³⁷ Swagata Raha and Archana Mehendale, “Children's Commissions: A Case of State Apathy” 49 *Economic and Political Weekly* 17-19 (2014).

The Commission's Roles and Powers: It gives the following responsibilities:

- 1) Analyze and assess the protections given by and under any current legislation on children preservation and make recommendations for proper performance.
- 2) Report on the operation of those safeguards to the Central Government on an annual basis and at such other periods as the Committee deems appropriate.
- 3) Conduct investigations into infringement of children's rights, and legal action is taken in such situations.
- 4) Examine all factors that prevent children from realising their rights, such as community violence, terrorism, torture, natural disasters, riots, domestic violence, trafficking, abuse, exploitation, prostitution, pornography, and HIV/AIDS, and give recommendations for acceptable solutions.
- 5) Investigate or recommend appropriate remedial steps for children in stress, neglected, underprivileged, dispute with laws, adolescents, without family, and convicted children.
- 6) Examine agreements, other international bodies, current policies, initiatives, and other activities relating to children's rights, and offer suggestions on their successful imposition.
- 7) Conduct research on children-related concepts.
- 8) Publishing, media, seminars, and other access methods promote child rights literacy across all parts of society and raise knowledge of the protections available to defend these rights.
- 9) Investigate complaint action taken on notification concerning - Violations and infringement of children's rights; Legislation non-enforcement of children's safety and growth; and Non-compliance with policy choices, regulations, or directions intended at alleviating difficulties for children and guaranteeing their welfare or providing relief to such youngsters, or bringing concerns resulting from such topics to the attention of relevant authorities;

5.3.4 Punjab Integrated Child Protection Scheme, 2010

“The Ministry of Women and Child Development” established a scheme. It protects two target groups of people under 18: “Children in Controversy with the Law; Children in need of Protection and Care.”

Service Delivery Structure in the State of Punjab:

It, led by Secretary WCD, has established 22 districts under the supervision of the Punjab State Child Protection Society.

Statutory Bodies: The following three statutory bodies have been established:

- **Child Welfare Committees (CWCs):** “According to the Juvenile Justice (Care and Protection of Children) Act of 2015, each district has established a Child Welfare Committee with one chairman and four members as the final authority to resolve cases involving the care, protection, treatment, development, and rehabilitation of children in need of care and protection, as well as the provision of basic needs and the protection of human rights.”
- **Juvenile Justice Boards (JJBs):** “According to the Juvenile Justice (Care and Protection of Children) Act of 2015, each district has one Juvenile Justice Board (JJB) to deal with problems about juveniles in dispute with the law. The program offers enough infrastructure and financial assistance to establish a JJB in each district and ensure its successful operation. Jobs are made up of one Principal Magistrate and two members, one of whom is female.”
- **Special Juvenile Police Units (SJPU):** “The Department of Police has already established Special Juvenile Police Units in every district and city, per the Juvenile Justice Act of 2015, to coordinate and enhance the police contact with children. The SJPU includes all police officers in the district or city who are designated as juvenile/child welfare officers.”

Various Facilities provided under the Scheme

“Institutional care services are offered through several types of homes in Punjab.”

CHAPTER VI

JUDICIAL PERSPECTIVE TOWARDS ERADICATION OF CHILD LABOUR

“Social justice must start with the child. Unless a soft plant is properly sustained, it has a pocket chance of multiplying into a strong and useful tree. So, the first preference in the plate of justice should be stated to the well-being of children.”

- Justice Subba Rao

6.1 INTRODUCTION

In recent years, India's contribution to the legal system and the breadth of judicial interpretation has expanded significantly, thanks partly to the unprecedented development of legislative participation in the modern period. The judiciary has a critical role in preserving citizens' and non-citizens' fundamental rights. In the contemporary age, judicial activism has become a weapon for defending children and protecting against molestation, prostitution, and maltreatment, among other things. The welfare of minors is a fundamental liberty that must be given to children under 18. It pertains to everyone, irrespective of gender, race, language, colour, beliefs, religion, background, money, biological position, or ability. Despite the Supreme Court's admirable directives and proposals to defend impoverished children's fundamental rights, rules and policies are sadly not executed properly in many cases.²³⁸

For successful implementation, the judiciary is holding an awareness camp with the aid of NGOs and the general public. It has adopted a conciliatory stance, acknowledging that Child Labour will inevitably exist in our nation. The court's innovation in the *Asiad* case, outlawing Child Labour in building work even though no legislation required it, has not been replicated in other instances, such as the **M.C Mehta cases** or others. Because the court believes that poverty is the only source for the continuation of labour of children, it has only pushed for improving children's working circumstances rather than abolishing it. The court's orders for forming a welfare fund and a mandatory insurance plan to be paid by employers must be seen in this light.²³⁹

The court's decision to allow children to work in hazardous sectors such as match manufacturers, as long as the procedure in which they are engaged is not dangerous, goes against the constitutional and legislative objectives. To begin with, neither the Constitution nor the Child Labour Act defines what constitutes a dangerous situation. Everything included in the Act's

²³⁸ M. Mustafa, Onkar Sharma, *Child Labour in India* 113 (Deep and Deep Publication, Delhi, 1996).

²³⁹ Raj Kumar, Asis Dasgupta, *Problems of Child Labour in India* 215 (Deep and Deep Publication, Delhi, 2003).

Schedule is assumed to be dangerous to minors. As a result, by not defining the term and limiting it to schedule, the legislation has already limited sense under the word 'dangerous' in the view of Child Labour. And court's added difference that minors can be engaged in dangerous jobs if the method is not harmful has further limited this idea. Even after exposing the flaws in the Child Labour Act, the court's refusal to order the state to correct them is difficult to comprehend. As a result, it does not appear that the court's involvement has made any difference in the employment of minors in dangerous sectors. Perhaps it has only become worse because their work is now undercover and camouflaged as home-based work, where no labour laws apply.²⁴⁰

It's like hunting for a needle in a haystack in the Law Reports, whether they're reports solely dealing with labour law issues or general law reports. This is because very few cases make it to the higher courts to be reported. Children are the greatest wealth, and the country's future is inextricably linked to how well they are raised and nourished. Even though using children of 14 years in mines, factories, and other dangerous work is unlawful, no case has yet reached the Supreme Court against an employer for committing the crime of illegally employing Child Labour, except through Public Interest Litigation. It acknowledged Child Labourers are among our country's most disadvantaged children. They are terrible not because they come from a deprived background; they are exploited not so much because they are denied access to education or robbed of childhood. Though the court's attitude to the subject of Child Labour has been defined as "one stride forward, two steps back," the court has typically been sympathetic to the cause of Child Labour.²⁴¹

6.2 JUDICIAL APPROACH TO CHILD LABOUR

The judiciary has given many directions and recommendations on safeguarding children, but the authority has yet to act on any of them. The Court has contributed a lot in resolving the issue of child protection. Despite all these legal frameworks, society has no changes; justice is constantly denied to children. All of this is occurring due to poverty, and our country is pursuing a reformative approach that I believe is ineffective since no one will reform in this manner. More rigour and dread should be instilled in people's thoughts. The court rulings have strengthened and safeguarded children's fundamental rights. Aside from legislation, the Supreme Court has paid

²⁴⁰ Krishna Kishore Pandala, "Child Labour -A Conceptual Study" 40 *Studies in Indian Place Names* 2291 (2020).

²⁴¹ S Wal, *Combating Child Labour Legal Approach* 162 (Sarup & Sons, Delhi, 2006).

attention to Child Labour by directly applying constitutional principles to professions or activities.²⁴²

The real nature and extent of the court's duty have a source dispute in nearly all nations governed by written constitutions. The judicial duty is seen extremely narrowly in Austinian Jurisprudence. According to Austin, only the legislature could make law since the law was a command of sovereign politics, whose authority was inseparable and complete. The court's role was limited to declaring pre-existing law or interpreting statute law. However, the realism movement in the United States is the most recent part of social jurisprudence, focusing on court decisions. Regard and maintains that the court determines the law. Judges are the legislators for them. The English courts created the whole common law. Nonetheless, it is founded on the erroneous belief that judges make law.²⁴³

6.2.1. Child Labour and Right to Life

The degree of citizen participation determines how democratic a country is. The competence and assurance needed to participate are gradually gained via practise. For this reason, opportunities for youngsters to participate in any aspirational democracy should be steadily expanded. The UN Convention on the Rights of the Child states that children have the right to participate in decision-making and that their opinions should be appropriately weighed based on their maturity and age. The 2001 Charter acknowledges that all children are treated equally without discrimination based on the child's or its parent's or legal guardian's race, colouring, caste, sex, language, religion, political or other opinions, national, ethnic, or social origin, disability, birth, political status, or any other consideration. This is following the constitutional mandate for equality.²⁴⁴

The Supreme Court ruled in **Gaurav Jain v/s. Union of India**,²⁴⁵ that children of prostitutes have a right to equality of opportunity, dignity, care, protection, and rehabilitation to be accepted into society without stigma. The Court ordered the creation of a committee to develop a plan for rehabilitating such children and child prostitutes, as well as for its execution and periodic reporting from its Registry. The Court set up Child Development and Care Centers (CDCC) with advisory and monitoring committees at the Central, State, and Local levels to

²⁴² L M Singhvi, Laxmi Mall Singhvi, *Evolution of Indian Judiciary* 25 (Prabhat Prakashan, Delhi, 2021).

²⁴³ Ram Ahuja, *Social Problems in India* 164 (Allied Publisher, New Delhi, 2004).

²⁴⁴ Raj Kumar, Asis Dasgupta, *Problems of Child Labour in India* 215 (Deep and Deep Publication, Delhi, 2003).

²⁴⁵ AIR 1990, SC 292.

rehabilitate them and help them become a part of mainstream society. This writ petition was submitted to support separate schools and hostels for prostitutes' children. It was argued on behalf of the respondents that since they are, in fact, the unwanted offspring of prostitutes, it is in the best interests of these children and the larger society for them to be kept apart from their mothers and allowed to fit in and become a member of society.

In **N. Bhageerthan v/s. State**,²⁴⁶ it was decided that if an accused or employer cannot demonstrate that the children hired were not fourteen years old, he or she may be found guilty of using Child Labour. Children being neglected is detrimental to society as a whole. If children are deprived of their childhood, the nation loses potential human resources for social advancement, economic empowerment, peace and order, social stability, and good citizenship. This is true from a social, economic, physical, and mental standpoint.

In **Rosy Jacob v/s. Jacob A Chakramkkal**,²⁴⁷ the Children Are Not Merely Chattels or Playthings for Their Parents, As the Supreme Court remarked. In light of the shifting social landscape, parental authority over the lives and futures of their children has given way to considerations of their welfare as people, allowing them to develop normally and in balance to become contributing members of society. Therefore, every youngster in the nation has a valid claim.

In **Francis Coralie Mullen v/s. Administration, Union Territory of Delhi**,²⁴⁸ According to legal precedent, the right to life also includes the right to life with dignity. The directive principles have guided the interpretation of Article 21. The directive principles have been said to be the lifeblood of Article 21, the right to a life with dignity. The term "life" used in Article 21 has been interpreted broadly. There are also educational facilities there.

In **Vikram Deo Singh Tomar v/s. State of Bihar**,²⁴⁹ The Supreme Court of India directed the state of Bihar to take urgent action for the welfare of the women and children residing in the home in response to a complaint over the conditions of the public care home. It instructed the state to renovate the home, and provide adequate water and electricity, a suitable selection of furniture, adequate clothing, blankets, sheets, soap, oil, and other toiletries. It also instructed the state to provide suitable alternative housing for the home inmates. Additionally, it mandated the appointment of a Superintendent and a daily doctor visit to the residence. Every Indian citizen

²⁴⁶ AIR 1999 Cr. LJ 632(Madras).

²⁴⁷ AIR 1993 (1) SCC 645.

²⁴⁸ AIR, 1981, 1 SCC. 618.

²⁴⁹ AIR, 1988 Sc 1782.

has the fundamental right to live in dignity. The State must uphold "constitutional standards" and provide "at least the necessary conditions ensuring human dignity," it stated.

In **Laxmi Kant Pandey v/s. Union of India**,²⁵⁰ it is clear that in a civilised society, the value of child welfare cannot be overstated because the health and development of a community's children directly affect the community's overall welfare. Children are a crucial national resource, and the country's future prosperity depends on how its children develop and mature. The court appears to have been quite concerned about ending child sexual exploitation due to the issue of child welfare. Perhaps it was for this reason that the Supreme Court of India instructed state governments and union territories in this matter. The Supreme Court established the process for child adoption in the same case. It quoted with satisfaction from the study team's report on social welfare, which stated that the nation's physical and general health is greatly influenced by how it is fashioned in its early years.

In **Court on its motion v/s. State of Punjab**,²⁵¹ children are society's most voiceless and defenseless citizens and deserve special attention and safeguarding. The responsibility of society, including the government and judicial institutions, is to shield individuals unable to defend themselves, particularly children. The debate sparked by the current petitions also involves children's rights. In 2009, the court took suo-motu action on enforcing "the Juvenile Justice (Care and Protection of Children) Act, 2000", relating inmates' health status, the quality of food supplied, and the medical services available.

The court's directives for actions to improve conditions inside Homes Shelter; measures to ensure prisoners have access to appropriate healthcare facilities; measures to equip shelter residences with plumbing for drinking water and hygienic practises; methods to launch prisoner technical education programmes; measures to provide prisoners with educational infrastructure; measures to improve prisoner food; setting up a system for routine tests and exams; reducing shelter home congestion as necessary; actions should be performed to entertain prisoners; procedures must be followed in order to set up an Investigation Committee in accordance with "Section 30 of the Act and a Child Welfare Committee in accordance with Section 29 of the Act;" actions must be implemented to carry out the administrative instructions of the High Court that the Juvenile Justice Board be presided over by a Judicial Magistrate first Class rather than a CJM

²⁵⁰ AIR 1984 2 SCC 244.

²⁵¹ Civil Writ Petition No.9968, 2013.

as it is currently; and procedures for instruction to judges who preside over the Juvenile Justice Board and members of the Juvenile Justice Board in child cognate.

In **Court on its motion**,²⁵² there is no absolute prohibition; this Act focuses on prohibiting employment in particular areas that are damaging to children. At the same time, the RTE Act now makes the state responsible for providing education. After all, it follows that, for children under the age of 14, there will be an absolute ban/bar and prohibition on Child Labour because they will receive free education. It is possible to say that a person under 18 has no volition until they reach the age of majority. The enforcement authorities must never forget “Section 374 IPC”, which will introduce such infractions wherever necessary. When awarding compensation to victims of such crimes, the trial courts will consider the provisions of “Section 374-A of the Indian Penal Code.” If a complainant is found guilty by a trial court and appeals, the appeal is typically granted.

The convict deposits the penalty/compensation in the Court so that, even if the amount of compensation is not realised immediately, interest on such deposits is at least paid to the account/victimised child. Apart from taking necessary disciplinary action, action can be taken against officers who fail or omit to take effective action immediately under “Section 166 IPC” in relevant instances.

In **Punjab State Human Rights v/s. Jai Singh**,²⁵³ the Supreme Court decided that the State Commission is only permitted to submit a proposal to the appropriate Government when any breach of a public employee's human rights is brought to its attention while assessing the State Commission's authority. This observation unnecessarily restricts the Commission's authority. The following definition of "Human Rights" may be found in Section 2(d) of the Protection of Human Rights Act, 1993 (also known as "the Act"). "Human rights" refers to the rights to life, liberty, equality, and dignity of the individual protected by the Indian Constitution and/or enshrined in international treaties. " The Punjab and Haryana High Court's decision and order in the writ petition filed by the respondent herein, who identified himself as the head of the "People Vigilance Committee on Bonded Child and Migrant Labour," gave rise to this matter.

6.2.2. Child Labour and Right to Education

²⁵² Civil Writ Petition No.9968, 2013.

²⁵³ Civil Appeal No. 5911 of 2012.

The Constitution (Eighty-sixth) Amendment Act has now added Article 21A, which declares education to be a Fundamental Right for Children between the ages of 6 and 14; “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.”

Education is the first step in combating social ills, particularly poverty, injustice, and discrimination. Every child has the legal right to an education, regardless of caste, religion, sex, or family income. "Every citizen is entitled to the right to education under Article 21-A of the Constitution. Because their parents were held in judicial custody for a crime the court has not yet decided upon, a child should not suffer the repercussions. This court must uphold each citizen's fundamental rights, including, in this instance, the child's right to an education."²⁵⁴

Article 26 of the Universal Declaration of Human Rights, based on international recognition, enriches the "Right to Education" and is a fundamental human right. Everybody should have the right to primary education, according to social and cultural rights outlined in various international agreements, including Articles 13 and 14. In the convention against discrimination in education, held in Europe on March 20, 1952, and ratified by UNESCO in 1960, the right to education was once again strongly stated that everyone should have access to primary education to establish their eligibility for education under Article 2.

In Labourers Working on Salal Hydro Project v/s. State of Jammu and Kashmir,²⁵⁵
The court ordered the federal government to incentivize employees to send their children to a local school by providing free school tuition, books, and other facilities like transportation. It was also proposed that anytime the government starts a long-term building project, it should ensure that the children of construction workers who live on or near the project site have access to educational opportunities. This may be done by the central government or, if necessary, by delegating project work or any part of it to a contractor. The court's unequivocal recognition of Child Labour as a terrible reality, despite the poverty argument, is exceptionally remarkable. Instead of urging the central government "to encourage the labourers to take their children to a nearby school...", the court, as the custodian of children's fundamental rights, could have given appropriate orders to the government to make education obligatory. It is argued that the court's sympathies should be directed toward the children rather than the employers of Child Labour.

²⁵⁴ Dr. Anjana Verma, "Child Labour: The effect on child" 3 *International Journal of Advanced Educational Research* 83-86 (2018).

²⁵⁵ AIR, 1984, SC. 183.

In the **Peoples Union for Democratic Rights v/s. Union of India**,²⁵⁶ the Supreme Court ruled that any rights specified in Part IV of the Constitution might be interpreted to include those specified in Part III, making them subject to judicial enforcement. For instance, Article 45 mandates free and mandatory education for children until they turn 14. However, the Supreme Court held that the term liberty does not only refer to one's ability to live one's life but also to the right to live one's life with dignity, which cannot be achieved without literacy. As a result, the Supreme Court determined that the Right to Education is a fundamental right within the meaning of Article 21 of the Constitution.

The Supreme Court's following Constitution bench strengthened this ground-breaking interpretation of article 21A's scope by including the right to education under its protection in the **Mohini Jain v/s. State of Karnataka**,²⁵⁷ the Supreme Court of India made a significant legal advancement when it ruled that "every person has a right to education under the Constitution" and that the "right to education" is tied to fundamental rights guaranteed under Part III of the Constitution. In 1993, the Supreme Court of India rendered yet another landmark decision that fundamentally altered the standing of Article 45.

Unfortunately, the **J.P. Unnikrishan v/s. State of Andhra Pradesh**,²⁵⁸ the decision only allowed for the right to education to apply to elementary school levels. It was decided that higher education cannot be deemed a fundamental right. The universal right to free, compulsory education up to the age of 14 guaranteed by Article 45 has now been elevated to the status of a fundamental right that directly affects the position of children. The case challenged the constitutionality of state regulations governing capitation fees levied by some private, professional educational institutes. According to the Supreme Court, when read in connection with the directive principle on education, the fundamental right to life (Article 21) implies the right to a minimum level of education (Article 41). The Court ruled that the scope of the right must be understood in light of the Directive Principles of State Policy, including Article 45, which mandates that the state shall work to provide free and compulsory education for all children under the age of 14 within ten years of the Constitution's inception.

T.M.A. Pai Foundation & Others. v/s. State of Karnataka & Others,²⁵⁹ the challenges surrounding minority educational institutions and the right to education guaranteed by Article 21.

²⁵⁶ AIR 1984 (1) SCALE 680, (1984) 3 SCC 538.

²⁵⁷ AIR 1992, SC 1858.

²⁵⁸ AIR 1993, SC 2178.

²⁵⁹ AIR 1996, SC 2652.

It's critical to comprehend the circumstances that gave rise to this petition to comprehend the case. Governments invest a substantial portion of their budgets in education since it is one of the key elements in determining national prosperity. In the same vein, India's post-independence vision included adequate educational facilities. The private institutions' contribution to India's success was first acknowledged in the education policy of 1986. India's economy was not very strong at the time. State resources' inadequacy to meet a developing country's demands was openly acknowledged, and the dependability of private institutions was established.

The court cited three Indian Constitutional Articles 19, 26, and 30 in responding to this query. Indian citizens are free to engage in any profession, trade, or business, subject to the limitations imposed by Article 19(1) of the Indian Constitution (6). Religious denominations have the right to maintain and create institutions for religious reasons under Article 26 of the Indian Constitution. As a result, religious groupings may establish educational institutions under Article 26 of the Indian Constitution. The Indian Constitution's Article 30(1), the third and most significant, permits linguistic and religious minorities to establish educational institutions. When analysing Article 19(1)(g), the court concluded that establishing educational institutions was an occupation because it was a charity endeavour without a business motive.

In **Court on its motion v/s. State of Punjab**,²⁶⁰ has no outright ban; instead, this Act concentrates on outlawing employment in specified fields harmful to children. Additionally, the RTE Act now places responsibility for education provision on the state. Since the child would receive free education, there will be a complete ban, bar, and restriction on Child Labour for those under the age of 14. A person under 18 may be said to lack volition until they attain the age of majority. Whoever forcibly forces another person to work against that person will be punished with imprisonment for a time that may last up to a year or both.

In **Radha M & Others. v/s. State of Karnataka & Others**,²⁶¹ the court pointed out that as students might not be expected to regard their empty stomachs, access to midday meals was a part of the fundamental right to education under Article 21A. "Under Article 21A, the right to education is a fundamental right. The bench said you could not expect children to study on an empty stomach, so the supply of a midday meal will become a fundamental right. "Although it takes the form of a plan, we will eventually need to make it a Fundamental Right. Nobody hungry can learn. The mid-day meals are a particular subsidised programme that the central government

²⁶⁰ Civil Writ Petition No.9968, 2013.

²⁶¹ Writ Petition No. 2366/2021.

and state governments only manage in coordinating the health and educational divisions. The government anticipates that implementing such a programme can concentrate on advancing general education evaluated on a national level, particularly in cities and inaccessible regions of the nation where the absence of education rates is significantly greater. The Indian government's Mid Day Meal Scheme is a commendable effort. Child survivors of malnutrition experience violations of their right to life. Precautions should be taken to avoid food poisoning situations that violate Article 21 of the Indian Constitution and Article 3 of the Universal Declaration of Human Rights (UDHR).

In **Najar Singh and Others v/s. State of Punjab and Others**,²⁶² the State shall not deny to any individual within the territory of India the equality before the law or the equal protection of the laws, as stated in Articles 14, 16, 39(a), & 45 of the Indian Constitution and Section 11 of the RTE Act, 2009. provision for children's free and required education Within ten years of the beginning of this Constitution, the State shall work to ensure that all children have access to free and mandatory education up until the age of fourteen.

6.2.3. Child Labour Trafficking/Sale

In **Sheela Barse v/s. Union of India**,²⁶³ the court issued several directives about physically and mentally challenged children and abandoned or poor children housed in various national jails for "safe custody." Giving further instructions, the maximum amount of time that can be used to investigate a child charged with a crime carrying a maximum sentence of seven years in prison is three months from the date the complaint or First Information Report was filed. The minimum amount of time that can be used to conduct the child's trial is six months from the date the charge sheet was filed. The prosecution against the youngster could be thrown out if that is not done. Each state government must put this rule into practice concerning all future cases.

In **Vishal Jeet v/s. Indian Union**,²⁶⁴ the petition highlighted the reality that poor parents were selling their young girls and children in the hopes that they would only be used for manual labour or home chores because of their extreme poverty. However, pimps, brokers, and keepers use dishonest means to either buy or kidnap them before unfairly and forcibly forcing them into the "flesh trade." The State Governments and Union Territories received the directives from the

²⁶² CWP No.18921 of 2021.

²⁶³ AIR1986 SC 1773.

²⁶⁴ AIR, 1990, SC. 292.

Supreme Court, among other things. "Bring all inmates of the red-light districts and also those involved in the "flesh trade" to protective homes of the respective States and provide them with proper medical aid, shelter, education, and training in various life disciplines so that they may choose a more dignified way of life," the Central Bureau of Investigation is instructed to do. Instruct the relevant law enforcement agencies to act quickly and appropriately under the law to end child prostitution.

The petition also called for placing them in safe homes and later rehabilitating the girls forced into the "flesh trade," other children found begging in the streets, and children of prostitutes. Despite rejecting the petitioner's motion, the supreme court issued instructions to the state and federal governments urging them to act swiftly and appropriately to end child prostitution. The Court further ordered that the governments of each country establish rehabilitation facilities with qualified social workers, psychiatrists, and medical personnel. Make efforts to provide suitable and rehabilitative housing. Create a separate advisory committee with representatives from relevant government agencies, criminology, sociology, women's, children's, and voluntary social organisations to make recommendations on how to end child prostitution and care for, protect, treat, develop, and rehabilitate victims. The petition also called for placing them in safe homes and later rehabilitating the girls forced into the "flesh trade," other children found begging in the streets, and children of prostitutes. Despite rejecting the petitioner's motion, the supreme court issued instructions to the state and federal governments urging them to act swiftly and appropriately to end child prostitution. The Court further ordered that the governments of each country establish rehabilitation facilities with qualified social workers, psychiatrists, and medical personnel.

In **Pabudan v/s. State of Union Territory Chandigarh**,²⁶⁵ the minor children's father is legally entitled to request the return of custody. Children were educated about human trafficking, Child Labour, and other concerns pertaining to children through awareness camps that had been organised. Also, actions had been made within the framework of the Juvenile Justice (Care and Protection of Children) Act 2015 to rescue children who fell under the categories of Child Labour and child begging (hereinafter referred to as "2015 Act"). The scenario and conditions in which the youngsters were discovered necessitated their rescue and also fell within the 2015 Act's definition of "child in need of care and protection." The young child were participating in child begging. Therefore, it is immediately obvious that their parents allegedly initiated the minor

²⁶⁵ CRWP No. 4608 of 2022.

children's begging behaviour. As a result, the aforementioned offences qualify them as "children in need of care and protection" rather than the meaning of the phrase as it appears in Section 2 (14) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the provisions of which are extracted below.

In **Harkamal Singh and Others v/s. State of Punjab and Others**,²⁶⁶ Section 320 of the Code of Criminal Procedure, 1973 states that offences under sections 364-A and 120-B of the Indian Penal Code, 1860 (IPC), as well as offence under section 13 of the Punjab Prevention of Human Trafficking Act, are not compoundable (CrPC). However, the prosecution of the non-compoundable offences can be concluded in this particular case's unique facts and circumstances by quashing the FIR and subsequent processes. The inherent authority to halt the FIR and all related processes may be used to further the interests of justice. Criminal law is intended to be reformatory in character and to aim to promote peace in the home, neighbourhood, and society.

6.2.4. Child Labour Rescue and Rehabilitation

The bonded labour abolition act was a significant turning point for bonded labourers and the protection of their rights. While protecting them from forced labour in a subtle way, Article 23 was insufficient to enable the workers to realise their rights and lacked a specific mechanism for resolving issues unique to bonded labourers. As a result of an agreement that the court ruled to be enforceable, the civil courts frequently review cases that creditors file to recover their debt and occasionally even find in their favour. 16 It was ambiguous, and the harmed were likely unaware of these legal provisions to seek redress.

In **Neerja Chaudhary v/s. State of Madhya Pradesh**,²⁶⁷ the Honourable Court upheld the necessity of worker rehabilitation notwithstanding the lack of explicit legislation. According to the court, identification, rescue, and rehabilitation of bonded labourers are required by Articles 21 and 23. The court held that the labourers might again fall victim to poverty and turn to the bonded labour system as a last resort if there was no opportunity for rehabilitation. The country's bonded labour situation has improved since the legislation was enacted. There are no rules for workers' relief, and the NHRC is continually trying to find solutions to these problems. They try

²⁶⁶ CRM-M No. 47938 of 2022.

²⁶⁷ AIR 1984 SC 1099, 1984.

to free as many workers as possible from this system. However, worker rehabilitation is another crucial component in addition to worker rescue.

In **Public Union for Civil Liberties v/s. State of Tamil Nadu and Others**,²⁶⁸ the Supreme Court reiterated the value of worker rehabilitation. The Court has carefully analysed the reach and application of Article 23 of the Indian Constitution. Article 23 of the Constitution forbids beggars and all other related forms of forced labour. This Article condemns forced labour in all its forms since it violates human dignity and goes against fundamental human principles. When someone performs labour or provides services to another for less than the minimum wage, this comes under the claimed Article's definition of "forced labour" and is covered by this definition. Such a person would have the right to approach the court to have his Article 23 fundamental rights enforced by asking the court to order the payment of the minimum wage to him, ending the use of forced labour in the labour or service he provides, and redressing the violation.

In **Nilabati Behera v/s. State of Orissa**,²⁶⁹ the Court made the following observations: "It follows that a claim in public law for compensation for violations of human rights and fundamental freedoms whose protection is guaranteed by the Constitution is an acknowledged remedy for their enforcement and protection and that such a claim based on strict liability made by resorting to a constitutional remedy provided for the enforcement of a fundamental right is 'diverse'. Because sovereign immunity is inapplicable and incompatible with fundamental rights protection, such a defence cannot be considered in the constitutional remedy. This concept supports monetary compensation for violations of constitutionally guaranteed fundamental rights where it is the only practical method of redress for the violation committed by the State or its agents. According to Articles 32 and 226 of the Constitution, the supposed use of their authorities and enforcement of the fundamental right is asserted by resorting to the constitutional remedy in public law.

In **M. C. Mehta v/s. Union of India**,²⁷⁰ the court provided instructions on improving the quality of life for the youngsters working in the factories, considering the provisions in Articles 39(f) and 45 of the Constitution. In this case, the court noted that despite numerous legislative measures to forbid Child Labour, the issue has remained unsolvable even 50 years after the nation gained its independence. It was noted that every employer should be required to pay a compensation of Rs. 20,000 for every child who violates the Act's terms, and the state should pay

²⁶⁸ AIR 2004 12 SCC 381.

²⁶⁹ AIR 1993 SC 1960.

²⁷⁰ AIR 1984, 2 SCC. 417.

Rs. 5,000 if it fails to find an adult family member alternative job. Both sums will be contributed to the corpus welfare fund, whose earnings will be utilised to support the welfare and education of children laid off.

In **Prerana v/s. State of Maharashtra**,²⁷¹ where an NGO works for the care and advancement of women and children victims of commercial sexual exploitation, filed the petition. The court issued injunctions for their rehabilitation. Any person under the age of 18 who is not a minor in trouble with the law or a child in need of care and protection as defined by Sections 2(1) and 2(d) of the Juvenile Justice (Care and Protection of Children) Act, 2000, is not subject to the jurisdiction of a magistrate. A person who appears to be younger than 18 years old requires the Magistrates to take action to determine their age. When a person is discovered to be under the age of 18, the magistrate is required to refer the case to either the Child Welfare Committee or the Juvenile Justice Board, depending on whether the person is a child in need of care and protection or a juvenile in conflict with the law.

Any young person removed from a brothel under the Immoral Traffic (Prevention) Act of 1956 or caught soliciting in a public area should only be released following the conclusion of a probation officer's investigation. When a parent or guardian is deemed suitable by the Child Welfare Committee to have the care and custody of the rescued juvenile, they should only be given that responsibility. The Juvenile Justice (Care and Protection of Children) Act of 2000 shall be followed to rehabilitate the rescued child if the parent or guardian is deemed unfit to have the care and custody of the juvenile.

In **Court on its motion v/s. the State of Punjab**,²⁷² Registration of Children's Homes should be made mandatory to effectively execute. The respondents agree and believe that mandatory registration of these children's homes is necessary; funding, financial aid, and other advantages will be offered to unregistered children's homes. It barely has to be stated that to prevent malpractices in various Children Homes that have surfaced over time, it is vital to register such children's homes not only mandatory but also to ensure that this requirement is strictly followed. There is also a need to raise awareness about this, for which the replies should make the necessary efforts. To guarantee that these Children Homes work correctly, the State Commissions should oversee their operations, which is also a power granted to them by Section 13 of the CPC Act.

²⁷¹ Writ Petition No. 1332 of 1999-Bombay High Court.

²⁷² Civil Writ Petition No.9968, 2013.

In **Jayakumar Nat v/s. State of NCT Of Delhi**,²⁷³ the court directs the Govt to set schemes to address the rehabilitation of rescued children by providing financial help so that the parents do not force them to work as Child Labour. A proper plan to deal with the issue of the rehabilitation of these children who have been saved by offering some financial assistance so that the parents or guardians do not force them to work as Child Labourers once more to meet their basic needs and supplement their income for their basic survival.

In **Mansi v/s. State of Punjab and Others**,²⁷⁴ normally, a woman seeking care, therapy, or rehabilitation at a mental health facility cannot be removed from her child under the age of three while she is a patient there: The child shall be temporarily separated from the woman during her stay at the mental health facility if the treating Psychiatrist determines, based on his examination of the woman and, if appropriate, on information provided by others, that there is risk of harm to the child from the woman due to her mental illness or that it is in the interest and safety of the child.

6.2.5. Protection from Exploitation and Conditions of Work

In **Labourers Working on Salal Hydro Project v/s. State of Jammu and Kashmir**,²⁷⁵ every effort must be taken to reduce, if not eliminate, the prevalence of Child Labour because a child's ability to get a good education is essential in equipping them to become valued members of society and contribute to the country's socioeconomic progress. Given existing socioeconomic realities, the court noted that outlawing Child Labour is complex and that such a move may not be socially or economically acceptable to influential groups. As a result, the restriction on Child Labour is limited to factories, mines, and other hazardous activities under article 24. Construction work is plainly risky, and due to the constitutional prohibition set in Article 24, which the central government must apply, no child under the age of 14 can be allowed to work in construction.

In the historical case of **Laxmikant Panday v/s. Union of India**,²⁷⁶ the Honorable Supreme Court of India established certain doctrines controlling the guidelines for inter-country adoption. The lawsuit was started as a result of a letter written to the court by a lawyer named Laxmikant Panday, who claimed that social organisations and non-profit organisations that try to place Indian children with foreign parents engage in fraud. The letter revealed that children's lives were at

²⁷³ W.P.(CRL) 1548/2015.

²⁷⁴ CRWP-7332-2022.

²⁷⁵ AIR 1984, 3 SCC, 538.

²⁷⁶ AIR 1984, 2 SCC 244.

tremendous risk during adoption. If they were not given refuge and relief homes, they would become beggars and prostitutes due to insufficient care and protection. The Court actively worked to end the practise of underprivileged Indian children being forced into domestic servitude and slavery under the pretence of foreign adoption. Justice Bhagwati (as he was then known) established the guidelines that should be followed in the event of a foreign adoption.

In **Shiela Barse v/s. Union of India**,²⁷⁷ this Court gave several directives about the abandoned or poor children housed in various jails around the nation for "protective custody" and physically and mentally challenged youngsters. Supplying more details, the maximum time for an investigation into a child accused of an offense punishable by not more than seven years in prison is three months from filing the complaint or lodging the First Information Report. A reasonable time for the child's trial is six months from filing the charge sheet. The prosecution against the youngster could be thrown out if that is not done. Each state government must put this rule into practise concerning all upcoming cases.

The State's duty to protect children from economic exploitation and from performing tasks that are hazardous to their well-being is also recognised. The state shall also ensure that there is appropriate regulation of work conditions in occupations and processes where children perform work of a non-hazardous nature and that the children's rights are protected. The ideal goal is that the State shall move towards a total ban on all forms of Child Labour. The Charter recognises the right to protection against abuse of any type, including sexual and physical abuse of all sorts, physical abuse, exploitation, trafficking, aggression, and inhumane conditions. **Article 24** "prohibits employment of children below the age of 14 in factories, mines or any other hazardous occupations."

In **M.C. Mehta v/s. State of Tamil Nadu**,²⁷⁸ which dealt with Child Labour in the match industry in Sivakasi (Tamil Nadu), the Supreme Court ruled that such children should not be employed in dangerous jobs in factories that make matchboxes and fireworks and that proactive measures should be taken to improve their welfare and quality of life. In the **Salal Hydel Project Case**,²⁷⁹ where this article was under discussion, the Supreme Court had a great opportunity to determine Article 24's actual purpose and content. The Supreme Court ruled that even though the construction work on projects was not covered by the Employment of Children Act of 1938

²⁷⁷ AIR 1983, SC 378.

²⁷⁸ AIR, 1991, SC. 183.

²⁷⁹ AIR 1984, SC 177.

because it was not a process listed in the Act's Schedule, it was still a hazardous occupation under Art. 24 and children under 14 could not be employed in a hazardous occupation.

In Peoples Union for Democratic Rights v/s. Union of India,²⁸⁰ The Indian Constitution's Article 24 loudly proclaims the protection of young children and grants them a fundamental right to education and well-being. The Supreme Court ruled that even though the construction work on projects was not covered by the Employment of Children Act of 1938 because it was not a process listed in the schedule of the Act, it was still a hazardous occupation under Art. 24 and children under 14 could not be employed in a hazardous occupation. Even in the absence of implementing legislation and in a public interest proceeding, the right of a child against exploitation under Art. 24 was enforceable. According to experts, construction labour is a risky job, and it is critical that children under the age of 14 are not employed in any construction duty. According to Justice P.N. Bhagavathi and Justice Bahrul, "apart from the need for International Labour Organization Convention No.59, we have Article 24 of the Constitution, which, even if not addressed by suitable legislation, must "Proprio vigour" and construction act plainly and absolutely a hazardous employment, it is open that no child under the age of 14 years can be allowed to be unavailable in construction work based on constitutional prohibition."

The legislations such as Child Labour (Prohibition and Regulation) Act, 1986, Merchant Shipping Act, 1958, Motor Transport Act, 1961, Apprentices Act, 1961, Bidi and Cigar Workers Act, 1966, Plantation Labour Act, 1951, Factories Act, 1948, deal with employment and working conditions of workers and prescribed the eligible age as 14 for both the boys and girls will straight away contradict this fundamental right guaranteed under Article 24 and deserves to be declared unconstitutional. Article 24 read with Article 21A, also read with various judgments of Supreme Court on Right to Education of children and about the prohibition of Child Labour are totally violated by these legislations as they permit the children to be employed in factories and other areas of work. Argument that Article 24 permits employment of children in non-hazardous employment does not hold any water because that article says no child below the age of 14 years shall be employed to work in any factory or mine or in any other hazardous employment.

In Rajangam, Secretary, District Beedi Workers Union v. State of Tamil Nadu and others,²⁸¹ the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, was not implemented, resulting in Child Labour, the prevalence of contract labour, and the non-

²⁸⁰ AIR 1982 SC 1473.

²⁸¹ AIR1983SC404.

implementation of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966. The Beedi and Cigar Workers (Conditions of Employment) Act and other labour regulations should be vigorously implemented so that workers receive their rightful dues and working conditions improve. Tobacco production does pose health risks. As a result, Child Labour in this trade should be outlawed as much as feasible, and Child Labour should be abolished immediately or gradually to be determined by the State Government, but not more than three years from now. The requirements of the 1986 Child Labour Abolition Act should be severely enforced.

The Supreme Court ruled that tobacco production is a dangerous activity. “Child Labour in this trade should thus be outlawed as far as practicable, and Child Labour employment should be abolished either immediately or in a gradual way to be determined by state governments, but not more than three years from now.” The government solely protects children from labour. “**Salal-Hydro Project**”, the Supreme Court restricted Centre Government to providing education for children of construction workers when it undertakes a construction project either directly or via a contractor.

It is apparent that the constitution has no stated limitations, but its judicial interpretation has not issued any enforceable orders requiring minorities to establish institutions that may fulfil both objectives. The Supreme Court has assumed that all minorities would prefer their children get an education and religious instruction to raise respectable citizens. On the other hand, these comments were not made in the spirit of authoritative rules. This is why the Supreme Court's directions have yet to be applied.

The Child Labour Abolition Act 1986 stipulations were rigidly regulated. The formal complaint and communication were sent to the three enterprises listed in the report and other beedi-producing sites throughout the country. Manipulation of employee records, non-payment of dues for services rendered, failure to comply with labour laws, and the predominance of the contract labour system were all mentioned in the letter. A companion petition with ancillary reliefs is also ongoing; targeting decided that dealing with both applications at the exact moment is the best option.

In **Bachpan Bachao Andolan v/s. Union of India and others**,²⁸² the Supreme Court under Article 32, bringing to light the inhumane treatment of children in circuses, which includes sexual assault, physical abuse, and even emotional abuse. Furthermore, fundamental human rights such as food, clothes, and two square meals a day have been violated. Children's rights, Child Labour,

²⁸² [WP (C) 51 of 2006] 2011 5 SCC 1.

forced labour, human trafficking, and sexual abuse must be addressed. A non-governmental group in India, Bachpan Bachao Andolan, has petitioned the Supreme Court of India to intervene in employing child performers in India's travelling circuses. Children were being kidnapped from Nepal or abducted from their homes, used as Child Labourers in circuses, and exposed to mental, physical, and sexual abuse, according to a report.

The Supreme Court issued an order prohibiting the employment of children in circuses, raiding circuses to free children, and establishing rehabilitation schemes for the child victims, recognising that this practise violated Child Labour laws and regulations on a child's right to an education, among other national and international statutes. This case is a significant victory for children's rights in India, where parents frequently sell their children for labour at a young age, and it also demonstrates the Supreme Court of India's willingness to hear petitions from non-governmental organisations (NGOs), providing an essential avenue for human rights reform. The petition asked the court to issue several orders or directions against the state, including framing appropriate guidelines for circus performers; raiding circuses to liberate children and investigate gross violations of their rights; appointing special forces on borders to prevent cross-border trafficking of children; criminalising intra-state trafficking, bondage, forcible confinement, sexual harassment, and abuse of children.

In **Bandhu Mukti Morcha v/s. Union of India and Others**,²⁸³ the Supreme Court determined that forcing someone to work in an environment that violates the prescribed working standards for human beings against their will is a violation of that person's Fundamental Right under Article 21, which guarantees every citizen of India the right to live a life of dignity free of exploitation. The Court gave it a broader meaning. "It is the fundamental right of everyone in our country... to live with human dignity free of exploitation," Bhagwati J. said. The Directive Principles of State Policy, particularly Article 39 clauses (e) and (f) and Articles 41 and 42, give life to the right to live with human dignity enshrined in Article 21. At the very least, it must include protection of the health and strength of workers, men and women, and children of tender age against abuse, as well as opportunities and facilities for children. "These are the very minimum conditions that must exist for a person to live with human dignity, and no State, neither the Central Government nor any State Government, has the authority to deprive a person of these fundamental necessities."

The Supreme Court of India ruled that if the government does not take action under the

²⁸³ AIR 1997 SCC 549.

Bonded Labour System Act of 1976, it will violate Article 23 of the Constitution. Children shall not be compelled to labour for low wages because of their economic or social disadvantage, according to Article 23. "It is a problem that requires the immediate attention of the Government of India and the State Governments, especially since the Directive Principles of State Policy have obligated the Central and State Governments to take steps and adopt measures to ensure social justice to the have-nots and handicapped," Justice Bhagwati said. It is not appropriate for the governments responsible for turning a blind eye to the inhumane exploitation to which bonded labourers are subjected." It is consequently critical that, wherever bound labour exists, the state government acknowledges the presence of such bonded labour and makes every effort to abolish it. It will fulfil a humanitarian role and a constitutional responsibility and strengthen the country's participatory democratic foundations."

The court also concluded that, despite the state government's guarantee that it would do all possible to rehabilitate minors engaged in the carpet manufacturing sector promptly, no programme had been proposed. "It is a matter of sorrow that the state government should openly flout the rulings of this court," the court said. The state government does not appear to be interested in eradicating Child Labour in the carpet manufacturing business, even though Child Labour is illegal by the Employment of Children Act of 1938, nor in providing for the rehabilitation of the children mentioned above." The court should have issued contempt of court proceedings, as it did in previous incidents of disobeying its orders, after finding that the state administration was flouting its instructions with impunity.

Law and policy are advancing in the direction of official prohibition of child work, and many measures, particularly in education, are being implemented to eliminate Child Labour. One result has been a decrease in the use of Child Labour in the carpet business. However, millions of children in India are being exploited in the labour market, and more significant and adequate protections for children's rights are urgently needed. The Court highlighted the significance of safeguarding children's rights to education, health, and development in maintaining India's democratic growth in its ruling. While the Court acknowledged that Child Labour could not be banned immediately owing to economic necessity, it concluded that practical actions might be taken to safeguard and promote children's rights among India's poor and vulnerable communities.

In **Walker T. Ltd. v/s. Martindale**,²⁸⁴ the Supreme Court ruled that the restriction applies to all employees, not only occupations involving manufacturing processes. As a result, even if a

²⁸⁴ AIR 1976, 85KL KB, 1543.

child works as a factory floor sweeper and is not involved in any manufacturing operations, he violates the section's prohibitions.

In **Jhunjhunwala v/s. B.K. Patnaik**,²⁸⁵ The proprietor of the glass plant, was penalised for hiring 14 teenagers without the necessary fitness certifications in the factory's blowing area, a dangerous job. The court stated that it was the employer's responsibility to verify, using reasonable measures, that the applicant was the required age and that the statement of a minor on his age should not be taken as accurate. Thus, the rules of the Factories Act of 1948 are crucial for prohibiting the employment of children under the age of 14 and regulating the working conditions for occupations that could endanger their development both physically and morally.

