
DISSERTATION ON THE TOPIC OF

**“A CRITICAL STUDY ON IMPLEMENTATION OF CHILD LABOUR LAWS FOR
PREVENTING DOMESTIC CHILD LABOUR IN NOIDA”**

SUBMITTED TO



INSTITUTE OF LAW, NIRMA UNIVERSITY

AS A PARTIAL FULFILMENT OF REQUIREMENT FOR THE

DEGREE OF MASTER OF LAWS [LL.M]

UNDER THE GUIDANCE OF

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SUBMITTED BY

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17ML016

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DECLARATION

I, Priyanka, declare that this dissertation entitled ‘**A Critical Study On Implementation Of Child Labour Laws For Preventing Domestic Child Labour In Noida**’ which is being submitted for the award of degree LLM is the outcome of research carried out by me under the supervision and guidance of Dr. Madhuri Parikh, Associate Professor of Institute of Law, Nirma University.

I, further declare that all the information, view, and opinions cited in the dissertation are taken from the existing literature and are duly acknowledged at proper places. I further declare that to the best of my knowledge, the dissertation doesn't contain any part of any work which has been submitted for award of any degree either in this University or in any other University / Deemed University for the award of any other Degree or Diploma or Fellowship.

I further undertake that the contents of the dissertation if found copied I will be personally responsible for the consequences.

Date:

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CERTIFICATE

This is to certify that the Dissertation on the subject '**A Critical Study On Implementation Of Child Labour Laws For Preventing Domestic Child Labour In Noida**' has been prepared and submitted by Ms. Priyanka, for the award of the Degree of LLM and was carried down under my guidance and supervision. I certify that this is his bona fide research which is up to the standards expected and I recommend it for submission and evaluation to the Examiner.

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ACKNOWLEDGMENT

I would like to thank the following persons who have made the completion of this dissertation.

Firstly, I am thankful to Nirma University for giving me such a great chance to work on such emerging issue in the legal field. I am thankful to Dr. Madhuri Parikh, Associate Professor, Institute of Law, Nirma University who has provided me guidance, wisdom and knowledge for completing the dissertation.

Further I am thankful to the librarian, Institute of Law, Nirma University for her constant support. Most importantly I am thankful to the Almighty, my family, friends and colleagues who made everything possible.

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LIST OF ABBRIVIATIONS

1. AIR : All India Reporter
2. CLPRA : Child Labour Prohibition and Regulation Act
3. CRC : Child Rights Convention
4. ILO : International Labour Organization
5. IPEC : International Programme on Eradication of child Labour
6. NCLP : National Child Labour Project
7. NGO : Non-Government Organization
8. NPC : National Policy for Child
9. NPCL : National Programme on Child Labour
10. NPE : National Policy on Education
11. NSSO : National Sample Survey Organization
12. RTE : Right to Education
13. SC : Supreme Court
14. SCC : Supreme Court Cases
15. SSA : SarveShikhaAbhiyan
16. UN : United Nations
17. UNDP : United Nations Development Programme
18. UNICEF : United Nations Integrated Children's Emergency Fund
19. US : United States

CHAPTER – 1

INTRODUCTION

1.1 Introduction

Children are the most valuable gift of God. Children are universally recognized as one of the chief and greatest assets and the future of every nation is connected with its children. It is believed that a child has all potentialities which if properly developed will make him into better man for any walk of life. “Children are extremely important National assets and future well-being of the Nation depends on how its children grow and develop”.

The future of the nation is well insured when children are healthy, active, educated Children are the backbone of every Nation. Developing children is nothing but developing Nation. Proper care must be taken to develop them in all aspects like education, sports, culture and health. If one wants to know a nation he should see it in its children because children are the mirror of every Nation. Growth of every Nation can be seen in the growth of its children. Today’s children are tomorrow’s citizens and future of the country. We can say that happy child is nation’s pride. It is painful to see many of them are going to work places instead of schools. No doubt, work is worship but it must be expected from those who are fit for it.

In today’s world as we know that children are the greatest assets of every nation, we are ignoring them, their future, their rights, and their childhood. In short we are ignoring our future which can be better through the betterment of the children. We see that there are two types of children. One who goes to school with their lunch box and the other goes to their work with their lunch and exploit by the employers.

As it is a known fact that India is a developing country and most of the people are poor in India. In the country like India, people do not have sufficient means to have meal. That is why children go to shops and other places for

work to support their families. Due to poverty parents are unable to send their children to school and this affects the children's life and society as a whole.

The present research is an attempt to study the present child labour laws and their implementation and the identification of causes and concrete suggestions.

1.2 Statement of problem

In this research work an effort is being made to examine the problem of child labour in view of the fact that for domestic work, the children are employed in large number especially in modern cities like Noida. Poverty, social and economic backwardness, illiteracy, huge demand for unskilled labourers, unemployment, population, urbanisation and migration etc. are certain of the causes responsible in increasing the child labour problem.

Another problem which leads to child labour is that Children have not given much priority that they deserve in our implementation system. Our enforcement machinery does not provide accurate disposition to deal with the problems of child labour.

1.3 Objectives of study

The main objective of the study is to observe the problems of child labour and to assess measures adopted by the State to determine their implementation and efficiency of laws and policies. The other related objectives are:

- 1) To study the concept of child labour and its causes;
- 2) To study the Existing Legal regulations related to child labour;
- 3) To know the implementation of the laws related to child labour;
- 4) To give the key findings of the study and to offer suggestions for efficiently eradicating the problem of domestic child labour in State.

1.4 Research questions

- 1) What are the objectives and content of the legislative provisions relating to child labour child labour in India?

- 2) What are the factors within the legal system which assist or delay the process of eliminating child labour?
- 3) What are the changes required to be made in the legislative framework for eradicating child labour?
- 4) Whether the legislative provisions are sufficient in eliminating child labour in Noida?
- 5) What are the policies made by the Uttar Pradesh government in eliminating child labour?

1.5 Scope of study

This study mainly emphasizes on the causes of child labour, legislative, executive framework in India relating to child labour, efforts of Uttar Pradesh and researcher's observation in the field of domestic child labour in Noida.

1.6 Research methodology

The methodology which has been adopted in this study is both doctrinal and empirical. Doctrinal study includes examination of research articles, books, reports, conventions, Statutes, mass media like News- papers, Journals, Websites and cases decided by the courts. The study also includes empirical study from which data is collected from the implementing authority i.e. Labour Inspectors, former SSP of Noida, Tehsildar, Ministry of Labour and Employment, Government of Uttar Pradesh, etc. During the study, the tools used for the collection of data are interview and questionnaires. Further the **primary** data is also collected by way of in depth interviews.

Geographical Coverage of the Study

Using a combination of quantitative and qualitative research methods, a study has been conducted across 5 locations in Noida.

- Kendriya vihar sector 51
- Hoshiyarpur village sector51
- Sector 50

- Sector 25
- Jal vayu vihar Sector 21

Study Approach

The study adopted a mixed method approach involving both quantitative and qualitative methods of data collection.

- Quantitative Survey.
- Group Discussions.
- Interviews.
- Participant Observations

Study Quantitative data collection:

Sampling process was followed for quantitative data collection, listing of household survey and interviews with domestic child labourers and their parents. The aim of quantitative study was 10 children from five different locations across Noida, i.e., 50 domestic child labourers.

Qualitative data collection:

A purposive sampling process was followed for qualitative data collection including 10 focused group discussions with children and parents, 5 discussions with civil society representatives such as Joint Secretary & Additional Private Secretary of Ministry of Labour & Employment, labour Inspector, former SSP of Noida and Tehsildar.

1.7 Review of literature

1.7.1 Books & Articles

Tapan Kumar Shandilya and Shakeel Ahmad Khan has pointed out that the practice of child labour in India or in any other country of the world is an age old phenomenon. In pre-Industrial agricultural society of India, Children worked as helpers and learners in hereditarily determined family

occupations under the benign supervision of adult family members. Author has expressed his opinion that with the heralding of the new millennium, the problem of child labour stands as one of the most important global challenges. Millions of children in the world today turned into child labour due to various socio-economic problems.¹

Mahaveer Jain has expressed his views that Andhra Pradesh has been one of the First State to make a complete commitment to combat child labour and to send all children in the age group of 5-14 years to school. He realized that the State has widened the scope of child labour by making a comprehensive commitment to enroll all the children who were out of school. According to author, all the concerned government departments came forward to fulfill this commitment. Efforts were made to documents all the activities undertaken for securing 100 percent enrolment and bringing children into mainstream.²

Ashhad Ahmad analysed the concept of child labour in very detail in his book. This book provides us information about various problems related with child labourers and their rights. It deals with conceptual forms of child labour. Chapter deals with Constitution and problem of child labour in India. Author has thrown light on the constitutional provisions of child labour.³

Asha Bajpai has thrown light in her book on Child Rights in India. The author has critically examined the recent National and International initiatives, laws, courts decisions, amendments and the laws reforms suggested by the law commission.⁴

¹ Tapan Kumar Shandilya and Shakeel Ahmad Khan, "Child Labour: A Global Challenge", Deep and Deep Publications, New Delhi, 2003.

² Mahaveer Jain, Complete Abolition of Child Labor: A Possibility, Manak Publications Pvt. Ltd., New Delhi, 2006.

³ Ashhad Ahmad, Child Labour in India : A Politico-Legal Study, Kalpaz Publications, Delhi, 2004.

⁴ Asha Bajpai, Child Rights in India: Law Policy and Practice, Oxford University Press, New Delhi 2004.

Kamala Srinivas and Veena Gandotra (ed.) in their book lay down the eradication models to eradicate child labor from the society. Further it also deals with the empirical studies on child labor regarding urban setting.⁵

Kavita and Preeti Sharma have given importance to education by saying that education develops human personality, the sense of its dignity, strengths the respect for human rights and fundamental freedoms. Education enables all persons to participate effectively in free society, promotes understanding and friendship among all persons, therefore, education is a tool to maintain peace, unity and integrity of the nation. She also expressed his views that at the Domestic level of good effort have been made for uplifting the position of the child. He also praised the judiciary in his conclusion for playing an important role in the implementation of right to child to free and compulsory education. For that there is a need to make people aware about, right of children and as to the importance of the growing as responsible and productive citizens.⁶

Lingaraj M. Konin has expressed his opinion regarding child labour that there is a need to make an objective assessment at grass root level to understand the ground reality in a socio-legal framework and to ascertain whether International Instruments, Constitutional and legislative provisions, Government policies and programmes are satisfactory to protect children from physical and economic mistreatment in order to eliminate the problems of child labour.⁷

1.7.2 Reports

In order to guard the interests of the children there are certain reports:

- 1) The **Gurupadaswamy Committee Report, 1979** analyses that there is hardly any product in India that has no child labour behind it. Child labour in India is very cheap and can easily available.

⁵ Kamala Srinivas and Veena Gandotra (ed.) Child Labor: Multi Dimensional Problem, Ajanta Publication, Delhi, 1993

⁶ Kavita and Preeti Sharma, "The Role of Judiciary in Implementing the Right to Education in India : An Analysis" Nyayadeep, Vol. XIII, July, 2012, pp. 188-198.

⁷ Lingaraj M. Konin, "Child Labor: A Socio-Legal Empirical appraisal", Indian Bar Review, Vol. XL (1) 2013.

- 2) The data used in this thesis has been taken from the **Indian Censes Report** of 2001 and 2011.
- 3) Report of **NSSO** (National Sample Survey Office) has been provided by the researcher.
- 4) Report of **NSSO** (66th round of Survey) on child labour has also been provided.

1.7.3 Conventions

The **ILO Convention** defines the worst forms of child labour and describes the situations of some child domestic workers.

UN Convention provides:

- 1) Members should classify types of domestic work and also prohibit and eliminate such type of child labour.
- 2) Members should regulate the conditions of child labour and their attention should be on the needs of domestic workers who are below the age of 18 years.
- 3) Members should limit their hours of work and provide them suitable time for rest and education.
- 4) To prohibit night work.
- 5) To establish or strengthen the instruments to monitor worker's living conditions.⁸

The **United Nations Convention on the Rights of the Child (UNCRC), 1989**, provides rights to all children below the age of 18 years.⁹

1.8 Hypothesis

- 1) The problem of child labour is relatively uncontrollable in Noida and the insufficiency of laws and their faulty implementation has contributed to its prevalence.
- 2) The main causes of child labour are poverty, illiteracy and population.

⁸ Ibid

⁹ Ibid

1.9 Chapterisation

This research work entitled “**A critical study on implementation of child labour laws for preventing domestic child labour in Noida**” is divided into six chapters:

First Chapter deals with the introduction of child labour, the statement of problem, Hypothesis, the objective of the study, scope of the study, Methodology adopted and review of literature.

Second Chapter deals with the meaning and concept of child labour. Further, this chapter highlights the problems of child labour.

Third Chapter deals with the legislative measures and judicial interpretation in eliminating child labour i.e., this chapter has been dedicated exclusively to the various legislative responses discussed in detail to see how far there are the serious attempt to prompt the child labour welfare.

Forth chapter deals with International initiatives in eradicating child labour. The United Nation Convention on the rights of the child, 1989 to which India is a party and resolutions of International Labour Organization.

Fifth Chapter deals with empirical study of Child Labour in India and Uttar Pradesh. This chapter also specifies the efforts made by the Executives especially in the field of domestic child labour in Noida and findings of the researcher.

Sixth Chapter deals with conclusion and suggestions which are essential to eradicate the problems of the domestic child labour.

CHAPTER – 2

CONCEPT OF CHILD LABOUR AND ITS CAUSES

2.1 Introduction

Children are the most precious gift of God. They are universally recognized as one of the important and greatest assets and the future of every nation is associated with the prospects of its children. Such prospective children ought to be raised in an environment wherein sustained opportunities of education and training are accessible, conducive to their social, moral and physical development.¹⁰ It is a generally recognized fact that children are the blooming flowers in the garden of societies. They are the most valuable assets of the country and their importance cannot be undermined. Children of today are the future of tomorrow. The quality of future population is totally depends upon them.¹¹

A child is an asset as well as a liability to the parents, society and to the nation as a whole.¹² Regarding liability of the children, the Supreme Court Judge Ruma Paul said while addressing a gathering of lawyers, Jurists and Judges that ensuring justice to children is the duty of every citizen, institution and member of the Government.¹³

In today's world as we know that children are the greatest assets of every nation, we are ignoring them, their future, their rights, and their childhood. In short we are ignoring our future which can be better through the betterment of the children. We see that there are two types of children. One who goes to school with their lunch box and the other goes to their work with their lunch and exploit by the employers.

¹⁰ Nirmala Krishnamoorthy, Children in India-A Legal Perspective, Ministry of Information and Broadcasting, Government of India, 2009, p. 1.

¹¹ Ashhad Ahmad, Child Labour in India- A politico-Legal Study, Kalpaz Publications, Delhi, 2004,p.21.

¹² Tapan Kumar Shandilya and Nayan Kumar et. al., Child Labour Eradication, Deep and Deep Publications Pvt. Ltd., New Delhi, 2006, p. 6.

¹³ The Times of India, 10th June, 2003.

How can we so irresponsible? There are provisions which talk about child rights and equality and what we are doing.... In the same society a child has so many things such as freedom, education, and equality and on the other hand we take away other child's freedom, education and equality.

In simple words, children are nothing but the brick of the nation through which a great society can be built.

In comparison to the developed countries, the incidences of child labour in Asian countries are very high. The countries like India, Pakistan and Bangladesh have the world's largest number of child labourers.¹⁴ Developed countries have also this problem, though its intensity varies. There are also different forms of exploitation of children other than employment in various kinds of occupations. Though child labour is widely condemned due to the implications it has on children and society, it persists and is quite expensive in many third world countries in comparison to the developed countries of the world.¹⁵ In most of the developing countries, for various reasons parents are depend upon their children. These children perform the duties of their families as well as the outside work for living and are the main source of support.¹⁶ No doubt, the child exploitation is legally prohibited but, in reality, it is rare to see an employment where children are not exploited.¹⁷

2.2 Definition of 'Child'

As we know that child labour is so common in our country that it would be difficult to describe it before knowing the meaning of child and child labour. In general parlance, a 'child' is an individual who has not finished the age of 18 years.

For the purpose of application of laws; various efforts have been made by the Indian legislature to define the term 'child'. Definitions of child are as follows:

¹⁴ Aparna das, Economics of Child Labour: A Case Study of Unorganized Sector in Raipur City of Chhatis Garh, Sunrise Publications, New Delhi, 2010, p. 1.

¹⁵ Id, p. 4.

¹⁶ B.K. Sharma and Vishwa Mittar, Child Labour in Urban Informal Sector, Deep and Deep publications, New Delhi, 1990, p. 11.

¹⁷ Paras Diwan, Child and Law, Punjab University Publication, Chandigarh, 1985, p. 441.

- According to the Minimum wages Act, 1948, that person who has not finished 14 years of age is a child.¹⁸
- According to the Factories Act, 1948, a child is who has not finished his 15 year of age.¹⁹
- According to the Motor Transport Workers Act, 1961, a person under the 14 years of age is a child.²⁰
- According to the Plantation Labour Act, 1951, a person who has not finished 14 years of age is a child.²¹
- According to the Child Labour (Prohibition and Regulation) Act 1986, a child is a person who has not finished 14 years of age.²²
- According to the Children (Pledging of Labour) Act, 1933, child is a person who is under the 15 years of age.²³

2.3 Child Labour - Definition and Causes

There are various legislations which regulate child labour and describe age limit relating to child labour. These provisions are:

- As laid down in the Constitution of India, no child under the age of 14 is allowed to work in any factory or mine or involved in any other hazardous employment.²⁴
- In the Plantation Labour Act, 1951, forbids child and adolescent to work in plantations, subjected to few restrictions.²⁵
- The Factories Act, 1948 forbids the employment of children under the 14 years of age in factories.²⁶

¹⁸ Section 2(b) of the Minimum Wages Act, 1948

¹⁹ Section 2(c) of the Factories Act, 1948

²⁰ Section 2(c) of the Motor Transport Workers Act, 1961

²¹ Section 2 (c) of the Plantation Labour Act, 1951

²² Section 2(ii) of the Child Labour (Prohibition and Regulation) Act, 1986

²³ Section 2 of the Children (Pledging of Labour) Act, 1933

²⁴ Article 24 of the Indian Constitution.

²⁵ Section 26 of the Plantation Labour Act, 1951.

²⁶ Section 67 of the Factories Act, 1948

- The Motor Transport Workers Act, 1961, forbids any employment of a child i.e. under the 14 years of age as defined under the Act.²⁷
- According to the Merchant Shipping Act, 1958, employing a person under the age of 14 years with certain exceptions is an offence.²⁸
- The Apprentice Act, 1961 proposes the age requirement to work as an apprentice is 14 years.²⁹
- According to the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, employment of a person who has not finished 14 years in the industrial premises is prohibited.³⁰
- The Indian Mines Act, 1952, forbids employment of a person under the 18 years of age.³¹

The term child labour is used by policy makers and researchers, who stress renovation of pleasures and opportunities of childhood to children, brings deprivation and exploitation. The Report of Child Labour (1979) states that labour becomes an complete evil in the case of the child when the child is required to work beyond their physical capacity, when hours to work interfere with child education, recreation and rest and when the wages are not equal with the quantum of work done and when the occupation the child is endangered with child's health and safety.³²

We can define Child labour as “any work by the children that interfere with their full physical and mental development.” Usually, working child is defined as a child in the range of 5-14 years who is engaged in labour either paid or unpaid.³³

²⁷ Section 21 of the Motor Transport Workers Act, 1961

²⁸ Section 109 of the Merchant Shipping Act, 1958

²⁹ Section 3 of the Apprentice Act, 1961

³⁰ Section 24 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

³¹ Section 40 of the Indian Mines Act, 1952.

³² S. Mahendra Deve, Female Work Participation and Child Labour Occupational Data from NFHS, Economics and Political & Weekly, Nov. 2009

³³ Ibid

2.4 Causes of Child Labour in India

Child Labour is a universal phenomenon. Children who are employed in different kinds of occupations are exploited by the employers. They sacrifice their health and childhood. Those who should be in schools are forced to work in hazardous and unhygienic environment.

In India, the scenario of child labour is different. There are many legislations for eliminating child labour but children have to work. The main question is what are the causes of child labour?

Many reasons can be recognized to the growing threat of child labour in India. Amongst others, the main reasons are poverty, social and economic backwardness, illiteracy, huge demand for unskilled labourers, high cost of education, unemployment, population and large family, poor compliance of laws, family tradition, absence of scheme for family allowance and for social security, urbanization and migration.

The main reasons of child labour are as follows:

2.4.1 Poverty

The main cause of child labour is poverty. Poverty affects our nation specially the children. Due to poverty children of poor families have been forced to go to factories and other occupations which are hazardous for their health and proper development. Since it is a known fact that India is a developing country and most of the people are poor in India. In the country like India, people do not have sufficient means to have meal. That is why children go to shops and other places for work to support their families. Due to poverty, parents are unable to send their children to school and this affects the children's life and society as a whole. Thus we can say poverty in India affects the future of children and growth of the country.

Population in the urban areas in India, the percentage of Below Poverty Line has declined from 32.4% in 1993-94 - 25.7% in 2004-05 (based on uniform recall period). The NSSO 61st Round shows that urban poverty has recorded a

decline in percentage terms. The fact is that the number of urban poor is rising constantly since 1973 as per the uniform recall period.³⁴

2.4.2 Social and economic backwardness

Social and economic backwardness is also the reason for child labour. Uneducated parents do not know the effects of labour which can ruin their children's life. Lacks of education, lack of awareness of schemes which are run by the government also cause child labour.

2.4.3 Illiteracy

If we talk about India; in India illiteracy is another cause which leads to child labour. People who are in below poverty line cannot afford their children to go to school because they need more hands to supports their family that's why they force their children to indulge in work and earn money to provide basic needs.

2.4.4 Huge demand for unskilled labourers

Children are mostly unskilled and provide cheap labour to greedy employers who do not want to spend more money. Shopkeepers, restaurant's owners and small businessmen employ children because they do work as they say and do not argue. Children are even safe to employ because they do not misappropriate the money. This influences children to go for labor and earn money.

2.4.5 High cost of education

Quality education is expensive in our country. People who are poor give priority to their basic needs such as food. They do not want to spend their money to educate their children specially when there are many children in the family to pay school fee for. That's why parents choose to have them working as untrained labourer instead of letting them sit at their home.