In **Mahesh Kumar Garg and Others v/s. State of U.P. And Others**,²⁸⁶ 'Child Labour' is a universally acknowledged problem with so un-proportionate and explosive dimensions that it has been a cause of serious concern since long and all Acts. Regulations and declarations made on this behalf could not meet the challenge effectively. The Child Labour (Prohibition and Regulation) Act, 1986 (from now on referred to as the 'Act' for short) was promulgated looking to the fact that although there were several Acts that prohibit the employment of children below 14 and 15 years in particular specified employment, there was no procedure laid down in any law for deciding in which employment's occupations or processes. The use of minors in the workplace should be prohibited. It was also discovered that in most jobs where minors were not barred from working in exploitative conditions, there was no law to control their working conditions.

The Act's goals were to prohibit the employment of children, defined as those under the age of 14, in certain activities and procedures; establish a system for deciding on changes to the schedule of prohibited vocations or procedures; Children's working circumstances and employment when they are not forbidden from working are regulated; impose harsher penalties for the employment of children in contravention of the Act and other laws prohibiting the employment of children, and to ensure that the definition of a child is consistent throughout all relevant legislation.

In **State of Gujarat v/s. Bhupendrakumar Jagjivandas**,²⁸⁷ "The sentence imposed by the Trial Court shall be modified as follows: it is ordered that the accused shall pay a fine of Rs. 10,000/- (Rupees Ten Thousand Only) for violation of Section 27 of the Factories Act, 1948, and in default thereof, the accused shall undergo simple imprisonment for three months," said a bench

²⁸⁵ AIR 1964, 2 L.L. J. 551.

²⁸⁶ AIR 2000, 2 UPLBEC 1426.

²⁸⁷ (2001) IILLJ 1517 Guj.

led by D Mehta. Any fines already paid will be subtracted, and the accused would only be responsible for the balance."

In **Ganesh Ram v/s. State of Jharkhand and Others**,²⁸⁸ If a person under the age of 14 is appointed, a punitive order can be made against the employer under the Child Labour (Prohibition and Regulation Act 1986). Still, no order, penal in nature, can be passed against the employee.

In **Court on Its Own Motion v/s. State of Jharkhand**,²⁸⁹ the court directs that the Child Welfare Department has to combat and rehabilitate Child Labour and make a record of schemes and benefits given to children in the State. Its records would be part of the investigation in case proceedings relating to Child Labour.

In **Nazia Pace, another Petitioner v/s. State of Punjab**,²⁹⁰ the court directed the state to an appointed committee to monitor the situation of Child Labour, and it will be open for the organizations and individuals to bring to the notice of the said committee any instances of child exploitation or engagement of children in any activities which are dangerous to their health.

In **Mehakpreet Kaur and another v/s. State of Punjab and Others**,²⁹¹ the Child Welfare Committee is responsible for making the proper decisions about the minor's boarding and lodging and investigating any matters that pertain to and impact the minor's safety and well-being. The committee must also make appropriate interim decisions regarding the placement of a child or custody of the child in need of care and protection while such adjudication and the passing of orders as contemplated by Section 37 of the Juvenile Justice (Care and Protection of Children) Act 2015 are pending.

In **Ekta Rani And another v/s. State of Punjab and Others**,²⁹² A child in need of care and protection is required to be produced before a Child Welfare Committee created under Section 27 of the JJ Act so that she could be cared for, protected, and suitably rehabilitated or restored to society. By involving all parties involved and conducting the investigation envisioned by Section 36 of the Juvenile Justice (Care and Protection of Children) Act 2015, the relevant Committee shall pass the appropriate order envisioned by Section 37 of the same Act and ensure that the purposes of the Juvenile Justice (Care and Protection of Children) Act 2015 are effectively

²⁸⁸ 2006 (2) JCR 489 Jhr.

²⁸⁹ W.P (PIL) No. 3134, 2016.

²⁹⁰ C.W.P. No. 1054, 2012.

²⁹¹ CRWP-6703-2022.

²⁹² CRWP-3794-2022.

carried out. The Child Welfare Committee is responsible for making the proper decisions about the minor's boarding and lodging and for investigating any matters that pertain to and impact the minor's safety and well-being. The petitioners are required to appear in person at the SSP/SP office of their respective Districts within three days of receiving this copy. If they fail, the SSP/SP in question will deputise a child welfare police officer to bring the minor before the child welfare committee within one week. This Court will receive a compliance report from the Child Welfare Committee, which was established under the Juvenile Justice (Care and Protection of Children) Act of 2015.

In **Sumanpreet Karu @ Sumanpreet Kaur v/s. State of Punjab and Others**,²⁹³ By involving all parties involved and conducting the investigation envisioned by Section 36 of the Juvenile Justice (Care and Protection of Children) Act 2015, the relevant Committee shall pass the appropriate order envisioned by Section 37 of the same Act and ensure that the purposes of the Juvenile Justice (Care and Protection of Children) Act 2015 are effectively carried out. The minor's boarding and lodging will be decided by the Child Welfare Committee, who will also consider any issues that concern and could affect the minor's protection and its well.

In **Gurpreet Singh and Another v/s. State of Haryana and Others**,²⁹⁴ The Court held that it is required to ensure the protection of a minor/child as per the different statutes while also ensuring the safety and security of such a person. The aim and object of the provisions enshrined under the Juvenile Justice (Care and Protection of Children) Act 2015 and Protection of Children from Sexual Offences Act 2012 is intended to protect the person of a minor from being subjected to any such act, which is deemed penal by law. The establishment of a legal framework in the form of the Protection of Children from Sexual Offences Act and the Juvenile Justice (Care and Protection of Children) Act 2015 is not in conflict with the provisions enshrined in Article 21 of the Indian Constitution. The guarantee of a citizen's right to life and liberty entails that, in certain circumstances, the court of law will act as the minor's guardian and take all necessary measures to safeguard the minor's life and liberty.

²⁹³ CRWP-4568 of 2021.

²⁹⁴ CRWP-4111-2022.

6.2.6. Duties and Responsibilities of National Legal Service Authority

In **Re Children in Street Situations v/s. State of Punjab**,²⁹⁵ the court ordered the trial Court shall ensure that the video recording of evidence shall be on camera wherever the cases of Child Labour are high. The District Legal Service Authority office can record the child witness's evidence when a video conferencing facility is unavailable in the court complex. NLSA would pay Rs.1,500/- per day to the Remote Point Coordinator whenever it is required to examine the child witnesses through video conferencing. National Legal Service Authority would provide legal assistance to the child when they come from their examination if a counsel does not represent the child.

²⁹⁵ W.P.(Crl.) No. 274/2020 (PIL-W).

CHAPTER VII

ENFORCEMENT OF CHILD LABOUR LAWS IN PUNJAB: AN EMPIRICAL STUDY

7.1 INTRODUCTION

In India's northwest quadrant, Punjab is one of the country's most wealthy states. Punjab (five) and Aab (water) combine to make Punjab, which means "land of five rivers." Punjab's five rivers are the Sutlej, Beas, Ravi, Chenab, and Jhelum. Only the Sutlej, Ravi, and Beas rivers flow in today's Punjab. Majha, Doaba, and Malwa are the three regions that makeup Punjab. The core of Punjab's economy is agriculture. Manufacturing “electrical goods, financial services, machine tools, textiles, and stitching” is another significant business.

Regions of Punjab

Table 7.1: Punjab at a Glance

Area: 50,362 square kilometres		
Rural Area: 48,265 sq.km	Urban Area: 2,097 sq.km	
Population: 2.77 Crore		
Rural Population: 1.73 Crore	Urban Population: 1.04 Crore	
Density: 551 per square Kilometres		
Districts: 23		
Tehsil: 82	Town (or cities): 237	Village: 12581
Punjab Districts with Regions		
Region	Districts	
Majha	Amritsar, Gurdaspur, Pathankot, Tarn Taran	
Malwa	Barnala, Bathinda, Fatehgarh Sahib, Moga Faridkot, Fazilka, Firozpur, Ludhiana, Mansa, Mohali, Patiala, Ropar, Sangrur, Muktsar	
Doaba	Jalandhar, Kapurthala, Hoshiarpur, Nawanshahr	

7.2 COLLECTION OF DATA

Table 7.2 Selected Districts for Data Collection

Region	Districts with Tehsils	
Majha	Amritsar	
	Tehsil	Sub-tehsils
	Amritsar-I, Amritsar-II, Ajnala, Baba Bakala, Majitha, Lopoke	Jandiala Guru, Attari, Ramdas, Beas, Tarsikka
Malwa	Ludhiana	
	Tehsils	Sub-tehsils
	Ludhiana East, Ludhiana West, Jagraon, Samrala, Khanna, Payal, Raikot	Dehlon, Koom Kalan, Machhiwara, Maloud Dakha, Sidhwan, Bet, Ludhiana Central
Doaba	Kapurthala	
	Tehsils	
	Bhulath, Kapurthala, Phagwara, Sultanpur Lodhi	

Table 7.3 Respondents for Data Collection

Sr.No.	Respondents	Numbers
1.	Child Labour Boys & Girls	80
2.	Parents of Child Labour	80
3.	Legal Respondents (Judicial Officers & Advocates)	160
4.	Police Department	
5.	Child Development Department	
6.	NGOs	
7.	Education Department	40
8.	Doctors	40
	Total Respondents	400

7.3 ANALYSIS OF DATA COLLECTION

Table 7.4: State-wise details of working children in the age group of 5-14 years

Sr. No.	Name of State/UT	No. of working children in the age group of 5-14 years	
		Census 2001	Census 2011
1.	Andaman & Nicobar Island	1960	999
2.	Andhra Pradesh	1363339	404851
3.	Arunachal Pradesh	18482	5766
4.	Assam	351416	99512
5.	Bihar	1117500	451590
6.	Chandigarh U.T.	3779	3135
7.	Chhattisgarh	364572	63884
8.	Dadra & Nagar H.	4274	1054
9.	Daman & Diu U.T.	729	774
10.	Delhi U.T.	41899	26473
11.	Goa	4138	6920
12.	Gujarat	485530	250318
13.	Haryana	253491	53492
14.	Himachal Pradesh	107774	15001
15.	Jammu & Kashmir	175630	25528
16.	Jharkhand	407200	90996
17.	Karnataka	822615	249432
18.	Kerala	26156	21757
19.	Lakshadweep UT	27	28
20.	Madhya Pradesh	1065259	286310
21.	Maharashtra	764075	496916
22.	Manipur	28836	11805
23.	Meghalaya	53940	18839
24.	Mizoram	26265	2793
25.	Nagaland	45874	11062
26.	Odisha	377594	92087
27.	Pondicherry U.T.	1904	1421
28.	Punjab	177268	90353
29.	Rajasthan	1262570	252338
30.	Sikkim	16457	2704
31.	Tamil Nadu	418801	151437
32.	Tripura	21756	4998
33.	Uttar Pradesh	1927997	896301
34.	Uttarakhand	70183	28098
35.	West Bengal	857087	234275
	Total	12666377	4353247

Source: Census 2001 and Census 2011 by Ministry of Labour & Employment

Table 7.5: Children/beneficiaries, rescued/withdrawn from work, rehabilitated and mainstreamed under NCLP Scheme during 2017-18 to 2021-22

Sr.No.	State/UT	2017-18	2018-19	2019-20	2020-21	2021-21
1.	Arunachal Pradesh	203	778	1049	622	885
2.	Assam	915	4562	6175	2800	NA
3.	Bihar	2800	-	-	-	-
4.	Gujarat	187	101	341	531	-
5.	Haryana	NA	171	NA	NA	NA
6.	Jharkhand	2014	1225	2940	3239	NA
7.	Karnataka	679	763	363	275	263
8.	Madhya Pradesh	11400	4910	4010	29179	2237
9.	Maharashtra	5250	8122	9337	2031	2110
10.	Odisha	NA	NA	6	495	15
11.	Punjab	994	915	483	1307	4867
12.	Rajasthan	105	NA	1712	NA	86
13.	Tamil Nadu	2855	2534	3928	1456	2586
14.	Telangana	2137	935	214	300	222
15.	Uttar Pradesh	NA	8020	10371	9383	NA
16.	West Bengal	17899	17137	13879	6671	NA
17.	Uttarakhand	NA	NA	62	-	-
18.	Nagaland	197	111	24	-	-
	TOTAL	47,635	50,284	54,894	58,289	13,271

Source: National Child Labour Project Scheme by Ministry of Labour & Employment

Table 7.6: Number of cases registered under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, State / Union Territories -wise

Sr.No.	State/UT	2018	2019	2020
1	Andhra Pradesh	0	2	37
2	Arunachal Pradesh	1	0	1
3	Assam	39	68	40
4	Bihar	14	15	3
5	Chhattisgarh	0	2	0
6	Gujarat	35	64	39
7	Haryana	6	11	1
8	Himachal Pradesh	0	0	1
9	Jharkhand	17	18	27
10	Karnataka	63	83	54
11	Kerala	3	2	0
12	Madhya Pradesh	3	4	1
13	Maharashtra	90	53	29
14	Meghalaya	0	2	0
15	Punjab	8	8	11
16	Rajasthan	32	48	30
17	Tamil Nadu	6	3	2
18	Telangana	125	314	147
19	Tripura	0	0	1
20	Uttar Pradesh	2	9	1
21	Uttarakhand	0	27	41
22	West Bengal	5	7	3
23	Chandigarh	0	0	1
24	Daman & Diu	0	2	0
25	Delhi	15	30	6
	TOTAL	464	772	476

Source: National Crime Records Bureau

PART I: CHILD LABOUR RESPONDENTS

7.3.1 District of Child Labour

Descriptive Statistics

Table 7.7: District of Child Labour

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Amritsar	26	43.3	43.3	43.3
	Kapurthala	14	23.3	23.3	66.7
	Ludhiana	20	33.3	33.3	100.0
	Total	60	100.0	100.0	

Source: Field Work

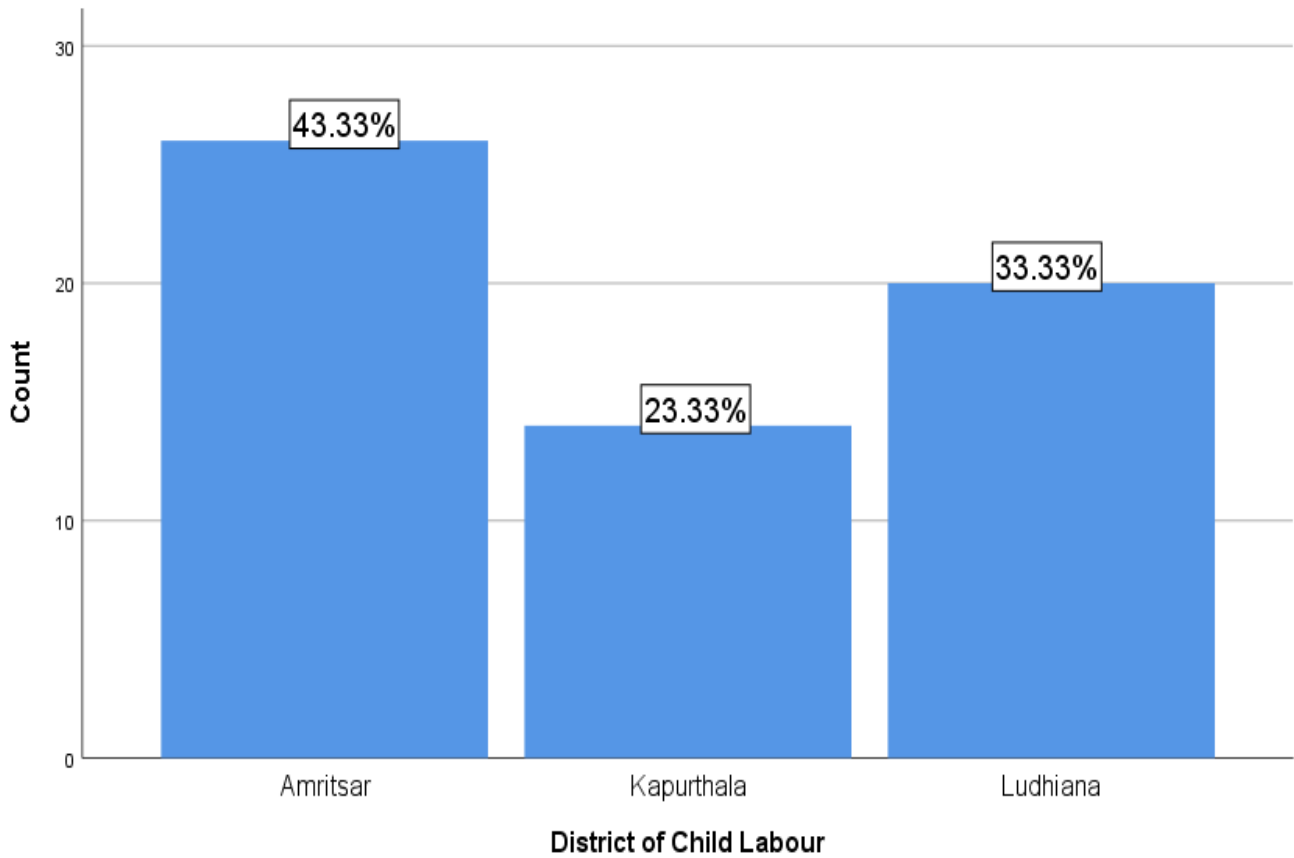


Table 7.7 show the district selected for the data collection on Child Labour

Table 7.7 above shows that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 26 respondents were from Amritsar, 14 were from Kapurthala, and 20 were from Ludhiana. The percentage distribution opted by respondents. 43.33% of the respondents were from Amritsar, 23.33% of the respondents were from Kapurthala, and 33.33% of the respondents were from Ludhiana.

Chi-Square Test

District of Child Labour			
	Observed N	Expected N	Residual
Amritsar	26	20.0	6.0
Kapurthala	14	20.0	-6.0
Ludhiana	20	20.0	.0
Total	60		

Test Statistics

District of Child Labour	
Chi-Square	3.600 ^a
Df	2
Asymp. Sig.	.165

a. 0 cells (.0%) have expected frequencies less than 5.
The minimum expected cell frequency is 20.0.

A Chi-square test is performed to determine the respondents' responses of 3 districts perceived differently or in the same manner for the three districts under study. At 5% significance level, the computed significance of 0.165 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between the three districts, and the distribution of respondents is indifferent across the districts under study.

7.3.2. Child Labour working in

Descriptive Statistics

Table 7.8: Child work in

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agriculture	23	38.3	38.3	38.3
	Grain & Vegetable Markets	28	46.7	46.7	85.0
	Domestic	9	15.0	15.0	100.0
	Total	60	100.0	100.0	

Source: Field Work

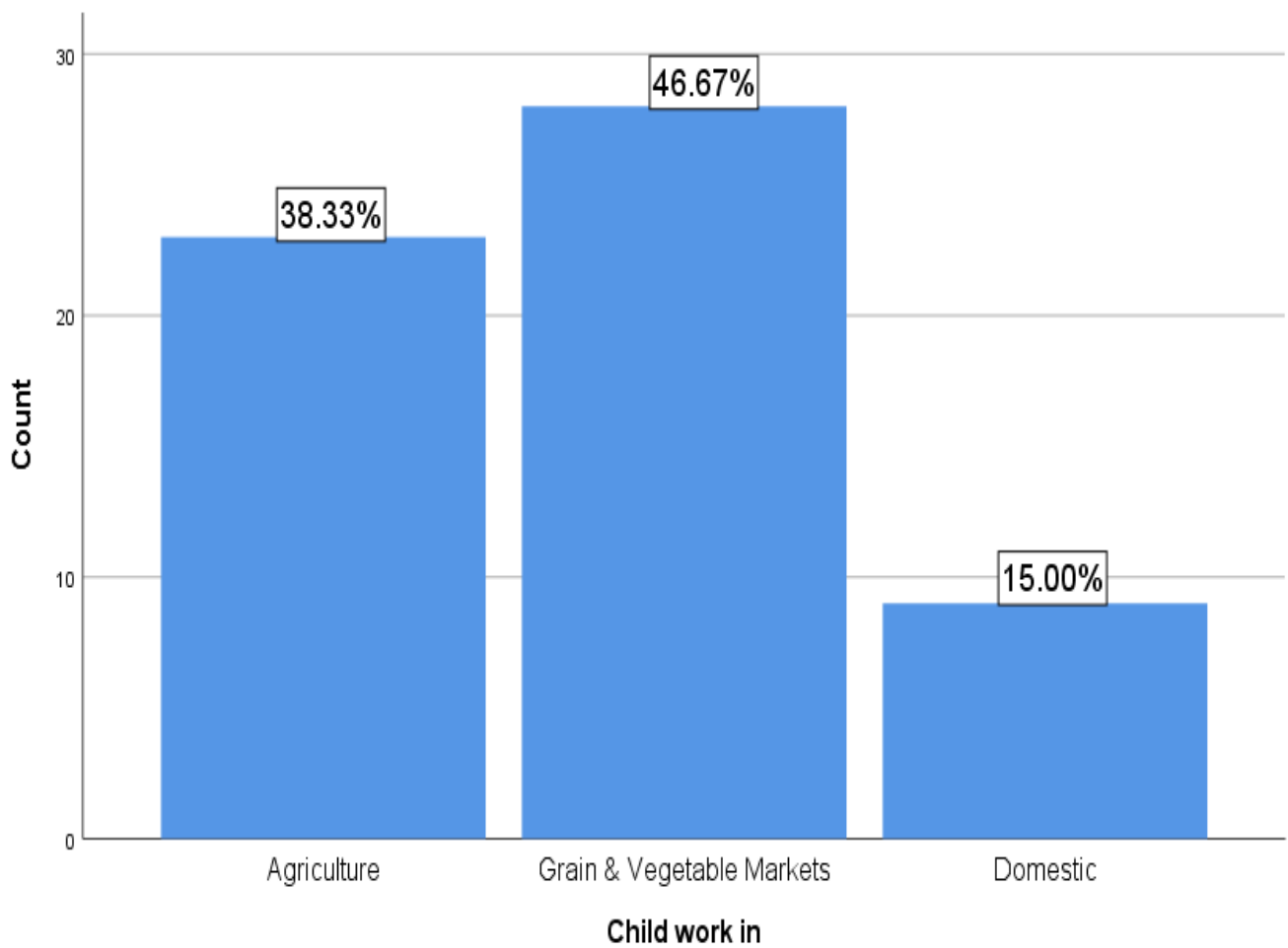


Table 7.8 shows Child work in

Table 7.8 above shows that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 23 of the respondents worked in Agriculture labour, 28 of the respondents worked in Grain & Vegetable Market, and 9 of the respondents worked in Domestic Labour. The percentage distribution opted by respondents. 38.3% of the respondents worked in Agriculture Labour, 46.7% worked in the Grain and Vegetable Market, and 15.00% of respondents worked in Domestic Labour.

Chi-Square Test

Child work in

	Observed N	Expected N	Residual
Agriculture	23	20.0	3.0
Grain & Vegetable Markets	28	20.0	8.0
Domestic	9	20.0	-11.0
Total	60		

Test Statistics

Child work in	
Chi-Square	9.700 ^a
Df	2
Asymp. Sig.	.008

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 20.0.

A Chi-square test is performed to find out the responses of respondents in working sectors three perceived differently or in the same manner for the three districts under study. At 5% significance level and $df=5$, the computed significance of .008 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between the three sectors, and the distribution of respondents is indifferent across the districts under study.

Observation and Findings: This question of sectors in Children are working. Non-farm Child Labour is most widespread in agricultural states like Punjab and Haryana, which is unsurprising. Children working in dangerous farming operations such as handling pesticides and fertilisers, carrying heavy loads, and operating unsecured machines in commodities ranging from sugarcane, rice, tea, or spice plantations are the most common employers in the agriculture industry. However, caste-based poverty, a lack of schooling opportunities, migration, homelessness, unemployed parents, and a lack of regulation enforcement all impede.

Domestic Labour of children, however, does not exist in a vacuum; various variables and dynamics conspire to place children in these abusive and dangerous workplace practices. In India, it is estimated that 74% of domestic employees are aged 12 to 16. They clean, cook, plant, collect water, care for other children, and provide elderly care. There is no data or study material about children working in Punjab Mandis. Many Children working in Mandi’s with their parents work harder to clean the hay from the wheat and rice and later buy the hay for the other grains for a meagre income. They are loading, unloading, filling grains, and picking up a heavy load in the Mandi.

7.3.3 The age group of Child Labour

Descriptive Statistics

Table 7.9 Age group of Child Labour

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0-14	42	70.0	70.0	70.0
	15-18	18	30.0	30.0	100.0
Total		60	100.0	100.0	

Source: Field Work

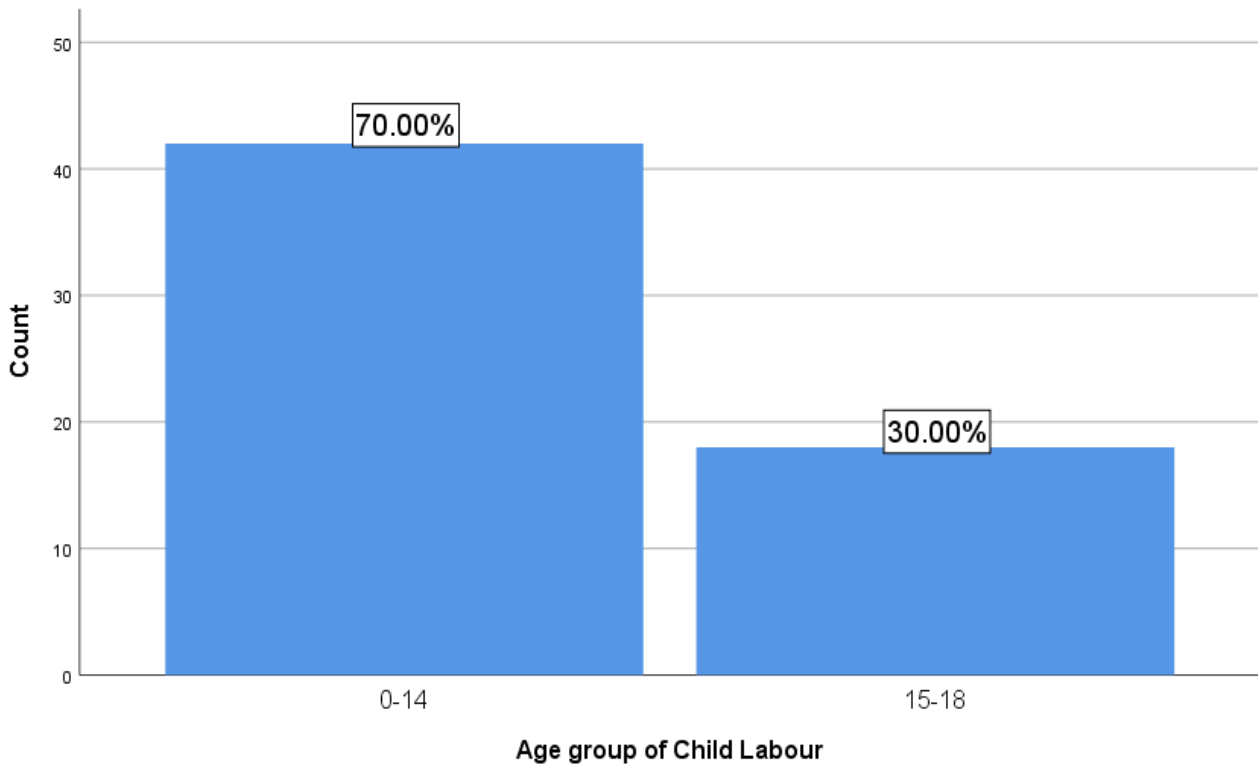


Table 7.9 shows the age group of Child Labour

Table 7.9 above shows that 60 Child Labour respondents answered the above-stated question. Under the frequency value, 42 respondents were under the age group of 0-14, and 18 were under the age group of 15-18. The percentage distribution opted by respondents. 70.00% of the respondents were under the age group of 0-14, and 30.00% were 15-18.

Chi-Square Test

Age group of Child Labour

	Observed N	Expected N	Residual
0-14	42	30.0	12.0
15-18	18	30.0	-12.0
Total	60		

Test Statistics

Age group of Child Labour	
Chi-Square	9.600 ^a
Df	1
Asymp. Sig.	.002

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 30.0.

A Chi-square test is performed to determine respondents' responses on the age group of Child Labour under 0-14 and 14-18 perceived differently or in the same manner for the age group under study. At 5% significance level and $df=5$, the computed significance of 0.002 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between the age group of Children and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the age distribution of Child Labour. In Punjab, as per “Census 2011 total of 90,353,” Child Labour is defined as “the employment of children aged 5 to 14 years.” According to current statistics, more than 60% of children in the country are employed in agriculture and related industries. According to estimates, India's working children and adolescents' number 40.34 million. 5 to 19 years old (62 percent are boys and 38 percent are girls). Employers mostly employ Children under 14 because they have a lower risk of complaints; they work faster than youngsters for cheaper wages.

7.3.4. Gender of Child Labour

Descriptive Statistics

Table 7.10: Gender of Child Labour

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Boy	36	60.0	60.0	60.0
	Girl	24	40.0	40.0	100.0
Total		60	100.0	100.0	

Source: Field Work

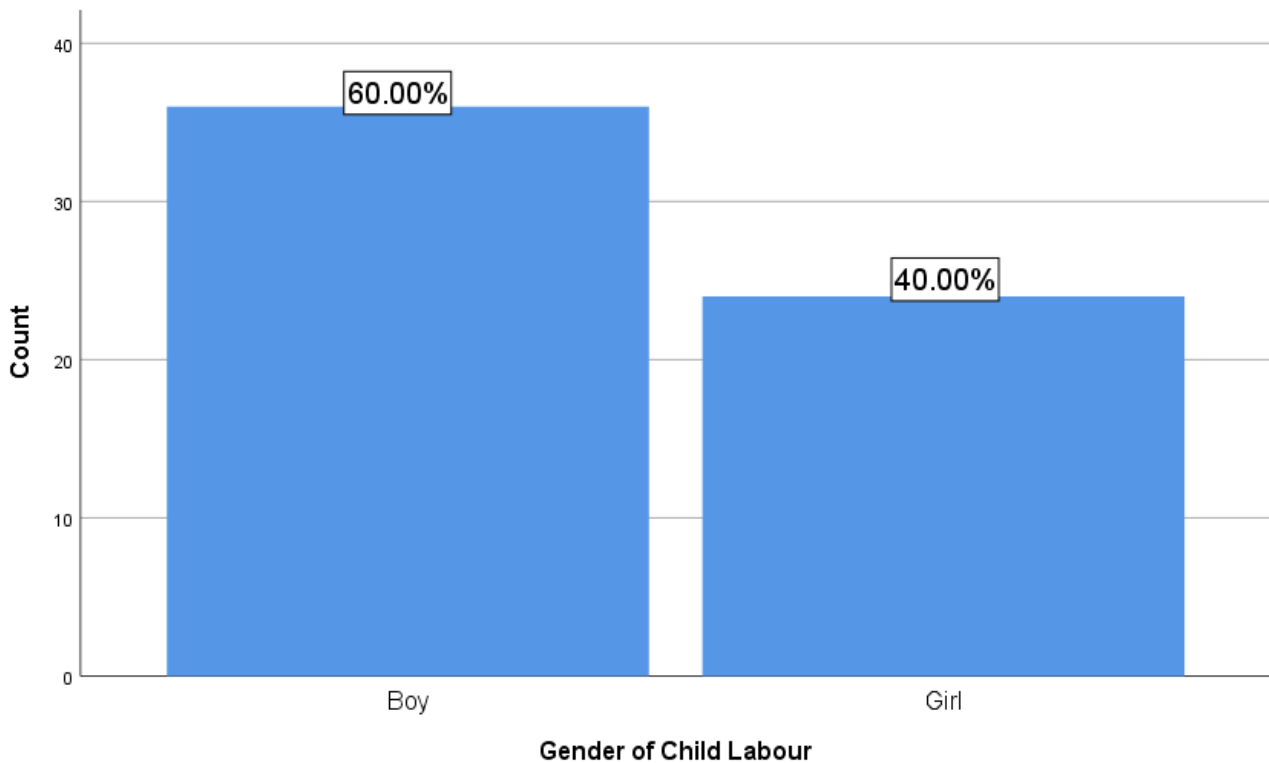


Table 7.10 shows the Gender of Child Labour

Table 7.10 shows that 60 Child Labour respondents answered the above-stated question. Under the frequency value, 36 respondents are boys, and 24 are girls. The percentage distribution of the age groups opted respondents. 60.00% of the respondents are boys, and 40.00% are girls.

Chi-Square Test

Gender of Child Labour

	Observed N	Expected N	Residual
Boy	36	30.0	6.0
Girl	24	30.0	-6.0
Total	60		

Test Statistics

Gender of Child Labour	
Chi-Square	2.400 ^a
Df	1
Asymp. Sig.	.121

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 30.0.

A Chi-square test is performed to determine respondents' responses on the Gender of Child Labour perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.121 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between the gender group of Child Labour and the distribution of respondents indifferent under the study.

Observation and Findings: This question is on the gender of Child Labour. Both boys and girls labour, whether paid or unpaid, in homes other than their own. Children working below the legal minimum age of employment should be prohibited entirely because domestic labour of children is one vulnerable kind of labour. Girls are typically favoured as domestic assistance, which encourages more exploitation and abuse, making this a gender-based issue. Typically, this population is unaccounted for, silent, and unheard. Girls from underprivileged backgrounds to force into Child Labour. Boys' working conditions in agriculture are harsher than girls, and they are in higher demand. Boys are more likely to be in charge of operating machinery, sharp tools, and chemical spraying in agriculture. They are more prone to amputations, cuts and burns, pesticide poisoning, and other health problems. Both boys and girls are vulnerable in grain and vegetable markets (mandis).

7.3.5. Area of Work is

Descriptive Statistics

Table 7.11: Area of work is

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Urban Area	24	40.0	40.0	40.0
	Rural Area	36	60.0	60.0	100.0
Total		60	100.0	100.0	

Source: Field Work

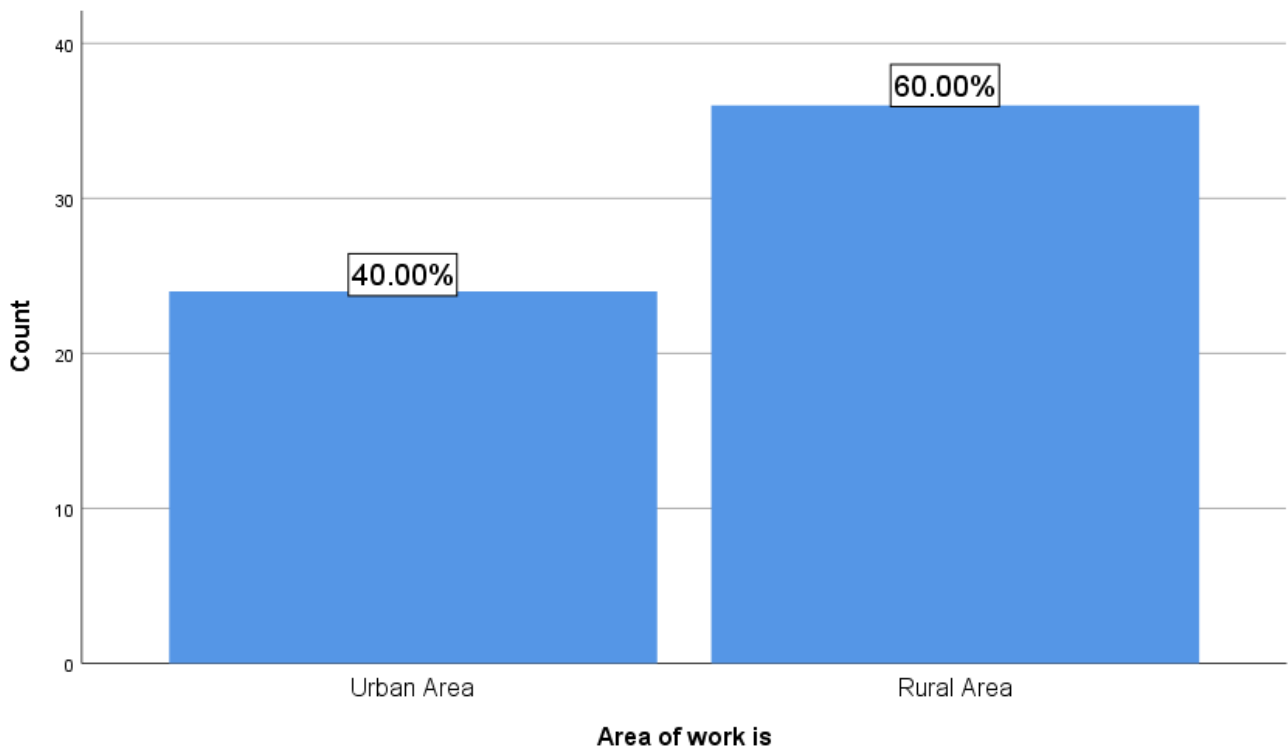


Table 7.11 show the Area of Child Labour

Table 7.11 above indicates that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 24 respondents were from urban areas, and 36 were from rural areas. The percentage distribution opted by respondents. 40.00% of the respondents are from urban regions, and 60.00% are from rural areas.

Chi-Square Test

Area of work is

	Observed N	Expected N	Residual
Urban Area	24	30.0	-6.0
Rural Area	36	30.0	6.0
Total	60		

Test Statistics

Area of work is	
Chi-Square	2.400 ^a
Df	1
Asymp. Sig.	.121

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 30.0.

A Chi-square test is performed to determine respondents' responses on the working area under the rural and urban sectors of Child Labour perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.121 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between the working area of Child Labour and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the area in which Children work more. It is easily found in Punjab in urban and rural areas, but more in rural than urban areas. Child Labour is difficult to track in villages. Most working minors live in rural sites, with three out of four working in agricultural or household work, most of which are home-based activities. More than agricultural labour, children in urban areas work as domestic helpers and in vegetable and grain markets.

7.3.6. Child Migrant to Punjab

Descriptive Statistics

Table 7.12: Child migrant to Punjab

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Resident of Punjab	39	65.0	65.0	65.0
	Migrant to Punjab	21	35.0	35.0	100.0
Total		60	100.0	100.0	

Source: Field Work

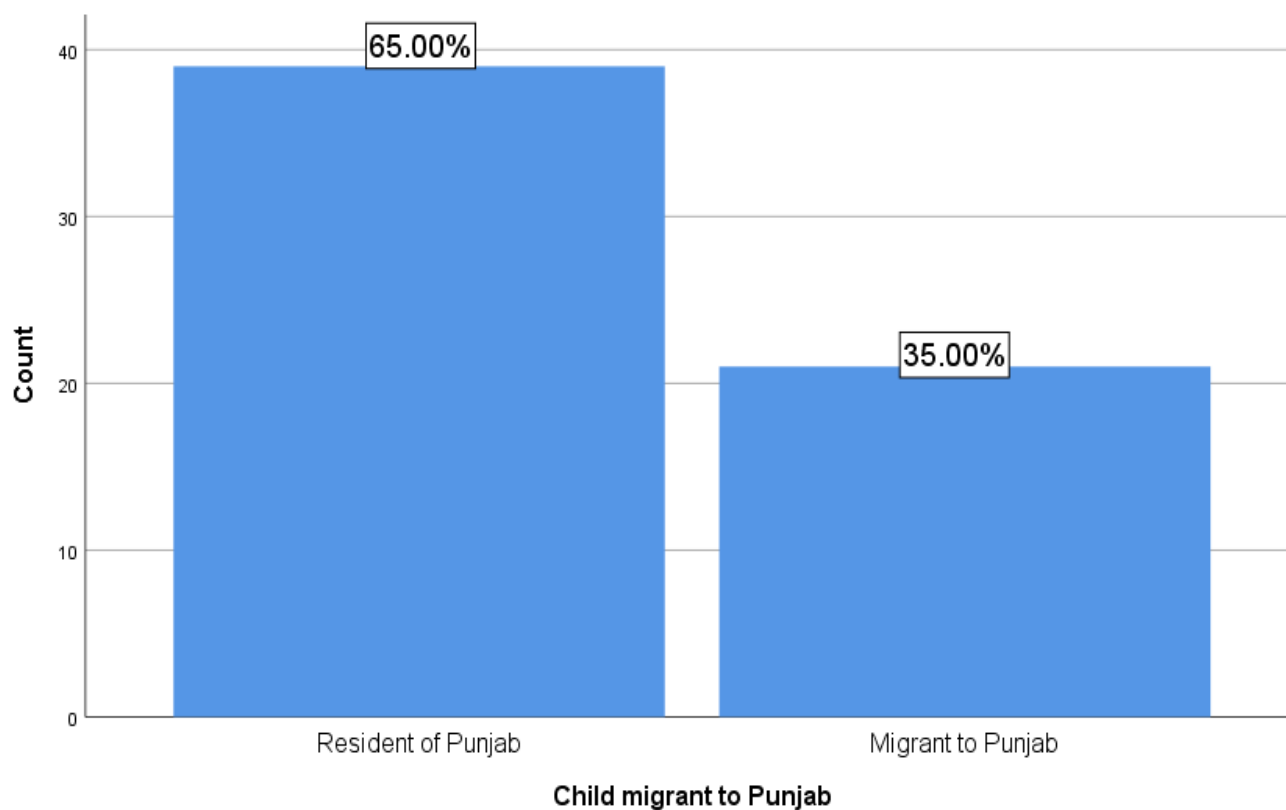


Table 7.12 shows Child migrants to Punjab or residents of Punjab.

Table 7.12 above shows that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 39 of the respondents were residents of Punjab,

and 21 of the respondents were Migrant to Punjab. The percentage distribution opted by respondents. 65.00 % of the respondents were residents of Punjab, and 35.00 % were Migrant to Punjab.

Chi-Square Test

Child migrant to Punjab			
	Observed N	Expected N	Residual
Resident of Punjab	39	30.0	9.0
Migrant to Punjab	21	30.0	-9.0
Total	60		

Test Statistics

Child migrant to Punjab	
Chi-Square	5.400 ^a
Df	1
Asymp. Sig.	.020

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 30.0.

A Chi-square test is performed to find out the respondents' responses on the residential status of Child Labour, whether they are migrants to Punjab or not, are perceived differently or in the same manner under study. At 5% significance level and $df=1$, the computed significance of 0.020 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between the residential status of Child Labour and the distribution of respondents indifferent under the study.

Observation and Findings: Increased migration, especially seasonal movement for work trafficking of unaccompanied youngsters, could be to blame for urban Child Labour growth. They work with their families in grain and vegetable markets (mandi's). Whether natives or migrants, Children can be seen collecting fuel, fodder on their heads, rearing cattle,

harvesting, and observing crops in the fields, alone or with other family members. Migrant Children face a double threat: they are both minors and migrants.

Without their parents, migrants are highly susceptible to exploitation, coercion, and fraud, especially if they are under the legal working age, have crossed a border illegally, or do not speak the language of their destination. Migrant Child Labourers are frequently paid less, work longer hours, are less likely to attend school, and have a greater fatality rate than native Child Labourers. Despite various laws prohibiting children from working, small children frequently labour for educated families. Most employers hire children for domestic work and prefer small children since they can look after their homes and children.

7.3.7. Factors responsible for Child Labour

Descriptive Statistics

Table 7.13: Factors responsible for Child Labour

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Poverty and family financial condition is poor	22	36.7	36.7	36.7
The large size of families and adults unemployment	4	6.7	6.7	43.3
Disease or disability of parents	7	11.7	11.7	55.0
Drugs addiction of parents	17	28.3	28.3	83.3
Not ready to disclose	10	16.7	16.7	100.0
Total	60	100.0	100.0	

Source: Field Work

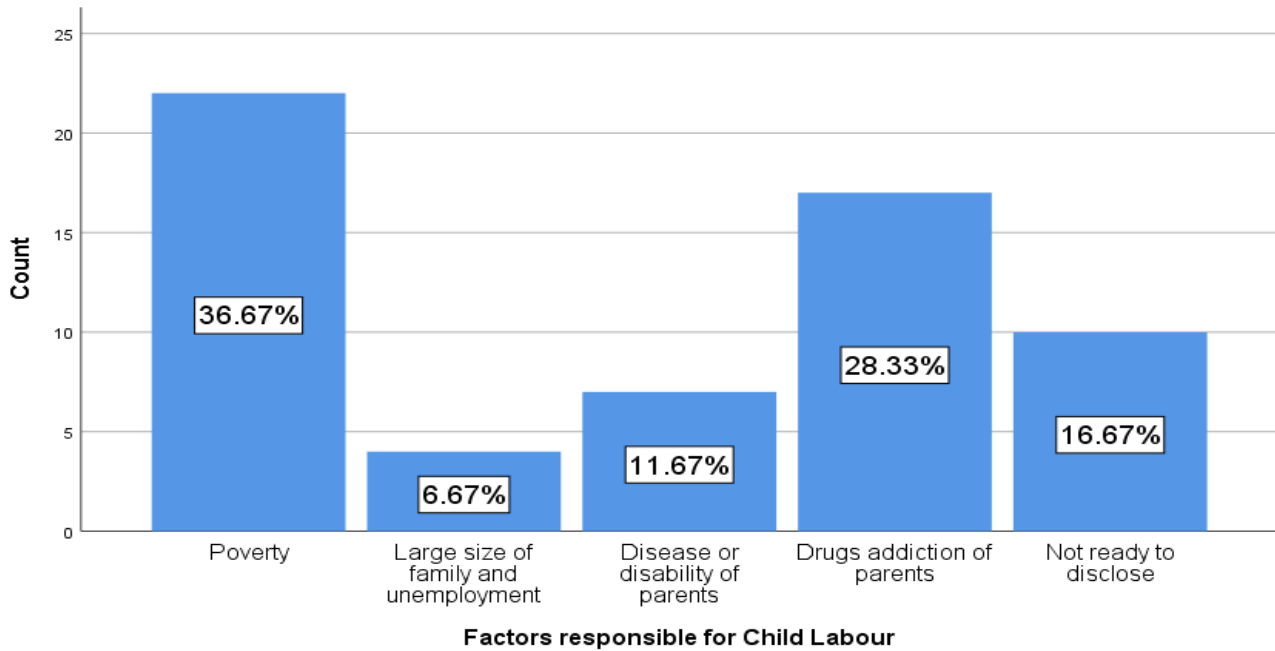


Table 7.13 shows Factors Responsible for Child Labour

Table 7.13 above shows that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 22 Poverty and family financial condition are poor, 4 the large size of family and adults' unemployment, 7 Disease or disability of parents, 17 Drugs addition of parents, and not ready to disclose it. The percentage distribution opted by respondents. 36.7 % Poverty and family financial condition is poor, 6.7 % the large size of family and adults' unemployment, 11.7% Disease or disability of parents, 28.3% Drugs addition of parents, and 16.7% not ready to disclose.