³⁴ Retrieved from www.data.gov.in last visited on july21,2018

2.4.6 Unemployment

Children pursue work because of their unemployed parents. However there are many efforts have been made by the government in reducing unemployment. Many schemes and acts have been introduced relating to the elimination of child labour. In India, unemployment Rate has been increased to 3.52 percent in 2017 from 3.51 percent. Average unemployment Rate is 4.05 percent was 2017.³⁵

2.4.7 Population

In India everything is planned by population. In India there is no family planning and people believe to have more and more children. They don't even realise that they can provide basic enmities to their families or not. Thus it leads to poverty which is the main factor which pushes children to go for work.

2.4.8 Poor obedience of laws

In modern society, laws specify that children have the right to receive good education, health services. Every child has the right to play, to enjoy all the means of entertainment and when he grows and unable to earn; he has right to earn and contribute to society but in the absence of proper obedience of the laws child labour is continuing. It can only be prohibited by strict obedience to the related laws.³⁶

2.4.9 Family custom

It is shocking but bitter truth that in our society, it is very easy to give child labour the name of custom. The traditional family values play very important role in increasing the problems of child labour. Many families think that the old age tradition of labour is the only basis of their livelihood.

Some families also think that working from childhood will make their children more hard-working. They believe that the early employment will give

³⁵ Retrieved from www.tradingeconomics.com last visited on july 20, 2018

³⁶ Retrieved from www.indiacelebrating.com last visited on july20,2018

rise to their children's full development which will make easier for them to plan their life ahead.³⁷

In India, there is no scheme for family allowance to the weaker section which leads to the children to go for work to support their family. There is also no scheme for social security to children as well if the bread earner of the family dies and there is no one who can support.

2.4.10 Urbanisation

The Industrial Revolution has its own adverse side. Many a time MNC's and export industries in the developing countries like India employ child workers mostly in the garment industries.

India was approximately 26% urban population in 2011 while according to the census; it was 31.2%. Pointing towards the discrepancy, the report says, "Kerala has 15% urban population according to the administrative definition and 47.7% urban population according to the census definition."³⁸

2.4.11 Migration

Universally, one in eight persons is a migrant. This includes an estimated 214 million international migrants and an estimated 740 million internal migrants. Youth account for a large share and about a third of the migrant flow from all developing countries is in the age range of 12 to 24. This includes millions of children below the age of 18 years who migrate internally or across national borders with or without their parents.

India's net migration rate was -0.41 migrants per thousand populations in 2015, decreased by -0.49 migrants per thousand populations in 2010, this is a variation of 17.31 %³⁹.

³⁷ Ibid

³⁸ Retrieved from Retsabrangindia.in/article/indias-urbanisation-data-economic-survey-challenges-census-data-2011

³⁹ Retrieved from www.knoema.com last visited on 25th july,2018

CHAPTER – 3

LEGISLATIVE MEASURES AND JUDICIAL INTERPRETATION ON ELIMINATING CHILD LABOUR

“I am the child. All the world waits for my coming. All the earth watches with interest for my coming. All the earth watches with interest to see what I shall become. Civilization hangs in the balance, for what I am, the world of tomorrow will be. I am the child. You hold in your hand my destiny. You determine, largely, whether I shall succeed or fail, give me, I pray for you, these things that make for happiness. Train me, I beg you, that I may be a blessing to the world.”

-Manie Gene Cole

3.1 Constitutional Provisions

Constitution of the Country includes some provisions which deal expressly with the protection of children and some deals indirectly with children. Both forms of provisions are related with welfare of children. The implicit provisions dealing with welfare of children may be stated as under⁴⁰

- The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.⁴¹
- It endeavors to secure a social order for the protection of the people.⁴²
- Right to work, right to education and right to public assistance in certain cases.⁴³
- To promote the educational and economic interests of Schedule Castes, Schedule Tribes and other weaker sections.⁴⁴

⁴⁰ Tapan Kumar and Shandilya et.al, Child Labour-A Global Challenge, Deep & Deep Publications, New Delhi, 2006, p. 71.

⁴¹ Article 14, Constitution of India.

⁴² Ibid Art. 38

⁴³ Ibid Art. 41

- It obligates the state to raise the level of nutrition, the standard of living and to improve public health.⁴⁵

The explicit provisions of the Constitution dealing with the child welfare are as follows⁴⁶

Protection Guaranteed under Article 15(3)

According to Article 15(3) of the constitution, the State can make special provisions for the benefit of children.⁴⁷ It shows the concern of the framers of the Constitution that the State shall endeavor to promote the well-being of the children without any discrimination.⁴⁸ The objective to embodied Article 15(3) is to avoid any controversy and show the concern of the framers of the Constitution that the State shall endeavor to promote the welfare of children. Honestly admitting the exploitation of children of 14 years of age encouraged that founding fathers to add such a specific positive provision enabling the State to make laws for the welfare of children and given them preferential treatment over other persons in the society.⁴⁹

This point was confirmed by judicial pronouncement in the case of *Dattatraya Moti Ram v. State of Bombay*⁵⁰ Chagla, CJ held that the State could discriminate in favor of women and children. The State also held that the State could not discriminate in favor of men against women and children.⁵¹

Right to Education

Art.21⁵² is very important for children. Supreme Court in 1993 has interpreted Art.21 and declared that right to education is a fundamental right. The

⁴⁴ Ibid Art. 46

⁴⁵ Ibid Art. 47

⁴⁷ Article 15(3) explains as follows: “It empowers the state to make special provisions for women and children”

⁴⁸ Id, p. 64.

⁴⁹ Id, p. 108

⁵⁰ 55 Bombay, LR323.

⁵¹ Ibid

⁵² Article 21 provides for the protection of life and personal liberty of the people including children.

Constitutional (86th Amendment) Act, 2002, added a new Article 21A⁵³ which says that state shall ensure education to all children between the age of 6-14 years.

If we talk about Child (labour & prohibition) Act,1986 which regulate some forms of child labour cannot be read with Art. 21 because Art. 21 declares compulsory education to children so there should be amendment in Child (labour & prohibition) Act,1986. In *Unni Krishnan v. State of Andhra Pradesh*,⁵⁴ the Supreme Court has recognised education as a Fundamental Right for all children between the ages of 6-14 years.

Right against Exploitation

Although Art. 23(1)⁵⁵ does not explicitly speak of children, yet it is applicable to them because children are the most valuable unit in the society. It is a known fact that many children are exploited even by the parents who allow them to work because of their poverty. They are deprived of education and do all kinds of work which are harmful to their health and personality.⁵⁶

Art. 23 is not limited in its application against the state but it also prohibits “Trafficking in human beings, beggar and other similar forms of forced labour” wherever they are found. Beggar (labour or services which a person is forced to give without receiving any remuneration) is only a form of forced labour. What the article 23 prohibits not merely beggar but all other similar forms of forced labour in whatever forms it may evident itself because it violates of human self-esteem and is conflicting to basic human rights.⁵⁷

⁵³ Article 21A explains that- the State shall provide free and compulsory education to all children of the ages 6 to 14 years in such manner as the state may, by law, determine.

⁵⁴ AIR1993 SC 2178.

⁵⁵ Article 23 explains- “Traffic in human beings and beggar and similar forms of force labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.”

⁵⁶ V.N. Shukla, *The Constitution of India*, Eastern Book Company, Lucknow, 2001, p. 310

⁵⁷ Thomas Paul, “Judicial Response to Child Labour in India: A Human Rights perspective” *Asia Law, Quartely*, Vol. 1, No. 1, pp. 63-86.

Protection under Article 24

Under Article 24,⁵⁸ the Constitution of India provides protection to children below the age of 14 years. It says, In *peoples union for democratic rights v. union of India*,⁵⁹ the Supreme Court held that though the Employment of Children Act, 1938 did not include the construction work because the construction work was not a manner specified in the schedule to the Act. Such construction work was a hazardous occupation and under Art.24 children below 14 years of the age could not be employed in a hazardous occupation. There are legislations such as Child Labour (Prohibition and Regulation) Act, 1986, Merchant Shipping Act, 1958, Motor Transport Act, 1961, Apprentices Act, 1961, Beedi and Cigar Workers Act, 1966, Plantation Labour Act, 1951 and Factories Act, 1948, talk about employment and working conditions of children of 14 years of age. These legislations contradict Art. 24 and should be declared unconstitutional.

3.1.2 Protection under Directive Principles of State Policy

Initially, it was thought that the Directive Principles of State Policy enshrined in Part IV was simply a pious obligation on the part of states and that they could not be enforceable in any courts. Article 37 itself states that these articles are not enforceable in any courts but nevertheless the principles laid down therein are fundamental in the governance of the country and it was felt that it was the duty of the state to apply these principles in creating laws.⁶⁰ Article 39(e) & (f) ⁶¹direct the state to develop a policy eliminating the abuse of tender age to free children from the circumstances forcing them to enter into occupations unsuited to their age or strength .The State is also directed to create social and economic conditions

⁵⁸ According to 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.

⁵⁹ (1982)3 SCC 235; AIR 1982 SC1473.

⁶⁰ Id, p. 62.

⁶¹ Article 39(e) of the Constitution enjoins that: The state shall direct its policy towards securing the health and strength of workers, men and women, and the tender age of children are not abused and the citizens by economic necessity to enter avocations unsuited to their age and strength. Article 39(f) states: That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that children and youth are protected against exploitation and against moral and material abandonment.

for the healthy development of children and to provide facilities for exercise of freedom and maintenance of dignity. The state is further directed to guard the children against exploitation, moral and material abandonment.⁶² The Supreme Court in *Sheela Barse v. Union of India*⁶³ held that Article 39(f) of the constitution provides that the state shall direct the policy towards securing the goal that children are given opportunities to develop in a healthy manner, in condition of freedom and dignity. The childhood and youth are protected against exploitation and against moral, material abandonment. The Supreme Court further stated that though various States have enacted for Children for the fulfillment of constitutional obligations for welfare of children under Article 39(f), yet it is not applicable in some states and the Court directed that such beneficial statutes should be taken into force and managed without delay.⁶⁴

Under Article 45⁶⁵ a duty is imposed upon the states to provide free and compulsory education for the children until they complete the age of 14 years. This Directive Principle signifies that it is not only confined to primary education but it may extend to free education. Article 45 is thus supplementary to Article 24 on the ground that when the children are not employed before the age of 14 years, he is to be kept engaged in some educational institution.⁶⁶

3.2 Statutory provisions

3.2.1 Legal Framework for eliminating child labour

This is the duty of the nation to provide physical and mental development to children which is given by the constitution. Centre and states should take measures for the betterment of the children through legislations. These have been enacted with the aim to protect children and to achieve the goal of child labour welfare enshrined in our national character. These legislations have been greatly influenced by various conventions and recommendations adopted

⁶² Id, p. 117

⁶³ AIR 1986 SCC 596.

⁶⁴ Ibid

⁶⁵ Article 45 “The state shall endeavor to provide within a period of ten years from the commencement of this constitution for free and compulsory education for all children until they complete the age of fourteen years.”

⁶⁶ Id, p. 118.

by ILO from time to time.⁶⁷ Poverty and Illiteracy are the main causes for child labour. Government is following educational help to the children and it has to be supplemented with economic help to their families so that they are not compelled by the financial necessity to send their children to work.⁶⁸ Union and state government can legislate in the matter of child labour.

The major national legislation concerning child labour includes the following:

Minimum Age

The Factories Act, 1948 provides that employer shall take measures for the protection of employees employed in the factories. According to this Act 'child' means a person who has not finished his 15 years of age.⁶⁹ It forbids employment of children below the age of 14 years.⁷⁰ The Merchant Shipping Act, 1951⁷¹ also describe minimum age 14 years for entering in the employment related to work at sea. The Mines Act, 1952⁷² also prescribes the minimum age for employment in mines. The provisions in the mines act are stricter than Factories Act. It forbids employment of persons below 18 years to work in any mine.⁷³ The Merchant shipping Act, 1958 prohibits employment in any capacity of a person less than 15 years in a ship except training ship in accordance with the given conditions.⁷⁴ The Motor Transport Workers Act, 1961 also contains a provision according to which employment of a child in motor transport undertaking in any capability is absolutely prohibited⁷⁵ and adolescent can only be employed if a certificate of fitness is granted to him to

⁶⁷ Deepti Singh, "Problems of Child Labour in India", in Mahaveer Jain and Sangeeta Saraswat (ed.), Child Labour from Different Perspective, Manak Publications Pvt. Ltd, New Delhi, 2006, p. 72

⁶⁸ Ministry of labour and employment, Government of India. [www. labour.nic.in](http://www.labour.nic.in)

⁶⁹ Section 2(c) of the Act.

⁷⁰ Section 67 of the Factories Act, 1948: "prohibition of employment of young children- No child who has not completed his fourteen year shall be required or allowed to work in any factory"

⁷¹ Section 109 of the Act explains – No person under fourteen years of age shall be engaged or carried to sea to work in any capacity in any ship.

⁷² Section 45 of the Mines Act, 1952- "prohibition of the presence of persons below eighteen years of age in mine-Subject to the provisions of sub section 2 of Section 40, after such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, no person below eighteen years of age shall be allowed to present in any part of a mine above ground where any operation connected with or incidental to any mining operation is being carried on".

⁷³ Id, p. 167

⁷⁴ Section 109 of .The Merchant Shipping Act, 1958.

⁷⁵ Section 21 of The Motor Transport Workers Act, 1961.

work as a worker in transport undertaking.⁷⁶ The Beedi and Cigar workers Act, 1966 forbids the employment of children below 14 years of age in all industrial sites where in any manufacturing process connected with making of beedi and cigarettes.⁷⁷ Apprenticeship Act, 1961 also prescribe the age limit for apprenticeship training is above 14 years.⁷⁸ Sec. 24 of the Act provides “No child below the age of 14 years shall be hired in any industrial sites”.

The main feature of the Child Labour and Prohibition Act, 1986 is that it brings uniformity in the definition of ‘Child’ provided under the Minimum Wages Act, 1948, The Plantations Labour Act 1951, The Merchant Shipping Act, 1958 and The Motor Transport Workers Act 1961 by amending their sections dealing with the definition of ‘child’. The age of ‘14 Years’ was fixed under these Acts for employment of children.⁷⁹ So there are many acts which provide minimum age of work for children but they vary because minimum age is different in different acts. Thus the acts failed to save the working children.

Working Hours

The main objective of Factories Act, 1948 is to guarantee adequate safety measure and welfare of the workers employed in factories. According to The Factory Act, 1948, the hours of work of children should be limited to 4 and half hours per day and must be spread over on shift only of not more than 5 hours duration.⁸⁰ The employer has to maintain a register regarding the periods of work of child worker. According to Plantation Labour Act, 1952 permission of state government is necessary for the employment except between the hours 6a.m. and 7p.m. The Beedi and Cigar workers Act, 1966 forbids to work during 7 p.m. to 6 a.m. According to Child Labour and Prohibition Act, 1986 the period of work shall be so fixed daily that no period shall exceed 3 hours and that no child shall work for more than 3 hours before he has had an

⁷⁶ Section 22 of The Motor Transport Workers Act, 1961.

⁷⁷ Id, P.169.

⁷⁸ Section 3 of the Act explains-Qualifications for being as an apprentice-A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any designated trade, unless he- (a) is not less than fourteen years of age and (b) satisfies such standards of education and physical fitness as may be prescribed.

⁷⁹ Ibid, Sections 23, 24 & 26

⁸⁰ Section 71 of the Factories Act, 1948, provides Working Hours for children.

interval for rest for at least 1 hour. Further the Act, describes no child shall be permitted or required to work between 7p.m. and 8p.m.⁸¹ The child has been permitted to enjoy one holiday in each week. The Act also includes the penalty of the Act has been made punishable with imprisonment which shall not be less than Rs.10000 but which may extend to Rs.20000 or with both. The Act also authorises the appropriate government to make rules. Various acts have been passed regarding the hours of work for children but the condition is different. Children work whole day in the factory, restaurants and other places. They are exploited by the employer. The reason of this exploitation is the poor implementation of the acts by the authority.

Medical Examination of Children

The Factory Act, 1948, Mines Act 1952, Merchant Shipping act, 1958, Motor Transport Workers Act, 1961 and Plantation Labour Act 1951 prescribed that a child or an adolescent between 15-18 years of age cannot be employed for work if he is not certified fit for work by a surgeon.⁸² These acts require production of fitness certificate by child workers but there are some other industrial and non-industrial employments where fitness certificate is not required. An adolescent⁸³ aged between 15- 18 years can be employed in a factory only if he gets a certificate of fitness. Moreover, the Indian laws by 18 years as the maximum age up to which the certificate of fitness would be required whereas ILO Conventions clearly recommend that no person up to the age of 21years should be employed in health risk establishments without a certificate of fitness. Besides this our legislations do not include any x-ray examination and other investigations whereas the ILO includes the x-ray of the lungs as a part of the requirement of medical examination of the case.⁸⁴ In other words, those employed after the age of 15 (the legal minimum age for employing children) and those below the age of 21years (the minimum age) need to be covered by the Acts relating to the health status of potential young

⁸¹ Section 6, the Child Labour (Prohibition & Regulation) Act, 1986.

⁸² Ibid, Sections 7,8,13 &14.

⁸³ Section 2(b) of The Factories Act, 1948 “adolescent” means a person who has completed his fifteen years of age but has not completed his eighteen years of age.

⁸⁴ Kamla Srinivasan and Veena Gandotra, Child Labour-Multi Dimensional Problem, Ajanta Publications, New Delhi, 1993, p. 37.

workers.⁸⁵ Thus there are enactments which talk about the fitness of the child worker but there is no equality in issuing medical certificate and it becomes the reason for exploitation of children by the employer.

Working at Night

All the Acts prohibit children to work at night. The Factories Act, 1948, also provides four and a half hours of work per day⁸⁶ for children between 14-18 years of age and forbids their working during night hours. The Factories Act also mentions that children between 14-18 years cannot be asked to work at night i.e. between 10p.m - 6 a.m.⁸⁷

Hazardous Jobs

As Per the Factories Act, 1948 children below the age of 14 years were prohibited to work in hazardous conditions or environment.⁸⁸ Beedi and Cigar Workers Act (1966) prohibit employment of children in industrial sites.⁸⁹

The meaning of child labor is not clear in any enactment. That is why employers take advantage and exploit children.

3.2.2 Child Labour (Prohibition and Regulation) Act, 1986

After an excess of laws containing provisions to prevent child labour, it was soon realized that child labour is still a problem. Taking that into consideration efforts were made to control the conditions of child labour in order to avoid exploitation in areas where child labour could not be avoided. The Child Labour (Prohibition and Regulation) Act, 1986 repealed the Employment of Children Act 1938.

⁸⁵ Ibid

⁸⁶ Section 71 (2) of the Act.

⁸⁷ Section 71 (I) (b) of the Act.

⁸⁸ „Hazardous Process“ means any process of activity in relation to an industry specified in the first schedule where, unless special care is taken, raw material used therein in or the intermediate or finished products, bye products, water or effluents thereof would:- (i) Cause material impairment to the health of the persons engaged in or connected therein, or (ii) Result in the pollution of the general environment, soap manufacture, canning is carried out.

⁸⁹ Ibid

Objectives of the Act

- To get consistency in the definition of ‘child’ in the related laws.
- To prohibit the employment of children in specific occupations and processes.
- To revise the scope of banned processes by laying down a procedure.
- To control the circumstances of work of children when they are not forbidden from working.
- To lay deterrent punishments for violators.⁹⁰

3.2.3 The Child & Adolescent (Labour and Prohibition) Bill, 2012

- The Bill seeks to amend the Child Labour (Prohibition and Regulation) Act, 1986, which forbids the appointment of children in certain types of employments and it also regulates the conditions of work of children in other employment.
- The Act forbids employment of children less than 14 years of age in certain occupations such as automobile workshops, beedi-making, carpet weaving, mines and domestic work. In light of the Right of Children to Free and Compulsory Education Act, 2009, the Bill seeks to forbid employment of children less than 14 years of age in all occupations except where the child support his family after school hours.
- The Bill adds a new category of persons called “adolescent”. An adolescent means a person between 14 to 18 years of age.
- The central government may add or omit any hazardous occupation from the list included in the Bill.

⁹⁰ Mamta Rao, Law Relating to Women and Children, Easter Book Company, 2011, p. 426.

- The Bill also includes penalty for engaging an adolescent in a hazardous occupation.
- Imprisonment from 6 months to two years or fine of Rs. 20,000 to Rs. 50,000 has been increased.
- The government may confer powers on a District Magistrate to certify that the provisions are properly implemented
- The Bill permits the government to make periodic inspection of places at which occupation of children are forbidden.⁹¹

3.2.4 Right to Free and Compulsory Education Act, 2009

Without education, we cannot see beyond ourselves and our narrow surroundings to the reality of global interdependence without education, we cannot realize how people of other races and religions, share the same dreams, the same hopes, without education we cannot recognize the universality of human aims and aspirations

-Mr. Kofi Annan

The Constitution (86th Amendment) Act, 2002 inserted the Article 21-A in the Constitution of India to provide free and compulsory education of all children between the age of six to fourteen years. It is a Fundamental Right. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the important legislation visualized under Article 21-A means that every child has a right to elementary education and equitable quality of education. RTE Act includes the words ‘free and compulsory’. ‘Free education’ means that no child other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government shall be liable to pay any kind of fee or expenses which may prevent him or her from completing elementary education. ‘Compulsory education’ provides the duty on the appropriate and local Government to

⁹¹ Retrieved from www.prsindia.org last visited on July 21, 2018

ensure admission, attendance and completion of elementary education by all children between the 6-14 years of age.

The RTE Act provides for the:

- Free and compulsory education till completion of elementary education in a neighborhood school.
- It explains that ‘compulsory education’ means duty of the appropriate government to provide free elementary education and guarantee compulsory admission, attendance and completion of elementary education to every child between the age of six to fourteen years. ‘Free’ means that no child shall be liable to pay any kind of fee or expenses which may stop him or her from pursuing and completing elementary education.
- It stipulates the duties on appropriate Governments, local authority and parents in providing free and compulsory education, sharing of financial and other responsibilities between the Central and State Governments.
- It provides the Pupil-Teacher Ratio (PTRs), infrastructure, school-working days and teacher-working hours.
- It provides for rational placement of teachers by ensuring that there is no urban-rural inequity in teacher postings. It also provides for exclusion of placement of teachers for non-educational work.
- It provides for appointment of teachers with the necessary academic qualifications.
- It prohibits physical punishment and mental harassment; screening procedures for admission of children; capitation fee; private tuition by teachers and running of schools without recognition.