Chi-Square Test

Factors responsible for Child Labour

	Observed N	Expected N	Residual
Poverty and family financial condition is poor	22	12.0	10.0
Large size of family and adults' unemployment	4	12.0	-8.0
Disease or disability of parents	7	12.0	-5.0
Drugs addiction of parents	17	12.0	5.0
Not ready to disclose	10	12.0	-2.0
Total	60		

Test Statistics

Factors responsible for Child Labour	
Chi-Square	18.167 ^a
Df	4
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 12.0.

A Chi-square test is performed to determine respondents' responses on the Factors responsible for Child Labour, which are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that it Rejects the Null Hypothesis because statistically, there is no significant difference between the Factors responsible for Child Labour and the distribution of respondents indifferent under the study.

Observation and Findings: Children work primarily to support their families when their parents do not earn enough money. Because there is a need for labour that is inexpensive, children also work. There are many different reasons why children could be made to work, such as to obtain regular meals, clothing, shelter, and subsistence. It frequently occurs when families face financial difficulties or uncertainty due to poverty, a caregiver's brief illness, or the death of the primary breadwinner. The high rate of Child Labour results from a lack of awareness of its harmful effects, lack of access to primary and good education, cultural norms within the family, and geographic location.

7.3.8. Does the Child Work with Descriptive Statistics

Table 7.14: Child Work with

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Parent consent	36	60.0	60.0	60.0
	Voluntarily	24	40.0	40.0	100.0
	Total	60	100.0	100.0	

Source: Field Work

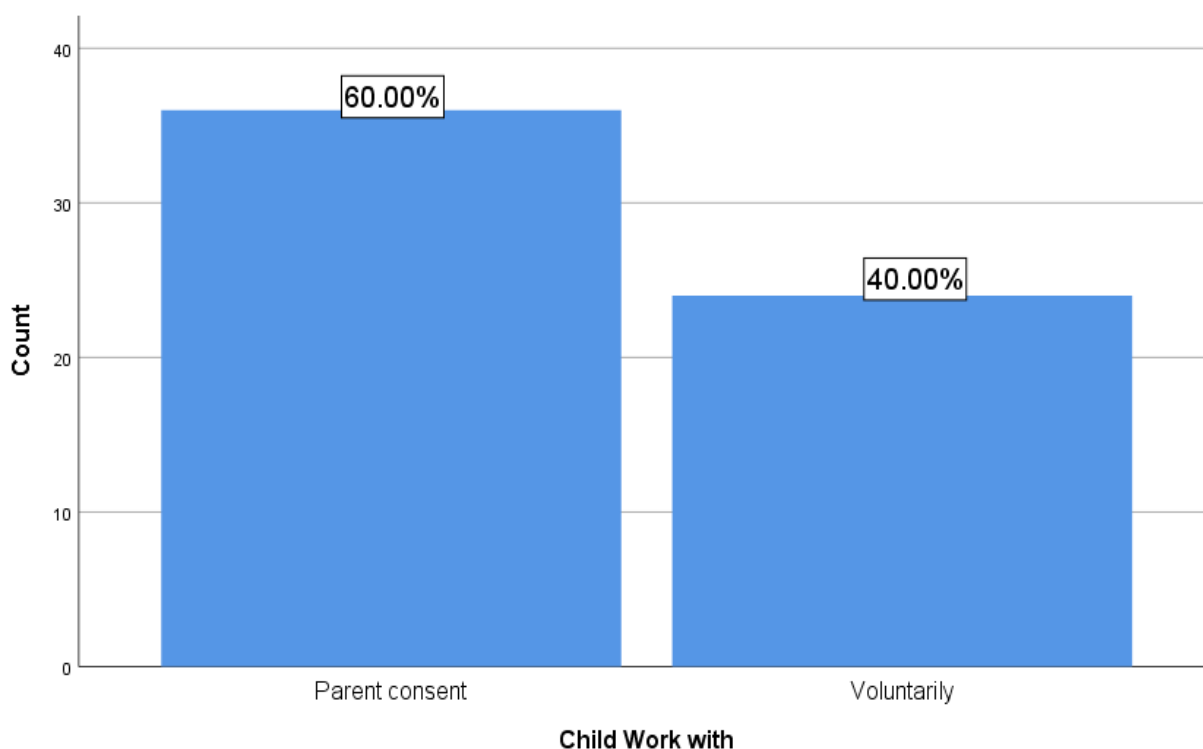


Table 7.14 shows the Child with whom work

Table 7.14 above indicates that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 36 respondents work with Parent consent, and 24 work Voluntarily. The percentage distribution opted by respondents. 60.00% of the respondents work with Parent consent, and 40.00% work voluntarily.

Chi-Square Test

Test Statistics

Child Work with	
Chi-Square	2.400 ^a
Df	1
Asymp. Sig.	.121

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 30.0.

Child Work with

	Observed N	Expected N	Residual
Parent consent	36	30.0	6.0
Voluntarily	24	30.0	-6.0
Total	60		

A Chi-square test is performed to determine whether respondents' responses on whether child working with the consent of parents are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.121 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between parents' consent for child work and the distribution of respondents indifferent under the study.

Observation and Findings: Children are taught to distinguish between helping out their parents and working to maintain the family's income. Children's employment after school has detrimental effects on their health. Rest and amusement are crucial to promote a child's mental and physical growth and affect their academic performance. This is because parents often earn relatively little from piecework, and children are rapidly involved in growing household production. Subcontractors engaged by businesses rely on it as well. It's a sort of exploitation that keeps the family impoverished and eager to work to supplement their meagre income. Child

Labour before and after school also perpetuates and supports severe kinds of family exploitation under the guise that there are lots of inexpensive children available, so why pay more to them.

7.3.9. Does the Child attend School

Descriptive Statistics

Table 7.15: Does Child attend School

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Regularly	16	26.7	26.7	26.7
	Occasionally	33	55.0	55.0	81.7
	Never	11	18.3	18.3	100.0
Total		60	100.0	100.0	

Source: Field Work

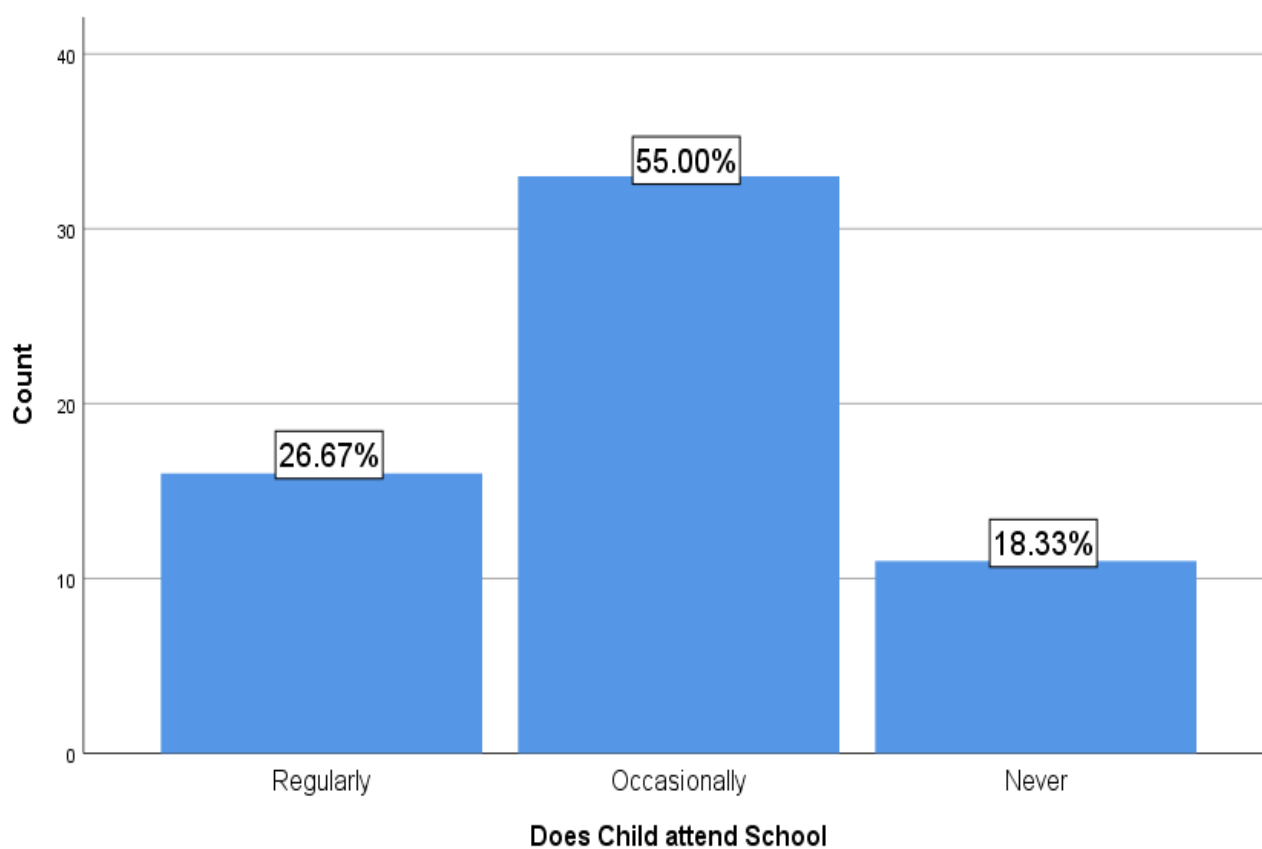


Table 7.15 shows Does Child Attend School

Table 7.15 shows that 60 Child Labour respondents answered the above-stated question. Under the frequency value, 16 respondents attend school regularly, 33 go to school Occasionally, and 11 go never. The percentage distribution opted by respondents. 26.67% of the respondents go to School Regularly, 55.00% of the respondents go to school Occasionally, and 18.33% of the respondents go to school Never.

Chi-Square Test

Does the Child attend School

	Observed N	Expected N	Residual
Regularly	16	20.0	-4.0
Occasionally	33	20.0	13.0
Never	11	20.0	-9.0
Total	60		

Test Statistics

Does the Child Attend School	
Chi-Square	13.300 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 20.0.

A Chi-square test is performed to determine whether respondents' responses on whether children go to school or not are perceived differently or in the same manner under study. At 5% significance level and df=5, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between the child schooling and distribution of respondents indifferent under study.

Observation and Findings: This question is based on the Child's schooling. Because

most villages only have schools up to the primary level, many children eventually drop out and begin working with their parents at the migration site. Young children who are made to labour are less likely to return to school to finish their education. Some parents believe taking their children out of school is acceptable due to many vacations, political demonstrations, fewer teachers, teacher absenteeism, poor teaching quality, and low teacher motivation. Children who are expelled from school or who drop out of school owing to financial hardship are more likely to start working when they are young.

7.3.10. Reason for Child does not attend school

Descriptive Statistics

Table 7.16: Reason for Child not attending school

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No interest in the study	23	38.3	38.3	38.3
	School is far from home	7	11.7	11.7	50.0
	No time for study	9	15.0	15.0	65.0
	No ready to disclose	21	35.0	35.0	100.0
	Total	60	100.0	100.0	

Source: Field Work

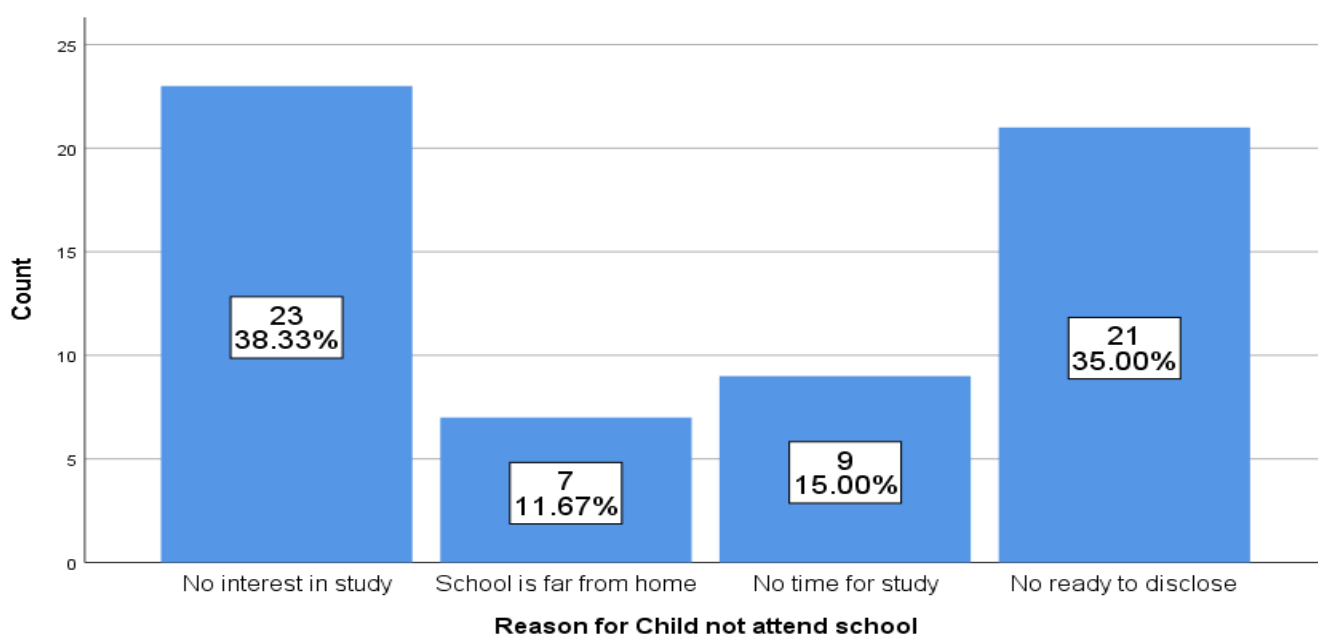


Table 7.16 shows the Reason for Child does not attend school.

Table 7.16 above shows that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 23 respondents agreed on No interest in the study, 7 respondents agreed on School being far from home, 9 respondents agreed on ‘No time get for study,’ and 21 respondents did not agree to disclose it. The percentage distribution of reasons for Children does not go to school opted by respondents. 38.33% of the respondents agreed on Nointerest in the study, 11.7% of the respondents agreed that School is far from home, 15.00% of the respondents agreed on ‘No time for study,’ and 35.00% of the respondents do not agree to disclose it.

Chi-Square Test

Reason for Child does not attend school

	Observed N	Expected N	Residual
No interest in study	23	15.0	8.0
School is far from home	7	15.0	-8.0
No time for study	9	15.0	-6.0
No ready to disclose	21	15.0	6.0
Total	60		

Test Statistics

Reason for Child not attend school	
Chi-Square	13.333 ^a
Df	3
Asymp. Sig.	.004

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 15.0.

A Chi-square test is performed to determine respondents' responses on reasons for a child

not attending school, which are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of $0.004 \geq 0.5$. Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between the reasons for children not attending school and the distribution of respondents indifferent under the study.

Observation and Findings: Many Child Labourers in the agricultural industry have never attended school. Their excessive work hours make schooling impossible after they are linked at eight or nine. When children are forced to work by their families, they never have time to attend school. While many Children go to school and work, work can hurt their studies. Because parents send their children to help out around the house to boost the family's income, child domestic labour negatively impacts school enrollment. Those who seek to combine work and schooling experience low attendance and performance. In terms of gender, much more girls drop out of school than boys since they are more involved in household duties.

7.3.11. How many Hours Child Work

Descriptive Statistics

Table 7.17: How many Hours Child Work

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	3 Hours	6	10.0	10.0	10.0
	6 Hours	12	20.0	20.0	30.0
	More than 6 Hours	42	70.0	70.0	100.0
	Total	60	100.0	100.0	

Source: Field Work

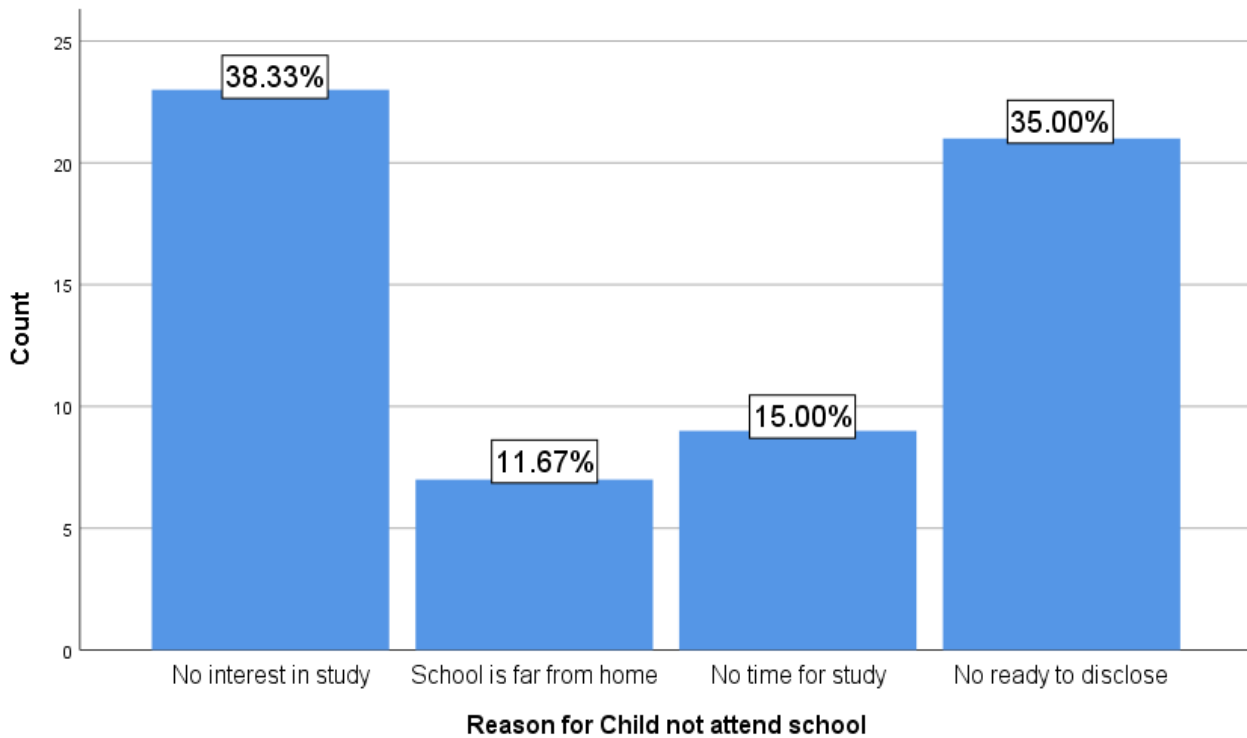


Table 7.17 shows How many Hours a Child Work

Table 7.17 above indicates that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 6 respondents agreed on 3 hours, 12 decided on 6 hours, and 42 decided on more than 6 hours. The percentage distribution on How many Hours a Child Work opted by respondents. 10% of the respondents agreed on 3 hours, 20% agreed on 6 hours, and 70% agreed on more than 6 hours.

Chi-Square Test

How many Hours Child Work

	Observed N	Expected N	Residual
3 Hours	6	20.0	-14.0
6 Hours	12	20.0	-8.0
More than 6 Hours	42	20.0	22.0
Total	60		

Test Statistics

How many Hours Child Work	
Chi-Square	37.200 ^a
Df	2
Asymp. Sig.	.002

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 20.0.

A Chi-square test is performed to determine respondents' responses on how many hours of Child Work are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.002 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between how many hours the Child Worked and the distribution of respondents indifferent under the study.

Observation and Findings: Children are frequently exposed for lengthy periods. Bonded labour contributes to the widespread increase of Child Labour. They have fewer opportunities to attend school when compelled to work long hours, preventing them from receiving an education. Their ability to play and relax is harmed in some way. Domestic workers might range from 8 to over 18 hours per day. The responsibilities, hours, risks, and challenges faced by child domestic workers are identical to those faced by millions of girls and boys who perform home chores for their families.

However, children who live and work in someone else's home, even children who live with relatives, are frequently characterised by a hazy and unclear relationship with the employing family. As a result, despite working, a child is not regarded as a worker and is not classified as a family member even though they live in a family setting. Child agricultural labour often works long hours in hot weather, hauls heavy loads of food, are exposed to hazardous chemicals, and is frequently injured by sharp knives and other dangerous tools.

7.3.12. How Much Wage Does a Child get?

Descriptive Statistics

Table 7.18: How much Wage Child gets

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Between Rs. 50 to 100	17	28.3	28.3	28.3
	Between Rs. 200 to 300	34	56.7	56.7	85.0
	Between Rs. 400 to 500	9	15.0	15.0	100.0
Total		60	100.0	100.0	

Source: Field Study

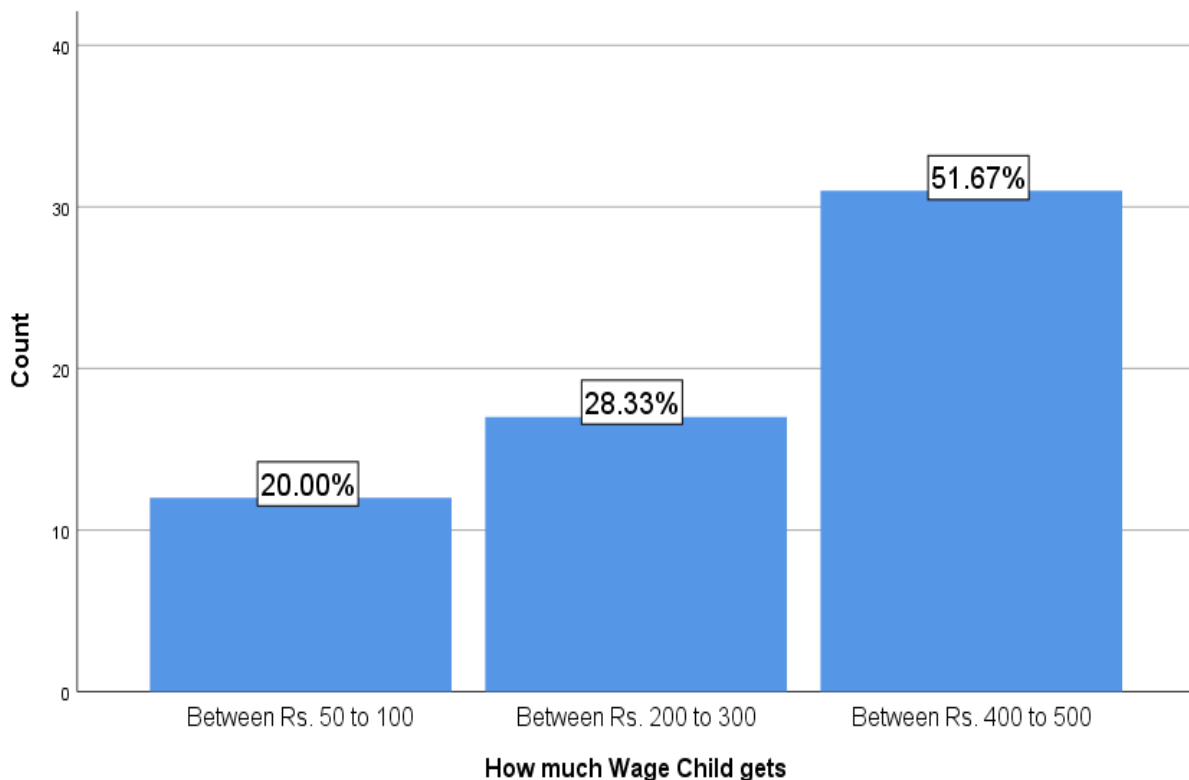


Table 7.18 shows how much Wage a Child gets.

Table 7.18 above shows that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 17 respondents agreed between Rs. 50-100, 34 respondents agreed between Rs. 200-300, and 9 respondents agreed between Rs. 400-500. The percentage distribution on how much Wage a Child gets opted by respondents. 28.33% of the

respondents agreed on Rs. 50-100, 56.67% agreed on Rs. 200-300, and 15.00% agreed on Rs. 400-500.

Chi-Square Test

How much Wage Child gets

	Observed N	Expected N	Residual
Between Rs. 50 to 100	17	20.0	-3.0
Between Rs. 200 to 300	34	20.0	14.0
Between Rs. 400 to 500	9	20.0	-11.0
Total	60		

Test Statistics

How much Wage Child gets	
Chi-Square	16.300 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 20.0.

A Chi-square test is performed to determine the respondents' responses on how much wage a Child gets is perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between how much wage the Child gets and the distribution of respondents indifferent under the study.

Observation and Findings: Parents or relatives promise to send their child to work with the employer in exchange for money or debt relief. Due to exorbitant interest rates and pitiful incomes, the children must put in a lot of overtime to pay off their loans for years. The amount

taken out of the loan each year or each month is not even a quarter or a third of the average daily income, much less the minimum wage required by law.

7.3.13. Does Child Face Problems at the Workplace?

Descriptive Statistics

Table 7.19: Does Child face Problems at the workplace

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Employers usually scold	7	11.7	11.7	11.7
	Very long hours for work and no hours for rest	13	21.7	21.7	33.3
	Not adequately paid and cannot take leave	12	20.0	20.0	53.3
	All the Above-mentioned	28	46.7	46.7	100.0
	Total	60	100.0	100.0	

Source: Field Work

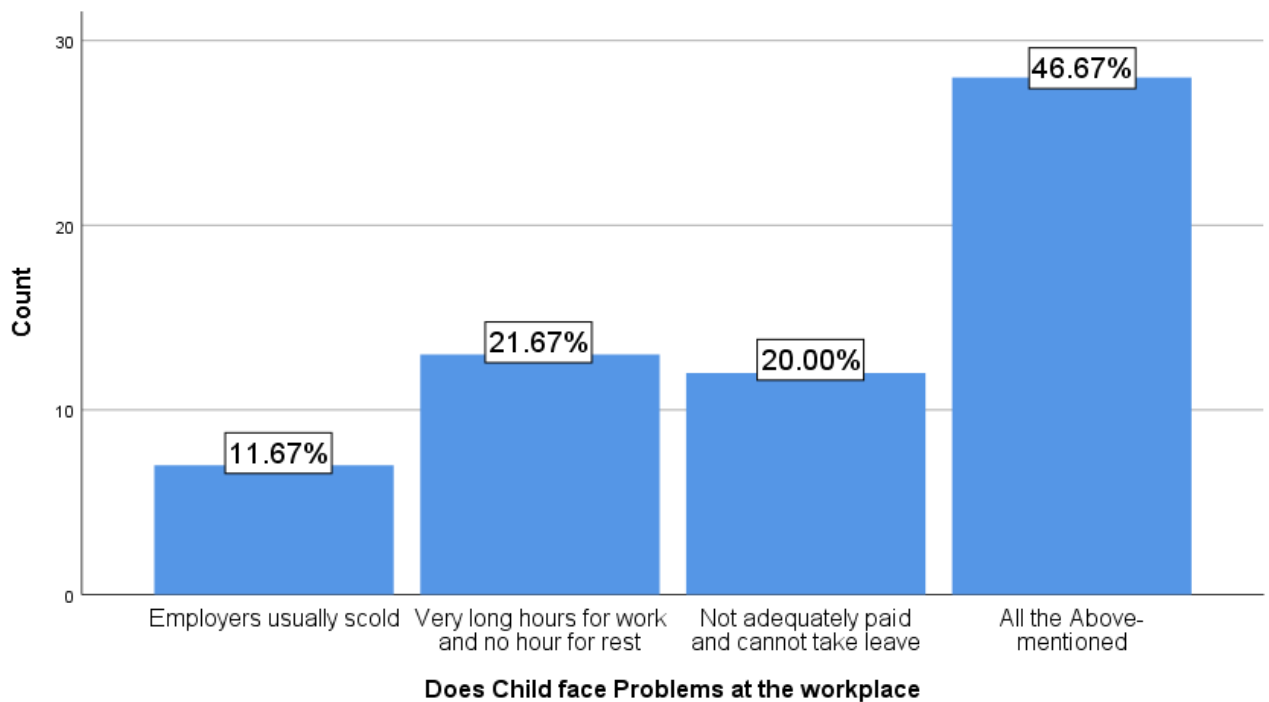


Table 7.19 shows Does a Child faces Problems at the workplace.

Table 7.19 above shows that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 7 respondents agreed on Employers' usual scolding, 13 respondents agreed on Very long hours for work and no rest, 12 respondents agreed on Not being adequately paid and cannot take leave, and 28 respondents agreed on All those mentioned above. The percentage distribution of does the child faces any problems at the workplace opted by respondents. 11.7% of the respondents agreed that Employers usually scold, 21.7% of the respondents agreed on Very long hours for work and no hours for rest, 20.00% of the respondents agreed on not being adequately paid and cannot take leave, and 46.7% agreed on All those mentioned above.

Chi-Square Test

Does Child face Problems at the workplace

	Observed N	Expected N	Residual
Employers usually scold	7	15.0	-8.0
Very long hours for work and no hours for rest	13	15.0	-2.0
Not adequately paid and cannot take leave	12	15.0	-3.0
All the Above-mentioned	28	15.0	13.0
Total	60		

Test Statistics

Does Child face Problems at the workplace	
Chi-Square	16.400 ^a
Df	3
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 15.0.

A Chi-square test is performed to determine respondents' responses on whether a Child faces problems at the workplace and is perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between does a Child face problem at the workplace and the distribution of respondents indifferent under the study.

Observations and Findings: Child Labour is generally scolding for minor workplace mistakes and speeding up work. They have faced long working hours without any breaks at work, violating Child Labour beneficiary laws. Children get low wages at work. There is no fixed wage scale for children. There is no provision for work below 14, no legal provision, so the exploitation of children works more than adults. Employers do not allow them to take leave even in case of their illness.

7.3.14. Does Child Face Physical Exploitation at Workplace?

Descriptive Statistics

Table 7.20: Physical Exploited in Workplace

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	10	16.7	16.7	16.7
	No	20	33.3	33.3	50.0
	No knowledge about physical exploitation	30	50.0	50.0	100.0
Total		60	100.0	100.0	

Source: Field Work

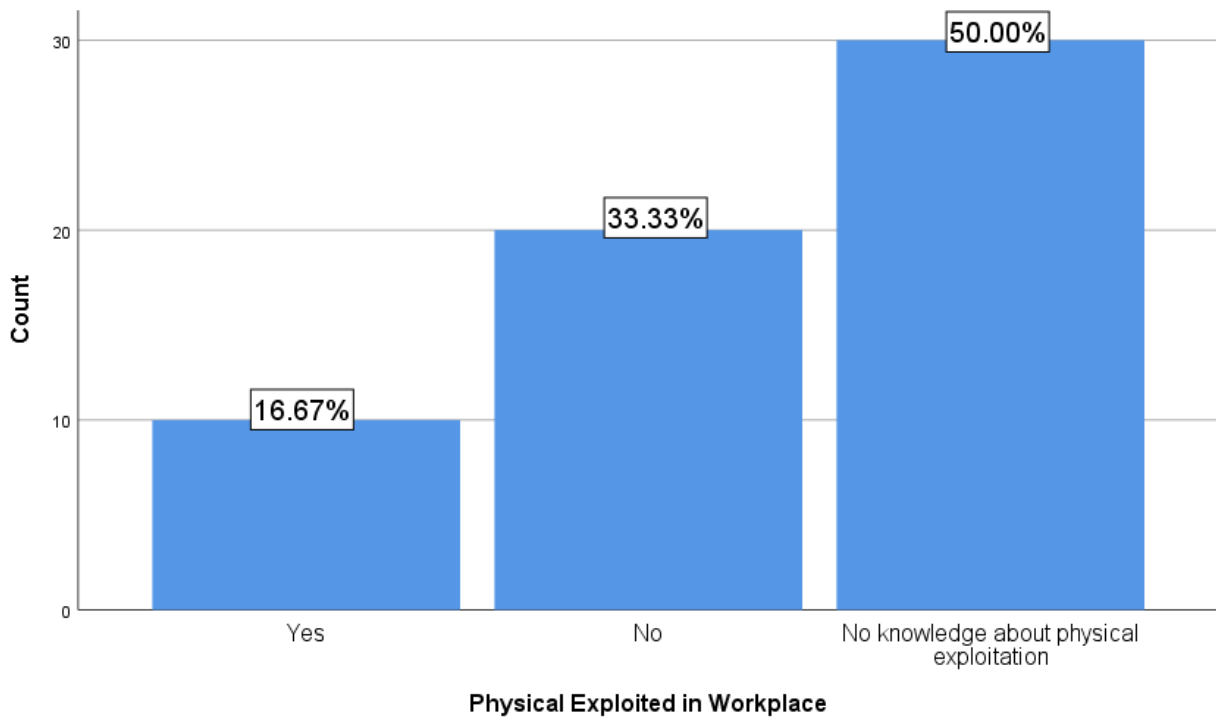


Table 7.20 shows Physical Exploited in Workplace?

Table 7.20 above shows that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 10 respondents agreed on Yes, 20 agreed on No, and 38 agreed on No knowledge about physical exploitation. The percentage distribution on Physical Exploited in Workplace opted by respondents. 16.7% of the respondents agreed on Yes, 20.0% agreed on No, and 63.3% agreed on No knowledge about physical exploitation.

Chi-Square Test

Physical Exploited in Workplace

	Observed N	Expected N	Residual
Yes	10	20.0	-10.0
No	20	20.0	.0
No knowledge about physical exploitation	30	20.0	10.0
Total	60		

Test Statistics

Physical Exploited in Workplace	
Chi-Square	10.000 ^a
Df	2
Asymp. Sig.	.007

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 20.0.

A Chi-square test is performed to determine respondents' responses on the Physical exploitation of children at the Workplace, which are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.007 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on Physical exploitation of children at the workplace and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on children's physical exploitation at work. They do not know good touch and bad touch. Due to a lack of knowledge about it, little children face sexual harassment at work, especially in domestic labour.

7.3.15. Health illness while working

Descriptive Statistics

Table 7.21: Health illness while working

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Fever, Headache and Stomach Problems	6	10.0	10.0	10.0
Cut/Wound on Hands/Legs	9	15.0	15.0	25.0
Pain in Leg and Hands	11	18.3	18.3	43.3
All of above-mentioned	34	56.7	56.7	100.0
Total	60	100.0	100.0	

Source: Field Work

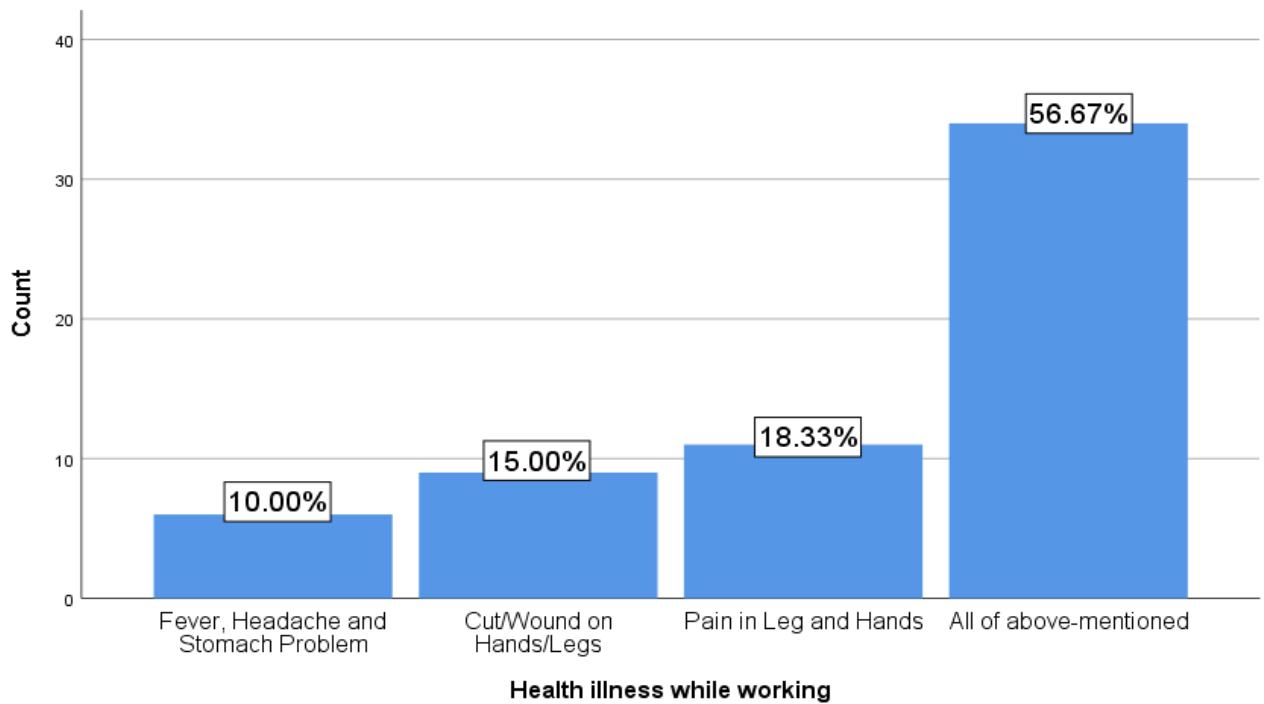


Table 7.21 shows the data on Health illnesses while working

Table 7.21 above indicates that 60 total Child Labour respondents replied to the above-stated question. Under the frequency value, 6 respondents agreed on Fever, Headache, and For stomach Problems, 9 respondents agreed on Cut/Wound on Hands/Legs, 11 agreed on Pain in Legs and Hands, and 34 agreed on All of those mentioned above. The percentage distribution of data on Health illnesses while working. 10.00% of respondents agreed on No interest in the study, 15.00% of the respondents agreed that School is far from home, 18.33% of the respondents agreed on No money to pay school fees, 56.7% on No time get for study

Chi-Square Test

Health illness while working

	Observed N	Expected N	Residual
Fever, Headache and Stomach Problems	6	15.0	-9.0
Cut/Wound on Hands/Legs	9	15.0	-6.0
Pain in Leg and Hands	11	15.0	-4.0
All of above-mentioned	34	15.0	19.0
Total	60		

Test Statistics

Health illness while working	
Chi-Square	32.933 ^a
Df	3
Asymp. Sig.	.004

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 15.0.

A Chi-square test is performed to determine whether respondents' responses on Health illness while working are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.004 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between Health illness while working and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on Children's health-illness status while working in agriculture, domestic services, and Grain and Vegetable Markets. Agriculture has its own set of dangers from the standpoint of children. Handling pesticides and agricultural machinery, for example, can result in serious long-term consequences. Children labour in the fields are exposed to pesticides and pesticide-contaminated water and food. Working hours for children on farms can be long during planting and harvesting.

Long durations of standing, crouching, bending, and carrying large or awkward goods are all part of the work. In addition, the Child Labour Amendment Act of 2016 established a new protected worker category for children aged 14 to 18. On the other hand, this latter group is only protected from 'hazardous work,' which does not currently cover domestic work. According to civil society organizations, child domestic employment is dangerous because of their vulnerability to sexual abuse, exploitation, and acute tiredness caused by long working hours and insufficient rest.

PART II: PARENTS RESPONDENTS

7.3.16. Parents awareness about Child Labour?

Descriptive Statistics

Table 7.22: Parents awareness about the Child Labour

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	10	17.5	17.5	17.5
	No	16	28.1	28.1	45.6
	Maybe	31	54.4	54.4	100.0
Total		57	100.0	100.0	

Source: Field Study

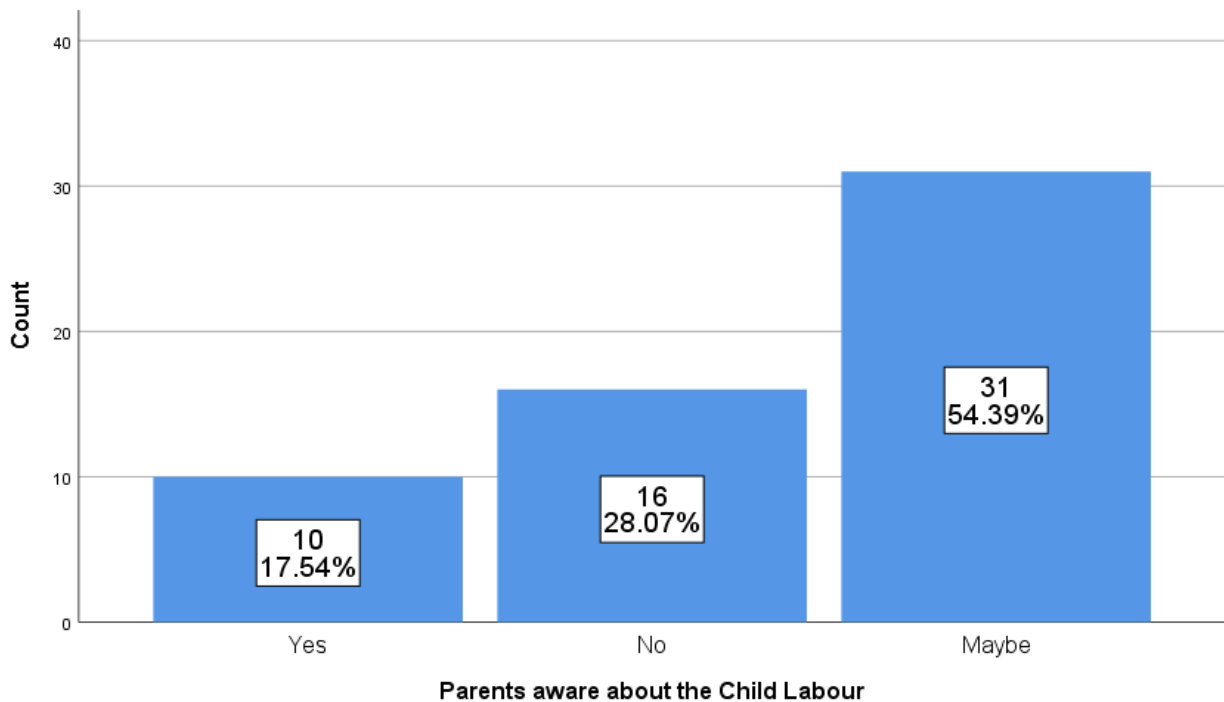


Table 7.22 shows the awareness of Parents about Child Labour.

Table 7.22 above shows that 57 total respondents, Parents of Child Labour, replied to the above-stated question. Under the frequency value, 10 respondents agreed on Yes, 16 agreed on

No, and 31 agreed on Maybe. The percentage distribution of awareness of parents of Child Labour opted by respondents. 17.54 % of the respondents agreed on Yes, 28.1 % agreed on No, and 54.4 % agreed on Maybe.

Chi-Square Test

Parents awareness about the Child Labour

	Observed N	Expected N	Residual
Yes	10	19.0	-9.0
No	16	19.0	-3.0
Maybe	31	19.0	12.0
Total	57		

Test Statistics

Parent's awareness of the Child Labour	
Chi-Square	12.316 ^a
Df	2
Asymp. Sig.	.002

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 19.0.

A Chi-square test is performed to determine the respondents' responses on the parents' awareness about Child Labour, which are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.002 is ≥ 0.05 . Thus, it may be concluded that it Rejects the Null Hypothesis because statistically, there is no significant difference between the awareness of Parents about Child Labour, and the distribution of respondents indifferent under the study.

Observation and Findings: Most parents are not aware of it. Some of them are aware, but the Children for their interest.