- It would guarantee the all-round development of the child and making the child free of fear, trauma and anxiety through a system of child friendly and child centered learning.⁹²

3.3 GOVERNMENT’S POLICIES

The Government of India has appointed, from time to time the commissions and committees to study the problem relating to child labour and recommend suitable actions to control and eradicate the disorder of child labour. The Government of India has introduced various national policies and programs relating to child labour. Some major policies and plans are as discussed as follows:

Report of Commissions and Committees

3.3.1 Report of the National Commission on Labour, 1969

The first National Commission on Labour was established on 24 December, 1966 under the chairmanship of Dr. Gajendragadkar. The Commission was appointed by Government of India to enquire into the conditions of labour in general. Although terms of reference of this commission did not specifically refer to the child labour, the commission did study the problems of child labour and found that “the employment of children persists in varying degrees in the unorganized sector and that it is more an economic problem than anything else”.⁹³

Further in April 1974, the Department of Social Welfare, Government of India set up a ‘Working Group’ to consider various problems that arises out of employments of children. The working group highlighted on the possibility of evolving a National Children’s Code and laying down minimum standards

⁹² Retrieved from www.mhrd.gov.in/rte last visited on July 21, 2018

⁹³ The National Commission on Labour, 1969 (Chapter xxvii on Employment of women and Children)

regulations and to allow the administrative machinery to make suitable modifications to suit local conditions.⁹⁴

3.3.2 The Commissions for the Protection of Child Rights Act, 2005

The National Commission for the Protection of Child Rights (NCPCR) is to guarantee that all Laws, Policies, Programs and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and the UN Convention on the Rights of the Child also.

The Commission sees an essential role for the State, sound institution-building processes in respect for decentralization at the local bodies, community level and larger societal concern for children and their well-being.⁹⁵

3.3.3 Gurupadswami Report on Child Labour, 1979

It is the first policy document concerning the needs and rights of children. It recognised children to be a supremely important asset to the country. The goal of the policy is to take the next step in ensuring the constitutional provisions for children and the UN Declaration of Rights should be implemented. It outlines services, the state should provide for the complete development of a child before and after birth and throughout a child's period of growth for their full physical, mental and social development. The committee was appointed in 1979 by the Ministry of Labour under the chairmanship of M.S. Gurupadswami to look into the details of the causes leading to and the problems arising out of the employment of children in India.⁹⁶ The Gurupadswamy Committee has observed that labour becomes an absolute evil in the case of a child when he is required to work beyond his physical capacity when hours of employment interfere with his education, recreation and rest

⁹⁴ Myron Weiner, Neera Burra & Asha Bajpai, *Born Unfree, Child labour, Education and the State in India*, Oxford University Press, New Delhi, 2006, p. 160.

⁹⁵ Retrieved from www.ncpcr.gov.in last visited on July 21, 2018

⁹⁶ S.S. Tiwana, "Child Labour in India: An Appraisal", in M.Koteswara Rao, *Exploited Children*, Kanishka Publishers, New Delhi, 2000, p. 20

when his wages do not proportionate with the quantum of work done and when the occupation in which he is engaged risks his health and society.⁹⁷

3.4 National Policies

3.4.1 National Policy on Children, 1974

India has been adopted the National Policy on Children in 1974 for fighting child labour. The policy confirmed the constitutional provisions and stated that it shall be the policy of the state to provide satisfactory services to children both before and after birth through the period of growth to ensure their full physical, mental and social development. The state shall increase the scope of such services so that within a reasonable time all children in the country can enjoy best conditions for their growth.⁹⁸

3.4.2 National Policy on Education, 1986

The Prime Minister Indira Gandhi announced the First National Policy on Education in 1968 and after 1968, National Policy was adopted in 1986. It aimed to promote national progress, culture and to strengthen national integration. It laid stress on the need for a radical reconstruction of the education system to improve its quality at all stages and gave much greater attention to science and technology, the cultivation of moral values and a closer relation between education and the life of people.⁹⁹

The policy has laid the “special emphasis on the removal of disparities and to equalize educational opportunity” especially for Indian women, Schedule Tribe and Schedule Caste. To achieve these, the policy called for expending scholarships, adult education, recruiting more teachers from the Schedule Castes, incentives for poor families to send their children to school regularly, development of new institutions and providing housing and services. The NPE

⁹⁷ M.S. Raj and D.J. Chauhan, “Child Labour in India: Causes, Magnitude and Way-out” in Problems of Child Labour in India, by Raj Kumar Sen and Asis Dasgupta (ed.) Deep and Deep Publications, New Delhi, 2003, p. 21.

⁹⁸ K.D. Gangrade, “Child and the Law”, National Seminar on Child and Law, NIPCED, New Delhi, 1982, p. 161

⁹⁹ National Policy on Education, 1986.

called for a "Child Centered Approach" in primary education and launched "operation blackboard" to improve primary schools nationwide.¹⁰⁰

3.4.3 National Policy on Child Labour, 1987

It contains the action plans for eradicating the problems of child labour. It envisaged a legislative action plans focusing and convergence of general development programmer for benefitting children wherever possible and project based plan of action for initiation of projects for the welfare of working children in areas of high attentiveness of child labour.¹⁰¹ Though the Government has made many projects for eradicating child labour but these polices will be useless if the enforcement of these polices will not be proper.

3.4.4 NATIONAL CHILD LABOUR PROJECT (NCLP)

Government had started the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in 12 child labour endemic districts of the country.

Objective of the Scheme:

- This is the major Central Scheme for the rehabilitation of child labour.
- The Scheme seeks to adopt a consecutive approach with focus on rehabilitation of children working in hazardous occupations & processes.
- Survey of child labour involved in hazardous occupations & processes has been conducted under the government.
- The recognized children are to be withdrawn from these occupations & processes and then put into special schools.
- For the rehabilitation of child labour, Societies at the district level are fully funded for opening of special schools/Rehabilitation Centres.

¹⁰⁰ Ibid

¹⁰¹ National Child Labour Policy, 1987

The special schools and rehabilitation programmes provides-

- Non-formal education.
- Vocational training.
- Mid- Day Meal.
- Stipend Rs.150 per child per month.
- Health care facilities through a doctor appointed for a group of 20 schools.

The Target group:

The societies are required to conduct survey to identify children working in hazardous occupations and processes. These children will then form the target group for the project society. Of the children identified those in the age group 5-8 years will have to be mainstreamed directly to formal educational system through the SSA. Working children in the age4group of 9- 14 years will have to be rehabilitated through NCLP schools established by the Project Society.

Project Implementation:

The entire project is required to be implemented through a registered society under the Chairmanship of administrative head of the district, namely, District Magistrate/Collector/Dy. Commissioner of the District. Members of the society may be drawn from concerned Government Departments, representatives of Panchayati Raj Institutions, NGOs, Trade Unions, etc.

Funding pattern:

The projects4have been taken up in the Central Sector; the entire funding is done by the Central4Government (Ministry of Labour & Employment). Funds are released to the concerned Project Societies depending upon the progress of project activities.

Present Status of NCLP Scheme:

At present about 6000 special schools are in operation under NCLP scheme. As on date more than 10 lakhs children have been mainstreamed into the formal education system under the Scheme.¹⁰²

3.4.5 Indus (Indo-US child labour project)

The Indus Project is jointly funded by the Ministry of Labour, Government of India and the Department of Labour, United States of America (USDOL) and is implemented in ten hazardous sectors in 21 districts across five states viz. Delhi, Maharashtra, Madhya Pradesh, Tamil Nadu and Uttar Pradesh. The Project has been completed on 31st March 2009. An estimated 103,152 children and adolescent workers withdrawn and rehabilitated against set target of 80,000 children.

The major components of the project would include:

- Identifying children working in hazardous occupations by means of a detailed survey.
- Withdrawing children in the age group 8-14 from hazardous occupations and providing them meaningful transitional education.
- Making provisions for systematic Vocational education/training of adolescents.
- Providing viable income generating alternatives for families of children withdrawn from work.
- Strengthening public education of child workers (to be implemented through the Department of Education, MHRD)
- Monitoring.
- Social-mobilization.
- Capacity building of National/ State and Local Institutions

¹⁰² Retrieved from www.labour.gov.in last visited on July 21, 2018

- Raising interest towards Action against Hazardous Child Labour in other States.¹⁰³

3.5 OTHER SCHEMES

3.5.1 Mid- Day Meal Scheme

With a view to enhancing enrolment, retention and attendance and simultaneously improving nutritional levels among children, the National Programme of Nutritional Support to Primary Education (NP-NSPE) was launched as a Centrally Sponsored Scheme on 15th August 1995.

In 2001 MDMS became a cooked Mid- Day Meal Scheme under which every child in every Government and Government aided primary school was to be served a prepared Mid- Day Meal with a minimum content of 300 calories of energy and 8-12 gram protein per day for a minimum of 200 days. The Scheme was further extended in 2002 to cover not only children studying in Government, Government aided and local body schools, but also children studying in Education Guarantee Scheme (EGS) and Alternative & Innovative Education (AIE) centres.

In September 2004 the Scheme was revised to provide for Central Assistance for Cooking cost @ Re 1 per child per school day to cover cost of pulses, vegetables cooking oil, condiments, fuel and wages and remuneration payable to personnel or amount payable to agency responsible for cooking. Transport subsidy was also raised from the earlier maximum of Rs 50 per quintal to Rs. 100 per quintal for special category states and Rs 75 per quintal for other states. Central assistance was provided for the first time for management, monitoring and evaluation of the scheme @ 2% of the cost of food grains, transport subsidy and cooking assistance. A provision for serving mid- day meal during summer vacation in drought affected areas was also made.

In July 2006 the Scheme was further revised to enhance the cooking cost to Rs 1.80 per child/school day for States in the North Eastern Region and Rs 1.50 per child / school day for other States and UTs. The nutritional norm

¹⁰³ Retrieved from www.labour.gov.in last visited on July 21, 2018

was revised to 450 Calories and 12 gram of protein. In order to facilitate construction of kitchen-cum-store and procurement of kitchen devices in schools provision for Central assistance @ Rs. 60,000 per unit and @ Rs. 5,000 per school in phased manner were made.

The Scheme was further revised in April 2008 to extend the scheme to recognized as well as unrecognized Madarsas/Maqtabs supported under SSA.¹⁰⁴

3.5.2 Sarva Shiksha Abhiyan

Sarva Shiksha Abhiyan(SSA) a Centrally Sponsored Scheme implemented by Government of India in partnership with State Governments, is India's main programme for universalising elementary education. Its overall goals include universal access and retention, bridging of gender and social category gaps in education and enhancement of learning levels of children.

Launched in the year 2000-2001, SSA has achieved considerable success in universalising elementary education. Today, there are 19.67 crore children enrolled in 14.5 lakh elementary schools in the country with 66.27 lakh teachers at elementary level.