7.3.17. Why do Parents allow Child Labour?

Descriptive Statistics

Table 7.23: Why Parents allow for Child Labour

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Family tradition	7	12.3	12.3	12.3
	For family support	25	43.9	43.9	56.1
	Disease or disability of parents	5	8.8	8.8	64.9
	No ready to disclose	20	35.1	35.1	100.0
	Total	57	100.0	100.0	

Source: Field Work

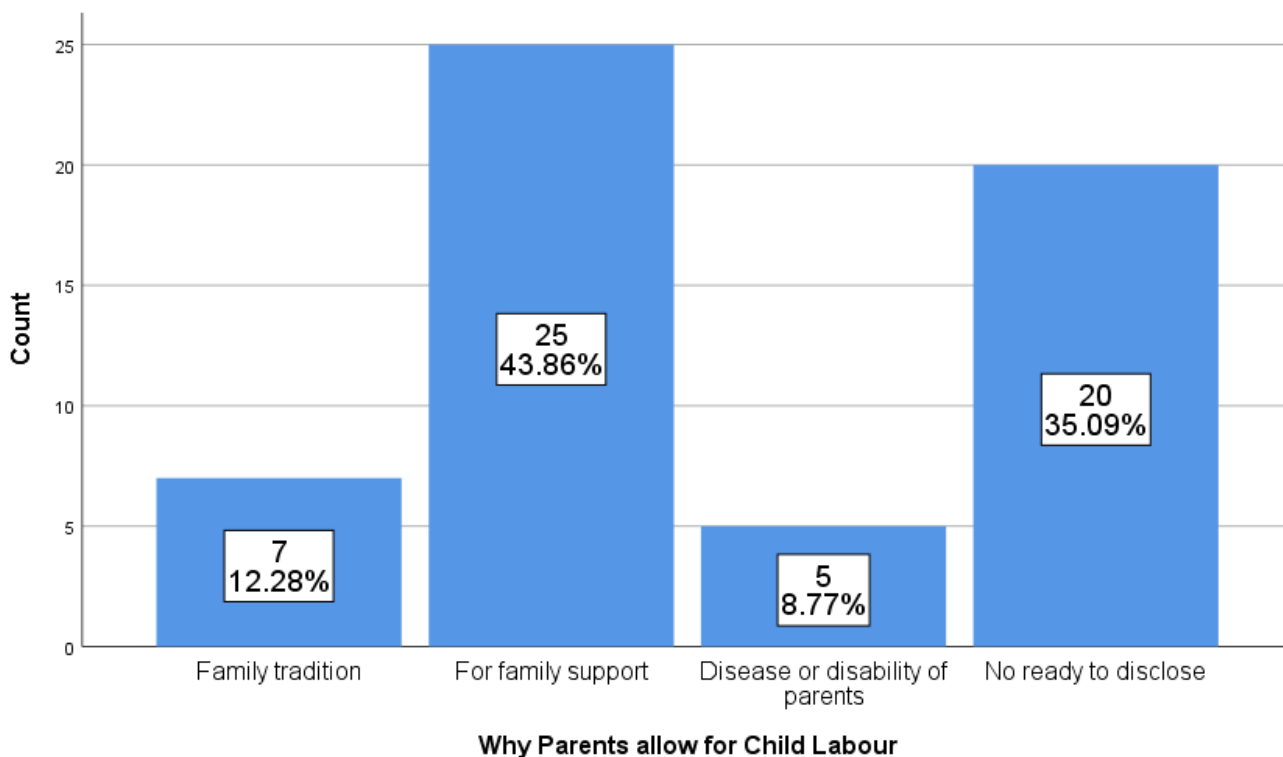


Table 7.23 shows why Parents allow for Child Labour.

Table 7.23 above shows that 57 total respondents, Parents of Child Labour, replied to the above-stated question. Under the frequency value, 7 of the respondents agreed on Family tradition, 25 of the respondents agreed on family Support, 5 respondents agreed on the Disease

or disability of parents, and 20 respondents were No ready to disclose. The percentage distribution opted by respondents. 12.3% of the respondents agreed on Family tradition, 43.9% of the respondents agreed on family Support, 8.8% agreed on the Disease or disability of parents, and 35.1% were not ready to disclose.

Chi-Square Test

Why Parents allow for Child Labour

	Observed N	Expected N	Residual
Family tradition	7	14.3	-7.2
For family support	25	14.3	10.8
Disease or disability of parents	5	14.3	-9.2
No ready to disclose	20	14.3	5.8
Total	57		

Source: Field Work

Test Statistics

Why Parents allow for Child Labour

Chi-Square	20.123 ^a
Df	3
Asymp. Sig.	.005

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 14.3.

A Chi-square test is performed to determine respondents' responses on why parents allow their children to labour, and are perceived differently or in the same manner under study. At 5% significance level and $df=3$, the computed significance of 0.005 is ≥ 0.05 . Thus, it may be concluded that it Rejects the Null Hypothesis because statistically, there is no significant difference between why parents allow their children to labour, and the distribution of respondents indifferent under the study.

Observation and Findings: This question is about why parents allow their children to join work instead of study. Some parents think it's our family tradition and that Children need to learn business skills from Childhood. Many parents believe starting employment early will help their children become more responsible. 72.1% of children aged 5-17 contribute to family work (ILO,2020). Due to adult members' unemployment, providing for the family's fundamental necessities is difficult. Family support allows their children to work. Such disease or disabled parents enable their children to work for medical treatment and food under certain circumstances.

7.3.18. Does Child work with Parents?

Descriptive Statistics

Table 7.24: Does Child work with Parents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	12	21.1	21.1	21.1
	No	18	31.6	31.6	52.6
	Occasionally	27	47.4	47.4	100.0
Total		57	100.0	100.0	

Source: Field Work

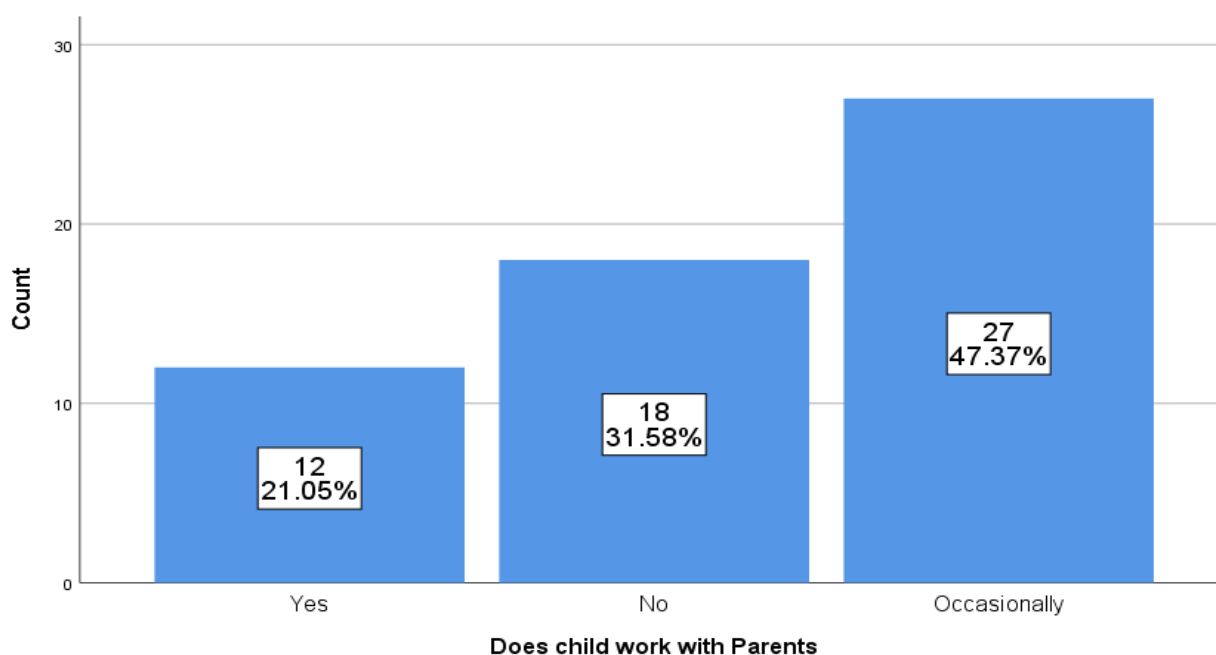


Table 7.24 shows Does Child work with Parents?

Table 7.24 above shows that 57 total respondents, Parents of Child Labour, replied to the above-stated question. Under the frequency value, 12 of the respondents agreed on Yes, 18 agreed on No, and 27 agreed on Occasionally. The percentage distribution opted by respondents. 21.1% of the respondents agreed on statements, 31.6% disagreed with ideas, and 47.4% agreed on them occasionally.

Chi-Square Test

Does the Child work with Parents			
	Observed N	Expected N	Residual
Yes	12	19.0	-7.0
No	18	19.0	-1.0
Occasionally	27	19.0	8.0
Total	57		

Test Statistics

Does the Child work with Parents	
Chi-Square	6.000 ^a
Df	2
Asymp. Sig.	.050

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 19.0.

A Chi-square test is performed to determine the respondents' responses on whether the child works with their Parents and is perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.050 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between whether the child works with their Parents and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on Children working with their parents or separately. They are occasionally working with parents, but they work alone and rarely with parents most of the time. When Children work alone below the legal age for work, they face more issues and problems at the workplace.

7.7.19. Parents aware of the ‘Free and Compulsory Education and ‘mid-day meals scheme’ for Children?

Descriptive Statistics

Table 7.25: Parents aware of ‘Free and Compulsory Education and ‘mid-day meals scheme’ of children

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	21	36.8	36.8	36.8
	No	11	19.3	19.3	56.1
	Maybe	25	43.9	43.9	100.0
Total		57	100.0	100.0	

Source: Field Work

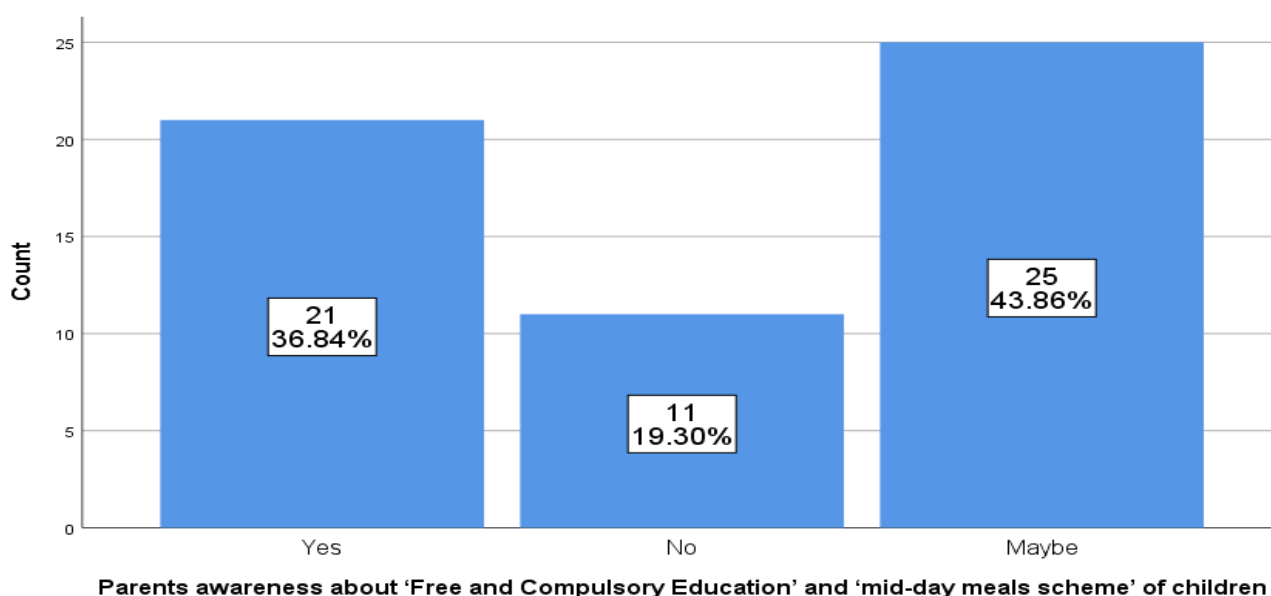


Table 7.25 shows about awareness of the ‘Free and Compulsory Education and ‘mid-day meals scheme’ for Children.

Table 7.25 above shows that 57 total respondents, Parents of Child Labour, replied to the above-stated question. Under the frequency value, 31 respondents agreed on Yes, 26 decided on No. The percentage distribution opted by respondents. 54.4 % of the respondents agreed with the statement, 45.6 % did not agree.

Chi-Square Test

Parents aware of ‘Free and Compulsory Education and ‘mid-day meals scheme’ of children

	Observed N	Expected N	Residual
Yes	21	19.0	2.0
No	11	19.0	-8.0
Maybe	25	19.0	6.0
Total	57		

Test Statistics

Parents awareness about ‘Free and Compulsory Education’ and ‘mid-day meals scheme’ of children	
Chi-Square	5.474 ^a
Df	2
Asymp. Sig.	.065

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 19.0.

A Chi-square test is performed to determine whether respondents' responses on Parent's awareness of the ‘Free and Compulsory Education and ‘mid-day meals scheme’ are perceived differently or in the same manner under study. At 5% significance level and df=5, the computed significance of 0.065 is ≥ 0.05 . Thus, it may be concluded that the study Rejects the Null Hypothesis because, statistically, there is no significant difference between Parent's awareness

of the 'Free and Compulsory Education and 'mid-day meals scheme, and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on Parent's awareness of the 'Free and Compulsory Education and 'mid-day meals scheme.' Education is free for children below 14 years. All the government schools provide mid-level to Children in school. But they can benefit from these schemes due to a lack of awareness.

7.3.20. Parents know that providing Education to Children is a Fundamental Duty of Parents?

Descriptive Statistics

Table 7.26: Parents know that providing Education to Child is a Fundamental Duty of Parents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	1	1.8	1.8	1.8
	No	30	52.6	52.6	54.4
	Maybe	26	45.6	45.6	100.0
Total		57	100.0	100.0	

Source: Field Work

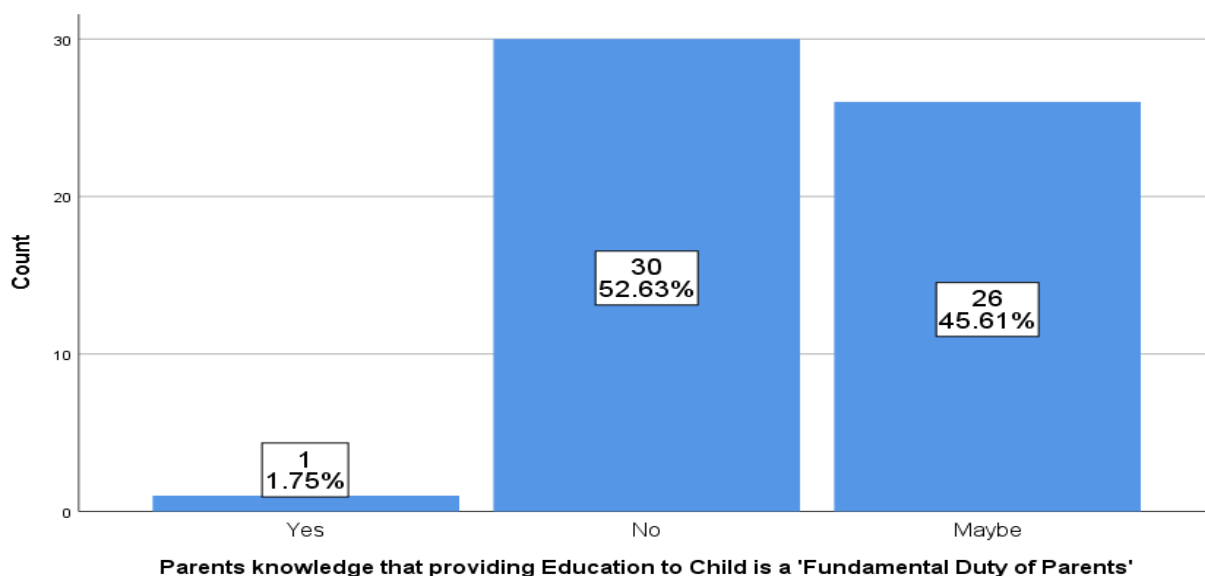


Table 7.26 shows parents' knowledge that providing Education to Children is a Fundamental Duty of Parents?

Table 7.26 above shows that 57 total respondents, Parents of Child Labour, replied to the above-stated question. Under the frequency value, 32 of the respondents agreed on Yes, and 25 of the respondents agreed on No. The percentage distribution opted by respondents is 56.1% of the respondents agreed on Yes, and 43.9% of the respondents agreed on No.

Chi-Square Test

Parents know about that providing Education to Child is a Fundamental Duty of Parents

	Observed N	Expected N	Residual
Yes	1	19.0	-18.0
No	30	19.0	11.0
Maybe	26	19.0	7.0
Total	57		

Test Statistics

Parents know that providing Education to Child is a Fundamental Duty of Parents

Chi-Square	26.000 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 19.0.

A Chi-square test is performed to determine whether respondents' responses on awareness about the Fundamental Duty of parents to give education to children are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between awareness about the

Fundamental Duty of parents to give education to children and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on parents' Fundamental Duty to educate children. They aren't aware of their duties. Only a fewer parents know about the value of education. They prefer the education of a Child.

7.3.21. Does the Child face any Physical or Mental problems at the Workplace?

Descriptive Statistics

Table 7.27: Does Child face any physical or mental problems at the workplace

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	4	7.0	7.0	7.0
	No	22	38.6	38.6	45.6
	Maybe	31	54.4	54.4	100.0
	Total	57	100.0	100.0	

Source: Field Work

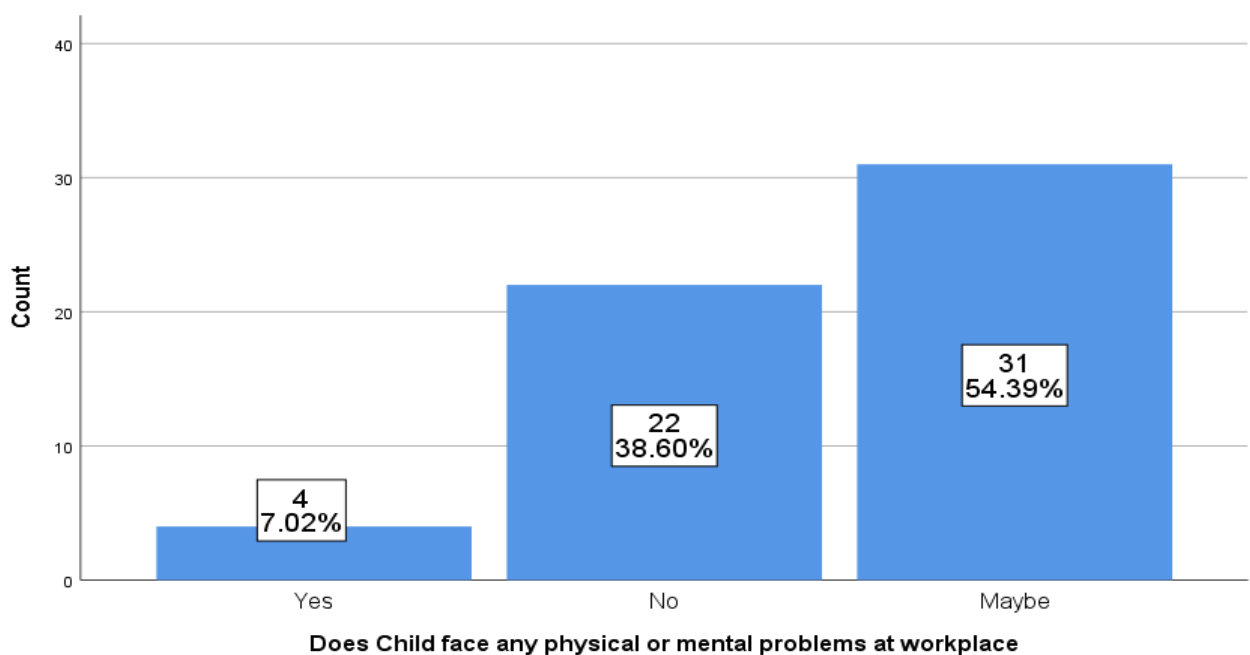


Table 7.27 show whether Do Child faces any physical or mental problems at the workplace.

Table 7.27 above shows that 57 total respondents are Parents of Child Labour who replied to the above-stated question. Under the frequency value, 4 respondents agreed on Yes, 22 agreed on No, and 31 agreed on Maybe. The percentage distribution opted by respondents. 7.0% of the respondents agreed on Yes, 38.60% agreed on No, and 54.4% agreed on Maybe.

Chi-Square Test

Does the Child face any physical or mental problems at the workplace			
	Observed N	Expected N	Residual
Yes	4	19.0	-15.0
No	22	19.0	3.0
Maybe	31	19.0	12.0
Total	57		

Test Statistics

Does Child face any physical or mental problems at workplace	
Chi-Square	19.895 ^a
Df	2
Asymp. Sig.	.003

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 19.0.

A Chi-square test is performed to determine respondents' responses on whether the Child faces any physical or mental problems at the workplace and is perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.003 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between whether the Child faces any physical or mental problems at the workplace awareness, and the distribution of respondents indifferent

under the study.

Observation and Findings: This question is based on whether the Child faces any physical or mental problems at the workplace. The majority of parents are not aware of it. Children, when working alone, face exploitation from employers.

7.3.22. Does the Child get a basic salary for work?

Descriptive Statistics

Table 7.28: Does the Child get a basic salary for work

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	15	26.3	26.3	26.3
	No	42	73.7	73.7	100.0
	Total	57	100.0	100.0	

Source: Field Work

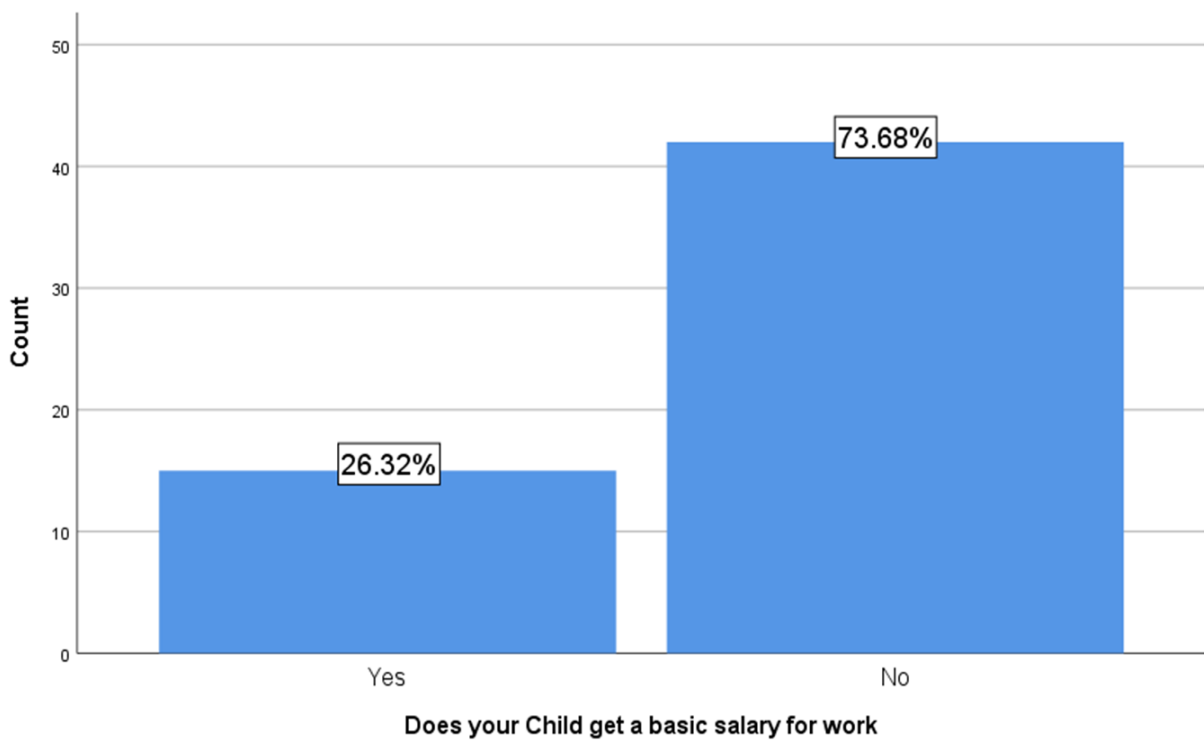


Table 7.28 shows Does a Child gets a basic salary for work.

Table 7.28 above shows that 57 total respondents, Parents of Child Labour, replied to the above-stated question. Under the frequency value, 15 of the respondents agreed to Yes, and 42 of the respondents decided on No. The percentage distribution opted by respondents. 26.3% of the respondents agreed on Yes, and 73.7% agreed on No.

Chi-Square Test

Does the Child get a basic salary for work

	Observed N	Expected N	Residual
Yes	15	28.5	-13.5
No	42	28.5	13.5
Total	57		

Test Statistics

Does the Child get a basic salary for work	
Chi-Square	12.789 ^a
Df	3
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 28.5.

A Chi-square test is performed to determine whether respondents' responses to Does a child get a basic salary for work are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between Does your Child gets a basic salary for work and the distribution of respondents is indifferent under the study.

Observation and Findings: This question is based on the salary received by Children.

The parent agrees that Children do not get a basic wage for their work. Employers always exploit poor Children

PART III: LEGAL RESPONDENTS, POLICE OFFICERS, CHILD WELFARE DEPARTMENT, AND NGOs RESPONDENTS

7.3.23. Have you seen Child Labour in your areas?

Descriptive Statistics

Table 7.29: Have you seen Child Labour in your areas

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	135	92.5	92.5	92.5
	No	6	4.1	4.1	96.6
	Maybe	5	3.4	3.4	100.0
Total		146	100.0	100.0	

Source: Field Work

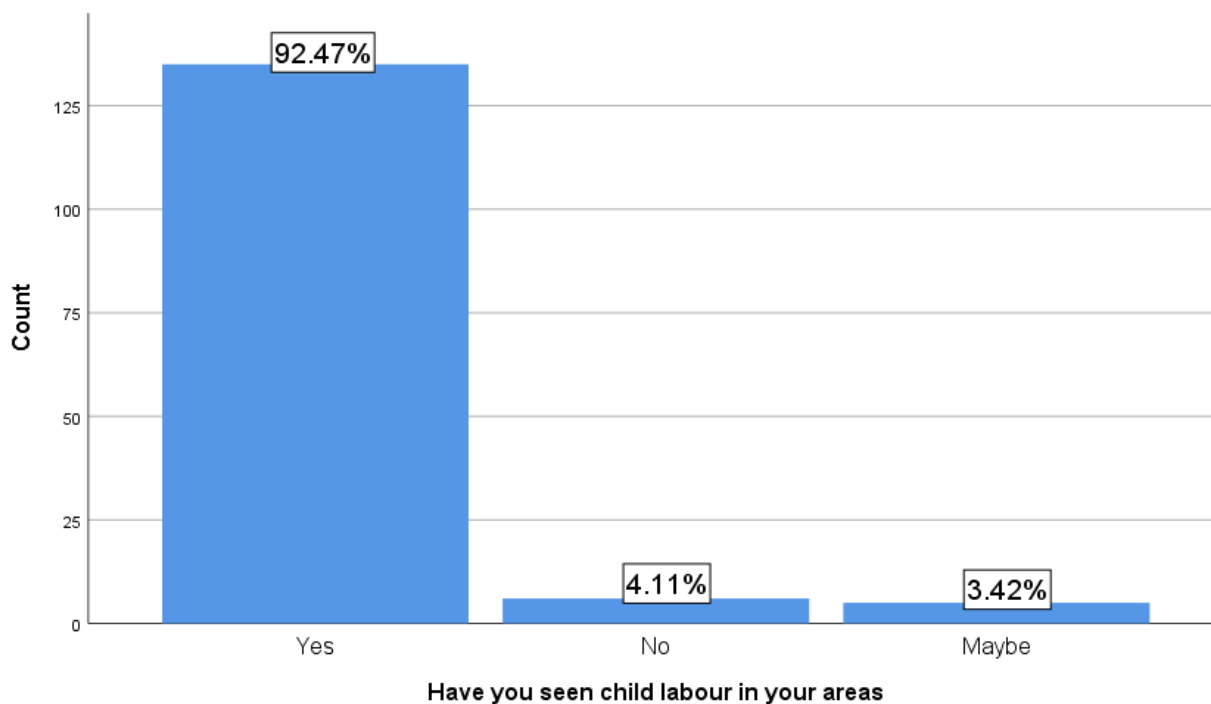


Table 7.29 show general observations of respondents on Child Labour.

Table 7.29 above shows that 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 135 respondents agreed on Yes, 6 agreed on No, and 5 agreed on Maybe. The percentage distribution opted by respondents. 92.5 % of respondents agreed on the existence of Child Labour, 4.1 % of respondents have not seen Children working in their areas, and 3.4 % of respondents agreed on Maybe.

Chi-Square Test

Have you seen Child Labour in your areas

	Observed N	Expected N	Residual
Yes	135	48.7	86.3
No	6	48.7	-42.7
Maybe	5	48.7	-43.7
Total	146		

Test Statistics

Have you seen Child Labour in your areas	
Chi-Square	229.740 ^a
Df	2
Asymp. Sig.	.000

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 48.7.

A Chi-square test is performed to determine respondents' responses on Have seen Child Labour in their areas and are perceived differently or in the same manner under study. At 5% significance level and df=5, the computed significance of 0.000 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between Have you seen Child Labour in your areas, and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based upon the general statement of respondents on Child Labour in their areas. Three situations were given to the respondents. The majority of respondents agreed on child employees' existence in their regions. Even though child employment levels have fallen, they continue to be forced into some of the most heinous types of labour. They can be found in factories, domestic services, farm fields, and grain and vegetable markets in Punjab.

7.3.24. Under which circumstances does the Child Work

Descriptive Statistics

Table 7.30: Under which circumstances does the Child work

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Under poor condition (no facility of water, hygiene is not maintained, no bathroom, no proper lightening, no safety and health measures at workplace)	139	95.2	95.2	95.2
	Under good condition (facility of water available, hygiene is maintained, bathroom available, proper lightening, safety and health measures at workplace)	7	4.8	4.8	100.0
	Total	146	100.0	100.0	

Source: Field Work

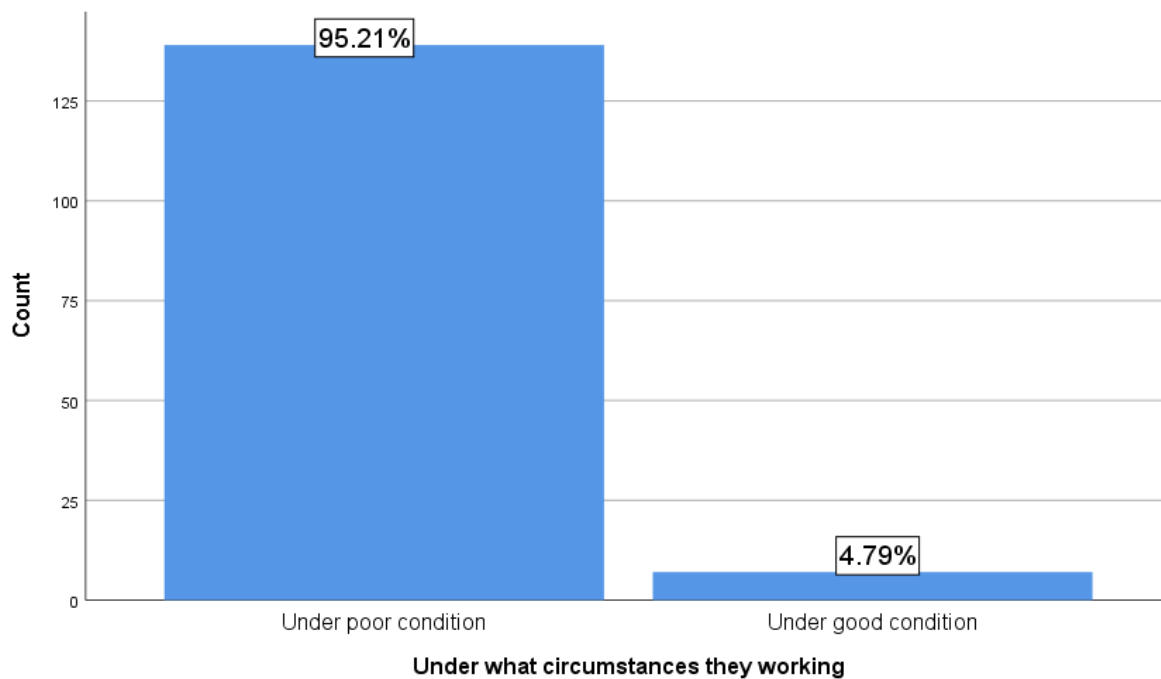


Table 7.30 show the number in which conditions Children work.

Table 7.30 above shows that 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 139 respondents agreed on poor conditions, and 7 respondents agreed on suitable conditions. The percentage distribution opted by respondents. 95.1 % of respondents accepted Children working under poor conditions, and 4.8 % agreed with good conditions.

Chi-Square Test

Under which circumstances child works

	Observed N	Expected N	Residual
Under poor condition (no facility of water, hygiene is not maintained, no bathroom, no proper lightening, no safety and health measures at workplace)	139	73.0	66.0

Under good condition (facility of water available, hygiene is maintained, bathroom available, proper lightening, safety and health measures at workplace)	7	73.0	-66.0
Total	146		

Test Statistics

	Under which circumstances does the child work
Chi-Square	119.342 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 73.0.

A Chi-square test is performed to determine the respondents' responses on underwhat circumstances they are working, are perceived differently, or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between on under what circumstances they are working and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the circumstances Children are working under. Most of the respondents agreed on the poor condition of Children while working. When assessing employment risks and dangers, it's essential to evaluate how they affect physical, cognitive, and emotional growth. Child workers in domestic employment refer to work done by minors under the age of the applicable minimum age (for light work, full-time non-hazardous job), in hazardous conditions, or in a slave scenario.

Due to their physical characteristics, children may not be secure in working environments that are healthy and safe for grownups. Children at various phases of

development may face more significant risks, which may have long-term consequences. The extraordinarily high rates of illnesses, fatalities, and injuries among agricultural child workers due to several factors: Pesticide exposure; working with heavy gear and sharp instruments; lack of access to new water handwashing stations and restrooms; starting work at a young age, usually between the ages group 5-7; agricultural work is subject to less stringent standards.

7.3.25. Does the Child Welfare department actively conduct raids in the areas where Child Labour is more prevalent?

Descriptive Statistics

Table 7.31: Does the department of Child welfare actively conduct raids in the areas where Child Labour is more prevalent

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Regularly	8	5.5	5.5	5.5
	Occasionally	26	17.8	17.8	23.3
	Never	112	76.7	76.7	100.0
	Total	146	100.0	100.0	

Source: Field Work

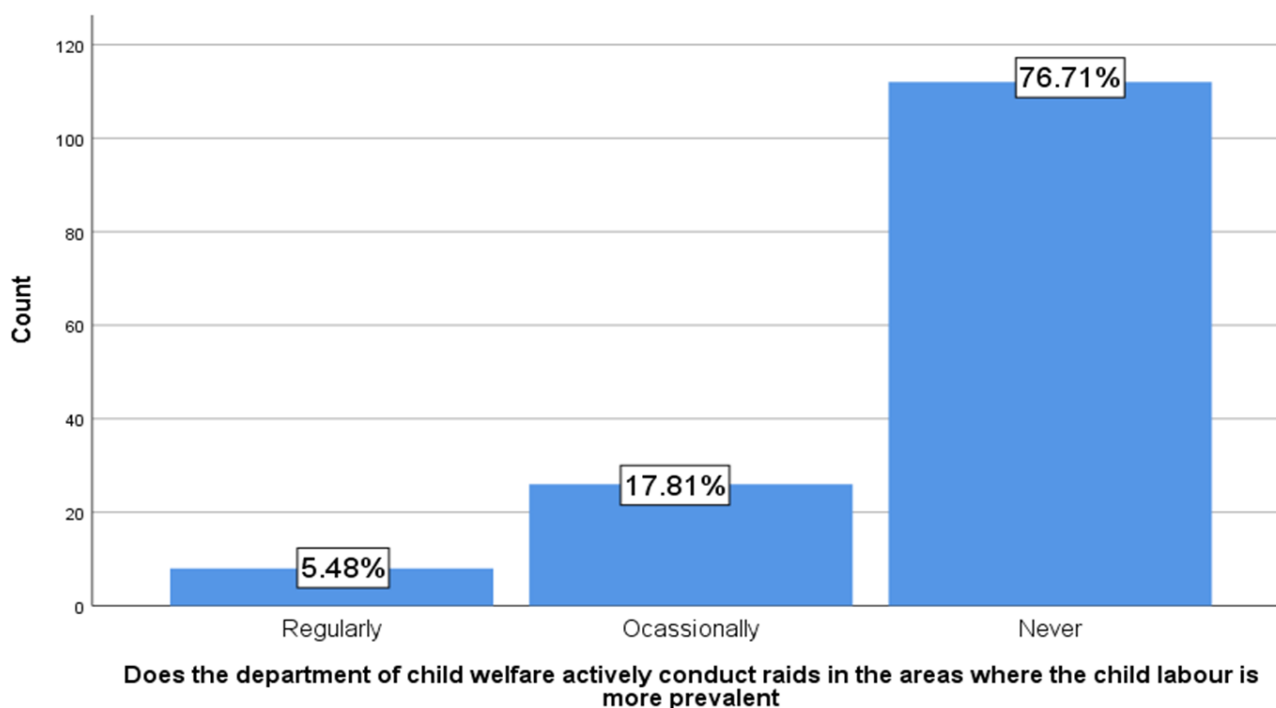


Table 7.31 shows the concerned child welfare department conduct raids actively in suspected areas.

Table 7.31 above shows that 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 8 respondents agreed on poor regular raids, 26 respondents agreed occasionally, and 112 agreed on never conducted raids. The percentage distribution opted by respondents. 5.5% of respondents agreed on regular raids, 17.8% of respondents on occasional, and 76.7% of respondents agreed on never.

Chi-Square Test

Does the department of child welfare actively conduct raids in the areas where Child Labour is more prevalent

	Observed N	Expected N	Residual
Regularly	8	48.7	-40.7
Occasionally	26	48.7	-22.7
Never	112	48.7	63.3
Total	146		

Test Statistics

Does the department of child welfare actively conduct raids in the areas where Child Labour is more prevalent	
Chi-Square	126.959 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 48.7.

A Chi-square test is performed to determine the respondents' responses on whether the department of Child welfare actively conducts raids, is perceived differently, or in the same manner under study. At 5% significance level and df=5, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is

no significant difference between whether the department of Child welfare actively conducts raids and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on whether the department of Child welfare actively conducts raids; most respondents agreed upon never, other regularly, and occasionally. Due to the lack of conducted raids in suspect areas or places, this issue is spread widely in our society. Raids are conducted primarily in urban areas because it's easy to track the location where Children are working. On the other hand, conducting raids in rural areas is difficult. No one cooperates with concerned authorities during the Child's recovery, and nobody is ready to give complete against an employer. The labour department has been conducting raids to prevent Child Labour, but they have often failed to prosecute.

7.3.26. Problems and challenges faced during Child Labour Rescue and Rehabilitation

Descriptive Statistics

Table 7.32: Problems and challenges face during Child Labour Rescue and Rehabilitation

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Threat from Employer	8	5.5	5.5	5.5
	Non-corporate from Parents	17	11.6	11.6	17.1
	Difficulty in tracking Child Labour	11	7.5	7.5	24.7
	All of the above-mentioned	109	74.7	74.7	99.3
	None of these	1	.7	.7	100.0
	Total	146	100.0	100.0	

Source: Field Work

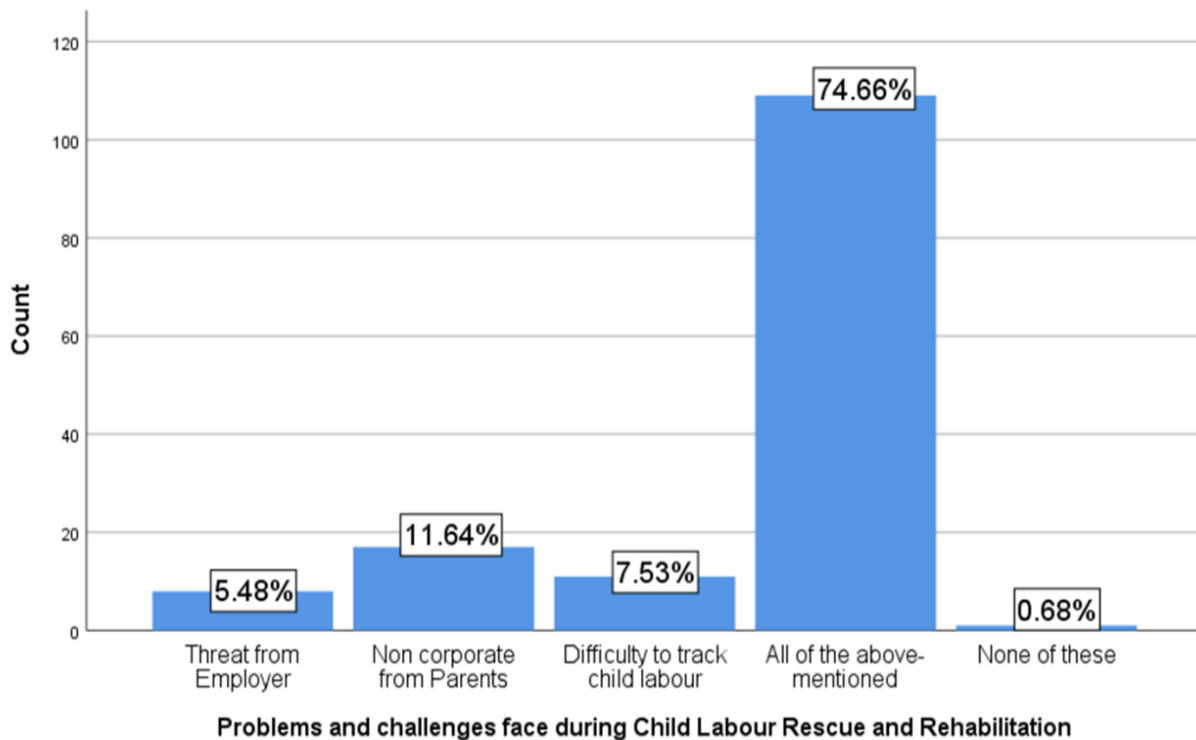


Table 7.32 shows the Problems and challenges faced during Child Labour Rescue and Rehabilitation

Table 7.32 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 8 respondents agreed on the threat from the employer, 17 respondents agreed on non-corporate from parents, 11 respondents agreed on the difficulty of tracking Child Labour and 109 respondents on all statements, and 1 respondent on none of these. The percentage distribution opted by respondents. 5.5% of respondents agreed on the threat from the employer, 11.6% agreed on non-corporate from parents, 7.5% agreed on the difficulty of tracking Child Labour, 74.7% responded on all statements, and 0.7% responded none of these.

Chi-Square Test

Problems and challenges faced during Child Labour Rescue and Rehabilitation

	Observed N	Expected N	Residual
Threat from Employer	8	29.2	-21.2
Non-corporate from Parents	17	29.2	-12.2
Difficulty in tracking Child Labour	11	29.2	-18.2
All of the above-mentioned	109	29.2	79.8
None of these	1	29.2	-28.2
Total	146		

Test Statistics

Problems and challenges faced during Child Labour Rescue and Rehabilitation	
Chi-Square	277.151 ^a
Df	4
Asymp. Sig.	.003

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 29.2.

A Chi-square test is performed to determine respondents' responses on the Problems and challenges faced during Child Labour Rescue and Rehabilitation, which are perceived differently or in the same manner under study. At 5% significance level and df=5, the computed significance of 0.003 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between the Problems and challenges faced during Child Labour Rescue and Rehabilitation and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on Problems and challenges faced during Child Labour Rescue and Rehabilitation. The Punjab government's efforts to address widespread Child trafficking for labour exploitation by rescuing and reintegrating impacted Children are examined. The majority of respondents face all the mentioned problems. Parents

do not cooperate with the rescue team. They are not ready to file files ultimately. The offense of Child Labour for the first time is compoundable. Parents dispose of the case for the money. Due lack of an effective mechanism to tackle, it's not easy to rescue teams to detect children; teams face threats from employers when police are not ready to cooperate with them.

7.3.27. Child recovered during the raid handover to

Descriptive Statistics

Table 7.33: Child recover during raid handover to

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Parents	15	10.3	10.3	10.3
	Police	18	12.3	12.3	22.6
	Department of Women and Child Welfare	39	26.7	26.7	49.3
	All of the above-mentioned	74	50.7	50.7	100.0
	Total	146	100.0	100.0	

Sources: Field Work

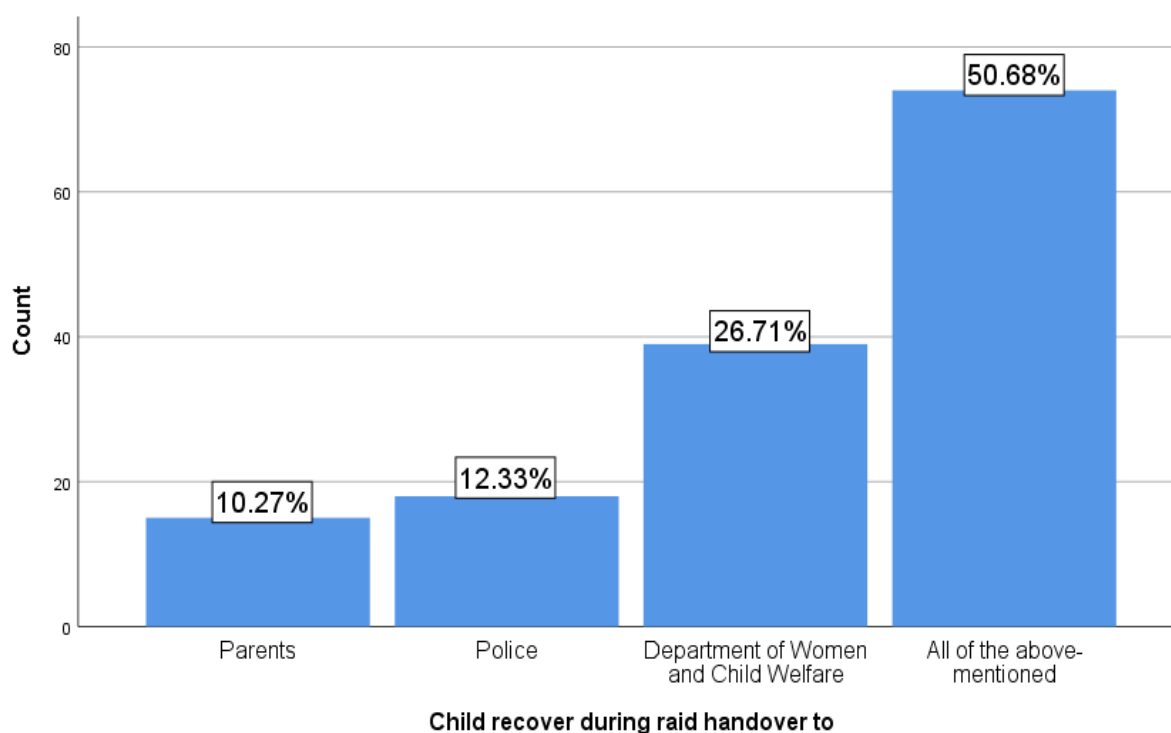


Table 7.33 shows the number of Children who recovers during raids.

Table 7.33 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 15 respondents agreed with Parents, 18 respondents agreed with Police, 39 respondents agreed with “The Department of Women and Child Development”, and 74 respondents on all statements. The percentage distribution opted by respondents. 10.3% of respondents agreed with Parents, 12.3% agreed with Police, 26.7% agreed with “the Department of Women and Child Development”, and 50.7% Respondents to all statements.

Chi-Square Test

Child recovered during the raid handover to

	Observed N	Expected N	Residual
Parents	15	36.5	-21.5
Police	18	36.5	-18.5
Department of Women and Child Welfare	39	36.5	2.5
All of the above-mentioned	74	36.5	37.5
Total	146		

Test Statistics

	Child recovered during the raid handover to
Chi-Square	60.740 ^a
Df	3
Asymp. Sig.	.002

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 36.5.

A Chi-square test is performed to determine respondents' responses on the child recovery during raids handover to those perceived differently or in the same manner under study. At 5%

significance level and $df=5$, the computed significance of 0.002 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between the child recovery during raids handover to whom and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the Child recovered during the raid’s handover to whom. The majority of respondents agreed with any of those mentioned above. More respondents chose Children rescued during raids handover to the Department of Child development than police and parents, “if the Child worker's employment does not fit into the hazardous job category, the Child Labour should be freed from the clutches of unscrupulous employers and handed over to the police to end the harmful practice of Child Labour and bring these children into the mainstream of schooling.”

7.3.28. What is the condition of a Child when he recovers from Bonded Labour?

Descriptive Statistics

Table 7.34: What is the condition of a child when he recovers from Bonded Labour

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Under Physical torture	6	4.1	4.1	4.1
	Under Mental Stress	6	4.1	4.1	8.2
	Both of them	134	91.8	91.8	100.0
	Total	146	100.0	100.0	

Source: Field Work

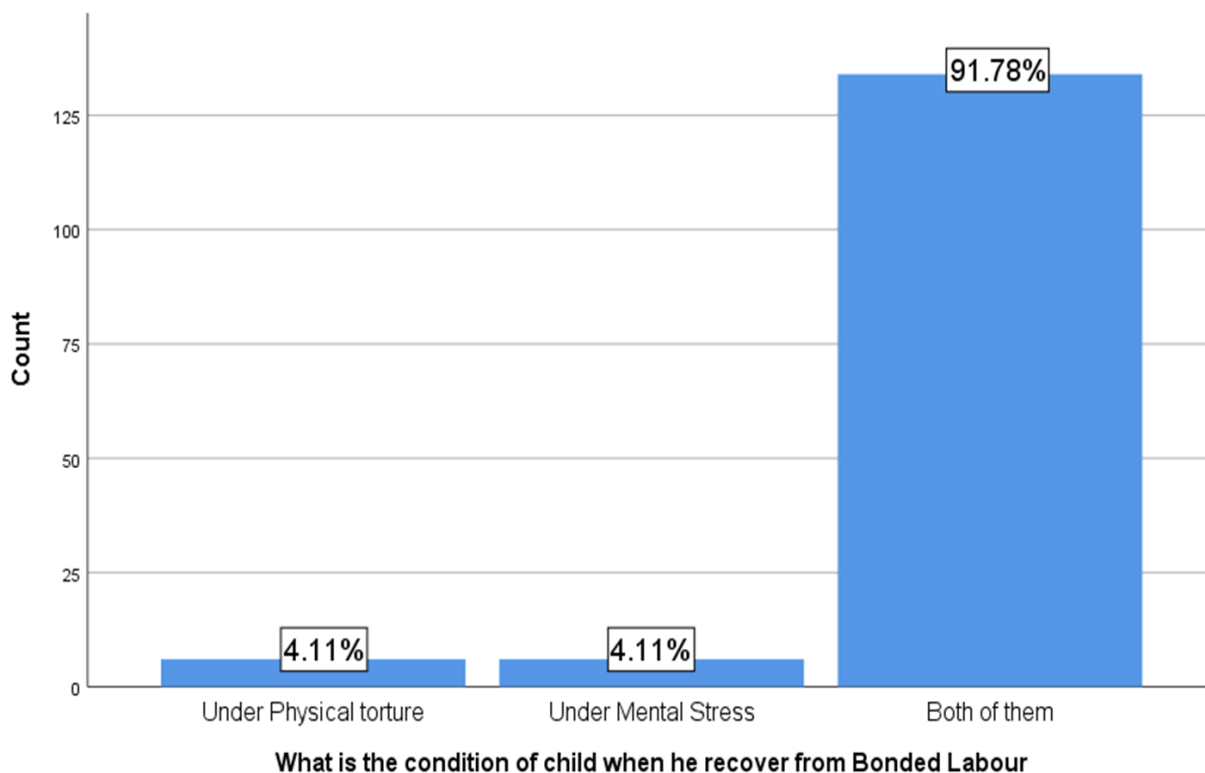


Table 7.34 shows the condition of a Child when he recovers from Bonded Labour.

Table 7.34 above shows that 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development,’ replied to the above-stated question. Under the frequency value, 6 respondents agreed on physical torture, 6 decided on mental stress, and 134 disagreed with both of their statements. The percentage distribution opted by respondents. 4.1% of respondents agreed on physical torture, 4.1% agreed on mental stress, and 91.78% agreed with both statements.

Chi-Square Test

What is the condition of a child when he recovers from Bonded Labour

	Observed N	Expected N	Residual
Under Physical torture	6	48.7	-42.7
Under Mental Stress	6	48.7	-42.7
Both of them	134	48.7	85.3
Total	146		

Test Statistics

What is the condition of a child when he recovers from Bonded Labour	
Chi-Square	224.438 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5.
The minimum expected cell frequency is 48.7.

A Chi-square test is performed to determine respondents' responses on the condition of a Child when he recovers from Bonded Labour, which is perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically there is no significant difference between the condition of a Child when he recovers from Bonded Labour, and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on a child's condition when he recovers from Bonded Labour. Two states were given to respondents on this issue majority of respondents accepted both options. Children are underpaid and frequently abused. They cannot prepare enough food to eat and possibly assist in feeding their families. Little children were exploited in domestic work and agriculture under bonded labour to pay the family debts. Girls are sexually exploited under bonded labour.

7.3.29. Is it possible for a child to be involved in labour without the consent of their parents?

Descriptive Statistics

Table 7.35: Is it possible for a child to be involved in labour without the consent of their parents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	12	8.2	8.2	8.2
	No	114	78.1	78.1	86.3
	Maybe	20	13.7	13.7	100.0
	Total	146	100.0	100.0	

Source: Field Work

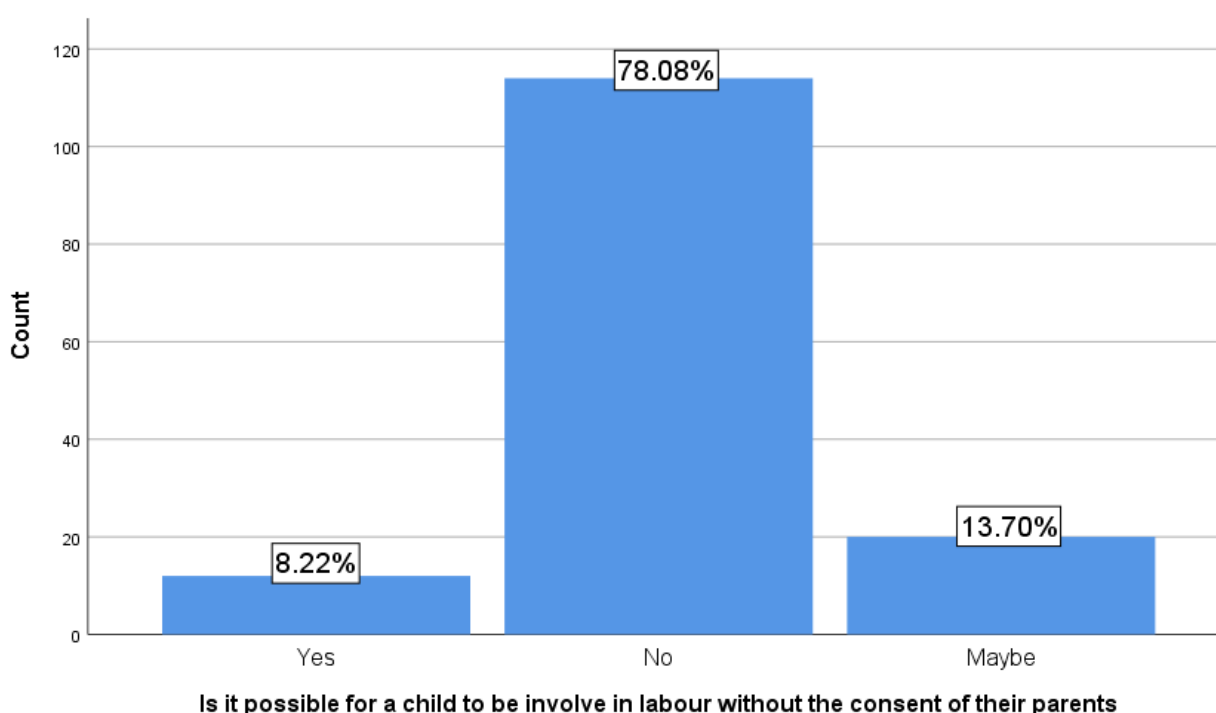


Table 7.35 shows the possibility for a child to be involved in labour without the consent of their parents.

Table 7.35 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 12 respondents agreed, 114 disagreed, and 20 agreed on maybe. The percentage distribution of the possibility for a child to be involved in labour without the consent of their parents opted by respondents. 8.2% of respondents agreed, 78.1% disagreed, and 13.7% agreed on maybe.

Chi-Square Test

Is it possible for a child to be involved in labour without the consent of their parents

	Observed N	Expected N	Residual
Yes	12	48.7	-36.7
No	114	48.7	65.3
Maybe	20	48.7	-28.7
Total	146		

Test Statistics

Is it possible for a child to be involve in labour without the consent of their parents

Chi-Square	132.219 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5.
The minimum expected cell frequency is 48.7.

A Chi-square test is performed to determine the respondents' responses on the possibility of a child being involved in labour without their parents' consent to be perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that the study Rejects the Null Hypothesis because statistically, there is no significant difference between the possibility of a child being involved in labour without the consent of their parents and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the fact that a child can be involved in labour without the consent of their parents. Under the three given options, some respondents agreed that Children be engaged in work without the permission of their parents to support their families. It can happen due to less income in the household, and parents may not bother to ask the Child where he got the money. It depends on the circumstances of every family. Sometimes

Children themselves want to work and earn money to buy things they don't have due to poverty and wish to help their parents and for education. They work part-time with family members, but it is impossible for children.

In some cases, it may be the possible child is abducted. The majority of respondents agreed that without parents' consent, it's not possible. Parents are the guardians of children until they attain the age of majority, so how do they work without their parents' permission. In the case of minor children, it's not possible.

7.3.30. Is the employer aware of the prohibition of Child Labour under 14?

Descriptive Statistics

Table 7.36: Is the Employer aware of the prohibition of Child Labour under 14 years

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	96	65.8	65.8	65.8
	No	50	34.2	34.2	100.0
Total		146	100.0	100.0	

Source: Field Work

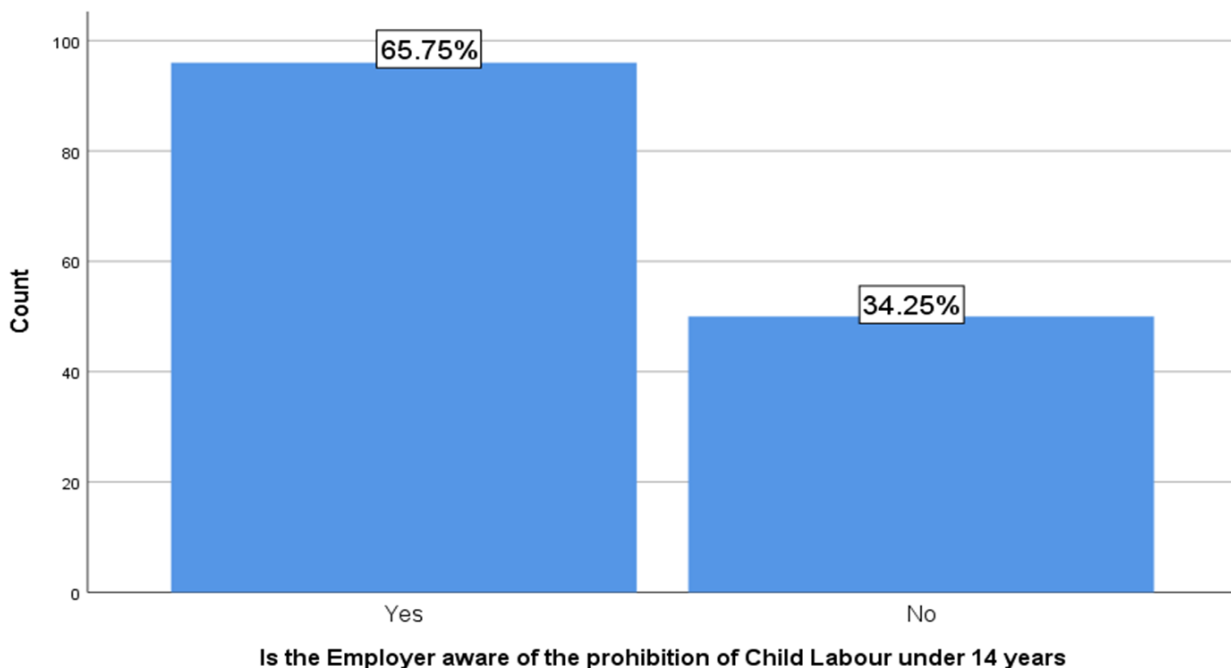


Table 7.36 shows Employer is aware of the prohibition of Child Labour under 14.

Table 7.36 above shows that 146 total Employer respondents replied to the above-stated question. Under the frequency value, 96 respondents agreed on Yes, and 50 of the respondents agreed on No. percentage distribution opted by respondents. 65.8% of respondents agreed on Yes, and 34.2% agreed on No.

Chi-Square Test

Is the Employer aware of the prohibition of Child Labour under 14 years

	Observed N	Expected N	Residual
Yes	96	73.0	23.0
No	50	73.0	-23.0
Total	146		

Test Statistics

Is the Employer aware of the prohibition of Child Labour under 14 years

Chi-Square	14.493 ^a
df	1
Asymp. Sig.	.000

a. 0 cells (0.0%) have expected frequencies less than 5.

The minimum expected cell frequency is 73.0.

A Chi-square test is performed to determine the respondents' responses on whether the Employer is aware of the prohibition of Child Labour under 14 possibilities are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.000 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between on possibility of the Employer being aware of the prohibition of Child Labour under 14 and the distribution of respondents indifferent under the study.

Observation and Findings: This question on the awareness of the employers on Child Labour. Most respondents are aware of it, but Children are exploited highly due to the non-enforcement of Child Labour laws. Employers prefer cheap and unskilled Labour at a low rate.

7.3.31. Why do Employers hire a Child despite the ban on Child Labour?

Descriptive Statistics

Table 7.37: Why the Employer hires a Child despite the ban on Child Labour

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Parents allow	19	13.0	13.0	13.0
	Child work to support the family	38	26.0	26.0	39.0
	Child Labour is cheap labour	38	26.0	26.0	65.1
	All of the above-mentioned	51	34.9	34.9	100.0
	Total	146	100.0	100.0	

Source: Field Work

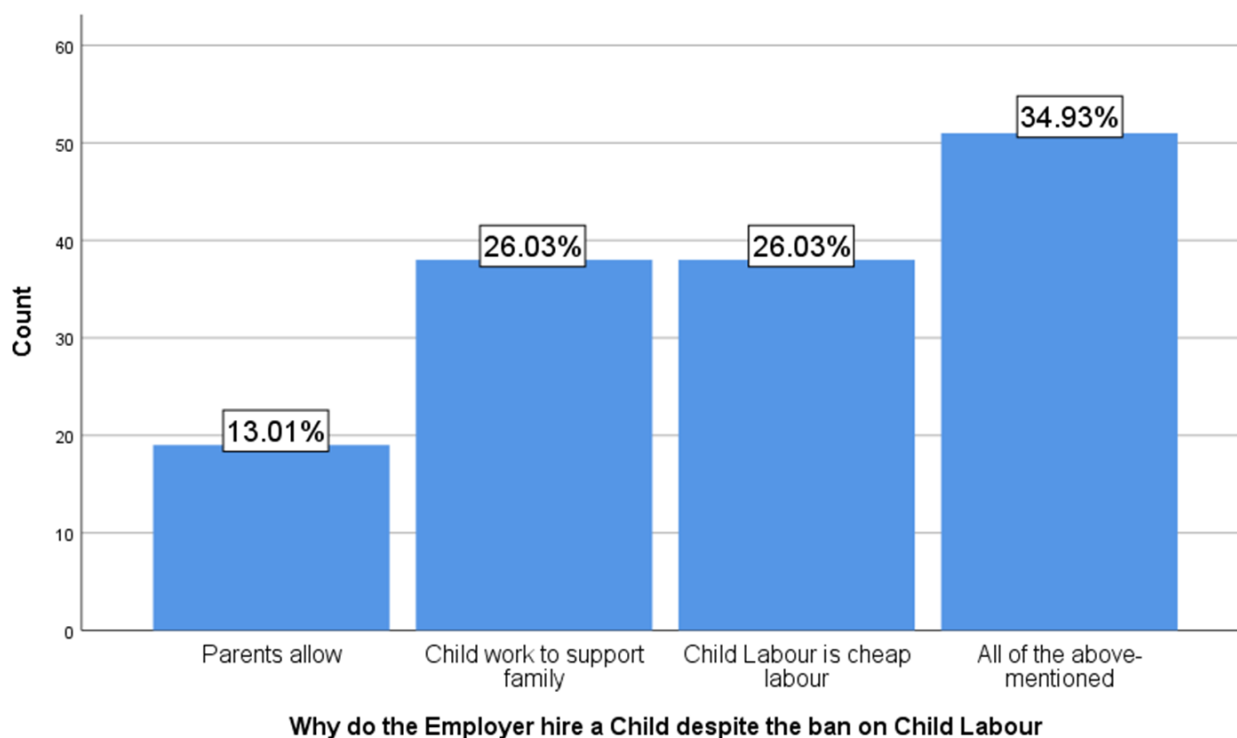


Table 7.37 shows why employers hire a Child despite the ban on Child Labour.

Table 7.37 above shows that 146 total Employer respondents replied to the above-stated question. Under the frequency value, 19 of the respondents agreed that parents allow, 38 of the respondents agreed on Child work to support the family, 38 Child Labour is cheap labour, and 51 with all. The percentage distribution opted by respondents. 13.0 % of respondents agreed on Parent allow, 26.0 % agreed on Child work to support the family, 26.0 % of Child Labour is cheap labour, 34.9 % with all.

Chi-Square Test

Why does the Employer hire a Child despite the ban on Child Labour

	Observed N	Expected N	Residual
Parents allow	19	36.5	-17.5
Child work to support the family	38	36.5	1.5
Child Labour is cheap labour	38	36.5	1.5
All of the above-mentioned	51	36.5	14.5
Total	146		

Test Statistics

Why does the Employer hire a Child despite the ban on Child Labour

Chi-Square	14.274 ^a
Df	3
Asymp. Sig.	.003

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 36.5.

A Chi-square test is performed to determine the respondents' responses on why the

employer hires a Child for work despite a ban on it are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.003 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between on possibility of why the employer hires a Child for work despite a ban on it and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on why the employer hires a Child for work despite a ban on it. Most of the respondents hire Child Labour for work with the consent of their parents. Some of them are when Children want to help their families.

7.3.32. What action does the department take against the Employer

Descriptive Statistics

Table 7.38: What action does the department take against the Employer

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	File FIR/Complaint	15	10.3	10.3	10.3
	Transfer the matter to the District Commissioner of the concerned District	16	11.0	11.0	21.2
	Recover Rs. 20,000 from employers for Child Labour-Rehabilitation-cum-Welfare-Funds	3	2.1	2.1	23.3
	Any of above-mentioned	30	20.5	20.5	43.8
	None of above-mentioned	82	56.2	56.2	100.0
	Total	146	100.0	100.0	

Source: Field Work

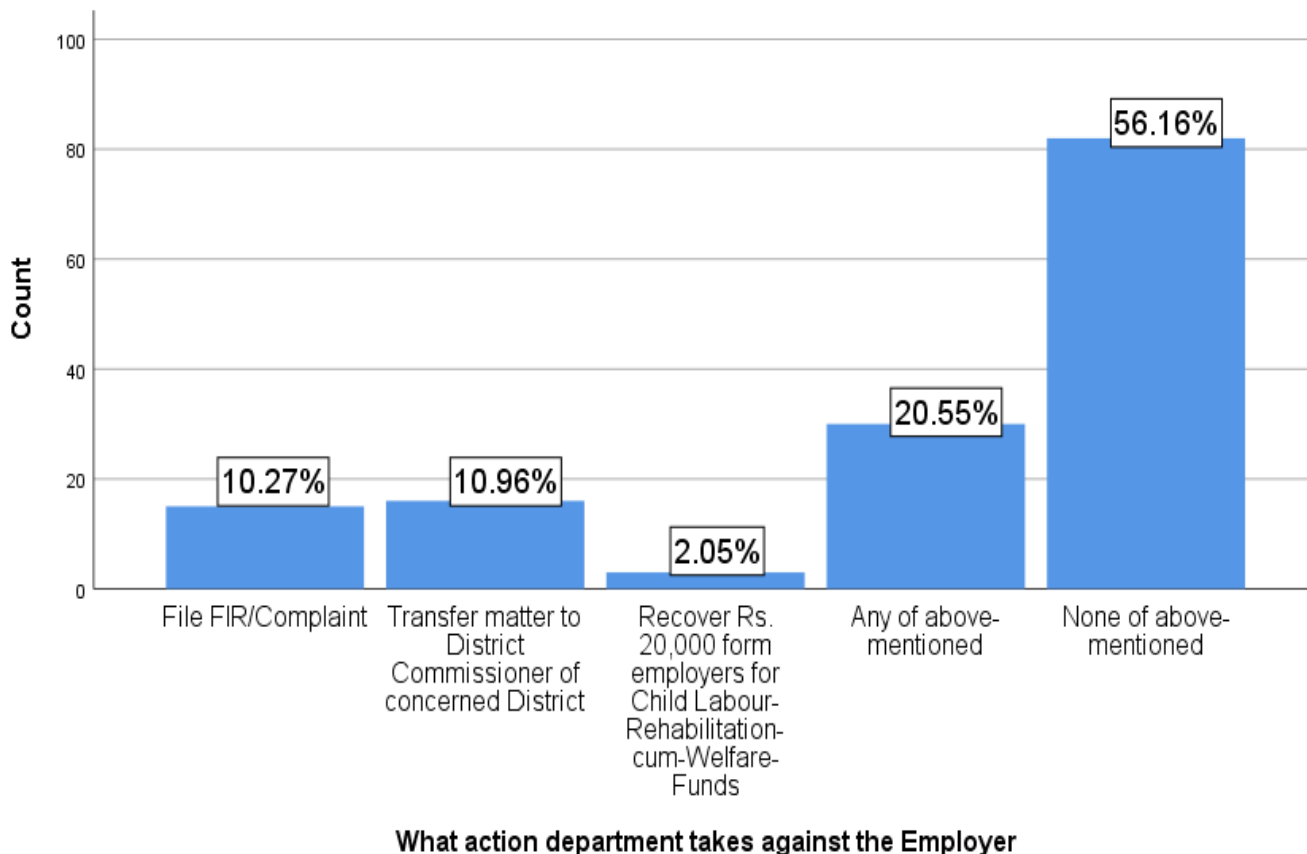


Table 7.38 shows the action department takes against the Employer.

Table 7.38 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 15 respondents agreed to File an FIR/Complaint, 16 respondents agreed to Transfer the matter to the District Commissioner of the concerned District, and 3 respondents agreed to “Recover Rs. 20,000 from employers for Child Labour-Rehabilitation-cum-Welfare-Funds”, 30 respondents on any of above-mentioned, and 82 respondents on none of above-mentioned. The percentage distribution opted by respondents. 10.37% of respondents agreed to File an FIR/Complaint, 10.96% of respondents agreed to Transfer the matter to the District Commissioner of the concerned District, and 2.05% of respondents agreed to Recover “Rs. 20,000 from employers for Child Labour-Rehabilitation-cum-Welfare-Funds,” 20.55% respondents on any of above-mentioned, and 56.16% respondents on none of above- mentioned.

Chi-Square Test

What action does the department take against the Employer

	Observed N	Expected N	Residual
File FIR/Complaint	15	29.2	-14.2
Transfer matter to District Commissioner of concerned District	16	29.2	-13.2
Recover Rs. 20,000 form employers for Child Labour-Rehabilitation- cum-Welfare-Funds	3	29.2	-26.2
Any of above-mentioned	30	29.2	.8
None of above-mentioned	82	29.2	52.8
Total	146		

Test Statistics

What action does the department take against the Employer	
Chi-Square	131.877 ^a
Df	4
Asymp. Sig.	.003

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 29.2.

A Chi-square test is performed to determine whether the responses of respondents on the action department takes against the Employer are perceived differently or in the same manner under study. At 5% level of significance and $df=5$, the computed significance of $0.003 \leq 0.05$. Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of the action department takes against the Employer and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the action department takes against the Employer. To address this issue, the government has taken several proactive actions. The Police department “filed a First Information Report against the Child Labour employer under Sections 331, 362, 370, 374, and 34 of the Indian Penal Code, as well as Sections 23, 24, and 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000, and Sections 16, 17, 18, 19, and 20 of the Bonded Labour System (Abolition) Act, 1976. Take the required steps to apprehend the offending employer and take all necessary future procedures to pursue criminal charges” against the employers when they recovered any Child below the legal age for work.

7.3.33. What steps are being taken by departments to eliminate Child/Bonded Labour?

Descriptive Statistics

Table 7.39: What steps are being taken by departments to eliminate Child/Bonded Labour

			Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Organize awareness Camp's/seminars on child welfare and protection laws		8	5.5	5.5	5.5
	Coordination with government to provide schemes benefits to victim		3	2.1	2.1	7.5
	Provide Legal Aid/Free legal aid and Assistance to victim		4	2.7	2.7	10.3
	All of the above-mentioned		45	30.8	30.8	41.1
	None of above-mentioned		86	58.9	58.9	100.0
	Total		146	100.0	100.0	

Source: Field Work

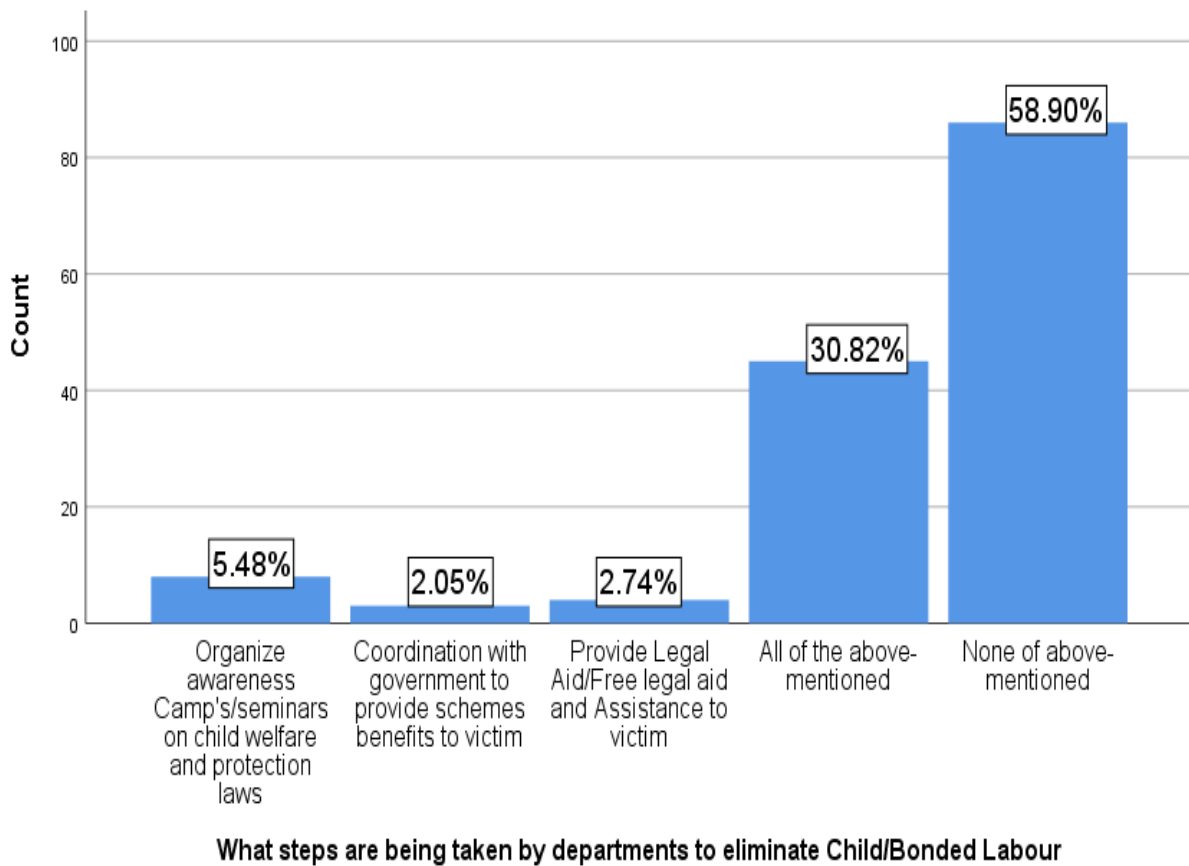


Table 7.39 shows departments are taking steps to eliminate Child/Bonded Labour.

Table 7.39 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 8 respondents agreed to Organize awareness Camp's/seminars on Child welfare and protection laws, 3 respondents agreed to Coordination with the government to provide schemes and benefits to the victim, 4 respondents agreed to Provide Legal Aid/Free legal aid, and 45 Assistance to the victim, respondents on any of above-mentioned, and 86 respondents on none of above-mentioned.

The percentage distribution opted by respondents. 5.5% of respondents agreed on Organising awareness Camp's/seminars on Child welfare and protection laws, 2.1% of respondents agreed on Coordination with the government to provide schemes and benefits to the victim, 2.7% of respondents agreed on Provide Legal Aid/Free legal aid and assistance to the victim, 30.82% respondents on any of above-mentioned, and 58.90% respondents on none of above-mentioned.

Chi-Square Test

What steps are being taken by departments to eliminate Child/Bonded Labour

	Observed N	Expected N	Residual
Organize awareness Camp's/seminars on child welfare and protection laws	8	29.2	-21.2
Coordination with the government to provide schemes and benefits to the victim	3	29.2	-26.2
Provide Legal Aid/Free legal aid and Assistance to the victim	4	29.2	-25.2
All of the above-mentioned	45	29.2	15.8
None of above-mentioned	86	29.2	56.8
Total	146		

Test Statistics

What steps are being taken by departments to eliminate Child/Bonded Labour

Chi-Square	179.685 ^a
Df	4
Asymp. Sig.	.003

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 29.2.

A Chi-square test is performed to determine whether the responses of respondents on departments that are taking steps to eliminate Child/Bonded Labour are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.003 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis

because statistically, there is no significant difference between on possibility of departments taking steps to eliminate Child/Bonded Labour, and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on steps being taken by departments to eliminate Child/Bonded Labour. Concerned Children’s welfare departments must Organize awareness Camp's/seminars on Child welfare and protection laws, coordinate with the government to provide schemes and benefits to the victim and Provide Legal Aid/Free legal aid and assistance to the victim. Some of the respondents agreed with all the options. But the majority of respondents not agreed with these options because the departments did not perform their duties effectively. These functions are worthless to combat Child Labour in Punjab without performing their duties.

7.3.34. Do Children in Punjab get the benefits of welfare schemes

Descriptive Statistics

Table 7.40: Children are getting the benefits of welfare schemes in Punjab

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	14	9.6	9.6	9.6
	No	27	18.5	18.5	28.1
	Maybe	105	71.9	71.9	100.0
	Total	146	100.0	100.0	

Source: Field Work

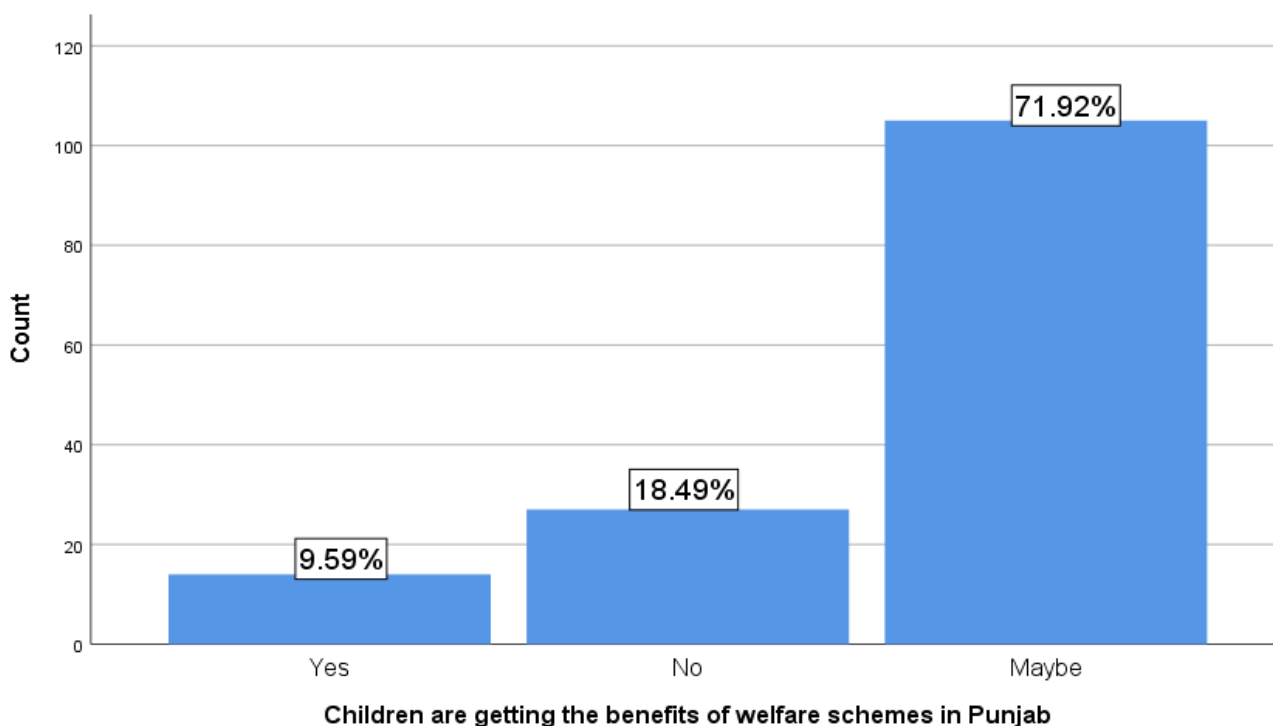


Table 7.40 shows that Children in Punjab benefit from welfare schemes.

Table 7.40 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development,’ replied to the above-stated question. Under the frequency value, 14 respondents agreed on maybe, 27 respondents agreed on No, and 105 respondents agreed on Yes. The percentage distribution opted by respondents. 9.6 % of respondents agreed on maybe, 18.5 % agreed on No, and 71.9 % agreed on Yes.

Chi-Square Test

Children are getting the benefits of welfare schemes in Punjab

	Observed N	Expected N	Residual
Yes	14	48.7	-34.7
No	27	48.7	-21.7
Maybe	105	48.7	56.3
Total	146		

Test Statistics

Children are getting the benefits of welfare schemes in Punjab

Chi-Square	99.548 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 48.7.

A Chi-square test is performed to find out that Children who are getting the benefits of welfare schemes in Punjab are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between on possibility of benefit schemes and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the Children in Punjab who benefit from welfare schemes. Three options were given to the respondents; most chose the maybe option, others no, and some yes. Schemes have been formulated to mark, but non-awareness of this is the biggest problem. Poor parents are unaware of it and cannot take advantage of these schemes. It is not implemented; in reality, it's only on paper.

7.3.35. Enforcement of “Child Labour Laws” and “Punjab State Action Plan for total Abolition of Child Labour’ in Punjab”

Descriptive Statistics

Table 7.41: Enforcement of 'Child Labour Laws' and 'Punjab State Action Plan for total Abolition of Child Labour' in Punjab

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strong	8	5.5	5.5	5.5
	Weak	115	78.8	78.8	84.2
	Moderate	23	15.8	15.8	100.0
Total		146	100.0	100.0	

Source: Field Work

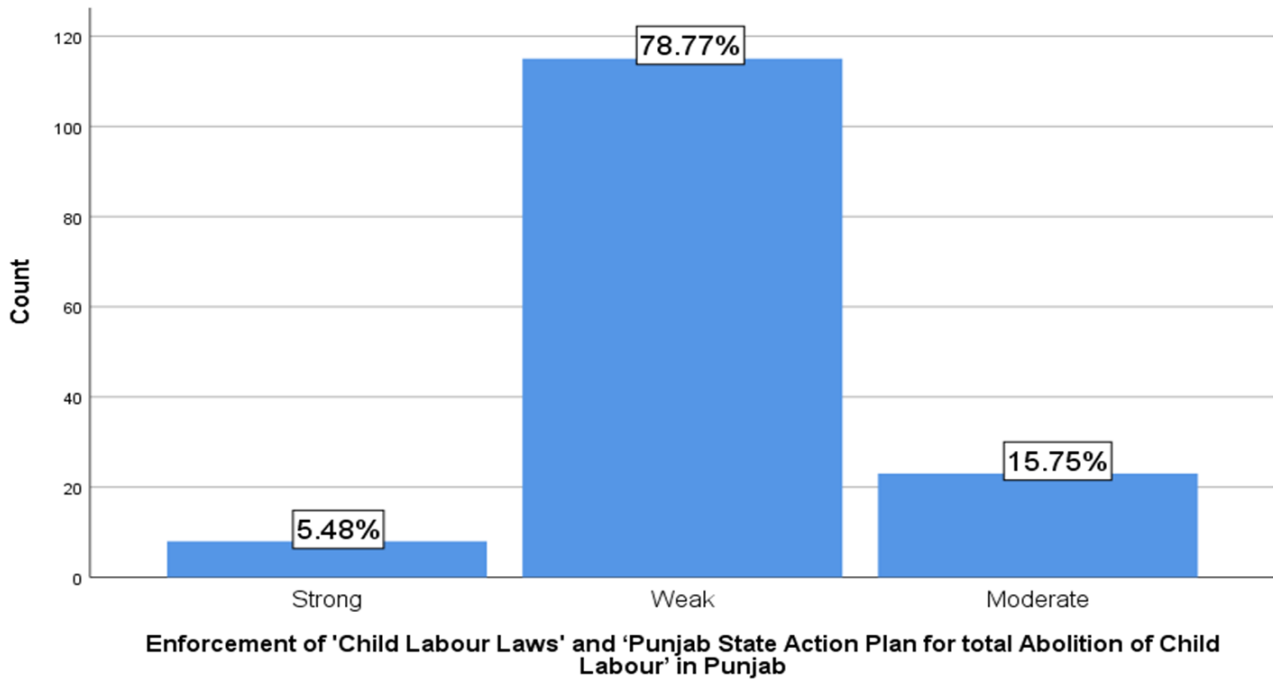


Table 7.41 shows the Enforcement of “Child Labour Laws” and “Punjab State Action Plan for total Abolition of Child Labour’ in Punjab”

Table 7.41 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 8 respondents agreed on Strong, 115 respondents agreed on Weak, and 23 agreed on moderate. The percentage distribution opted by respondents. 5.5% of respondents agreed on Strong, 78.8% agreed on Weak, and 15.8% agreed on moderate.

Chi-Square Test

Enforcement of 'Child Labour Laws' and 'Punjab State Action Plan for total Abolition of Child Labour' in Punjab

	Observed N	Expected N	Residual
Strong	8	48.7	-40.7
Weak	115	48.7	66.3
Moderate	23	48.7	-25.7
Total	146		

Test Statistics

Enforcement of 'Child Labour Laws' and 'Punjab State Action Plan for total Abolition of Child Labour' in Punjab	
Chi-Square	137.932 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5.
The minimum expected cell frequency is 48.7.

A Chi-square test is performed to determine whether respondents' responses on the Enforcement of "Child Labour Laws" and "Punjab State Action Plan for total Abolition of Child Labour' in Punjab" are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of the Enforcement of "Child Labour Laws" and "Punjab State Action Plan for total Abolition of Child Labour' in Punjab" and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the Enforcement of the Punjab action plan in the State. Most of the Respondents agreed on the weak enforcement of Child Labour laws in Punjab. Although it prohibits children from working under specific conditions, certain sorts of Child Labour, like "running a family business or performing as a child artist," are legal. All laws for the welfare of children are just on paper. Even though the law prohibits Child Labour, it is widely practised, with the leading causes being the government's non-awareness of law and enforcement.

7.3.36. Is it possible for Child Labour (Domestic, Agriculture, Vegetable & Grain Markets) to study with work? If yes, explain it

Descriptive Statistics

Table 7.42: Is it possible for Child Labour (Domestic, Agriculture, Vegetable & Grain Markets) to study work

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	20	13.7	13.7	13.7
	No	112	76.7	76.7	90.4
	Maybe	14	9.6	9.6	100.0
Total		146	100.0	100.0	

Source: Field Work

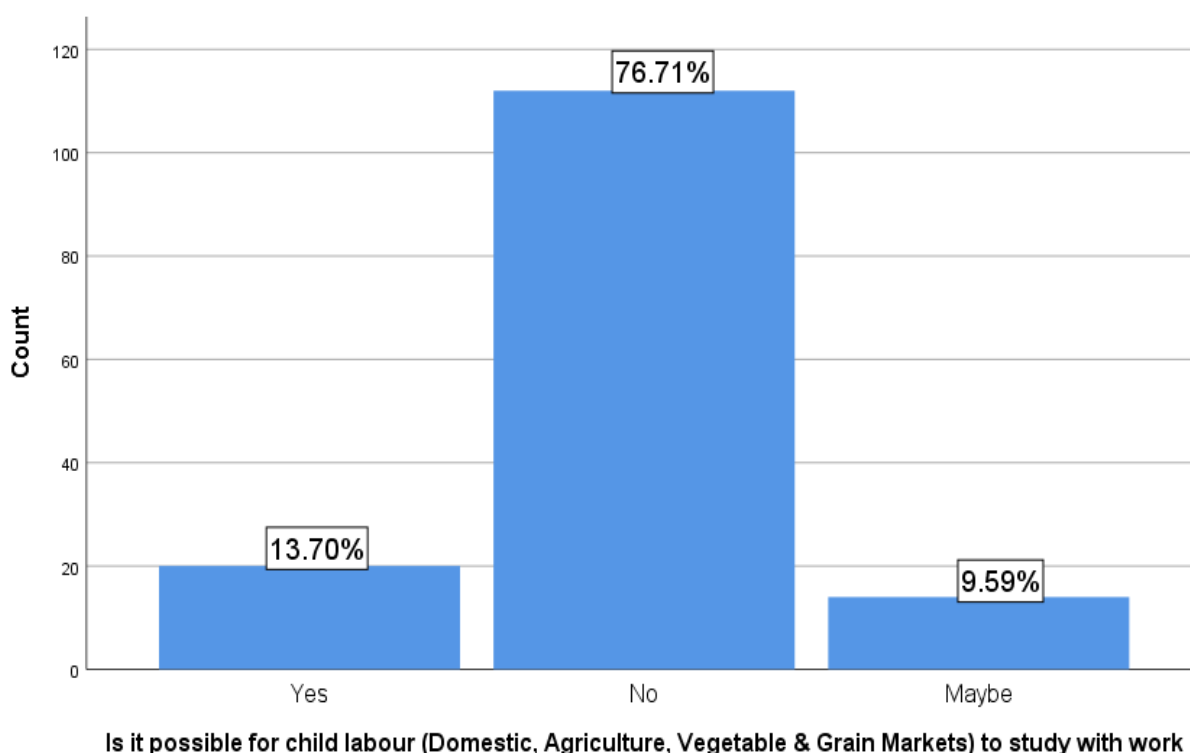


Table 7.42 shows that Child Labour (Domestic, Agriculture, Vegetable & Grain Markets) can study with work.