The interventions under SSA include, building of school infrastructure, provisioning for teachers, periodic teacher training and academic resource support, making available learning resources for children like textbooks, computers, libraries; equity being the focus, residential schools for girls known as the Kasturba Gandhi Balika Vidyalayas have been set up, identification of children with special needs and providing them need based support including aids and appliances; monitoring and supervision for making schools effective and building local level accountability by engaging with community based organisations.¹⁰⁵

¹⁰⁴ Retrieved from www.mhrd.gov.in/mid-day-meal last visited on July 22, 2018

¹⁰⁵ Retrieved from www.ssa.nic.in/about_ssa.html last visited on July 22, 2018

3.5.3 Recommendations of the 12th five year plan (2012-2017)

- It emphasized, on ‘Child Rights Paradigm’ and focused upon ‘More inclusive growth begins with children’. The current 12th year plan is committed to implement the mandates of United Nations Convention on the Rights of the Child, 1989 in real spirit (a) Rights of Survival; (b) Holistic Development of children i.e. physical, Physo-social, Cognitive and emotional; (c) Protection (d) Participation.
- Strengthening policies and legislations of the country.
- Developing complete children’s code harmonizing and updating legal provisions and uniformity in the definitions of child i.e. enhancing the age from 14 to 18 years.
- Child Labour (Prohibition and Regulation) Act, 1986 to be amended with the Right to Education Act as it makes a distinction between hazardous and non-hazardous Categories of work for children under 14 years.
- It should be amended to abolish all forms of child labour below 18 years of age as children cannot be employed and in school at the same time.
- Reviews of Commission for protection of Child Rights Act 2005 and to set up State Commission for Protection of Rights of Children in all states.¹⁰⁶

3.6 JUDICIAL INTERPRETATION OF CHILD LABOUR

The interpretation of the judiciary with regard to Child Labour in India is highly admirable. With regard to child labour in India, the justice Subba Rao, the former Chief Justice of India rightly remarked, “Social Justice must begin with the child unless a tender plant is properly nourished, it has little chance of

¹⁰⁶ Lingaraj M. Konin, “Child Laour- A Socio-Legal Empirical Appraisal”, Indian Bar Review, Vol. XL (1) 2013, pp. 1-9 at 7.

growing into strong and useful tree. So, first priority in the scale of justice should be given to the welfare of children”.¹⁰⁷

The constitutional prohibition that children below the age of 14 years should not be employed in any factory, mine or other hazardous employment was felt to be ineffective in the absence of legislation, barring its violation till the decision of the Supreme Court in the case of *Peoples Union for Democratic Rights v. Union of India*.¹⁰⁸ As a fact, the Supreme Court found out that the children below the age of 14 were employed in the construction work. On behalf of the Union of India and Delhi Administration it was argued that the Employment of Children Act 1938 was not relevant to construction industry as it is not specified in the Schedule. The Court observed:

“We have Art.24 of the Constitution which provides that no child below the age of 14 years shall be employed to work in any factory, mine or engaged in any other hazardous employment. This is a constitutional prohibition which, even if not followed up by appropriate legislation must operate proprio vigor. Construction work being simply and undoubtedly a hazardous employment, it is clear that by reason of this constitutional prohibition, no child below 14 years can be allowed to be engaged in construction work. Therefore, there can be no doubts that nevertheless the absence of condition of construction industry in the Schedule to the Employment of Children Act 1938, no child below the age of 14 years can be employed in construction work and the Union of India as also even, State Government must guarantee that this constitutional mandate is not violated in any part of the country”.

The Honourable Apex Court in the case of *Bandhua Mukti Morcha v. Union of India and Others*¹⁰⁹ has laid down that, due to poverty and child labour “children were being subjected to deprivation of their meaningful right to life, leisure, food, shelter, medical aid and education.” It further noted that this deprivation has an adverse effect on the efficacy of democracy and rule of law.

¹⁰⁷ Mahaveer Jain and Sangeeta Saraswat (ed.), Child Labour from Different Perspectives, Manak

Publications Pvt. Ltd., Delhi, 2006, p. 107

¹⁰⁸ AIR 1991 SC 1473

¹⁰⁹ (1997) 10 SCC 549

1. The Court invoked India's obligations under international law, most notably under the Convention on the Rights of the Child, 1989 (the Convention) but acknowledged that India had ratified the Convention on the promise of progressive implementation.
2. With regard to India's obligations under the Directive Principles of State Policy in the Constitution, the Court, held that it was "incumbent upon the State to provide facilities and opportunity as enjoined under Article 39(e) and (f) of the Constitution and to prevent exploitation of their childhood due to indigence and vagary." It held that compulsory education of children was one of the principal means and primary duty of the State towards eliminating social tensions.
3. Recognizing that child labour could not be banned in one sweep, the Court held that together with phasing out child labour, alternatives for the child should be evolved including providing education, health care, nutrient food, shelter and other means of livelihood with self-respect and dignity of person."
4. The Court directed the Government of India to establish policies, in consultation with state governments, to progressively stop employment of children under the age of 14. Referring to the scheme laid down in *M.C. Mehta v. State of Tamil Nadu & Ors*¹¹⁰ (1996) 6 SCC 756), the Court stated that the policies should provide for:
 1. *"Compulsory education to all children either by the industries itself or in co-ordination with it by the State Government to the children employed in the factories, mine or any other industry, organized or unorganized labour with such timings as is convenient to impart compulsory education, facilities for secondary, vocational profession and higher education;*
 2. *Apart from education, periodical health check-up;*
 3. *Nutrient food etc.;*

¹¹⁰ (1996) 6 SCC 756

4. *Entrust the responsibilities for implementation of the principles.”*

The judiciary in the country has offered its great concern for the working children by bringing occupations or process under the judicial scrutiny by directly applying the constitutional provisions relating to children. In ***the People's Union for Democratic Rights v. Union of India***,¹¹¹ the court held that apart from the requirement of ILO Convention No. 59, we have Article 24 of the Constitution which even if not followed up by appropriate legislation must operate proprio vigore and construction works being simply and undoubtedly a hazardous employment. It is clear that by reason of constitutional prohibition, no child below 14 years can be allowed to be involved in construction work.

In ***Labourers Working on Salal Hydro Project v. State of Jammu and Kashmir and Others***,¹¹² the Supreme Court has suggested that it is the duty of the government to guarantee education of children of parents who are working in construction sites. The Supreme Court directed that whenever the Central Government undertakes a construction project which is likely to last for a substantial period of time; it should ensure that children of construction workers who are living at or near the project site are given facilities for schooling. The Court also stated that this may be done either by the Central Government itself or if the Central Government assigns the project work or any part thereof to a contractor and necessary provisions to this effect may be made in the contract with the contractor.

In ***Rajangum, Secretary, District Beedi Workers Union v. State of Tamil Nadu and Others***,¹¹³ the Supreme Court opined that tobacco manufacturing was really hazardous to health. Child labour in this trade should therefore, be prohibited as far as possible and employment of child labour should be stopped either immediately or in a phased manner by the state government.

¹¹¹ Ibid

¹¹² 1983 9460 FLR 453

¹¹³ AIR 1992 SCC 221

In *M. C. Mehta v. State of Tamil Nadu and Others*,¹¹⁴ the Supreme Court certified children to work in a prohibited occupation like fireworks. According to Justice Ranganath Mishra and Justice H.I. Kania, the provision of Article 45 in the Directive Principles of State Policy still remained a far cry and according to this provision, all children up to the age of 14 years are supposed to be in school, economic necessity forces grown-up children to pursue employment.

Directions of Supreme Court

- On 10th December 1996 in **Writ Petition (Civil) No.465/1986 on MC Mehta verses state of Tamil Nadu** the Supreme Court of India, gave certain directions on the issue of elimination of child labour. The main features of judgment are as under:
- Survey for identification of working children;
- Withdrawal of children working in hazardous industry and ensuring their education in appropriate institutions;
- Contribution Rs.20,000/- per child to be paid by the offending employers of children to a welfare fund to be established for this purpose;
- Employment to one adult member of the family of the child⁴so withdrawn from work and if that is not possible a contribution of Rs.5,000/- to the welfare fund to be made by the State Government;
- Financial assistance to the families of the children⁴so withdrawn⁴to be paid out of the interest earnings on the corpus of Rs.20,000/25,000 deposited in the welfare fund as long as the child is actually sent to the schools;
- Regulating hours of work for children working in non-hazardous occupations so that their working hours do not exceed six hours⁴per

¹¹⁴ AIR 1991 SC 283

day and education for at least two hours is ensured. The entire expenditure on education is to be borne by the concerned employer.

- The implementation of the direction of the Hon'ble Supreme Court is being monitored by the Ministry of Labour and compliance of the directions have been reported in the form of Affidavits on 05.12.97, 21.12.1999, 04.12.2000, 04.07.2001 and 04-12-2003 to the Hon'ble Court on the basis of the information received from the State/UT Governments.¹¹⁵

¹¹⁵ Retrieved from www.labour.gov.in last visited on July 22, 2018

CHAPTER - 4

INTERNATIONAL INITIATIVES FOR THE ELIMINATION OF DOMESTIC CHILD LABOUR

4.1 International Labour Organization and India

India is associated with the International Labour Organization since the latter's birth in 1919. Today, India is a permanent member of the organization as one of industrial countries of the world. The records of labour Legislations in India indicate that there were no important labour measures on the Statutes up to 1919. All major labour legislations had been passed by India after 1919¹¹⁶.

The approach of India with regard to international labour standards has always been positive. The ILO instruments have provided guidelines and useful framework for the evolution of legislative and administrative measures for the protection and advancement of the interest of labour. The influence of ILO conventions as a standard for reference for labour legislation and practices in India, rather than as a legally binding norm, has been significant. Ratification of a Convention imposes legally binding obligations on the country concerned and therefore, India has been careful in ratifying conventions. It has always been the practice in India that to ratify a convention when it is fully according to the laws of the country and practice in conformity with the relevant ILO convention.¹¹⁷

¹¹⁶ Eliminating the Worst form of Child Labour. A Practicle guide to ILO Convention No.182. A.Handbook for Parliamentarians, p. 151

¹¹⁷ A. J. Kaul, Child Labour in India-An Overview, V.V. Giri National Labour Institute, Noida, 2001,,p. 199.

4.2 Child domestic work and the worst forms of child labour

The ILO Convention No. 182 on the worst forms of child labour and its accompanying Recommendation No. 190 define a range of child labour situations requiring immediate action and which aptly describe the situation of some child domestic workers.

Article 3 of Convention No. 182 defines the worst forms of child labour as:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performance.
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

What constitutes “hazardous work” under category (d) is open to tripartite determination at national level. In doing so, national bodies should be guided by Paragraph 3 of Recommendation No. 190 and consideration should be given, inter alia, to:

- Work which exposes children to physical, psychological or sexual abuse.
- Work underground, under water, at dangerous heights or in confined spaces.
- Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads.

- Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels or vibrations damaging to their health;
- Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.¹¹⁸

4.3 Decent work for domestic workers, 2011: Child domestic work

ILO Convention No. 189 and Recommendation No. 201 concerning decent work for domestic workers, 2011: Child domestic work related provisions
Convention No. 189

Article 4:

1) 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 Labor Convention, 1999 (No. 182) and not lower than that established by national laws and regulations for workers generally.

2) 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.

Recommendation No. 201

5. (1) Taking into account the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182) and Recommendation (No. 190) Members should identify types of domestic work that by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children and should also prohibit and eliminate such child labour.

¹¹⁸ Retrieved from www.refworld.org last visited on July 22, 2018

(2) When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations and take measures to protect them, including by:

(a) Strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts.

(b) Prohibiting night work.

(c) Placing restrictions on work that is excessively demanding whether physically or psychologically.

(d) Establishing or strengthening mechanisms to monitor their working and living conditions.¹¹⁹

4.4 Child domestic work and children's rights (UNCRC)

The United Nations Convention on the Rights of the Child (UNCRC), 1989 outlines the full range of rights of all children under the age of 18. The Convention provides a useful benchmark for determining the extent to which child domestic workers' rights are being violated or their vulnerability to such violations. Analysing child domestic work in this way reveals the many rights that are actually or potentially infringed, including:

- The right to non-discrimination on grounds of ethnic or social origin, birth or other status (Article 2)
- The right to be cared for by his or her parents (Article 7)
- The right to preserve identity, nationality, name and family relations (Article 8)
- The right to maintain regular contact with parents if separated from them (Article 9)
- The right not to be illicitly transferred abroad (Article 11)

¹¹⁹ Ibid

- The right to express views in all matters affecting her/himself (Article 12)
- The right to freedom of association (Article 15)
- The right not to be subject to unlawful attacks on her or his honour and reputation (Article 16)
- The right to be brought up by parents or guardians whose basic concern is his or her best interests (Article 18)
- The right to protection from physical or mental ill treatment, neglect or exploitation (Article 19)
- The right to benefit from the highest attainable standard of health and access to health care services (Article 24)
- The right to social security including social insurance in accordance with national law (Article 26)
- The right to conditions of living necessary for his or her development (Article 27)
- The right to education (Article 28)
- The right to rest, leisure, play and recreation (Article 31)
- The right to protection from economic exploitation and from performing any work that interferes with his or her education or is harmful to his or her mental, spiritual or social development (Article 32)
- The right to protection from all forms of sexual exploitation and sexual abuse (Article 34)
- The right to protection from abduction, sale or trafficking (Article 35);
- The right to protection from cruel or degrading treatment and arbitrary deprivation of liberty (Article 37).

Despite the continuing efforts of national and local governments, thousands of local social partner and civil society organizations and of UN agencies, there remains a considerable gap between the international recognition of these rights and making them a daily reality for child domestic workers.¹²⁰

4.5 Facts and Figures

- Worldwide 218 million children between 5 and 17 years are in employment.
- Among them 152 million are victims of child labor, almost half of them 73 million work in hazardous child labour.
- In absolute terms, almost half of child labour (72.1 million) is to be found in Africa, 62.1 million in the Asia and the Pacific, 10.7 million in the Americas 1.2 million in the Arab States and 5.5 million in Europe and Central Asia.
- In terms of prevalence, 1 in 5 children in Africa (19.6%) are in child labour whilst prevalence in other regions is between 3% and 7%: 2.9% in the Arab States (1 in 35 children), 4.1% in Europe and Central Asia (1 in 25), 5.3% in the Americas (1 in 19) and 7.4% in Asia and the Pacific region (1 in 14).
- Almost half of all 152 million children victims of child labour are aged 5-11 years.
- 42 million (28%) are 12-14 years old, and 37 million (24%) are 15-17 years old.
- Hazardous child labour is most prevalent among the 15-17 years old. Nevertheless up to a fourth of all hazardous child labour (19 million) is done by children less than 12 years old.
- Among 152 million children in child labour, 88 million are boys and 64 million are girls.

¹²⁰ Ibid

- 58% of all children in child labour and 62% of all children in hazardous work are boys. Boys appear to face a greater risk of child labour than girls but this may also be a reflection of an under reporting of girls' work particularly in domestic child labour.
- Child labour is concentrated primarily in agriculture (71%) which includes fishing, forestry, livestock herding and aquaculture and comprises both subsistence and commercial farming, 17% in Services and 12% in the Industrial sector, including mining.¹²¹

¹²¹ Retrieved from www.ilo.org last visited on July 22, 2018

CHAPTER - 5

IMPLEMENTATION OF LAWS FOR PREVENTING DOMESTIC CHILD LABOUR IN NOIDA

5.1 INTRODUCTION

“Over 168 million children across the world are trapped in the vicious cycle of child labour. Deprived of their basic right to survival, protection, development and participation, these children, between the age group of 5 to 17 years, account for 11% of the world’s total child population” (International Labour Organisation- International Programme on the Elimination of Child Labour, 2013).

In India the condition of children is not good. There are higher numbers of children who are engaged in different forms of occupations which are hazardous in nature. Children employed can be seen in tables mentioned below:

State wise details of working children in the age group of 5-14 years as per Census 2001 and Census 2011 are as under:¹²²

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

¹²² Retrieved from www.labour.gov.in last visited on July 20, 2018

5.	Bihar	1117500	451590
6.	Chandigarh U.T.	3779	3135
7.	Chhattisgarh	364572	63884
8.	Dadra & Nagar	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	92084

27.	Pondicherry	1904	1421
28.	Punjab	177268	90353
29.	Rajasthan	1262570	252338
30.	Sikkim	16457	2704
31.	Tamil Nadu	418801	151437
32.	Tripura	21758	4998
33.	Uttar Pradesh	1927997	896301
34.	Uttarakhand	70183	28098
36.	West Bengal	857087	234275
	Total	12666377	4353247

Table5.1.1 shows that In Uttar Pradesh child labour has been declined but it is still high in the state as compared to other states.

The following table represents the Rank-wise Indian States pertaining to Child Labour with combined total of main and marginal workers (3-6 months) in the age group 5-9 and 10-14 years according to Census 2011¹²³

S.N	STATES	NUMBERS	RANK
1.	Jammu & Kashmir	78405	18
2.	Himachal Pradesh	47773	20
3.	Punjab	165528	15
4.	Chandigarh	4226	31

¹²³ Retrieved from www.ncpcr.gov.in last visited on July 22, 2018

5.	Uttarakhand	55120	19
6.	Haryana	99635	17
7.	NCT OF Delhi	35322	23
8.	Rajasthan	549996	4
9.	Uttar Pradesh	1850566	1
10.	Bihar	912879	2
11.	Sikkim	5934	29
12.	Arunachal Pradesh	13550	26
13.	Nagaland	29082	24
14.	Tripura	11050	27
15.	Meghalaya	35337	22
16.	Assam	230336	14
17.	West Bengal	461974	6
18.	Jharkhand	253717	13
19.	Odisha	254081	12
20.	Chhattisgarh	144978	16
21.	Madhya Pradesh	532036	5
22.	Gujarat	408932	7
23.	Daman &Diu	862	35
24.	Dadra & Nagar Haveli	1725	33
25.	Maharashtra	673260	3
26.	Andhra Pradesh	315107	9

27.	Karnataka	386032	8
28.	Goa	9833	28
29.	Lakshadweep	77	36
30.	Kerala	43469	21
31.	Tamil Nadu	275286	11
32.	Puducherry	2112	32
33.	Andaman & Nicobar	1565	34
34.	Telengna	307371	10
35.	Manipur	26905	25
36.	Mizoram	4531	30

Table5.1.2 shows Rank 1 of Uttar Pradesh in child labour. We can say U.P. is falling because it is not implementing its child labour eradication policies properly.

NSSO Estimate of Child Labour in Major Indian States, 2004-05 (Age group 5-14) ¹²⁴ (in thousands)

STATES	RURAL	URBAN	ALL	%SHARE OF CHILD LABOR
A.P.	1052	140	1201	13.2
Assam	124	8	133	1.5
Bihar	333	30	364	4.0

¹²⁴ Retrieved from www.labour.gov.in last visited on July 20, 2018

Chhatishgarh	225	31	263	2.9
Delhi	0	10	9	0.1
Goa	3	2	6	0.1
Gujarat	220	77	302	3.3
Haryana	83	14	99	1.1
H.P.	36	1	37	0.4
Jharkhand	167	38	206	2.3
Karnataka	510	41	571	6.3
Kerala	7	4	11	0.1
M.P.	414	68	491	5.4
Maharashtra	664	84	783	8.6
Orissa	413	22	440	4.8
Punjab	23	21	101	1.1
Rajasthan	714	110	821	9.0
Tamil Nadu	95	79	173	1.9
U.P.	1620	459	2074	22.9
Uttaranchal	59	3	64	0.7
West Bengal	488	217	690	7.6
India	7445	1525	9075	100.0

Source: Derived from Unit Level Records of NSS, 2004-05

Table 5.1.3 shows that some districts seem to have a little more share of working children. In Uttar Pradesh, NSSO recorded 22.9 percent share of child labour during 2004-05 of total rural and urban population. From the table it

has been found that the position of U.P. regarding percent of child labour is worse than several states.

NSSO (66th round of Survey) on Child Labour in Major Indian States, 2009-10¹²⁵

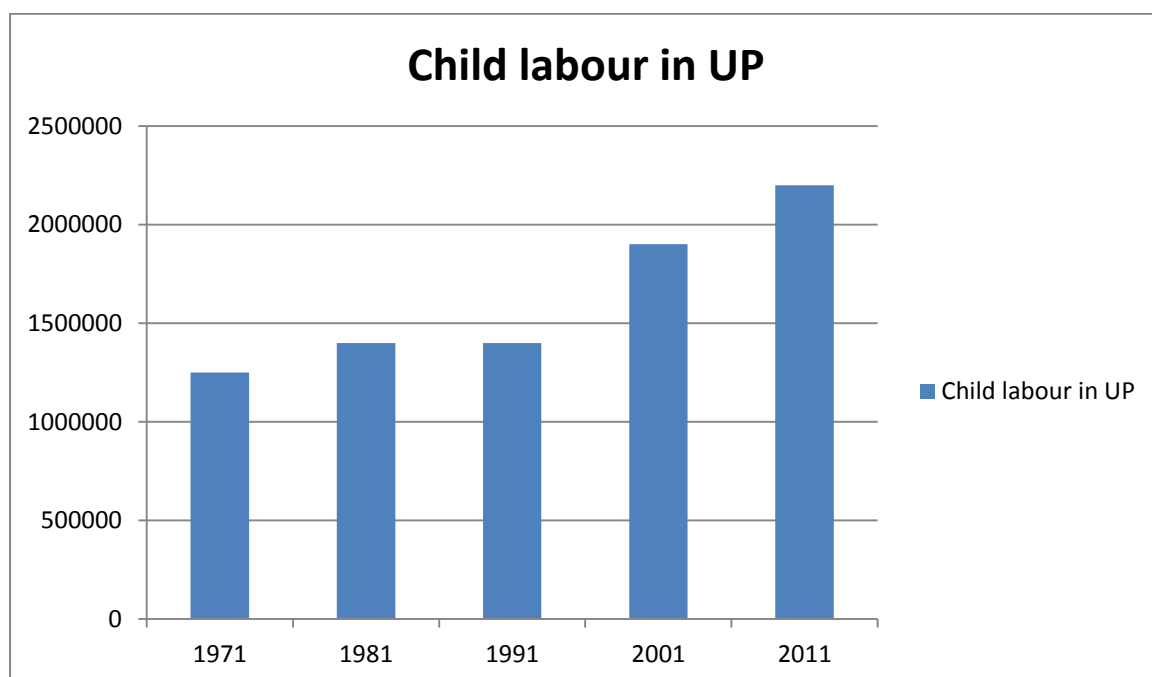
(Age group 5-14)

STATES	MALE	FEMALE	ALL	% SHARE OF CHILD LABOUR
A.P.	108923	125739	234662	4.71
Assam	156488	32666	189154	3.80
Bihar	235309	41213	276522	5.55
Chhattishgarh	4305	7321	11626	0.23
Delhi	18576	0	18576	0.37
Gujarat	166432	224255	390687	7.84
Haryana	50737	21459	72196	1.45
H.P.	4456	2942	7398	0.15
J&K	12413	16872	29285	0.59
Jharkhand	67807	14661	82468	1.65
Karnataka	110589	115908	2264897	4.54
Kerala	1182	1583	2765	0.06
M.P.	149142	41875	191017	3.83
Maharashtra	120600	140073	260673	5.23
Orissa	90912	43651	134563	2.70

¹²⁵ Retrieved from www.labour.gov.in last visited on July 20, 2018

Punjab	32466	16370	48836	0.98
Rajasthan	136239	269697	405936	8.14
Tamil Nadu	3471	13880	17351	0.35
U.P.	18029	9342	27371	0.55
Uttarakhand	1160114	615219	1775333	35.62
West Bengal	389211	162373	551584	11.07
All India	3057998	1925873	4983871	100.00

Table 5.1.4 shows that during NSSO survey 2009-2010, U.P. recorded 0.55 percent share of child labour of total male and female population which shows that child labour is declining in U.P.