Table 7.42 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 20 respondents agreed on Yes, 112 agreed on No, and 14 agreed on Maybe. The percentage distribution opted by respondents. 13.7% of respondents agreed on Yes, 76.7% agreed on No, and 9.6% agreed on Maybe.

Chi-Square Test

Is it possible for Child Labour (Domestic, Agriculture, Vegetable & Grain Markets) to study with work

	Observed N	Expected N	Residual
Yes	20	48.7	-28.7
No	112	48.7	63.3
Maybe	14	48.7	-34.7
Total	146		

Test Statistics

Is it possible for Child Labour (Domestic, Agriculture, Vegetable & Grain Markets) to study with work

Chi-Square	124.000 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 48.7.

A Chi-square test is performed to determine whether respondents' responses on the possibility of Child Labour to study with work are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of Child Labour studied with work and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the possibility of Child Labour (Domestic, Agriculture, Vegetable & Grain Markets) study with work. Both works on the same day are impossible; their adverse effects will show on the Child's body. Some Children join evening schools and do part-time jobs, but those below 14 minors can't manage it, and extended shifts create an obstacle to their studies. Sometimes Children may support their parents. The

department should fix uniform working hours to avoid exploiting Children behind their limits. This is possible only when more attention is paid to the studies than the Children's work.

7.3.37. Is any mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets Labour in Punjab?

Descriptive Statistics

Table 7.43: Is any mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets Labour in Punjab

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	12	8.2	8.2	8.2
	No	124	84.9	84.9	93.2
	Maybe	10	6.8	6.8	100.0
Total		146	100.0	100.0	

Source: Field Work

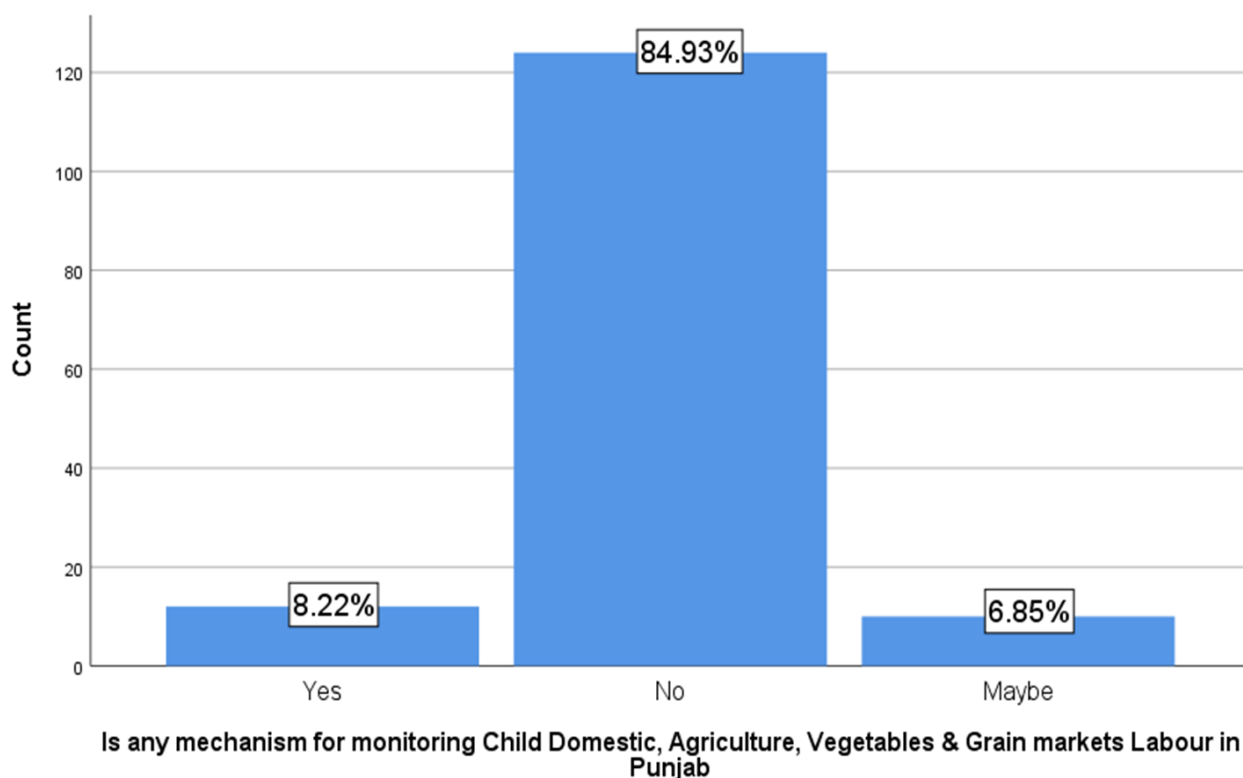


Table 7.43 shows the mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets Labour in Punjab.

Table 7.43 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development,’ replied to the above-stated question. Under the frequency value, 12 respondents agreed on Yes, 124 respondents agreed on No, and 10 agreed on Maybe. The percentage distribution opted by respondents. 8.22% of respondents agreed on Yes, 84.9% agreed on No, and 6.8% agreed on Maybe.

Chi-Square Test

Is any mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets Labour in Punjab

	Observed N	Expected N	Residual
Yes	12	48.7	-36.7
No	124	48.7	75.3
Maybe	10	48.7	-38.7
Total	146		

Test Statistics

Is any mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets Labour in Punjab

Chi-Square	174.959 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 48.7.

A Chi-square test is performed to determine whether respondents' responses on the possible mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets Labour in Punjab are perceived differently or in the same manner under study. At 5%

significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between on possibility of the mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets Labour in Punjab and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets of Punjab. No mechanism to track Child Labour in India. They work openly in markets, even near police stations also. Tracing working children, complaints, and regular raids in suspected areas are challenging, but concerned authorities do not achieve this. Child Labour monitors only by compulsory registration and regular attendance in school. Inspection on timely bases and sometimes a surprise audit by the concerned labour department in prescribed sectors work to tackle it. Absenteeism in schools and the regular survey also play a role in dealing with it.

7.3.38. Should the registration of “Child Labour be mandatory even in the Unorganised Sector” also

Descriptive Statistics

Table 7.44: Should the registration of Child Labour be mandatory even in the unorganised sector also

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	128	87.7	87.7	87.7
	Disagree	8	5.5	5.5	93.2
	Maybe	10	6.8	6.8	100.0
Total		146	100.0	100.0	

Source: Field Work

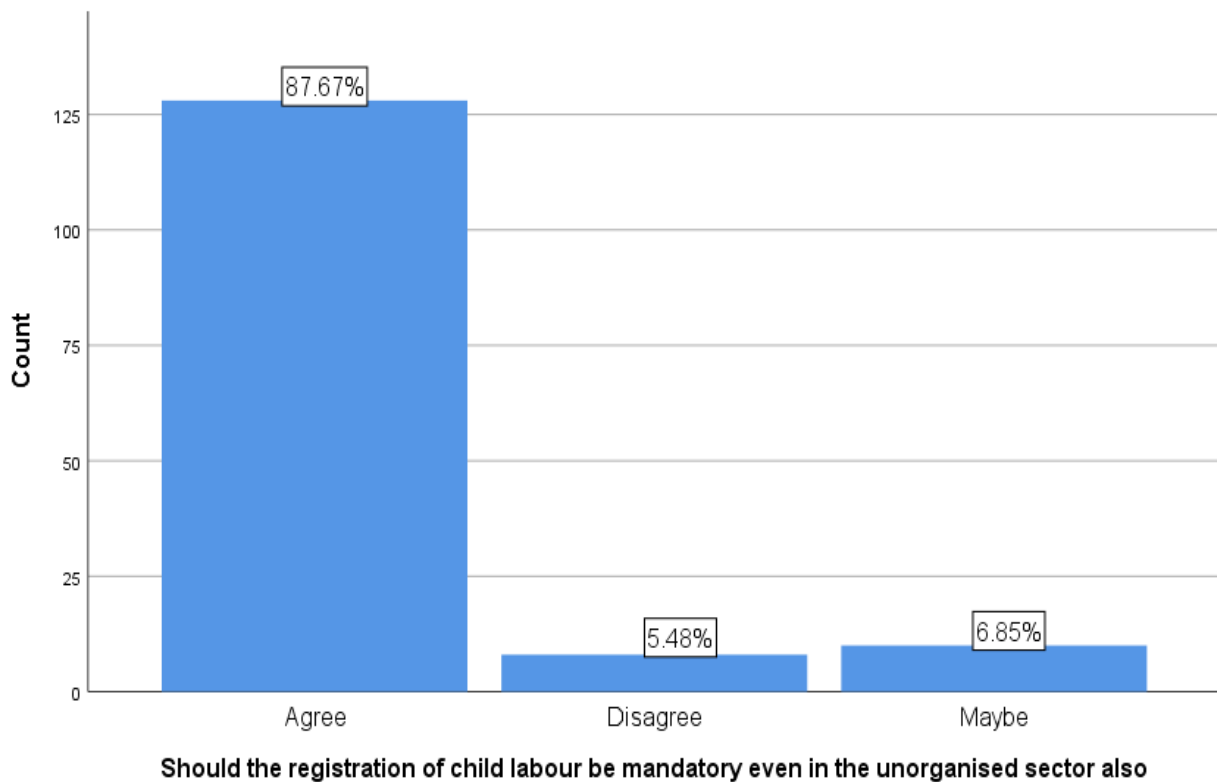


Table 7.44 shows “should registration of Child Labour is mandatory even in the unorganised sector.”

Table 7.44 above shows that a total of 146 respondents of various authorities, including ‘Legal Respondents, Police Officers, Labour Department & Department of Child Development, replied to the above-stated question. Under the frequency value, 128 respondents agreed on Agree, 8 agreed on Disagree, and 10 agreed on Maybe. The percentage distribution opted by respondents. 87.7% of respondents agreed on Agree, 5.5% agreed on Disagree, and 6.8% agreed on Maybe.

Chi-Square Test

Should the registration of Child Labour be mandatory even in the unorganised sector, also

	Observed N	Expected N	Residual
Agree	128	48.7	79.3
Disagree	8	48.7	-40.7
Maybe	10	48.7	-38.7
Total	146		

Test Statistics

Should the registration of Child Labour be mandatory even in the unorganised sector, also

Chi-Square	194.027 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 48.7.

The Chi-square test is performed to determine whether respondents' responses on the possibility of registering Child Labour as mandatory, even in the unorganised sector, are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that it Rejects, the Null Hypothesis because statistically, there is no significant difference between on possibility of should registration of Child Labour being mandatory even in the unorganised sector, and the distribution of respondents indifferent under the study.

Observation and Findings: This question is on the mandatory registration of child employees, even in unorganised sectors. Most respondents agreed that registration in Domestic, Farm and Vegetable Markets is like an industry. Children are exploited more in unorganised sectors as compared to organised sectors.

PART IV: EDUCATION DEPARTMENT RESPONDENTS

7.3.39. Does Punjab Education Institutes provide bridge education to Child Labour per the 'National Child Labour Projects Scheme'?

Descriptive Statistics

Table 7.45: Does Punjab Education Institutes provide bridge education to Child Labour as per ‘National Child Labour Projects Scheme’

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	9	30.0	30.0	30.0
	No	3	10.0	10.0	40.0
	Maybe	18	60.0	60.0	100.0
	Total	30	100.0	100.0	

Source: Field Work

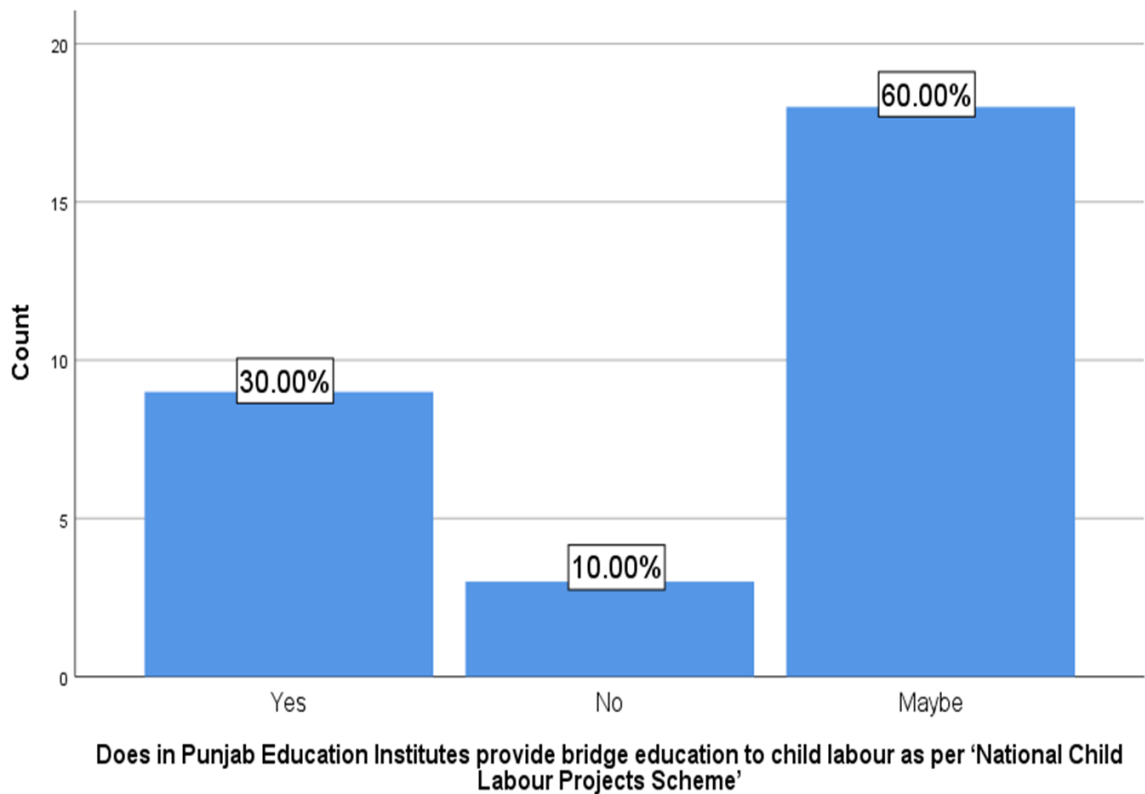


Table 7.45 shows that Punjab Education Institutes provide bridge education to Child Labour as per the ‘National Child Labour Projects Scheme’.

Table 7.45 above shows that 30 respondents from the Education Department, including Teachers and Principals, replied to the above-stated question. Under the frequency value, 9 respondents agreed on Yes, 3 respondents agreed on No, 18 respondents agreed on Maybe. The

percentage distribution opted by respondents. 30.00% of respondents agreed on Yes,10.00% agreed on No, and 60.00% agreed on Maybe.

Chi-Square Test

Does Punjab Education Institutes provide bridge education to Child Labour as per the ‘National Child Labour Projects Scheme’

	Observed N	Expected N	Residual
Yes	9	10.0	-1.0
No	3	10.0	-7.0
Maybe	18	10.0	8.0
Total	30		

Test Statistics

Does Punjab Education Institutes provide bridge education to Child Labour as per the ‘National Child Labour Projects Scheme’

Chi-Square	11.400 ^a
Df	2
Asymp. Sig.	.003

a. 0 cells (0.0%) have expected frequencies less than 5.
The minimum expected cell frequency is 10.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of Punjab Education Institutes providing bridge education to Child Labour per the ‘National Child Labour Projects Scheme’ are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.003 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of “Punjab Education Institutes providing bridge education to Child Labour per the ‘National Child Labour Projects Scheme’, and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on Punjab Education Institutes providing bridge education to Child Labour per the ‘National Child Labour Projects Scheme.’ Most of the respondents were not sure about it. Government schools in Punjab are in a pity condition; these do not provide any facilities for Children. If government schools provide benefits of Child welfare schemes, why do Children work a full day?

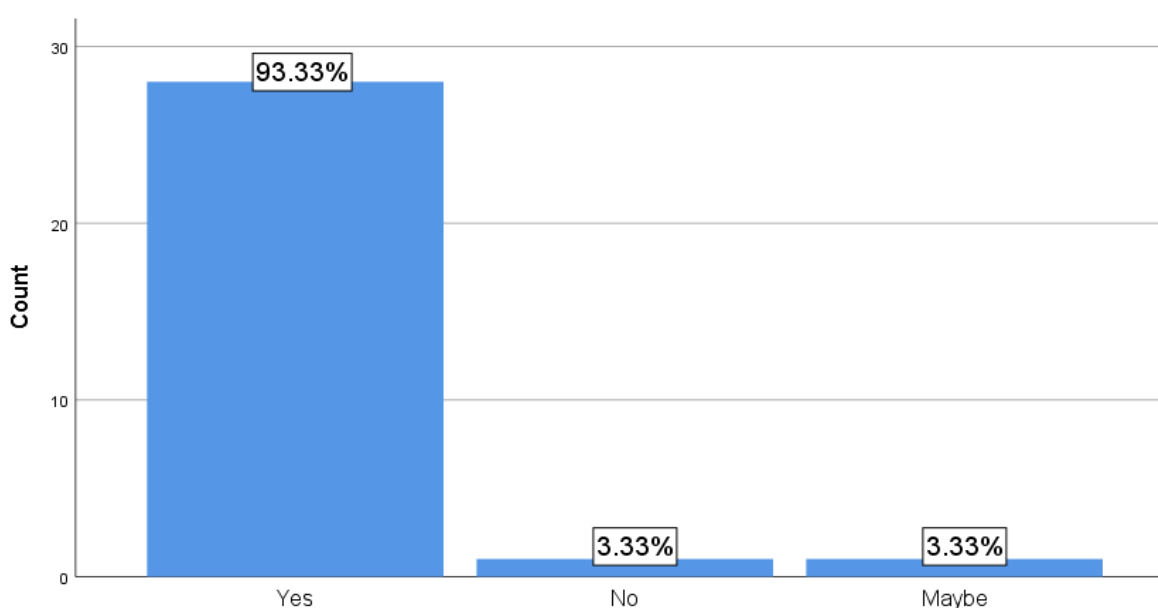
7.3.40. Does Punjab Educational Institutes provide “Free and Compulsory Education to Children between the ages of 6 to 14” without discrimination?

Descriptive Statistic

Table 7.46: Does Punjab Educational Institutes provide ‘Free and Compulsory Education to Children between the age of 6 to 14’ without any kind of discrimination

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	28	93.3	93.3	93.3
	No	1	3.3	3.3	96.7
	Maybe	1	3.3	3.3	100.0
Total		30	100.0	100.0	

Source: Field Work



Does in Punjab Educational Institutes provide ‘Free and Compulsory Education to Children between the age of 6 to 14’ without any kind of discrimination

Table 7.46 shows, "Does Punjab Educational Institutes provide 'Free and Compulsory Education to Children between the ages of 6 to 14' without discrimination"?

Table 7.46 above shows that 30 respondents from the Education Department, including Teachers and Principals, replied to the above-stated question. Under the frequency value, 28 respondents agreed on Yes, 1 agreed on No, and 1 agreed on Maybe. The percentage distribution opted by respondents. 93.3% of respondents agreed on Yes, 3.33% of respondents agreed on No, and 3.33% of respondents agreed on Maybe.

Chi-Square Test

Does Punjab Educational Institutes provide 'Free and Compulsory Education to Children between the age of 6 to 14' without any kind of discrimination

	Observed N	Expected N	Residual
Yes	28	10.0	18.0
No	1	10.0	-9.0
Maybe	1	10.0	-9.0
Total	30		

Test Statistics

Does Punjab Educational Institutes provide 'Free and Compulsory Education to Children between the age of 6 to 14' without any kind of discrimination

Chi-Square	48.600 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5.

The minimum expected cell frequency is 10.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of "Punjab Educational Institutes' non-discriminatory provision of 'Providing access To Education to Children aged of 6 and 14'" were perceived differently or in the same manner under study. At 5% significance level and df=5, the computed significance of 0.001 is ≥ 0.05 .

Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of “Punjab Educational Institutes' non-discriminatory provision of 'Providing access To Education to Children aged of 6 and 14’” and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on Punjab Educational Institutes' non-discriminatory provision of 'Providing access To Education to Children aged 6 and 14'. The majority of respondents agreed with both opinions, and others said Yes. Discrimination in education occurs when a person or organization engages in unjust behaviour to hinder members of certain groups from fully practising their access to quality education. It exists in education among schools located in low-income communities. The "learning gap" can widen due to this amount of prejudice among excluded populations. As a result, these individuals are already falling behind in their future aspirations.

7.3.41. Who is responsible for School dropouts in Child Labour?

Descriptive Statistics

Who is responsible for dropouts among Child Labour

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Education Officers	11	36.7	36.7	36.7
	Principal	7	23.3	23.3	60.0
	Parents	12	40.0	40.0	100.0
	Total	30	100.0	100.0	

Source: Field Work

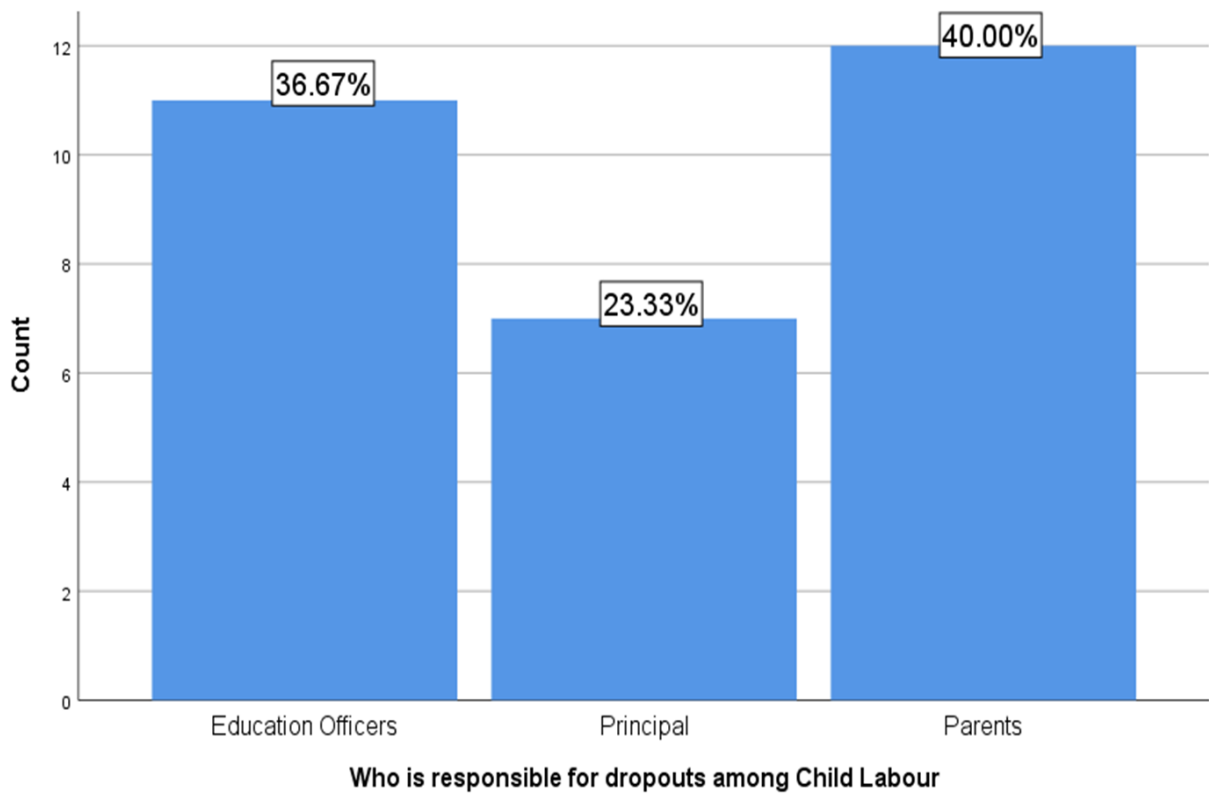


Table 7.47 shows who is responsible for School dropouts among Child Labour.

Table 7.47 above shows that 30 respondents from the Education Department, including Teachers and Principals, replied to the above-stated question. Under the frequency value, 11 respondents agreed on Education Officers, 7 respondents agreed on Principal, and 12 respondents agreed on Parents. The percentage distribution opted by respondents. 36.67% of respondents agreed on Education Officers, 23.33% agreed on Principals, and 40.00% agreed on Parents.

Chi-Square Test

Who is responsible for dropouts among Child Labour

	Observed N	Expected N	Residual
Education Officers	11	10.0	1.0
Principal	7	10.0	-3.0
Parents	12	10.0	2.0
Total	30		

Test Statistics

Who is responsible for dropouts among Child Labour

Chi-Square	1.400 ^a
Df	2
Asymp. Sig.	.497

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 10.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of “who is responsible for School dropouts among Child Labour” are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.497 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of “who is responsible for School dropouts among Child Labour” and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on dropouts schools among Child Labour. Both child employees and out-of-school Children must be considered for the development of Children. In Punjab, dropping out of school and Child Labour is widespread issues. The majority of respondents gave blamed to Parents. But the Educational Officers and Principals of schools are also responsible for it. So, all are equally responsible. Undoubtedly, specific provisions have been enacted, but no serious steps have been taken yet to overcome this issue.

7.3.42. How do departments spread awareness about Education?

Descriptive Statistics

Table 7.48: How do departments spread awareness about Education

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Conducting seminars on the adverse effects of Child Labour	6	20.0	20.0	20.0
	Disseminate knowledge about free and compulsory education and government child welfare schemes	5	16.7	16.7	36.7
	Both of them	19	63.3	63.3	100.0
	Total	30	100.0	100.0	

Source: Field Work

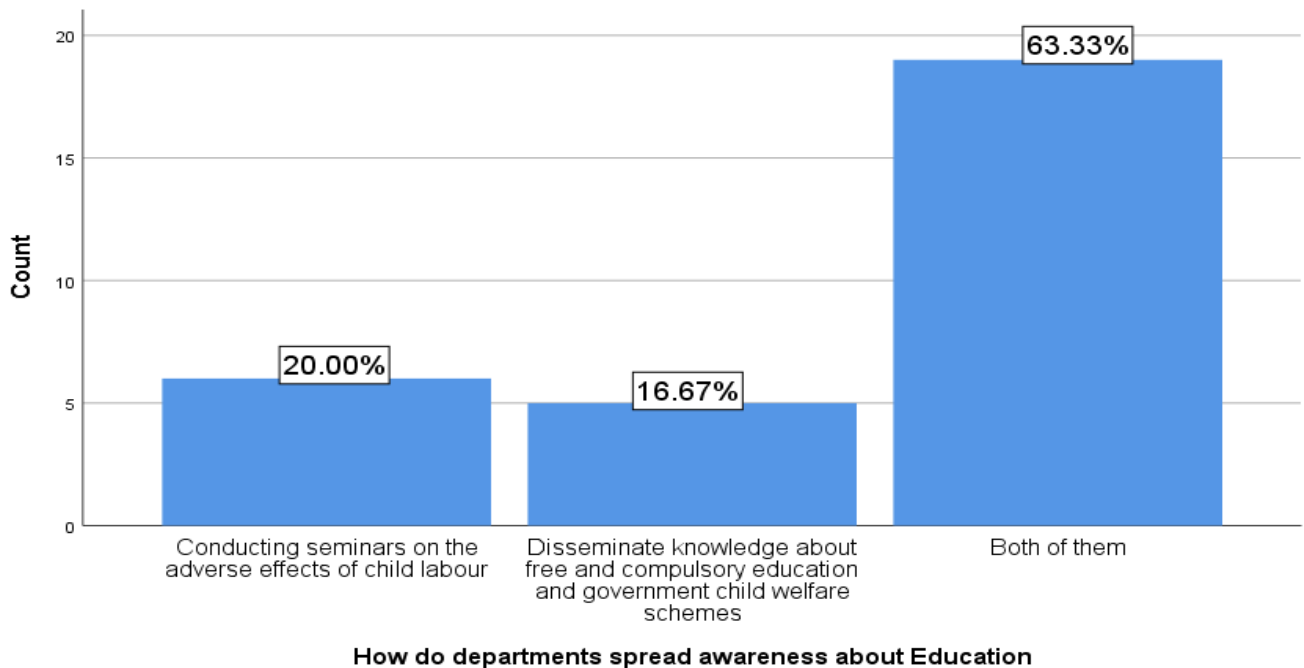


Table 7.48 shows how departments spread awareness about Education.

Table 7.48 above shows that 30 respondents from the Education Department, including Teachers and Principals, replied to the above-stated question. Under the frequency value, 5 respondents agreed on Conducting seminars on the adverse effects of Child Labour, 6

respondents agreed on disseminating knowledge about free and compulsory education and government Child welfare schemes, and 19 respondents agreed on Both of them. The percentage distribution opted by respondents. 20.00% of respondents agreed on Conducting seminars on the adverse effects of Child Labour, 16.67% of respondents agreed on disseminating knowledge about free and compulsory education and government Child welfare schemes, and 63.33% of respondents agreed on both.

Chi-Square Test

How do departments spread awareness about Education

	Observed N	Expected N	Residual
Conducting seminars on the adverse effects of Child Labour	6	10.0	-4.0
Disseminate knowledge about free compulsory education and government welfare schemes	5	10.0	-5.0
Both of them	19	10.0	9.0
Total	30		

Test Statistics

How do departments spread awareness about Education

Chi-Square	12.200 ^a
Df	2
Asymp. Sig.	.002

a. 0 cells (0.0%) have expected frequencies less than 5.
The minimum expected cell frequency is 10.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of “how departments spread awareness about Education” are perceived differently or in the same manner under study. At 5% significance level and df=5, the computed significance of 0.002 is ≥ 0.05 . Thus, it may be concluded that it Rejects the Null Hypothesis because, statistically, there is no significant difference between on possibility of “how departments spread awareness about Education” and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on how departments spread awareness about Education. While city dwellers recognize the importance of education and strive to provide a firm foundation for their Children, rural India offers a different picture. It is not uncommon to observe villages where education is neglected. People in these locations are unconcerned about acquiring an education and prefer to ignore home-schooling their children's benefits. They are oblivious to the possibilities that await them after they complete their studies. As a result, it is critical to assist them in realizing and spreading education awareness. But unfortunately, no educational institution is concerned about awareness programs in Punjab.

7.3.43. Do you visit slums?

Descriptive Statistics

Table 7.49: Do you visit slums

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	5	16.7	16.7	16.7
	No	5	16.7	16.7	33.3
	Occasionally	20	66.7	66.7	100.0
Total		30	100.0	100.0	

Source: Field Work

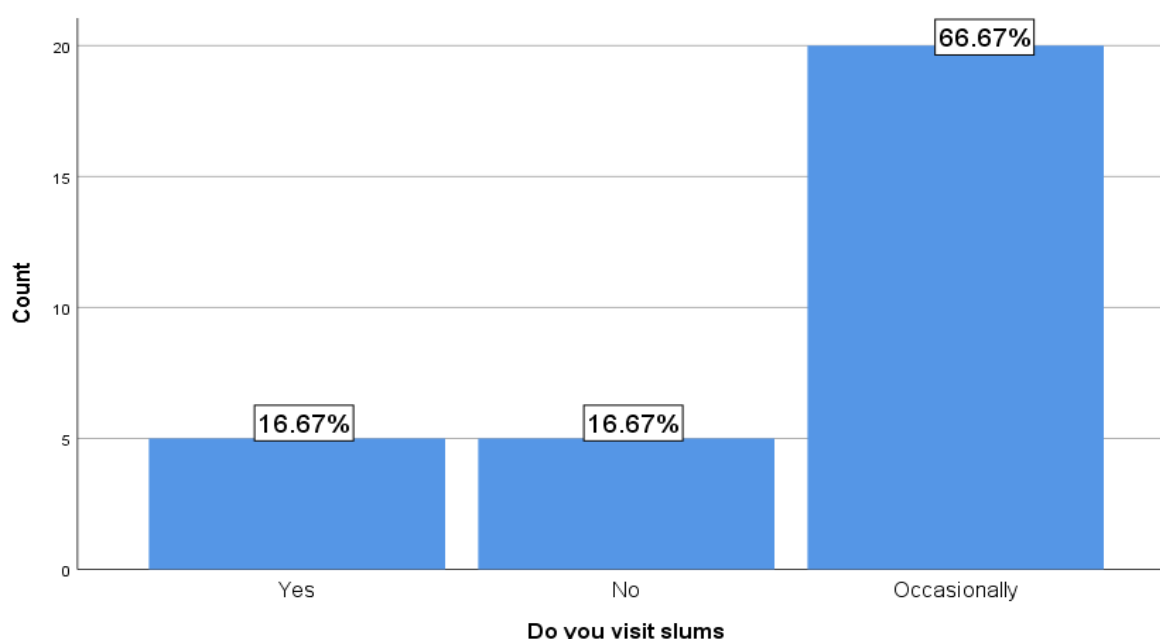


Table 7.49 shows the education departments' visits to slums.

Table 7.49 above shows that 30 respondents from the Education Department, including Teachers and Principals, replied to the above-stated question. Under the frequency value, 5 respondents agreed on Yes, 5 agreed on No, and 20 agreed on Occasionally. The percentage distribution opted by respondents. 16.7 % of respondents agreed on Yes, 16.7 % agreed on No, and 66.7 % agreed on Occasionally.

Chi-Square Test

Do you visit slums

	Observed N	Expected N	Residual
Yes	5	10.0	-5.0
No	5	10.0	-5.0
Occasionally	20	10.0	10.0
Total	30		

Test Statistics

Do you visit slums	
Chi-Square	15.000 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 10.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of "the education departments' visits to slums" are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of "the education departments' visits to slums" and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the education departments' visits to slums. Teachers in various schools occasionally visit slum areas to spread educational awareness. More than fewer teachers visit slum areas to spread awareness of education.

7.3.44. Do you encourage slum people to send children to school instead of labour? If yes how

Descriptive Statistics

Table 7.50: Do you encourage slum people to send their children to school instead of labour

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	14	46.7	46.7	46.7
	No	1	3.3	3.3	50.0
	Occasionally	15	50.0	50.0	100.0
Total		30	100.0	100.0	

Source: Field Work

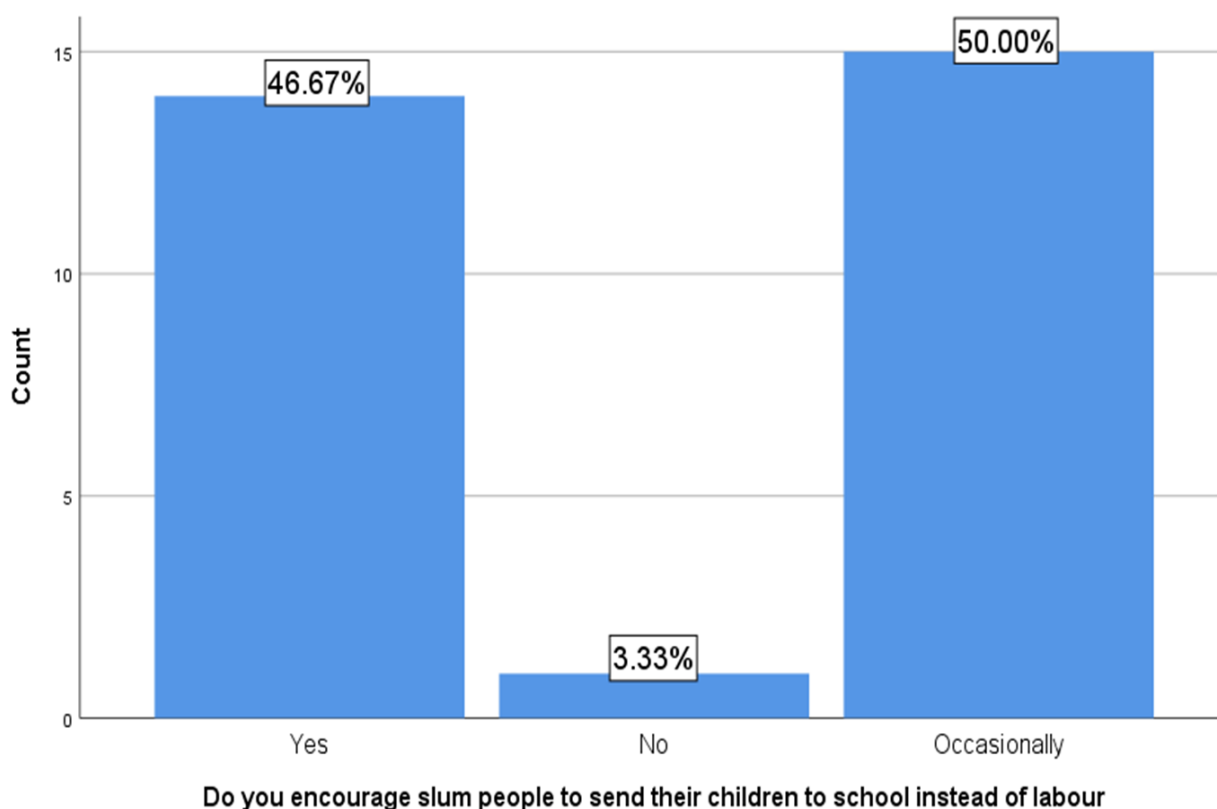


Table 7.50 shows that the education Department encourages slum parents to send their children to school.

Table 7.50 above shows that 30 respondents from the Education Department, including Teachers and Principals, replied to the above-stated question. Under the frequency value, 14 respondents agreed on Yes, one respondent agreed on No, and 15 respondents agreed on Occasionally. The percentage distribution opted by respondents. 46.7 % of respondents agreed on Yes, 3.3 % of respondents agreed on No, and 50.00 % of respondents agreed on Occasionally.

Chi-Square Test

Do you encourage slum people to send their children to school instead of labour

	Observed N	Expected N	Residual
Yes	14	10.0	4.0
No	1	10.0	-9.0
Occasionally	15	10.0	5.0
Total	30		

Test Statistics

Do you encourage slum people to send their children to school instead of labour

Chi-Square	12.200 ^a
Df	2
Asymp. Sig.	.002

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 10.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of “the education Department encourages slum parents to send their children to school” are perceived differently or in the same manner under study. At 5% significance level

and $df=5$, the computed significance of 0.002 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of “the education Department encourages slum parents to send their children to school” and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the education Department encouraging slum people’s schooling of children. Respondents visited slum areas to spread education awareness. No one in these areas was ready to listen to them because their parents did not cooperate. They have poor knowledge about education. Always one answer got after completing schooling is they again do labour, so why not now by promoting seminars and inspiring ideas by assuring them that an educated person can remove the poverty of the entire house. They conduct counselling for parents and children. Suggest about benefits of education and a free meal. Encourage parents to enrol their children in school.

7.3.45. How do you register Children of slum people for school if they do not have and Adhaar Card?

Descriptive Statistics

Table 7.51: How do you register children of slum people for school if they do not have an Adhaar Card

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Adhaar card is not mandatory	22	73.3	73.3	73.3
	On the certificate of birth	7	23.3	23.3	96.7
	On parents’ identity	1	3.3	3.3	100.0
	Total	30	100.0	100.0	

Source: Field Work

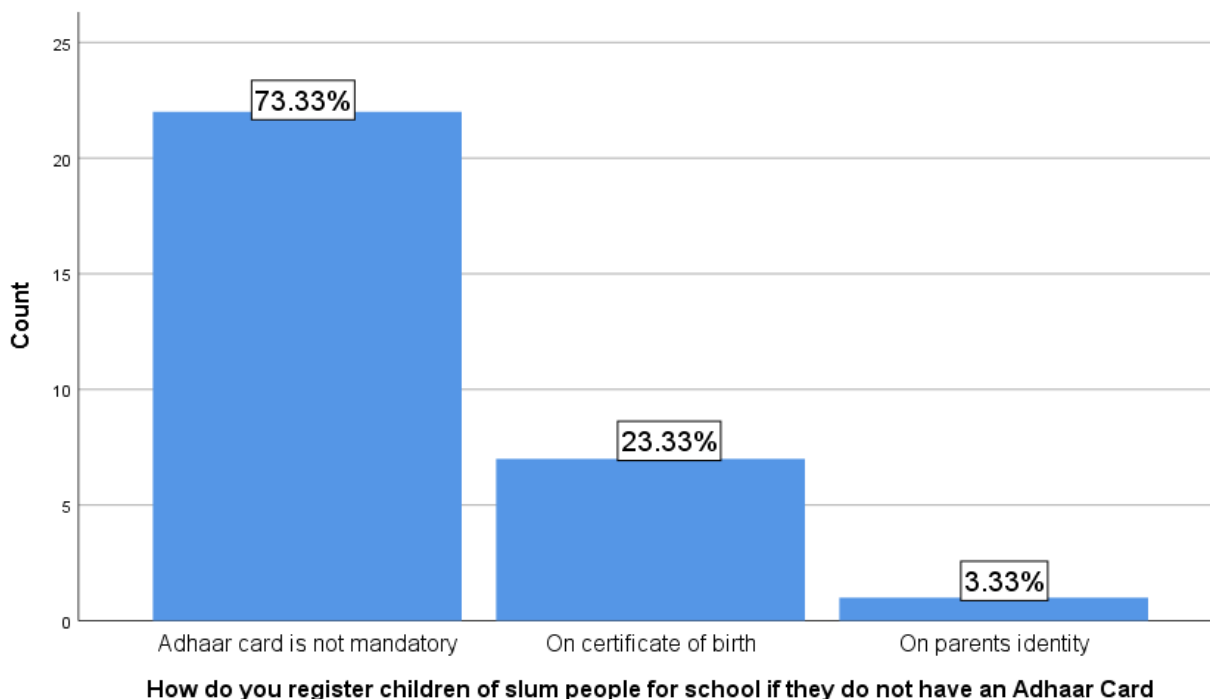


Table 7.51 shows how you register Children of slum people for school if they do not have an Adhaar Card.

Table 7.51 above shows that 30 respondents from the Education Department, including Teachers and Principals, replied to the above-stated question. Under the frequency value, 22 respondents agreed an Adhaar card is not mandatory, 7 respondents agreed on a certificate of birth, and 1 respondent agreed on a parent's identity. The percentage distribution of age groups opted respondents. 73.33% of respondents agreed an Adhaar card is not mandatory, 23.33% decided on a birth certificate, and 3.33% agreed on identity.

Chi-Square Test

How do you register children of slum people for school if they do not have an Adhaar Card

	Observed N	Expected N	Residual
Adhaar card is not mandatory	22	10.0	12.0
On the certificate of birth	7	10.0	-3.0
On parents' identity	1	10.0	-9.0
Total	30		

Test Statistics

How do you register children of slum people for school if they do not have an Adhaar Card

Chi-Square	23.400 ^a
Df	2
Asymp. Sig.	.001

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 10.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of “the registration of Children of slum people for school if they do not have an Adhaar Card” are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.001 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between the possibility of “the registration of Children of slum people for school if they do not have an Adhaar Card” and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on how you register Children of slum people for school if they do not have an Adhaar Card. Sending them to the nearest Anganwadi Centres to get primary and free education is unnecessary for admission. If one person wants to learn something, they will be allowed to sit in school and give proper attention, and there is no need for an Adhaar Card in terms of education. An Adhaar card is not mandatory for admission. No school can refuse if the Child has no Aadhar Card.

PART V: HEALTH DEPARTMENT RESPONDENTS

7.3.46. When you receive information about a raid on Child Labour, do you conduct a Medical Examination of Children?

Descriptive Statistics

Table 7.52: When you receive information about a raid on Child Labour, do you conduct a Medical Examination of the Child

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes, immediately provide Medical Aid to the Child	10	41.7	41.7	41.7
	Provide Aid to Children when reaching to department	12	50.0	50.0	91.7
	Never	2	8.3	8.3	100.0
	Total	24	100.0	100.0	

Source: Field Work

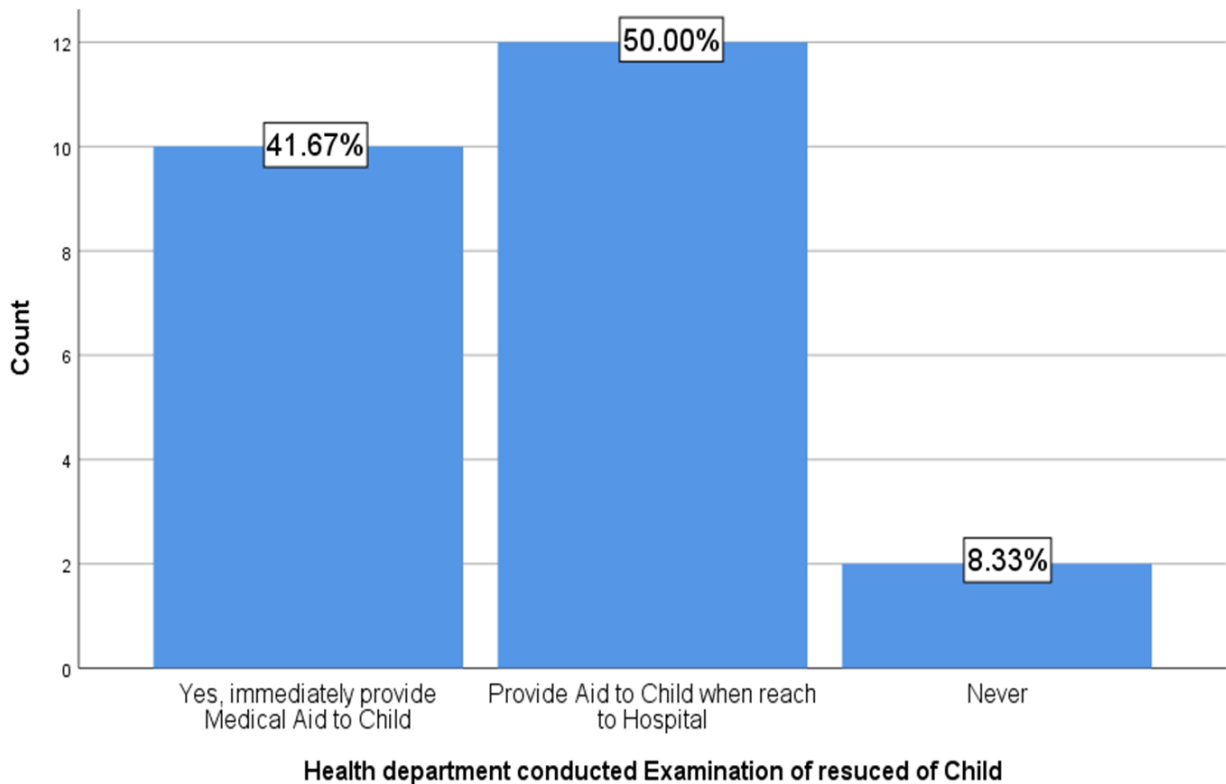


Table 7.52 shows the treatment status of a Child when the concerned department receives information about a raid on Child Labour.

Table 7.52 above shows that 24 total respondents from the Health Department replied to the above-stated question. Under the frequency value, 10 respondents agreed on Yes, immediately provide Medical Aid to Child, 12 respondents agreed on Provide Aid to a Child when reaching the department, 2 respondents agreed on Never. The percentage distribution opted by respondents. 41.67% of respondents agreed on Yes, immediately providing Medical Aid to Child, 50.00% of respondents agreed on providing Aid to a Child when reaching the department, and 8.33% of respondents agreed on identity.

Chi-Square Test

When you receive information about a raid on Child Labour, do you conduct a Medical Examination of the Child

	Observed N	Expected N	Residual
Yes, immediately provide Medical Aid to the Child	10	8.0	2.0
Provide Aid to Children when reaching to department	12	8.0	4.0
Never	2	8.0	-6.0
Total	24		

Test Statistics

	When you receive information about a raid on Child Labour, do you conduct a Medical Examination of the Child
Chi-Square	7.000 ^a
Df	2
Asymp. Sig.	.030

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 8.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of “the treatment status of a Child when the concerned department receives information about a raid on Child Labour” are perceived differently or in the same manner under study. At 5% level of significance and $df=5$, the computed significance of 0.030 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of “the treatment status of a Child when the concerned department receives information about a raid on Child Labour” and the distribution of respondents indifferent under the study.

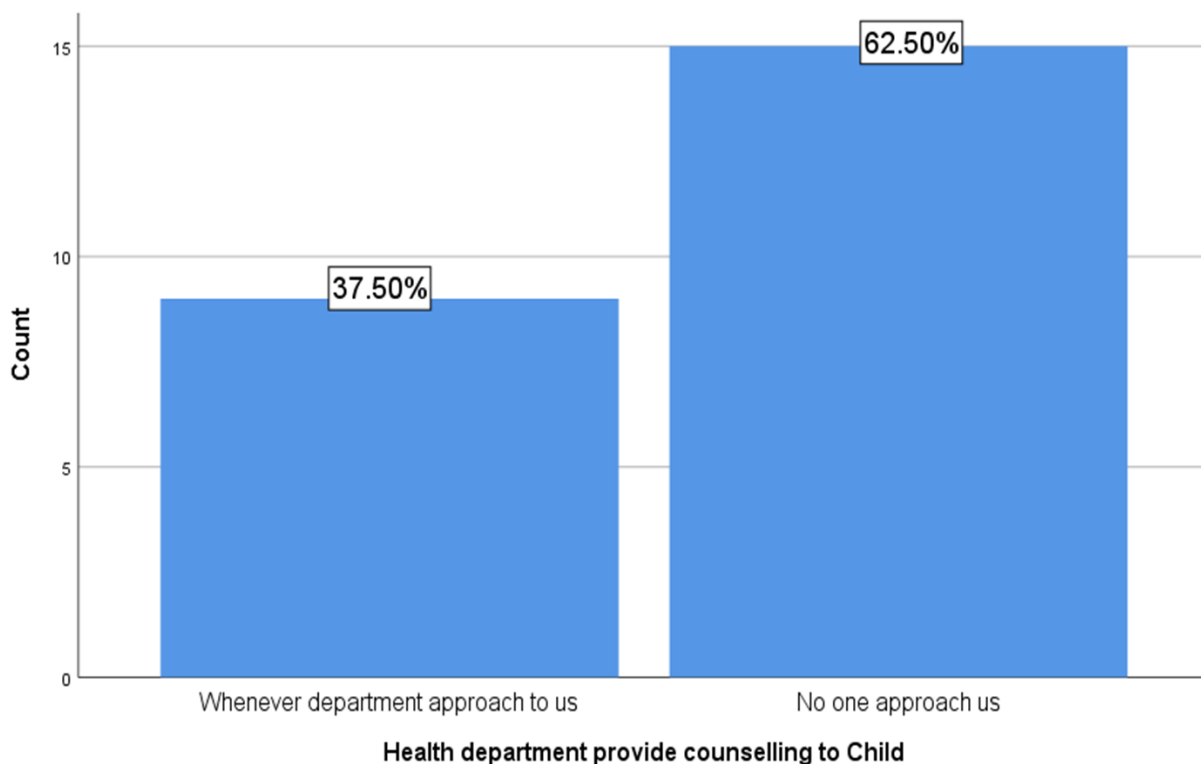
Observation and Findings: This question is based on the treatment status of a Child when the concerned department receives information about a raid on Child Labour. In some incidents, parents visit the hospital to issue fake certificates of wounds and claim money from the owner. Parents are more responsible than owners for the exploitation of Children. In hospitals, a rare case comes of Child Labour. If any come, they want to solve out of court with a compromise. Parents take double benefits. They get a wage Child and money from the owner to resolve the matter. When the Children work from factories only, they visit the hospital for treatment, not otherwise.

7.3.47 Do you provide counselling to the Child?

Descriptive Statistics

Table 7.53: Do you provide counselling to Child

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Whenever a department approach to us	9	37.5	37.5	37.5
	No one approaches us	15	62.5	62.5	100.0
	Total	24	100.0	100.0	



Source: Field Work

Table 7.53 shows Do you provide counselling to the Child.

Table 7.53 above shows that 24 total respondents from the Health Department replied to the above-stated question. Under the frequency value, 9 respondents agreed that 15 respondents agreed that no one came to us whenever the department approached us. The percentage distribution opted by respondents. 37.5% of respondents agreed that whenever the department approaches us, 62.5% agreed that no one comes to us.

Chi-Square Test

Do you provide counselling to Child

	Observed N	Expected N	Residual
Whenever a department approach to us	9	12.0	-3.0
No one approaches us	15	12.0	3.0
Total	24		

Test Statistics

Do you provide counselling to Child	
Chi-Square	1.500 ^a
Df	1
Asymp. Sig.	.221

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 12.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of "providing counselling to the Child" are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.221 is ≥ 0.05 . Thus, it may be concluded that the study Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of "providing counselling to the Child" and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the counselling process provided by the health department for Child Labour. Some respondents favour that no one visits the hospital for Child counselling. It should be necessary for Child rehabilitation. These Children are probably under stress and trauma of fear due to lack of poor sleep.

7.3.48. What is the condition of a child when they reach you?

Descriptive Statistics

What is the condition of a child when they reach you?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	They look exhausted due to a lack of proper sleep	2	8.3	8.3	8.3
	There are scars of burns and cuts on their bodies	5	20.8	20.8	29.2
	They are suffering from various infectious diseases	4	16.7	16.7	45.8
	All of the above-mentioned	13	54.2	54.2	100.0
	Total	24	100.0	100.0	

Source: Field Work

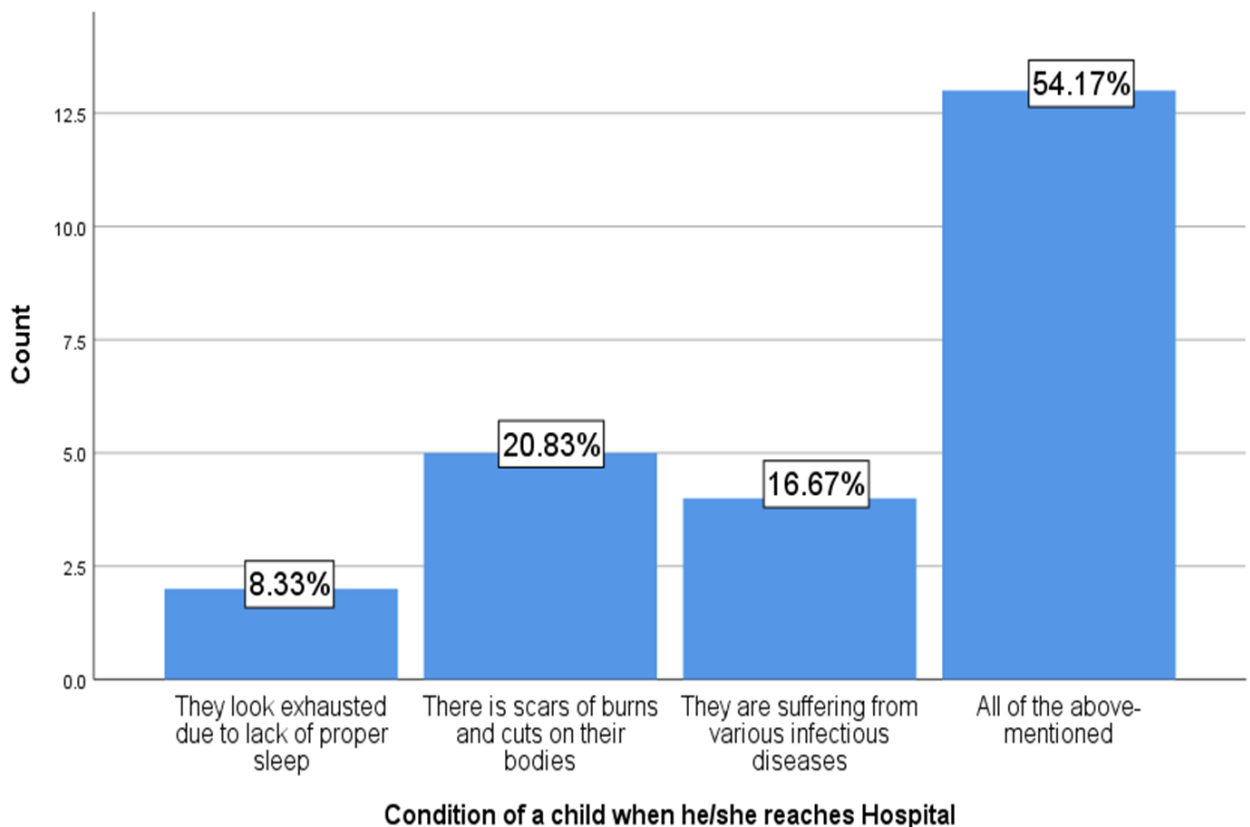


Table 7.54 shows “the condition of a child when he/she reached to hospital”.

Table 7.54 above shows that 24 total respondents from the Health Department replied to

the above-stated question. Under the frequency value, 2 respondents look exhausted due to lack of proper sleep, 5 respondents on scars, burns and cuts on their bodies, 4 respondents suffer from various infectious diseases, 13 respondents on all of those mentioned above. The percentage distribution opted by respondents. 8.3% of respondents look exhausted due to lack of proper sleep, 20.8% on scars of burns and cuts on their bodies, 16.7% of respondents suffer from various infectious diseases, and 54.2% on All of those mentioned above.

Chi-Square Test

What is the condition of a child when he/she reaches you?

	Observed N	Expected N	Residual
They look exhausted due to lack of proper sleep	2	6.0	-4.0
There is scars of burns and cuts on their bodies	5	6.0	-1.0
They are suffering from various infectious diseases	4	6.0	-2.0
All of the above-mentioned	13	6.0	7.0
Total	24		

Test Statistics

What is the condition of a child when they reach you?

Chi-Square	11.667 ^a
Df	3
Asymp. Sig.	.009

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 6.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of “the condition of a child when he/she reached to hospital” are perceived differently or in the same manner under study. At 5% significance level and df=5, the computed significance of 0.009 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis

because, statistically, there is no significant difference between on possibility of “the condition of a child when he/she reached to hospital” and the distribution of respondents indifferent under the study.

7.3.49. Does your department issue a ‘Certificate of Age’ for allowing the Children to take employment?

Descriptive Statistics

Table 7.55: Does your department issue a ‘Certificate of Age’ for allowing the child to take employment

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Whenever approach to us	8	33.3	33.3	33.3
	No one approach to us	10	41.7	41.7	75.0
	Demand for a fake certificate	6	25.0	25.0	100.0
	Total	24	100.0	100.0	

Source: Field Work

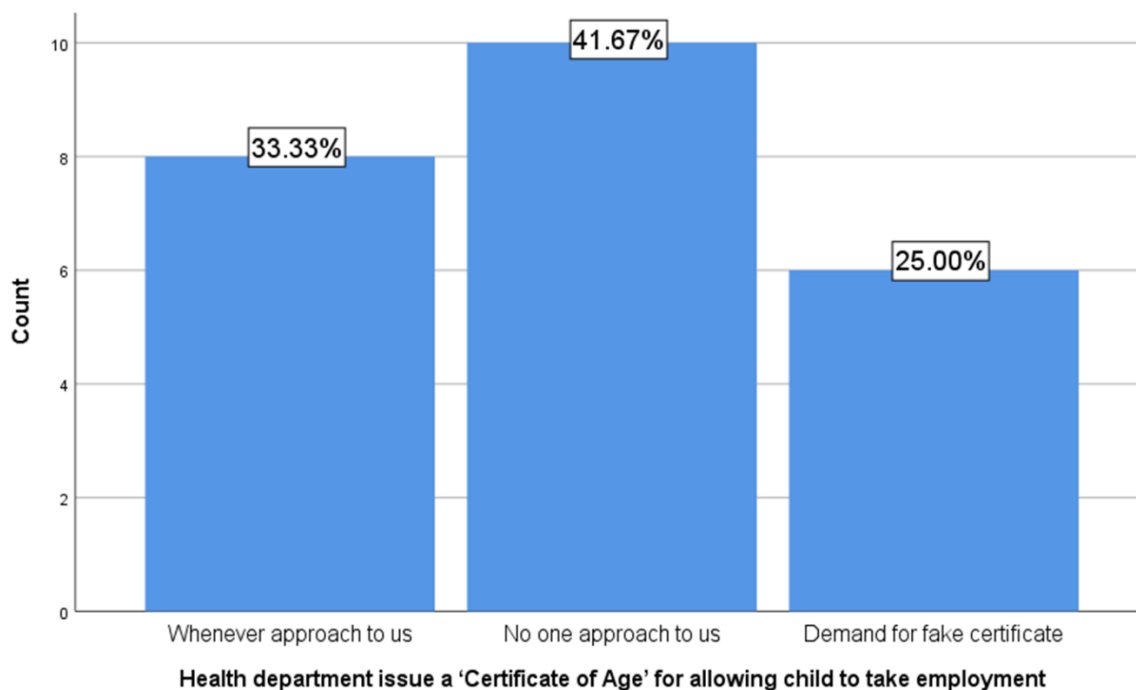


Table 7.55 shows, “Does your department issue a Certificate of Age for allowing the

Children to take employment?”

Table 7.55 above shows that 24 total respondents from the Health Department replied to the above-stated question. Under the frequency value, 8 respondents agreed on the Whenever department approaches us, 10 respondents agreed on No one approach us, and 6 respondents Demanded a fake certificate. The percentage distribution opted by respondents. 33.33 % of respondents agreed that whenever a department approached us, 41.67 % agreed no one approached us, and 25.00 % of respondents Demanded fake certificates.

Chi-Square Test

Does your department issue a ‘Certificate of Age’ for allowing the child to take employment

	Observed N	Expected N	Residual
Whenever approach to us	8	8.0	.0
No one approach to us	10	8.0	2.0
Demand for fake certificate	6	8.0	-2.0
Total	24		

Test Statistics

Does your department issue a ‘Certificate of Age’ for allowing child to take employment

Chi-Square	1.000 ^a
Df	2
Asymp. Sig.	.607

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 8.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of “Does your department issue a Certificate of Age for allowing the Childrento take employment” are perceived differently or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.607 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because statistically, there is no significant difference between on possibility of “Does your department issue a Certificate of Age for allowing the Children to

take employment” and the distribution of respondents indifferent under the study.

Observation and Findings: This question is based on the issue of a ‘Certificate of Age’ for work for the Child. The department issued certificates at the demand of parents and employers. Rarely come for it, and some of them ask for fake certificates. This provision is just on paper. In reality, why do they come for a certificate of age? This certificate bound both parents and owners.

7.3.50. Who issues a ‘Certificate of Age’ to a child in your department?

Descriptive Statistics

Table 7.56: Who issues a ‘Certificate of Age’ to the child in your department

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Any doctor in the hospital	7	29.2	29.2	29.2
	Medical officers not below the rank of Government Assistant Surgeon	17	70.8	70.8	100.0
Total		24	100.0	100.0	

Source: Field Work

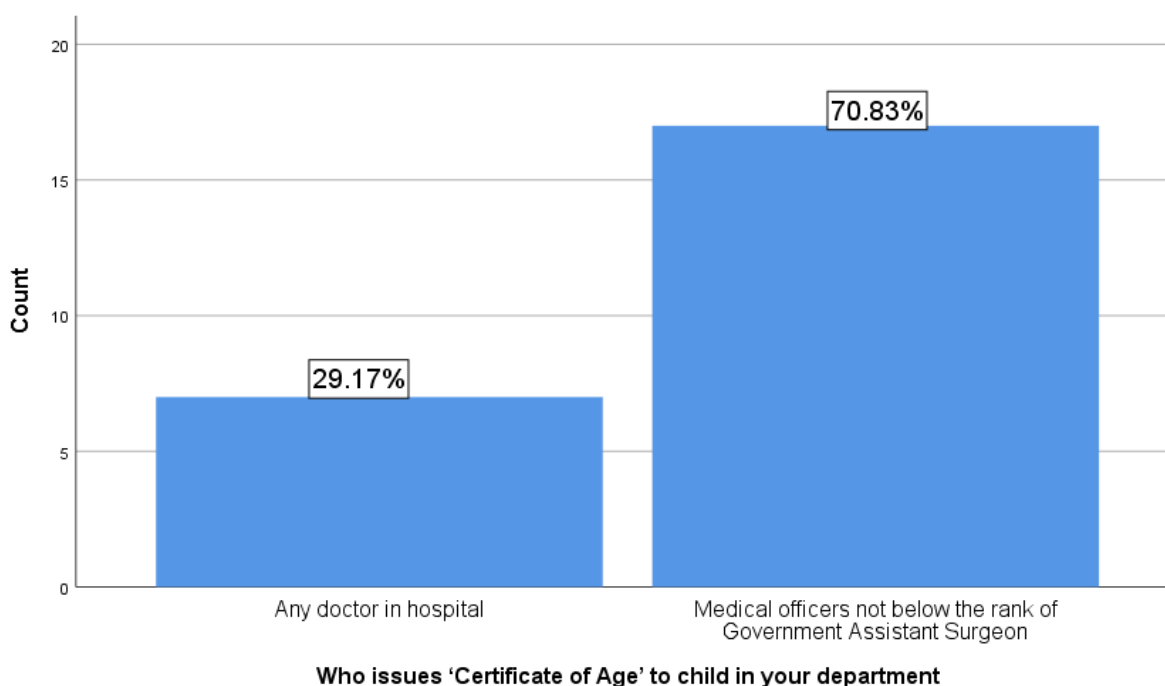


Table 7.56 on “issues a Certificate of Age to a child in your department”

Table 7.56 above shows that 24 total respondents from the Health Department replied to the above-stated question. Under the frequency value, 7 respondents agreed on any doctor in the department-issued certificate, and 17 respondents agreed on the “Medical Officer, not below the rank of government Assistant Surgeon” issued it. The percentage distribution opted by respondents. 29.2% of respondents agreed on any doctor in the department-issued certificate, and 70.8 % of respondents agreed on the “Medical Officer, not below the rank of government Assistant Surgeon” issued one.

Chi-Square Test

Who issues ‘Certificate of Age’ to child in your department

	Observed N	Expected N	Residual
Any doctor in hospital	7	12.0	-5.0
Medical officers not below the rank of Government Assistant Surgeon	17	12.0	5.0
Total	24		

Test Statistics

	Who issues ‘Certificate of Age’ to children in your department
Chi-Square	4.167 ^a
Df	1
Asymp. Sig.	.041

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 12.0.

A Chi-square test is performed to determine whether respondents' responses on the possibility of “issuing a Certificate of Age to a child in by department” are perceived differently

or in the same manner under study. At 5% significance level and $df=5$, the computed significance of 0.041 is ≥ 0.05 . Thus, it may be concluded that Rejects the Null Hypothesis because, statistically, there is no significant difference between on possibility of “issuing a Certificate of Age to a child in by department” and the distribution of respondents indifferent under the study.

CHAPTER VIII

CONCLUSION AND SUGGESTIONS

“If we can’t begin to agree on fundamentals, such as eliminating the most abusive form of Child Labour, then we are not ready to march forward into the future.”

– Alexis Human

8.1 INTRODUCTION

Punjab is one of the country’s lagging states regarding rescuing and rehabilitating Child Labour. It has become a vast social issue linked to a lack of awareness, poverty, and illiteracy. To tackle this challenge, all segments of society will need to work together. Although Punjab has a lower absolute poverty level than many other States, areas of relative poverty in the State contribute to a large Child Labour force. It is a severe and highly complex socioeconomic issue in Punjab. Most young children working under the ages of 10 and 14 work long hours for low pay. Poverty, household situations, and socio-demographic characteristics are the main factors. The majority of children are active in household duties and self-employment. Poverty and illiteracy, among other variables, are the leading causes of the problem, according to this research, and this evil is prominent in lower socio-economic categories, urban and rural areas. India always took a proactive stance to tackle the issue of child workers, supporting constitutional, regulatory, and developmental policies necessary to eliminate Child Labour.

Agricultural workers were plentiful and cheap then, and they were mainly used for seeding paddy, lifting wheat and paddy crops, and harvesting. Children also help their parents with land preparation, weeding, seeding/sowing, irrigation, water management, and fertilisation. Even school-aged youngsters engage in after-school work at home. India, the region's most populous country, employs 56 percent of its children in agriculture, growing cotton, rice, sugarcane, wheat, tobacco, and other crops. Child Labour toils for lengthy periods in a dangerous and exploitative environment, lugging heavy loads of products in the sweltering heat and spraying deadly pesticides. Sharp knives and other dangerous items frequently injure them due to their hectic work routine. Their "workstation" is rigorous and infringes on their health and educational rights.

When migrant families return to their homes in rural areas, a lack of job prospects and dropping wage rates will likely raise the demand for Child Labour. Because children are regarded as "cheap labour" with limited or no bargaining abilities, their salaries will be reduced,

making them easy prey for employers. During the upcoming Kharif agricultural season, children from families work. It is unpredictable when schools will reopen further adds to the situation. Because the adults do not have enough money, children work primarily to assist their families. They are also employed because there is a market for low-cost labour. When they are compelled to work long hours, their opportunities to attend school are limited, and they cannot obtain an education. Their relaxation and playtime are harmed in some way.”

8.2 CONCLUSION

Research conducted by the Kailash Satyarthi Children's Foundation, Punjab is a backward state in terms of protection and rehabilitation of Child Labour. Between 2016 and 2018, the State had 1.76 lakh children working, only filed 14 FIRs, and recovered 15 children under the Child Labour (Protection & Regulations) Act.²⁹⁶ In 2019, only 8 FIRs were registered, and in 2020, 11 FIRs were registered.²⁹⁷ In previous years, the Punjab Labour Department has rescued 612 minors in 25,000 searches at sites they were working illegally. The Department launched 25,066 raids on industrial units, and other employment sites that employed children below 14 in risky and non-hazardous occupations.²⁹⁸

In the New Amendment Act, 2016, the government allow children to work with family members in some non-hazardous occupations. This increases the fear of Child Employment in Agriculture and Domestic Labour. Most Children work in Agriculture and Vegetable and Grain Markets (Mandi) with their parents. In big cities, non-farm Child Labour is increasingly prevalent also in agriculturalist States like Punjab. Despite strict laws, the inhumane practice of Bonded Labour and Child Labour persists in Punjab. Migrant labour in Punjab, primarily from Bihar, West Bengal, and Uttar Pradesh, has never had it so good. They are the backbone of the State's agriculture economy. Punjab's reliance on migrant labour dates back to the Green Revolution's adoption of the wheat-paddy crop cycle.

They live with families; it denies children the opportunity to attend school and forces them to shoulder the twin burden of school and jobs. They also do unpaid domestic work and face the most heinous type of Child Labour. Children from migrant families are frequently forced to work in Labour. Child trafficking has been a problem for some of them. Their

²⁹⁶ Saumya Sharma, “Punjab among laggard states, rescued just 15 children under the law”, *Hindustan Times*, Jun 12, 2020.

²⁹⁷ National Crime Records Bureau.

²⁹⁸ The Times of India, Child Labour: 612 rescued in 2 years, Jun 13, 2019.

relatives lure them to cities like Ludhiana with the promise of providing them with an education and a job. The threat of Child Labour in the Ludhiana district has remained unabated despite sporadic raids undertaken only once a year. Consequently, minors are seen openly labouring in domestic and industrial sectors.

The nation's founders comprehended pervasive poverty, and the nation is responsible for children's education, protection, and development. The Indian government has taken several proactive initiatives to combat Child Labour, including stringent enforcement of legislative prohibitions and concurrent rehabilitative measures. ILO and UNICEF have raised public awareness of Labour issues. The UDHR includes essential provisions for children, emphasising prevention and non-discrimination rather than providing a child with specific and independent rights. "The UN Convention on the Rights of the Child (1989) and two ILO agreements, the Minimum Age Convention (No. 138, 1973) and the Worst Forms of Child Labour Convention (No. 182, 1999)", have been particularly influential. In many regions of the world, concerted and cooperative efforts have been made to alleviate the situation. As a critical barrier to achieving many of the Sustainable Development Goals, which represent a comprehensive vision for development, Child Labour continues to exist.

Under the Factors responsible for Child Labour, the only answer is poverty, illiteracy, overpopulation, parents' drug addiction, and non-implementations of laws. Poverty and Child Labour have a symbiotic relationship. There is a cause-and-effect link between them. Even though education in India is free for children under 14, the educational facilities are inadequate and ineffective, making it difficult for poor parents to take their children to school. Reduced population growth rates are necessary for human development, but a rapid population explosion is not an insurmountable barrier to reaching more significant levels of education. Unemployment is rising with population increase, which negatively influences Child Labour prevention.

The makers of the Constitution recognised the necessity to restrict Child Labour, and as a result, it contains significant expressions of the Indian government's policy against Child Labour abuse. Fundamental Rights are enshrined in the Indian Constitution to ensure that citizens' liberty is a reality. The Directive Principles, which are established, guarantee citizens a better living with economic and social justice. The establishment of compulsory education precedes the eradication of Child Labour. Child Labour regulations and compulsory education are intertwined. Any employment of children is considered forced labour, which is illegal under Articles 21, 23, 24 and 45.

The labour laws, notably child protection legislation, have been heavily impacted by the International Labour Organization's other agreements and recommendations. “the Child Labour (Prohibition and Protection) Act, 1986,” “the Child Labour (Prohibition and Protection) Amendment Act, 2016,” “National Child Labour Project Scheme, 1988,” “The Bonded Labour System (Abolition Act) 1976,” “The Bonded Labour Rehabilitation Scheme, 2016,” “The Protection of Children from Sexual Offences Act, 2012,” “The Juvenile Justice (Care and Protection of Children) Act, 2015,” “Punjab Child Labour (Prohibition and Regulation) Rules, 1997,” “Punjab State Action Plan on Elimination of Child Labour,” “Punjab State Commission for Protection of Child Rights,” and “Punjab Integrated, Child Protection Scheme,” these the specials legislation for the welfare and safeguards of Children.

Interpretation of the Indian judiciary has contributed to reducing this social evil by delivering social justice through accurate interpretation of noble principles behind legislation's provisions for protecting children. The Indian judiciary has always advocated for a welfare state where everyone is granted full rights and can live with decency and dignity. The Court adopted a realistic assessment of children's circumstances and agreed with the current state of Indian society. The court acknowledged that eliminating Child Labour would be impossible to the nation's economic situation. On the other hand, the court pleaded for the government to play a positive role, urging efforts to stop it.

“The Enforcement of Child Labour Laws in Punjab.” It demonstrates that children working in Agriculture, Domestic Labour, Grain, and Vegetable Markets (Mandi's) live in appalling conditions in a state where employers abuse legal and constitutional protections to exploit them for their gain. Because current labour regulations do not cover minors working in unorganised sectors, employers can get away with committing repeated violations of the Act of 1986.

Major Findings of Empirical Work:

- There are 90353 children under the age of 5-14 working in Child Labour, as per **Census 2011 (Ministry of Labour & Employment)**. The 2021 Census report is not published; it was delayed to 2022 and further delayed to 2023 due to the Covid-19 Pandemic (Ministry of Home Affairs) (table 7.4).
- The Centre does not have any data on Child Labour, and a reason for this is the drying up of budgetary provisions meant for the **National Child Labour Project Scheme**, which monitored the problem for about three decades.

- The **National Child Labour Project Scheme** in Punjab has been functional in Amritsar, Jalandhar, and Ludhiana since 2001. There are 4867 in 2021-22; 1307 in 2020-21; 483 in 2019-20; and 915 in 2019-18; children are rescued and rehabilitated under this Scheme in Punjab. But this scheme has now (2022) merged with the Sarva Shiksha Abhiyan; the Centre's decision to discontinue the National Child Labour Project (NCLP) has left 1,500 students in the lurch. Rescued children will find it difficult to adjust to regular schools (table 7.5).
- In Punjab 15-fold jump in school dropouts rate in the last years, 17.2% in 2021-2022 (Dept of Education & Literacy), and only 58.8% of children enrolled in school (Annual Status of Education Report, 2022), the majority of students from economically weaker sections and migrant classes. Covid-19 also affects these two sections, and their children are shifting to manual labour to help their families.
- There is a low rate of cases registered under **the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986** in Punjab, 2020 only 11; in 2019-8; 2018-8 FIRs registered (National Crime Records Bureau) (table 7.6).
- There is no definite age for a child to work. ILO "**Minimum Age Convention, 1973**" and "**Worst Forms of Child Labour Convention, 1999**" defined the minimum age for Child Labour as 14, but the legal minimum is 15 years old (not less than 14 till compulsory schooling, and below 14 allow only in that case when the country has no adequate source of free education and meal). Allowing Children below 14 with family members violates the ILO Conventions.
- There is a contradiction between the child age for 'Domestic Work' under "the Child Labour and Adolescent (Protection & Regulations) Act, 1986 defined the 'Child' not completed 14, and "**the Domestic Workers Welfare and Social Security Act, 2010**" defined the 'Child' not completed 18.
- Girls are always favourite as **domestic assistance**, which encourages more exploitation and abuse, making this a **gender-based issue**. Boys' working conditions in agriculture are worse than girls, and they are in higher demand. They are more likely to be in charge of operating machinery, sharp tools, and chemical spraying in agriculture. They suffer from cuts, burns, pesticide poisoning, and other health problems. In grain and vegetable markets, boys and girls work in vulnerable conditions.
- Children work in **Grain and Vegetable Markets** with their families. They are helping their parents to load and unload wheat, paddy, and other grains. Some help sells vegetables, tea, and snacks in small Dhabas, working at a sugarcane juice stand inside the

Mandis. Many children work in mandi with their parents. Despite mandi's under government control, no investigation is carried out.

- Children from **migrant families** are frequently forced into Labour. Their relatives lure them to cities like Ludhiana with the promise of providing them with an education and work. The threat of Child Labour in the Ludhiana district has remained undebated despite raids undertaken only once a year. It is challenging to keep track of Child Labour in domestic work, no proper monitoring system to address domestic Child Labour.
- **Migrant Child Labour** is frequently paid less, work longer hours, is less likely to attend school, and have a greater fatality rate than native Child Labour. Increased migration, especially seasonal movement for work and trafficking of unaccompanied minors, could be to blame for urban Child Labour growth. Across India, every 5th child is a migrant (UNICEF).
- Child Labour is easily found in both **Rural and Urban Areas** in Punjab, but more in rural than urban areas. Child Labour is difficult to track in villages. Most working minors live in rural sites, with three out of four working in agricultural or household work, most of which are home-based activities. More than agricultural labour, children in urban areas work as domestic helpers and in vegetable and grain markets.
- Children are facing **problems at workplaces**. They are generally scolded for minor mistakes in the workplace. They have worked long hours without any breaks and get low wages. There is no provision for work below 14, no legal provision, so the exploitation of children works more than adults. Employers do not allow them to take leave even in case of their illness.
- **Physical exploitation** children faced at work. They do not know good touch and bad touch. Due to a lack of knowledge, children face sexual harassment, especially in domestic labour.
- Children are the victim of **health issues** at the workplace. In Agriculture, pesticides, planting and harvesting, and machinery caused severe issues. Child domestic workers are vulnerable to sexual abuse, exploitation, and tiredness caused by long working hours and insufficient rest.
- The **reason for Child Labour**, Poverty, family financial conditions, unemployment, illiteracy of parents, the large size of the family, disease or disability of parents, and drug addiction of parents. Children work primarily to support their families when their parents do not earn enough money. Due to low income, drug addiction, disease, and parents' death are reasons for child work voluntarily and with Parent's consent.

- Some respondents disagree with disclosing it due to the **fear of Parents and Employers**; despite knowing the consequences of Child Labour, most parents are reluctant to give answers.
- Most child respondents do **not attend schools regularly** and have no interest in studying. They enjoy their work happily. Some of the parents do not support on regular schooling of their children. Their mindset depends on work; they think about what they will do after school, and eventually, they will work, so why don't children start today.
- Parents send their **children to help out around the house** to boost the family's income; child domestic labour negatively impacts school enrollment. Those who seek to combine work and schooling experience low attendance. Regarding gender, girls drop out of school more than boys; they are more involved in the household.
- There are **no fixed hours for children's work**. They have fewer opportunities to attend school when compelled to work long hours, preventing them from receiving an education.
- There is **no wage rate for Child Labour**. Parents or relatives promise to send their child to work with the employer in exchange for money or debt relief.

8.3 HYPOTHESIS TESTING

The Hypothesis of the present research are-

- “Poverty and Child Labour are co-related to each other. Most employed children are Socially Backward and Economically poor.”
- Legislative measures to protect Child Labour are ineffective in Punjab.
- There is a lack of awareness about the legal rights of Children in Punjab.

Based on the Survey findings:

1. Regarding the first hypothesis, 82% of the respondents (table 7.13) agreed that “there is a strong link between Child Labour and Poverty.” The socio-economic factors responsible for the menace of Child Labour are- poverty, the large size of the family, adults unemployment, drugs addicted parents, and disease or death of parents. Socially backward and illiterate parents do not know the negative consequences of Child Labour. It pushes parents to use their children as an additional source of money on a daily wage.

Children work long hours without any breaks to support their families and get no rest; 70% of respondents accepted that they are working more than 6 hours (table 7.17). They get no proper wage; 73.7% agreed with it (table 7.28) and cannot take leave. 85%

of children get a wage below 500 (table 7.18). Children do not attend school regularly because they are not interested in the study and have no time for studying; 85% of respondents agreed with it (table 7.16). Hence, the first hypothesis stands proven.

2. In regard to the second hypothesis, it has been observed that the Enforcement of Laws for the protection and welfare of children is ineffective in Punjab. Despite stringent laws safeguarding children, it has been observed (Table 7.9) 70% of Child respondents between the age group of 0-14 years work as Child Labour in different sectors (Agriculture, Domestic, Grain and Vegetable Markets). Second, there is no uniform definition of the term "Child." Due to this fact, the prosecution has failed to define the child's exact age of work, and as a consequence, the employers are acquitted quickly in the case registered against them.

The child faces Problems at the workplace. The employers usually scold them. The children face Physical Exploited at Workplace; 80% of respondents agreed with it, and they have no knowledge about good or bad touch (table 7.20). This offence is compoundable in the first instance; the parent takes money from the employer to dispose of the case. The authorities agreed that parents are not ready to File an FIR/Complaint while their child recovers during raids (table 7.38).

No regular raids are conducted on the suspected areas of Child Labour in Punjab. Less number of FIRs/Complaints registered on Child Labour. 76.7% of authorities agreed that there are no proper raids conducted on suspected areas of Child Labour, and they never conducted raids unless and until they get any complaint. This shows that State Government and concerned authorities do not bother about issues related to Child Labour (table 7.31). The children in Punjab are not getting the benefits of welfare schemes; 71.9% of respondents agreed with it (table 7.40). The Enforcement of "Child Labour Laws" and "Punjab State Action Plan for total Abolition of Child Labour" in Punjab is ineffective; 78.8% of authorities agreed with it (table 7.41). Hence, the second hypothesis also has been proved.

3. It has been observed that almost half of the respondent parents are aware of "Child Labour" (table 7.25) and their children's rights. Half of the parents know about the free education and mid-day meal scheme (54.4% agreed on Yes, and 45.6% of respondents agreed on No; table 7.25), but they do not obey their 'Fundamental Duties' (32% agreed on Yes, and 25% agreed on No, refer table 7.26). They are reluctant to prevent the rights of their Children. No Child works without the consent of their parents. The Parents allow

their children to work but are never ready to disclose it. 60.00% of the child respondents work with Parent consent, and 40.00% work voluntarily (table 7.14).

Half of the Parents do not know the value of education, welfare, and health benefits for their Children. Due to illiteracy, parents are unaware of various programs and schemes started by the Central and State governments for children. Rural households have a compulsive reason for including children in a variety of duties due to the situations of poverty and unemployment. Hence, the third and the last hypothesis is neither proved nor disapproved.

8.4 SUGGESTIONS

8.4.1 Legislative Measures

After doing the research, it is discovered that the current system of laws cannot control the issues. There is a need for more extensive and strict laws to end the loopholes in existing laws.

1. Age of Child

- a) It is essential to define the term “Child” to determine who falls under the umbrella of the word Child’. There should be an agreement on the minimum age for work of a Child with a common definition of “Child.”
- b) India ratified ILO “**Minimum Age Convention, 1973 (No.138)**” and “**the Worst Forms of Child Labour Convention, 1999 (No. 182).**” In developing nations, the minimum age for Child Labour is 14, but the legal minimum is 15 years old (not less than 14 after compulsory schooling). The Age of a Child is 13-15 years for light work and 12-14 years for developing nations. Allowing Children below 14 in the family enterprises and audio-video industry is a total violation of the ILO Conventions. The government should be reconsidered the age for Children to allow to work. An age limit is required to start Child Labour. It is necessary to file a case against the accused because the prosecution always fails to define the exact age for a Child to work. There is no value in a prosecution case until the age is proven. The government should change the law to ensure that children under 18 are not allowed to engage in Child Labour.

2. Family Enterprises

- a) Section 3 sub-clause 2 (a) of “**the Child Labour (Prohibition and Regulation)**

Amendment Act of 2016” permit children to work with family members. Working at home is acceptable, but it encourages Child Labour, especially in impoverished homes. Children in these families believe there is no difference between working at home and working for other family members or locations where they might earn money. Children should not permit to work with family members until they complete 14 years.

- b) **Section 3(2)** defines 'Family' as including “the siblings of the father and mother, thereby increasing the size of the family.” In low-income families, these family members, the siblings of the father and mother, pressure them to work outside the home. As a result, the size of the family, as defined by this law, should be limited to the mother, father, brother, and sisters.
- c) **Section 3(5)** stated children to work in “family or family enterprises” or “an artist in an audio-visual entertainment industry” after their school and during vacations, but without mentioning hours for work. There should be a need to add a minimum and maximum hour for work in “family or family enterprises” or “an artist in an audio-visual entertainment industry” and a list of works covered under these categories.
- d) **UNICEF** strongly advises that "children helping in family businesses" be removed, a comprehensive list of hazardous works needs to be added, and a strong monitoring system needs to be developed. Because most children work with family members and have no fixed hours for work, it will obstruct their education. No child works without the consent of their parents and allows work with family members to create trouble in their future development. It can be hard to ascertain whether a family owns a business or someone has hired the entire family to run it. Drug-addicted parents use their children for financial gain. It is also vital to impose severe penalties on Parents because no child can work without their parent’s involvement.

3. Hazardous Work

- a) There is a need to define the term ‘Hazardous’ and mention the dangerous occupations for children's cognitive and physical growth. Necessary to update the list of dangerous occupations for children.
- b) The **New Amendment Act, 2016** allowed Parliament and State Governments Authorities to add and remove the occupation from the list of hazardous, according

to section 4. This leaves it to open discretion. The state can amend the list of hazardous occupations, thus leading to this act's non-uniform implementation. Without giving the State Governments any option, the Parliament establishes tight guidelines for the mandatory implementation of all of the Act's requirements.

4. Unorganised Sectors

- a) It should be necessary to define the term “unorganised sector.” The “Central Government and State Governments” pass appropriate laws for the safe interests of Child Labour in the unorganised area. These legislative measures must be effectively applied so violators will not dare to do so again. More public awareness of Child Labour and government legal measures against the problem will help change the attitudes of those who exploit children.
- b) There should be a need to regulate working conditions in unorganised sectors relating to work hours, spread over time, weekly off and payment, provision of first aid, and other facilities. Because of the highly flexible work environment, work hours cannot be easily found in the rural and informal areas where Child Labour is mainly found.

5. Agriculture Child Labour

- a) Effective measures should adopt on “**the Worst Form Child Labour Convention, 182.**” Such measures should include allocating resources, monitoring, and unannounced on-site inspections to provide the required number of labour inspectors targeting Child Labour in Agriculture. Regular surveys are needed to detect Child Labour in the Agriculture Sector.
- b) Establish procedures to monitor the exploitation of minors working in agriculture and guarantee that children and their families have access to appropriate complaint processes. In comparison to Child Labour in the Organized Sector, children working in Agriculture have received less attention.

6. Domestic Child Labour

- a) The contradiction between the child age for domestic work under “**the Child Labour (Prohibition and Regulations) Act, 1986 and Amendment Act, 2016,**” which defined the term 'Child' as a person who has not completed 14, and “**the Domestic Workers Welfare and Social Security Act, 2010**” which defined the

term 'Child' as a person who has not completed 18. The gap in Child domestic labour legislation should be analysed.

- b) It's tough to keep track of Child Labour among domestic workers. The limits of the definitions of 'Employer' and 'Workman,' domestic Child employees are not covered under the purview of various labour laws in India. The most severe issue is the lack of a proper monitoring system to address domestic Child Labour. A centralised system for recording and registering the number of underage labourers in domestic work should be implemented.
- c) Since there is no separate law on Child Labour in domestic employment, one should be needed. Due to its covert and exploitative character, domestic work is frequently concealed within the four walls of homes. Government program and scheme implementation and monitoring face significant challenges, and undue delays in statutory rehabilitation led to re-trafficking.

7. Grain and Vegetable Markets:

Child Labour in 'Vegetable and Grain Markets (Mandi)' is not defined under Child Labour Acts. Many children work in mandi's with their parents. Despite the mandi's under the control of government authority, no investigation is carried out. Regular surveys by market inspectors in concerned areas should be required to control child exploitation.

8. Bonded Labour

- a) The State Labour Department should establish a helpline number connected to the District's Labour officials. The State Government should organize virtual training for State/District officials dealing with bonded labour concerns. The government should maintain a database of rescues and rehabilitation of bonded labour.
- b) The District Administration should take the required steps to ensure that the Children rescued from bonded labour enjoy healthy and safe life. The department should cover the costs of ensuring safe transportation for the freed labourers. The administration should work with the State/District legal services authority and start training programs for Public Prosecutors to make them aware of bonded labour and speedy trial. They should make an effort to engage closely with the Education Department.

8.4.2 Enforcement Measures

The following recommendations have been made for enhancing law enforcement:

9. Implementation of Laws

- a) All labour authorities are overburdened with various forms of work in the current enforcement system, and they cannot devote much time to Child Labour. Enforcement of Child Labour laws should be a priority; a separate cell should be set up. The task of enhancing the working conditions for minors should be assigned to the inspectorate cell. Adequate procedures and structural patterns are needed to ensure that all of the government's policies to end Child Labour are followed. If the laws are adequately enforced, children's rights will no longer be just words on a page.
- b) Law must be strengthened and made more forceful, and the government must also enhance its willpower to enforce the laws relating to Child Labour. Legislation alone would not be enough to end Child Labour. Stronger labour inspection procedures are needed, as they rarely reach workplaces in the informal/unorganised sectors, where most Child Labour occurs. A solid legislative framework that necessitates punitive action will take against a wrongdoer.
- c) Employing Children in the Agricultural, Domestic Sectors, and Mandi should be a punishable offense that is non-bailable or non-compoundable.

10. Registration of FIR and Convictions

The government should swiftly imprison the perpetrators of Child Labour. Because this will set a precedent for the rest of society that employing minors is a criminal offense. Anyone who employs children will not be spared under any circumstances and suffer severe legal consequences.

8.4.3 Rehabilitation of Child Labour

For the rehabilitation of children following recommendations have been made:

11. Counselling and Rehabilitation of Child Victims

- a) When a child victim is rescued, there is a need to provide prompt counselling. Counselling should be provided to victims by a trained counsellor, doctor, community social worker, NGO, or District Legal Service Authority so that the victim is well informed. An assessment of mental trauma caused to the victim and

the support required should be determined, and such information should be provided to the Child Welfare Committee (CWC) so that they may pass suitable orders.

- b) Their requirements are considered at every step of the investigation and prosecution, and all information they have is gathered for the investigation. Governments should consider raising penalties for violating the "Child Labour" law and allocating a portion of the fee to rehabilitating Child Labour.
- c) The amendment has some advantages and disadvantages, but the government has been undermining it by slashing “**the Ministry of Women and Child Development**” funding. As possible practically, the rehabilitation mechanisms must be strengthened. Outlawing Child Labour would be the first step in protecting children's childhoods, followed by rigorous rehabilitation of rescued children. The government should promote the Sarva Siksha Abhiyan, avert budget cuts, raise education sector investment, reintroduce the mid-day meal system, and hire artists to teach children their craft. As a result, the people must wake up from their deep slumber and join hands with the government to safeguard the country's future by putting an end to the atrocity of Child Labour.

12. Funds for the Welfare of Children

Section: 14B, “Child and Adolescent Labour Rehabilitation Fund,” roughly defined the purpose of the Fund. There is a need to define the objective of the fund. It is necessary to provide financial help to children who have been rescued so that they will not re-engage in labour. Funds should be directly linked to the education and development of children.

13. Provide Support to Family

- a) The primary factor of Child Labour is poverty; the government must take comprehensive measures to eliminate poverty. The state should work to improve the living standards of its citizens by boosting revenue. They should make particular provisions for severely impoverished areas and generate the fewest jobs. The family of a Child Labourer should get monthly financial aid to afford necessities and keep their child out of Child Labour.
- b) The State Government should first reduce the unemployment rate to reduce Child Labour by creating jobs for families, which consequences parents will automatically encourage to educate their children and join their school to learn, read and write after

unemployment is gone. Their children will have a happy childhood.

8.4.4 Social Actions

14. Awareness Programs:

- a) Child Labour is an evil that requires more awareness and changes in society. Raise awareness on the legal rights of children between parents, and society by holding workshops, seminars, and street play about the issue, using catchy slogans like "No to Child Labour, Yes to Education."
- b) A public awareness campaign about the Convention, Constitutional safeguards, and the status of children in Punjab is required. The campaign should spread understanding about children's rights. It should insist that both the Central and Punjab governments fulfill their responsibilities. To build a favourable institutional environment in which all globally recognised and approved Child rights are fully practised and promoted, the campaign must implement steps at the national level, such as increasing awareness, networking, and pushing for child-centred legislation. By sharing information and increasing awareness, one of the campaign's goals should be to organise public opinion to protect and promote children's rights.
- c) Parental knowledge is critical to stop children from joining labour and becoming labourers. Due to a lack of parental awareness, situations arise where child victims are trafficked, resulting in Child Labour.
- d) Government should spread awareness on filing complaints on the online Pencil portal, Darpan App, and Childline 1098 helpline number.
- e) The media create a crucial role in spreading informing about children's rights. It should attract policymakers' attention to the infringement of children's rights. It should offer children a voice, reveal systemic flaws, and emphasise children's accomplishments, both their aspirations and the dangers they face.

15. Education

- a) Article 21A should be revised to include the right to education. A committee should be formed for this purpose. Who is responsible for determining how many students are enrolled in private schools by this right? If schools do not follow this article,

immediate action should be taken.

- b) Children who are taken out of Child Labour situations do not necessarily go to school as a result. Sending children to school creates friendly dialogues with children and families and provides awareness about the “right to free and compulsory education.” Generate funding for establishing schools in slums and rural areas providing proper infrastructure. Focus on the concept of ‘Educate yourself’ means that no one can exploit you if you are aware of your rights.
- c) Improving access and quality of education is the single most effective approach to stopping school-aged children from becoming Child Labourers. The government of India should form a separate mechanism for effectively implementing the Education policy in India. The Government's Education Policy is unsatisfactory and incapable of fulfilling their economic needs. The negligent behaviour of parents indulges children in work which is one of the risks to their socioeconomic status. The government should create more educational programs and funds for the education of poor children. No children should be allowed to work until they have completed their elementary education. Discrimination in schools based on status and inequality should be removed.
- d) Concerted efforts are required to abolish Child Labour altogether by Governmental agencies and NGOs actively working in the same area. The government and NGOs encourage parents to send their children to school. Both motivational and encouraging videos are produced to promote the right to education.
- e) New Child Labour Policy with emphasis on coordination between Child Labour and education & role clarity. Linkages between RTE and Child Labour include work done at home or in the family and leisure time that is bad for the child's health or hinders their ability to develop biologically, cognitively, spiritually, ethically, or socially.
- f) The government should have access to children who do not attend school. They should give strict instructions to government teachers on how to persuade the parents to education. They should provide unique curricula and novel teaching methods, including physical activities, that will pique children's attention and allow them to reach their full potential. Teachers should train to monitor missing children from school and report them.

- g) The government should build residential schools for impoverished and orphaned children to receive food, shelter, clothing, and other necessities so that they do not become a financial burden on their parents. If they receive all of these items from the government, they will not look for work and instead concentrate on their studies. Child Labour can be avoided in this way.
- h) Children's upper age restriction should be raised to 18 years by the government. All children up to 18 should be required to attend school.

16. Setup Committee

- a) The monitoring committees should be set at “the National, State, District, Block, Village Panchayat” areas for regular check-ups on suspected areas of Child Labour.
- b) The district-level vigilance committees should be strengthened to identify and eliminate bonded Child Labour. Panchayats play a significant part in reducing Child Labour. Create a climate in which children cease working and instead enroll in education. Ensure that schools provide adequate amenities for children. Inform employers of the rules against Child Labour and the consequences of breaking laws. Activate “Balwadis and Aanganwadis” in the village so that working women don't have to rely on their older siblings to look after their younger children. “Village Education Committees” encourage children for school.
- c) Since the number of unskilled and illiterate parents is higher, they involve children in labour instead of education. Child Labour cannot be eradicated unless compulsory primary education is implemented. In addition, a committee of Principals and Village leaders should be formed to ensure the child does not join labour until he reaches 14. Vocational education will help to keep students interested in learning and lower the number of students who drop out. The government should follow the principle of “bringing schools to children rather than children to schools.”

17. Registration

- a) Child Labour in Unorganised Sectors like Domestic, Agriculture, and Mandi should be registered to stop the exploitation of children.
- b) There is a need for a stringent body to monitor Child Labour, and everyone who hires a Child for employment must register the child near a police station. It should

be the obligation of the police to report Child Labour to the Child Welfare Department.

18. District Legal Service Authorities

Panel lawyers should assist the victim in applying to the District Legal Service Authority for the release of compensation under the Victims Compensation Scheme and accessing other government welfare programs. They should assist victims in registering FIRs and present during remand sessions to fight bail and other issues.

19. Support NGOs

The government should support Non-Governmental Organizations that aim to end Child Labour. The government has taken the required steps to end Child Labour but has been unable to adequately complete its tasks. As a result, our country's number of working children is skyrocketing. Child Labour has been dramatically reduced due to the efforts of NGOs. The government should provide financial assistance to NGOs to help more children stop doing labour and to live their childhood in the right way.

20. National Child Labour Projects in Punjab

NCLP is responsible for identifying and removing Children in Labour, providing education, vocational training, and benefits of schemes. Despite releasing grants for NCLP schools, the Centre Government shuts down the NCLP scheme, and Child Labour should be admitted to nearby Government schools under the 'Sarva Shiksha Abhiyan Scheme.' Child Labour may be left in the lurch. Putting the children directly in the schools will also harm the children and the teachers because the rescued youngsters wouldn't be able to reconcile in the school environment without special attention. The project should be closed in a District only if the district is declared as a no-Child Labour zone, and for this move, a resolution should be passed in Gram Sabha at the Panchayat level. Such care will not be available for rescued students at regular schools. Also, retaining students at schools without special attention is not easy. As a result, the dropout ratio would further increase and, in turn, would lead to an increase in the number of Child Labourers. Child Labour has increased three-fold due to COVID-19; the Central government should work to strengthen this project, not close it.

21. Labour is added to Concurrent List, which means the State has the power to make laws

on Child Labour. Punjab Government has made the “Punjab Child Labour (Prohibition and Regulation) Rules, 1997” based on “the Child Labour (Prohibition & Regulation) Act, 1986 and Amendment Act, 2016.” There is a need to add and amend the occupation & processes list per state working conditions of children.

22. Illiteracy is also a factor in Child Labour. The government ensures to give citizens education, as illiterate people do not grasp the impact of Child Labour on their families, increasing Child Labour. The government should prioritise adult education and conduct it more passionately, so everyone knows their rights and responsibilities.
23. The growing population is also a significant element in Child Labour. Families with a lack of knowledge and education have many children, forcing the youngsters to work to support the family. Due to expanding population, children are not receiving basic requirements like health care and food. The government has implemented the notion of mid-day meals in government schools to relieve the load on families that cannot satisfy their daily bread needs. The government should promote information about family planning policies and ensure that they are strictly enforced.
24. The verification of birth certificate is required for determining appropriate work for children to validate the age of the 'child.' Furthermore, reliable techniques will adapt to check age, such as medical examination before employment; written documents and affidavits from parents with a countersign by the employer; certificate of compulsory schooling for those over the minimum age; and certificate of school enrollment for those who work in light work.
25. When it comes to Child Labour, the judiciary should be more attentive. The offending employer should be sentenced to prison rather than a fine when guilt is established. In terms of penalty policy, a prison sentence should be imposed. The “benefit of the doubt” should not be given to the owner.
26. The New Amendment Act linked a child's age for work with compulsory education till 14 years but acted silently about adolescents' schooling. The government should amend the new act and add provisions for educating adolescents with Labour.
27. Abolition of Child Labour is such a long-term goal. Meanwhile, steps to prevent workplace accidents, injuries, and diseases must be established in occupational safety and health policy. Child employees should be examined regularly, and a Labour Officer should be appointed. The Labour Officer can successfully enforce national labour legislation by giving advice and information to employers and assisting them in meeting legal obligations.

- 28.** The concerned Officers who do not perform their duties to eliminate Child Labour, rehabilitation of rescued children, registrar FIR and wilfully omit their responsibilities, this should be added in their Annual Confidential Report.
- 29.** “Goal 8.7 of the Sustainable Development Goals” targeted to vanish all kinds of Child Labour by 2025. Strong social protection floors should offset the vulnerabilities that push Children into slavery, extend Child Labour rights in the unorganised sectors to protect workers from exploitation, and improve migration governance.

BIBLIOGRAPHY

BOOKS

- Ashhad Ahmad, *Child Labour in India - A Politico-Legal Study* (Kalpaz Publications, Delhi, 2004).
- A.B Bose, *The State of Children in India: Promises to Keep* (Manohar Publishers, New Delhi, 2003).
- Asha Bajpai, *Child Rights in India: Law Policy and Practice* (Oxford University Press, New Delhi, 2004).
- A. Etienne, and Diallo, Y., *Global Child Trends 2008-2012* (ILO Office Geneva, 2013).
- Alessandro Cigno, *The Economics of Child Labour* (OUP Oxford, 2005).
- Antonella Invernizzi and Jane Williams, *The Human Rights of Children: From Vision to Implementation* (Routledge, London and New York, 2011).
- A. Majid, *Legal Protection to Unorganised Labour* (Deep and Deep Publications Pvt. Ltd, New Delhi 2000).
- B Singh, *Industrial Relations and Labour Laws* (Excel Books India, 2009).
- Balwant Singh, *Labour Policy and Administration* (M.D. Publication Pvt. Ltd., 1996).
- B. Agarwal, *Child Labour in India* (ABD Publishers, Jaipur, 2007).
- Cathryne L. Schmitz, *Child Labour: A Global View* (Greenwood Publishing Group, 2004).
- C. K. Shukla & S. Ali, *Child Labour: Socioeconomic Dimensions* (Sarup & Sons, Delhi, 2006).
- Chinna S.S., *Child Labour, problem and policy implications* (Regal Publication, New Delhi, 2009).
- Daniel Maul, *The International Labour Organization: 100 years of Global Social Policy* (De Gruyter, Germany, 2019).
- D.V. Rao, *Child Rights-A Perspective on International and National Law* (Manak Publications, New Delhi, 2004).
- Enakshi Ganguly Thukral, *Every Right for Every Child* (Taylor & Francis, 2020).

- Gamini Herath, *Child Labour in South Asia* (Routledge, 2016).
- Geeta Chopra, *Child Rights in India: Challenges and Social Actions* (Springer, 2015).
- Gordon Brown, *The Universal Declaration of Human Rights in the 21st Century: A Living Document in a Changing World* (Cambridge, UK, 2016).
- Gurcharan S. Bhatia, J. S. O'Neil, Gerald L. Gall, Patrick D. Bendin, *Peace, Justice and Freedom: Human Rights Challenges for the New Millennium* (University of Alberta Press, Edmonton, Canada, 2000).
- G.S. Bajpai, *Juvenile Justice: Impact and Implementation in India* (Bloomsbury Publishing, 2019).
- G. Sudarshanam, *Human Rights in India Prospective and Retrospective* (Rawat Publications, Hyderabad, 2019).
- Gurchatten S. Sanghera, *Child Labour in India: Globalization, Power, and the Politics, of International Children's rights* (Oxford University Press, 2016).
- H.L. Kumar, *Obligations of Employers under Labour Laws* (Universal Law Publishing, Delhi, 2010).
- Hilaire Barnett, *Children's Rights and the Law: An Introduction* (Routledge, New York, 2022).
- Hugh D Hindman, *The World of Child Labour: An Historical and Regional Survey*
- (Myron E. Sharpe, 2014).
- International Organization, *ILO Contributions to achieving Target 8.7* (International Labour Office, Geneva, 2021).
- Jean Allan, *Forced Labour - from Slavery in International Law* (Marinus Nijhoff, 2013).
- J. Holt, *Escape from childhood* (Eklavya Publications, Bhopal, 2003).
- Kapil Dev, *Lost Childhood: Unmasking the lives of street children in Metropolitan India* (Taylor & Francis, 2020).
- Kuldeep Fadia, *International Organization* (Sahitya Bhawan, Uttar Pradesh, 2019).
- K. Lahiri, *Child Labour, Issues and Perspectives* (ICFAI University Press, Hyderabad, 2006).

- K. Srinivassan, & V. Gondatra, *Child Labour Multi- Dimensional Problem* (Ajanta publications, New Delhi, 1993).
- Kailash Satyarthi, *Every Child Matters* (Prabhat Prakashan Pvt. Ltd, 2020).
- Kailash Satyarthi, *Will for Children Hardcover* (Prabhat Prakashan Pvt. Ltd, 2020).
- Kailash Satyarthi, *Children and their Social Issues* (Prabhat Prakashan Pvt. Ltd, 2022).
- L. Mishra, *Child Labour in India* (Oxford University, 2000).
- Luca Nogler, Marco Pertile, *Child Labour in a Globalized World: A Legal Analysis of ILO Action* (Routledge, 2016).
- Leila Seth, *We, the Children of India: The Preamble to Our Constitution* (Puffin UK, 2011).
- M. Jain, *Complete Abolition of Child Labour-A Possibility* (Manak Publications Pvt. Ltd., New Delhi, 2006).
- M. Mustfa, and O. Sharma, *Child Labour in India-A Bitter Truth* (Deep & Deep publications, New Delhi, 1996).
- Monisha Bajaj, *Schooling for Social Change: The Rise and Impact of Human Rights Education in India* (Continuum International Publishing Group, New York, 2012).
- M. Rao, *Law Relating to Women and Children* (Eastern Book Company, New Delhi, 2008).
- M. Singh, and H. Kaur, *Punjab Today* (Deep and Deep Publications, New Delhi, 2011).
- Murli Desai, Sheetal Goal, *Child Rights Education for Participation and Development*
- (Springer Nature Singapore, 2018).
- Myron Weiner, *The Child and the State in India: Child Labour and Education Policy in Comparative Perspective* (Princeton University Press, New Jersey, 2021).
- N. Burra, *Born to Work Child Labour in India* (Oxford University Press, New Delhi, 1995).
- N. Krishnamoorthy, *Children in India- A Legal Perspective* (Ministry of Information and Broadcasting, Government of India, 2009).
- N.P. Khan, *Child Rights and the Law* (Universal Law Publishing Co., New Delhi, 2012).

- Nitu Kumari, *Rights of the Girl Child in India: Struggle for Existence and Well-Being* (SAGE Publications, 2020).
- Noam Peleg, *The Child's Right to Development* (Cambridge University Press, New York, 2019).
- N. Sanyal, *Peace loving Nations* (Kalpaz Publications, New Delhi, 2010).
- P. Goyal, *Little Hands That Work* (PBG Publications, Ludhiana, 2005).
- P. Hazarika, *Child Labour in India* (Akansha Publishing House, New Delhi, 2004).
- P.K. Padhi, *Labour and Industrial Laws* (PHI Learning Private Limited, Delhi, 2019).
- Pankaj Kumar Tiwary, *Labour and Social Welfare* (Pratiyogita Sandarbh Publication, 2019).
- Pramila Pandit Barooah, *Handbook on Child, with Historical Background* (Publishing Company, 1999).
- R.C. Sharma, *Industrial Relations, and Labour Legislation* (PHI Learning Pvt. Ltd., New Delhi, 2016).
- Raj Kumar Sen, Asis Dasgupta, *Problems of Child Labour in India* (Deep and Deep Publications, 2003).
- Ravneet Kaur, *Constructions of Childhood in India: Exploring the Personal and Social Cultural Contours* (Routledge, New York, 2021).
- R. Sivarethnamohan, *Industrial Relations and Labour Welfare* (PHI Learning Pvt. Ltd., 2010).
- Sarada Balagopalan, *Inhabiting Childhood: Children, Labour and Schooling in Postcolonial India* (Palgrave Macmillan UK, 2014).
- S. Balagopalan, *Inhabiting 'Childhood': Children, Labour and Schooling in Postcolonial India* (Springer, 2014).
- S. Deshta, and K. Deshta, *Law and Menace of Child Labour* (Anmol Publications Pvt. Ltd., New Delhi, 2000).
- S.C. Joshi, *Child Labour-Issues, Challenges and Laws* (Akansha Publishing House, New Delhi, 2006).

- Selwyn Stanley, *Social Problems in India: Perspectives for Intervention* (Allied Publisher, 2004).
- *Social Problems in India* (Allied Publisher, New Delhi, 2004).
- Suman Chauhan, *Child Labour-Increasing Challenge* (Educational Publishers and Distributors, New Delhi, 2010).
- S.N. Tripathy, *Exploitation of Child Labour in tribal India* (Daya Books, 1991).
- S.N. Misra, *Labour Industrial Laws* (Central Law Publications, Allahabad, Uttar Pradesh, 2021).
- Sunil, *Law and Menace of Child Labour* (Anmol Publications, 2000).
- S. Srivastava, *Child Labour as a Socio-Economic Problem in India in Mahaveer Jain and Sangeeta Saraswat (ed.), Child Labour from Different Perspective* (Manak Publications Pvt. Ltd., New Delhi, 2006).
- S Wal, *Combating Child Labour Legal Approach* (Sarup & Son, 2006).
- S. Sanon Chandragupt, *Working Children: A Sociological Analysis* (APH Publishing Corporation, New Delhi, 1998).
- Shandilya, T.P., *Child Labour-A Global Challenge* (Deep & Deep publications, New Delhi, 2003).
- Shaw S.P., *Encyclopaedia of Laws of the Child in India* (Alia Law Agency, Allahabad, 2000).
- Subhadra Sen Gupta, *The Constitution of India for Children* (Penguin Random House, Haryana India, 2020).
- T.K. Shandila, K. Kumar, and N. Kumar, *Child Labour Eradication* (Deep & Deep Publications Pvt. Ltd., New Delhi, 2006).
- T.S.N. Sastry, A. Laxminath, *India and Human Rights Reflections* (Concept Publishing Company, New Delhi, 2005).
- U. Chandra, *Human Rights* (Allahabad Law Agency, Allahabad, 2006).
- U. Sharma, *What Constitutes Child Labour in India* (Mittal Publications, New Delhi, 2006).

- Ursula Kilkelly, Emily Logan, *National Independent Human Rights Institutions for Children: Protecting and Promoting Children's Rights* (Springer, Switzerland, 2021).
- V.G. Goswami, *Labour Industrial Laws* (Central Law Agency, Allahabad, 2019).
- Ved Kumari, *The Juvenile Justice System in India: From Welfare to Rights* (Oxford University Press, Delhi, 2010).
- Vijay Kumar Dewan, *Child Labour: A Socio-Legal Perspective* (Pentagon Press, Delhi, 2009).
- V.N. Shukla, *the Constitution of India* (Eastern Book Company, Lucknow, 2001).
- Wendy Zeldin, *Human Rights and Civil Liberties, Labour Slavery, Treatise and International Agreement Human Rights* (International Labour Office, Geneva, 2016).

ARTICLES

- Abhay Vikram Singh, "Theory of Human Rights in Perspectives to Child Rights" 73 *the Indian Journal of Political Science* 365-374 (2012).
- Anil Rajimwale, "Oral History Documentation of Indian Labour Movement" (2003).
- Amir Radfar, Seyed Ahmad Ahmadi Asgharzadeh, Fernando Quesada, and Irina Filip, "Challenges and Perspectives of Child Labour", 27 *Indian Psychiatry Journal* 17–20 (2018).
- Apurva Pathak, "An Insight into Child Labour in the Light of Gurupadswamy Committee Report" (2014).
- Avkash Jadhav, "Significance of the Factory Act, 1881: The Working-Class Movement in Bombay in the late 19th century and the early 20th century" *Masters International Research & Development Centre, Prague, Czech Republic* (2016).
- Basha P, "Child Labour – An overview of its causes, consequences and necessary measures" (2017).
- Berthe De Vos-Neven, "International Year for the eradication of Child Labour" *SI UN Representative Geneva* (2021).
- Bennett, "A Critique of the Emerging Convention on the Rights of the Child" (1987).

- Beyond Child Labour: Affirming Children's Rights UNICEF, 2001.
- B.S. Lal, "Child Labour in India: Causes and Consequences", 2019.
- Bhupen Barman and Nirmalendu Barman, "A Study on Child Working Population in India" 19 *IOSR Journal of Humanities and Social Science* 01-05 (2014).
- Ch. Ramana Rao, "Child Labour and Education in India" (2015).
- D Raju and A. Chen, "Towards a Theoretical Framework for Understanding Capitalist Violence against Child Labour" (2019).
- Derek G. Shindell, Saisattha Noomnuan, Shumaila Chishti, "Exposures Resulting in Safety and Health Concerns for Child Laborers in Less Developed Countries" (2016).
- Diane F. Frey and Gillian Mac Naughton, "A Human Rights Lens on Full Employment and Decent Work in the 2030 Sustainable Development Agenda" (2016).
- Donald K. Anton, "Introductory Note to Protocol of 2014 to the Forced Labour Convention, 1930 (I.L.O.)" 53 *International Legal Materials* (2014).
- Dr Dhananjay Mandlik, "Child Labour in India: A Curse on Humanity" (2015).
- D Peksen, "The impact of ILO conventions on worker rights: Are empty promises worse than no promises?" *Springer* (2016).
- Das Sudip, "Sexual Abuse in Children and Relevance of POCSO Act: A Report of Four Cases" *Indian Journal Dermatol* (2020).
- Deepsi Rawat, Vijay Srivastava, Shamrendra Vikram, "Status of Child Labour in India: Problems and Challenges, An Analysis" 7 *International Journal of Research and Review* 73-79 (2020).
- Elias Mendelewitt, "Child Labour" 18 *Journals of International Labour Review* (1979).
- F Humbert, "The WTO and Child Labour: Implications for the Debate on International Constitutionalism" (2018).
- G.L. Parvathamma, "Child Labour in India –A Conceptual and Descriptive Study" 4 *International Journal of Humanities and Social Science Invention* 23-32 (2015).
- Goswami, Padmaja, "The Child Labour (Prohibition and Regulation) Amendment Act 2016 and the Right to Education for Girls: Tensions and Contradictions" (2018).
- Hindustan Times, "World Day against Child Labour 2020: Punjab among laggard states, rescued just 15 children under law, says study" (2020).

- International Labour Organization, “Relevant SDG Targets related to Child Labour” (2022).
- International Centre for the Study of the Preservation and Restoration of Cultural Property, “SDG 8.7: End Modern Slavery, Trafficking and Child Labour”, 2022.
- Jaya B Surian and D. Vezhavendan, “An Empirical Study on the Status of Child Labour before and after the implementation of National Child Labour Project Scheme in India” (2018).
- Jaspal Kaur, “Child Labour in India: Causes, Impacts and Preventive Measures” 7 *International Journal of Management Review* 164 (2019).
- John A. Hargreaves, Keith Laybourn, Richard Toye, “Liberal Reform and Industrial Relations: J.H. Whitley (1866-1935)” *Halifax Radical and Speaker of the House of Commons. Routledge* (2019).
- J. Williams, “Addressing Child Labour: reflections on the WTO’s role” 14 *Journal of International Trade Law and Policy* 4-22 (2015).
- K. Ranjan Agrawal, “The Barefoot Lawyers: Prosecuting Child Labour in the Supreme Court of India” 20 *Arizona Journal of International and Comparative Law* 663-713 (2004).
- Lana Osment, “Child Labour: the effect on the child, causes and remedies to the revolving menace” (2014).
- Mavunga, “A critical assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999” (2013).
- M.C. Naidu, & Ramaiah K. Dasharatha, “Child Labour in India: An Overview” 13 *Journal of Social Science* (2005).
- Michael F.C. Bourdillon, Ben White, and William E. Myers, “Re-assessing minimum-age standards for children’s work” (2009).
- Mini Goyal, “Migration and Child Labour in Agriculture – A Study of Punjab” 24 *Agricultural Economics Research Review* 429-436 (2011).
- Naresh Kumar Gupta, “Child Labour in India: A Brief Study of Law and its Implementation” 4 *Indian Journals.com* (2015).
- Navpreet Kaur and Roger W Byard, “Prevalence and potential consequences of Child Labour in India and the possible impact of COVID-19 – a contemporary overview” 61 *Medicine, Science and Law* (2021).

- Neera Burra, “Crusading for Children in India’s Informal Economy” *Journals of Economic and Political Weekly* (2005).
- P Agarwal and Pathak, “A Socio-Economic Analysis of Child Labour in India” 110 *Journal of Science & Management* (2015).
- Parvathamma, “Child Labour in India –A Conceptual and Descriptive Study” (2015).
- Prabir Kumar Pattnaik, Annapurna Pattnaik, “Causes and Consequences of Child Labour in India” 17 *Palarch’s Journal of Archaeology of Egypt/Egyptology* (2020).
- R. Rani, “Child Labour in Punjab: A Study with Dhuri” (2014).
- Rama Kant Rai, “History of Child rights and Child Labour” (2014).
- Rebecca Langford and others, “The World Health Organization’s Health Promoting Schools framework: A Cochrane systematic review and meta-analysis” *BMC Public Health* (2015).
- R. Shanmathi & P. Ragu Balan, “A Conceptual Analysis of Child Labour Regulation and its Constitutional Validity in India” (2018).
- Rajendra N Srivastava, “Children at Work, Child Labour and Modern Slavery in India: An Overview” *Indian Pediatrics* (2019).
- Rupinder Singh, “Child Labour in India: A Legal Study” 6 *International Journal of Research and Analytical Reviews* 684-690 (2019).
- S Agarwal, “Impact of Child Labour on the Nutritional Level and Developmental Years” (2017).
- SEWA, “Domestic Workers’ Laws and Legal Issue in India. Women in Informal Employment: Globalizing and Organization (WIEGO) Law and Informality Resources” (2014).
- Sanjiv Kumar, “Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs): Addressing Unfinished Agenda and Strengthening Sustainable Development and Partnership” (2016).
- Satendra Kumar Singh, “Child Labour in India: A Historical Perspective” (2018).
- Saurabh Ranjan, “History of the Safety Movement and the Factories Act” (2020).
- Shreeru Goswami, “Indian Mining Legislation: a prospective study” 32 *Mines Tech* 49-56 (2011).

- Shankar Sen, and Nair P.M., A Report on Trafficking in Women and Children in India, 2002-2003, NHRC, UNIFEM, 1 *Institute of Social Science* (2004).
- Shilpa Tripathi, “Child Labour and Education in India: Promise and Performance” 71 *The Indian Journal of Political Science* 469-480 (2010).
- Smitu Kothari, “There’s Blood on those Matchsticks: Child Labour in Sivakasi” 18 *Journals of Economic and Political Weekly* (1983).
- Subramanyam, “Child Labour Protection of their rights in India” 56 *Journal of Social Defence* (2005).
- Subhash, “United Nations Convention on the Rights of the Child and Indian Children” *Global Journal for Research Analytics* (2017).
- The Times of India, “World Day Against Child Labour on June 12: History, significance, 2022 theme” (2022).
- The Times of India, “In 2021, child workers rescued in Punjab highest among 18 states” (August 6, 2022).
- The Tribune, “Crackdown against Child Labour in Ludhiana” (1 July, 2022).
- The Tribune, “Centre seeks report on Child Labour at potato farms in Kapurthala” (10 April, 2022).
- U.C. Sahoo, “Child Labour in Surat Textile Industry” 20 *Journals of Social Change* (1990).
- United Nations, “The Ten Principles of the UN Global Compact” (2019).
- UNICEF, “Child Labour and exploitation” (2022).
- Zoe Moody, “The United Nations Declaration of the Rights of the Child (1959): Genesis, transformation and dissemination of a treaty (re)constituting a transnational cause” 45 *Prospects* 15–29 (2015).

BARE ACTS

- The Apprentices Act, 1961.
- The Beedi and Cigar Workers Act, 1966.

- The Bonded Labour System (Abolition) Act, 1976.
- The Bonded Labour Rehabilitation Scheme, 2016.
- The Child Labour (Prohibition & Regulation) Act, 1986.
- The Child Labour and Adolescents (Prohibition and Regulation) Amendment Act, 2016
- The Children (Pledging of Labour) Act, 1933.
- The Domestic Workers (Registration Social Security and Welfare) Act, 2010.
- The Employment of Children Act, 1938.
- The Factories Act, 1881.
- The Factories Act, 1948.
- The Gurupadswamy Committee, 1979.
- The Immoral Traffic (Prevention) Act 1956.
- The Indian Factory Labour Commission, 1908.
- The Indian Factories (Amendment) Act, 1922.
- The Juvenile Justice Act, 2000.
- The Mines Act, 1952.
- The Minimum Wages Act, 1948.
- The National Child Labour Project Scheme, 1988.
- The Plantation Labour Act, 1951.
- The Punjab Child Labour (Prohibition and Regulation) Rules, 1997
- The Punjab State Action Plan for Total Abolition of Child Labour
- The Punjab State Commission for protection of Child Rights
- The Punjab Integrated Child Protection Scheme
- The Royal Commission on Labour, 1929.
- The Right to Free and Compulsory Education Act, 2009

CONVENTIONS

- Declaration of Rights of the Child, 1959
- Domestic Workers Convention, 2011
- Forced Labour Conventions, 1930
- Hague Convention on the protection of children and Corporations with Respect to Inter-Country Adoption, 1996
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social, and Cultural Rights, 1976
- International Program on the Elimination of Child Labour, 1992
- International Partnership for Corporation on Child Labour in Agriculture, 2006
- Minimum Age Convention, 1973
- Sustainable Development Goals, Agenda 2030
- The Report of the First National Commission on Labour, 1969
- The Report of the Second National Commission on Labour Vol. I, 2002
- The Report of the Second National Commission on Labour Vol. II, 2002
- United Nations Convention on the Rights of the Child, 1989
- UN Global Compact 2021 Action Pledge on Eliminating Child Labour
- United Nations International Children Emergency Fund, 1946
- Vienna Declaration, 1993
- Worst Forms of Child Labour, 1999
- World Conference on Human Rights, 1993
- World Summit for Children, 1990

JOURNALS

- Criminal Law Journals
- Economic and Political Weekly
- European Labour Law
- Indian Journal of Labour Economics
- Indian Journal of Human Development
- International Journal of Comparative Labour Law and Industrial Relations
- International Labour Review
- Labour
- Labour Economics
- Labour Law Journal

REPORTS

- Census 2001
- Census 2011
- Child Labour Global Estimated 2020 Report
- Economic Survey 2021
- India Poverty Statistics 2021
- Periodic Labour Force Survey
- Punjab Poverty Rate 2020
- National Crime Records Bureau 2020
- National Child Labour Project Schemes Report 2010-2021
- World Poverty Clock 2021

NEWSPAPER

- Daily Punjab Times
- Dainik Bhaskar
- Hindustan Times
- Hindustan
- The Economic Times
- The Hindu
- The Indian Express
- The Times of India
- The Tribune

INTERNET SOURCES

- <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/child-labour/>
- <https://www.unicef.org/protection/child-labour>
- <https://www.un.org/en/observances/world-day-against-child-labour>
- <https://www.unglobalcompact.org/what-is-gc/mission/principles/principle-5>
- <https://data.unicef.org/topic/child-protection/child-labour/>
- <https://labour.gov.in/childlabour/about-child-labour>
- <https://pblabour.gov.in/Static/ChildLabour>
- <https://vvgnli.gov.in/en/occasionalpublications/state-child-workers-india>
- <https://mgli.gujarat.gov.in/images/mahatma-gandhi/childlabourpaper.pdf>
- <https://www.humanium.org/en/child-labor-in-india/>
- <https://www.tribuneindia.com/news/entertainment/on-world-day-against-child-labour>
- <https://www.thehindu.com/news/national/india-has-done-much-better-in-fight-against-child-labour-says-Kailash-Satyarthi/article65377657.ece>

- <https://indianexpress.com/about/child-labour/>
- <https://www.hindustantimes.com/chandigarh/world-day-against-child-labour-today-punjab-among-laggard-states-rescued-just-15-children-under-law-says-study/story>
- <https://timesofindia.indiatimes.com/city/chandigarh/in-2021-child-workers-rescued-in-punjab-highest-among-18-states/articleshow/93381389.cms>
- <https://www.tribuneindia.com/news/punjab/centre-seeks-report-on-child-labour-at-potato-farms-385237>
- <https://timesofindia.indiatimes.com/world/rest-of-world/world-day-against-child-labour-on-june-12-history-significance-theme-this-year/>
- <https://ocm.icrom.org/sdgs/sdg-8-decent-work-and-economic-growth/sdg-87-end-modern-slavery-trafficking-and-child-labour>
- https://www.ilo.org/global/topics/dw4sd/themes/child-labour/WCMS_559713/
- <https://censusindia.gov.in/census.website/>
- <https://mospi.gov.in/web/plfs>
- <https://www.theglobalstatistics.com/poverty-in-india-statistics>
[2021/#:~:text=According%20to%20Niti%20Aayog's%20first,and%20rural%20it%20is%200.155](https://www.theglobalstatistics.com/poverty-in-india-statistics)
- <https://worlddata.io/portfolio/world-poverty-clock>
- <https://www.ibef.org/economy/economic-survey-2021-22#:~:text=Following%20a%20contraction%20of%207.3,8.5%25%20in%202022-23>
- <https://labour.gov.in/childlabour/nclp>
- <https://ncrb.gov.in/en/Crime-in-India-2020>
- https://www.niti.gov.in/sites/default/files/2021-11/National_MPI_India-11242021.pdf
- https://www.ilo.org/ipec/Informationresources/WCMS_797515/lang--en/index.htm

LIST OF APPENDICES

Cases

- **State of Uttaranchal v/s Balwant Singh Chauhal & Others on 18 January 2010**
“In cases involving Child Labour, the court determined that the causes were acute poverty, a lack of opportunities for gainful jobs, irregular income, and low living standards. The Court noted that although Child Labour can be found in the organized sector, which accounts for a tiny portion of all Child Labour, the unorganized sector is where the greatest attention needs to be directed.”
- **Court on Its Own Motion on The Basis v/s. The State of Bihar on 18 September 2020**
“One of the worst kinds of Child Labour afflicting our society is rag-picking. Young children are exposed to various health and psychological problems because of this appalling conduct. It makes kids more vulnerable to infections, poisoning from chemicals, and frequent injuries, which, when combined with starvation. It leads to sickness and growth retardation. Child Labour still exists in India despite numerous constitutional safeguards and legislation banning and regulating it, such as the Child Labour (Prohibition and Regulation) Act of 1986, which impedes the growth and development of our children. In particular, Article 39 of Part IV of the Constitution's guiding principles is violated by this action (e).”

Questionnaires for Empirical Work

Part I: Child Labour

1. Name of District where Child Labour is working?
2. Child Labour is found working in
3. What is the age group of Child Labour?
4. What is the gender of Child Labour boy/girl?
5. Child Labour working in a rural area/urban area?
6. Does the Child migrants to Punjab?
7. What are the Factors responsible for Child Labour?
8. Does the child work with the consent of their parents?
9. Does the child regularly attend school?
10. What is the Reason for Child does not attend school?
11. How many Hours Child does work?
12. How much Wage Child gets?
13. Does the child face any trouble at the workplace?
14. Does the child face Physical Exploited at Workplace?
15. Does the child face any Health illness during working?

Part II: Parents

16. Are you aware of Child Labour?
17. Why do you allow your Child to Work?
18. Does your child work with you?
19. Are you aware of 'Free and Compulsory Education' and 'mid-day meals scheme'?
20. Do you know that providing Education to Children is a Fundamental Duty of Parents?

21. Does your Child face any physical or mental problems at the workplace?
22. Does your Child get a basic salary for work?

Part III: Legal Respondents, Police Officers, Department of Child Development, NGOs

23. Have you seen Child Labour in your areas?
24. Under which circumstances children are working?
25. Does the concerned department of child welfare actively conduct raids in the areas where Child Labour is more prevalent?
26. Problems and challenges face during Child Labour Rescue and Rehabilitation?
27. When did the Child recover during raid handover to whom?
28. What is the condition of the child when he/she recovers from Bonded Labour?
29. Children in Punjab getting the benefits of welfare schemes?
30. Is it possible for a child to be involved in labour without the consent of their parents? If yes explain it
31. Is the employer aware of the prohibition of Child Labour under 14?
32. Why do Employers hire a Child despite the ban on Child Labour?
33. What action is taken by the concerned department against the Employer?
34. What steps has the concerned department taken to eradicate Child/Bonded Labour?
35. Enforcement of 'Child Labour Laws' and 'Punjab State Action Plan for total Abolition of Child Labour' in Punjab? Explain it?
36. Is it possible for Child Labour (Domestic, Agriculture, Vegetable & Grain Markets) to study with work? If yes explain it
37. Is any mechanism for monitoring Child Domestic, Agriculture, Vegetables & Grain markets Labour in Punjab? If yes explain it
38. Should the registration of Child Labour be mandatory even in the unorganized sector also?

Part IV: Education Department

39. Does Punjab Education Institutes provide bridge education to Child Labour as per the 'National Child Labour Projects Scheme'?
40. Does Punjab Educational Institutes provide 'Free and Compulsory Education to Children between the age of 6 to 14' without any kind of discrimination?
41. Who is responsible for dropouts in Child Labour?
42. How do departments spread awareness about Education?
43. Do you visit slums?
44. Do you encourage slum people to send their children to school instead of labour?
45. How do you register children of slum people for school if they do not have an Adhaar Card?

Part V: Doctors

46. When you receive information about a raid on Child Labour, do you conduct a Medical Examination of Children?
47. What is the condition of a child when he/she reach you?
48. Do you provide counselling to Children while they are recovering? Explain it how
49. Does your department issue a 'Certificate of Age' for allowing the child to take employment?
50. Who issues a 'Certificate of Age' to a child in your department?

LIST OF PUBLICATIONS

Scopus-Indexed Journal

- **CHILD LABOUR IS A DENIAL OF HUMAN DEVELOPMENT: AN ANALYSIS**, *Journal of Positive School Psychology*, Vol. 6, No.9, 2022, Page no. 277-285.

UGC-CARE Listed Journals

- **CHILD LABOUR IN THE INDIAN INDUSTRIAL SECTOR**, *Shodh Sarita*, Volume no. 8, Issue no. 29, January-March, 2021, Page no. 274-278.
- **CHILD LABOUR AND ITS DEPRESSING PSYCHOLOGICAL EFFECTS**, *Bengal, Past and Present*, Vol. 139, Issue: (IV), July – December 2021, Page no. 151-156.
- **EXACERBATING CHILD LABOUR IN INDIA DURING COVID-19 PANDEMIC IS A CHALLENGE TO EXISTING LAWS**, *Journal of the Asiatic Society of Mumbai*, Vol. XCV, No.2, June 2022, Page no. 58-61.

Peer-reviewed Journal

- **TRAFFICKING OF CHILDREN FOR CHILD LABOUR IN INDIA**, *Internal Journal of Education, Modern Management, Applied Science & Social Science*, October- December 2021, Volume no. 3, Issue no. 04, Page no. 24-28.
- **ROLE OF NON-GOVERNMENTAL ORGANIZATIONS TO TACKLE CHILD LABOUR IN INDIA**, *Journal of Social Science*, 2022, Volume no. 73, Issue no. 1-3, Page no. 1-7.

LIST OF CONFERENCES

International Conferences

- **ROLE OF NON-GOVERNMENTAL ORGANIZATIONS TO TACKLE CHILD LABOUR IN INDIA**, *the 3rd International Conference on Children & Youth 2021*, 29th – 30th July 2021, Abstract Book ISBN 978-624-5746-00-2, Paper Presented.
- **TRAFFICKING OF CHILDREN FOR CHILD LABOUR IN INDIA**, *International Multidisciplinary Conference on Innovations & Challenges in Commerce, Management, Economics Education, Humanities, Applied & Social Sciences*, 23-24 October 2021, Abstract Book ISBN: 978-93-91932-14-5, Paper Presented.
- **EXACERBATING CHILD LABOUR IN INDIA DURING COVID-19 PANDEMIC IS A CHALLENGE TO EXISTING LAWS**, *International Conference of Recent Trends in Interdisciplinary Studies*, 26-27 December 2021, Paper Presented.
- **SOCIAL PROTECTION OF CHILDREN IN INDIA WITH REFERENCE TO HUMAN RIGHTS**, *The International Conference on Human Rights and Access to Justice*, 26th and 27th March 2021, Paper Presented and Published in the Conference Proceeding Book.

LIST OF WORKSHOPS

Details of Workshops

- **“ENSURING LEGAL SERVICES & EFFECTIVE REHABILITATION OF RESCUED CHILD LABOUR/ BONDED LABOUR/ TRAFFICKED LABOUR”**
Organised by the V. V. Giri National Labour Institute during November 24-26, 2021.
- **“FUNDAMENTALS OF LABOUR LAWS IN INDIA”** Organised by Mahatma Gandhi Labour Institute, Ahmedabad, from 19 - 24 June 2021.
- **“RESEARCH, PUBLICATIONS, AND ETHICS”** Organized by the Centre for Intellectual Capital & Institutional Building, Organised by The ICFAI University, Dehradun, in Association with ICFAI Business School, Dehradun, held on 17 August 2021.
- **“RESEARCH TO PUBLICATION: AN INTERNATIONAL SEMINAR”** Organised by the Research and Publication Cell, Symbiosis Law School, Hyderabad, on September 9th, 2021.
- **“RECENT TOOLS AND TECHNIQUES IN SOCIAL SCIENCE RESEARCH”**
Organised by (UGC Human Resource Development Centre Doctor Harisingh Gour Vishwavidyalaya, Sagar, (MP) India), 2021 (Central University).
- **“LABOUR LAW ESSENTIALS (MSME – TECHNOLOGY DEVELOPMENT CENTRE”** Organized by Chennai by (Minister of Micro, Small & Medium Enterprises, Government of India), 2022