According to the report of census, in Uttar Pradesh there has been increased of 13% child labour in 2011

5.2 PENCIL Portal

The Union Home Minister Shri Rajnath Singh⁴ launched the Platform for Effective Enforcement for No Child Labour (PENCIL) Portal at the National Conference on Child Labour organised by the Ministry of Labour and Employment, Government of India. The PENCIL is an electronic platform that aims at involving Centre, State, District Governments, civil society and the general public in achieving the target of child labour free society. Shri Rajnath Singh also launched the Standing Operating Procedures (SOPs) for the enforcement of legal framework against child labour. The SOP is aimed at creating a ready reckoner for trainers, practitioners and monitoring agencies to ensure complete prohibition of child labour and protection of adolescents from hazardous labour ultimately leading to Child Labour Free India.

The PENCIL Portal (pencil.gov.in) has various components namely, Child Tracking System, Complaint Corner, State Government, National Child Labour Project and Convergence. The Districts will nominate District Nodal Officers (DNOs) who will receive the complaints and within 48 hours of receiving they will check the genuineness of the complaint and take the rescue measures in coordination with police if the complaint is found to be genuine.

The State Labour Ministers from Uttar Pradesh, Assam, Delhi, Telangana, Tamil Nadu, Haryana, Andhra Pradesh, Chhattisgarh, Bihar and Rajasthan participated in the conference.¹²⁶

5.3 INITIATIVES TO ERADICATE CHILD LABOUR IN UTTAR PRADESH

- State Action Plan for Eradication of Child labour.
- Quarterly Special initiatives for identification, Rescue and Rehabilitation of Child Labour in coordination with AHTU (Anti Human Trafficking Unit), Child Line and Civil society organizations.

¹²⁶ Retrieved from www.pib.nic.in last visited on July 21, 2018

- Conditional Cash Transfer Scheme for Child labour from Child headed families. (Financial assistance of Rs.9200 per year)
- “Naya Savera” An initiative for Child Labour Free villages in selected Child labour prone districts.
- Sarvodaya- Initiative by district Gonda.
- State and district level monitoring mechanism.
- Awareness and communication campaign.
- Fund of Rs.10 Lakhs in each district for immediate relief in case of child bonded labour.
- 46 districts protected under National Child Labour Project.

5.3.1 State action plan

State action plan includes-

- **Evidence based planning-** Intervention based on Survey results, high risk districts taken on priority basis.
- **Analysis and Identification of child labour groups-** On the basis of census data high risk clusters (Villages & Wards) are identified with in the high risk districts.
- Planning for Division/District/Sub-division/town and Village/ward.
- Roles and responsibilities of the all the stakeholder departments.

5.3.2 Quarterly Special initiatives for identification, Rescue and Rehabilitation of Child Labour

- Detailed Government instructions from Chief Secretary.
- Quarterly special initiative under overall supervision of District Magistrate (for 15 days).

- Special groups constituted and headed by notified inspectors (Sub-divisional Magistrates, Tahsildar and Nayab Tahsildars, Block Development officers posted in blocks, Basic Siksha adhikari, Assistant Basic Shiksha Adhikari).
- Reporting of identification and rescue of Child labour on Whatsapp.

Inspection by the officers

Year	Total Inspection	Total Rescue	Prosecution launched
2015-16	918	1164	206
2016-17	1304	1601	409
2017-18 (up to June 2018)	1698	2216	394
Total	3920	4981	1009

Table 5.3.2.1 shows that how many inspections have been done by the officers.

5.3.3 Naya Savera Scheme

- Initiative with the technical support of UNICEF for Child Labour free Villages in selected Child labour prone districts launched on 12th June 2017 Anti Child Labour day.
- 916 Villages of highest Child Labour prone 20 Districts.
- 735 Villages of 126 Blocks in 14 Districts in first phase.
- To ensure enrollment and retention of the working children identified in the nominated Child labour prone Villages.
- Target for 2017-18 is 125 Villages to be declared Child Labour Free Villages.

Progress so far...

- Block level committees constituted which includes: BDO, Gram Pradhans, School Head master, Gram Panchayat secretary, members of School management committee and representative of NGOs and Survey agencies.
- Nodal officer from labour department nominated for monitoring and implementation of the project.
- Technical supply and survey agencies working in all the 14 districts
- Examination and identification process completed in more than 100 villages.
- Regular meetings with SMC and community members.
- Visits by labour department officers.

5.3.4 Sarvodaya Scheme

- Initiative by district administration of Gonda.
- Identified and rescued children has been adopted by Senior Government officers includes DM, SSP, CDO and ADM.
- Children enrolled in the school of their choice.
- All the educational expenses and other requirement are now take care by these officers.
- Till date 13 rescued child labour has been adopted.
- Their progress is frequently monitored.
- Experience is shared with other districts.

5.3.5 State and District Level Monitoring Mechanism

State Level

- Core committees under Chairmanship of Chief Secretary.
- Monitoring and advisory committees under the chairmanship of Additional Chief Secretary.
- Child Labour elimination and Rehabilitation society under chairmanship of Labour commissioner.

District Level

- Janpadiye Bal Shram Unmoolan Samiti under Chairmanship of District Magistrate.
- Task force under Chairmanship of CDO (Chief Dysfunctional Officer).

5.3.6 National Child Labour Project

- 46 districts covered⁴under NCLP District.
- 23 districts received budget for survey from Government of India.
- Survey completed in 15 districts as per the state action plan.
- Survey in remaining 8 districts is still going on.
- Special Training Centers (STC) operational in 5 Districts.
- On priority basis Training centers opening in Hot Spots villages and wards.¹²⁷

¹²⁷ Retrieved from www.pencil.gov.in last visited on July 21, 2018

5.3.7 Awareness and Communication Campaign

- Communication material developed with support of UNICEF includes Story books, Flip cards, Posters, Hoardings and Wall painting design, Display Panels, audios, TV and radio spots.
- Rath Yatras with Street plays in Child prone districts
- Ten Districts which covers 600 villages of 35 tehsils in year 2015-16.
- Ten Districts covering 580 villages in 30 tehsil in year 2016-17.
- By the awareness campaign more than 2 lakhs audience have been addressed.
- Regional & District level workshops, training of field level officers and other Stake holders.
- **Note-** State Government has requested MOLE GOI an amount of Rupees 57.58 Lakhs for implementation of above communication campaign in Child Labour prone 20 districts.¹²⁸

¹²⁸ Ibid

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Figure – 1 from www.pencil.gov.in



Figure – 2 from www.pencil.gov.in

5.4 Action plan for eradication of child labour in Noida

“World Day against Child Labour” Jointly organized by the District Administration, Gautam Budh Nagar, Labour Department, Government of Uttar Pradesh, and SADRAG at Community Centre, Nithari, Noida on 12th June 2017. Dr. Helen R. Sekar, Senior Fellow, VVGnLI, was a Guest Speaker in the programme. The aim of this programme was to mobilize the people, especially the parents of the children to be aware of the social and economic implications of child labour and the legislative protection and provisions meant to stop Child labour.

Workshop on “Ending Child Labour: Roundtable with Industries” on 16th December 2017 at the Noida Entrepreneurs Association Building, Noida. Dr. Helen R. Sekar, Senior Fellow, VVGnLI, addressed the Industries’ Representatives and Officials of Labour Department on the topic “Child Rights and Business Principles with a focus on Child Labour Elimination from the Supply Chains”. This event was jointly organized by Labour Department, Government of Uttar Pradesh, UNICEF, and Noida Entrepreneurs Association (NEA).¹²⁹

5.5 Study report on domestic child labour in Noida

Domestic child labour has been recognized as one of the most intolerable and hazardous forms of child labour. The present study was done to understand the causes of domestic child labour.

Geographical Coverage of the Study

Using a mix of quantitative and qualitative research methods, a study has been conducted across 5 locations in Noida.

- Kendriya vihar sector 51
- Hoshiyarpur village sector 51
- Sector 50

¹²⁹ Retrieved from www.vvgnli.gov.in/sites/default/files/Child_Hope%20-%20JULY-%20DEC-%202017.pdf

- Sector 25
- Jal vayu vihar Sector 21

Study Approach

The study adopted a mixed method approach involving both quantitative and qualitative methods of data collection.

- Quantitative Household Survey
- Focused Group Discussions
- Key Informant Interviews
- Participant Observation

Study Sample Quantitative data collection:

Sampling process was followed for quantitative data collection, listing of households and in-depth interviews with domestic child labourers and their parents/ guardians. The target of quantitative study was 10 children from five different locations across Noida, i.e.,50 domestic child labourers.

Qualitative data collection:

A purposive sampling process was followed for qualitative data collection including 10 focused group discussions with children and parents, 5 discussions with civil society representatives such as Joint Secretary & Additional Private Secretary of Ministry of Labour & Employment, labour Inspector, former SSP of Noida and Tehsildar.

5.5.1 Key findings

No. of Domestic worker	Age	Hours of work(per day)	Educational Status	No. of Educated children	Wages (per month)
Boys (10)	10-15	2-3 hours	Primary level	7 Boys	3000-4000

Girls (40)	10-18	2-3 hours	Primary level	30 Girls	3000-4000
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Table 5.5.1.1 shows the findings of the Researcher.

- A significantly greater number of children seem to be engaged in domestic work with 87% children.
- 75% children stated to have lived in the city since birth. However, families of 25% migrant children were noted to have earlier migrated to Noida from cities of Uttar Pradesh, Bihar and West Bengal.

Children in Noida since birth	Families live in Noida only
Migrant Children	Families migrated from cities of Uttar Pradesh, Bihar and West Bengal

- Within the domestic level, 90% children working to support their family members were girls.
- Ages of boys who are engaged in domestic work are between 10-15 years and girls are between 10-18 years.
- Their average incomes are Rs. 3000-4000 per month.
- Children work in the houses for 2-3 hours per day.
- 50% children are doing domestic work since when they were below 14 years.
- 45% of those working in homes had attended school at some point in their lives.
- 90% children have stated that their employers are good.
- There is no NCLP school in Noida.
- Children who are rescued by the executives and NGOs live under the protection of NGOs because there is no NCLP school in Noida.

Recused children are sent to their families and after it NGOs claim the money which has been spent on them from the Government.

- During the past few years, there has been an increase in the number of agencies supplying domestic workers, especially in metropolitan cities. There are many agencies in the Noida city itself which provide domestic workers.

5.5.2 Reasons of domestic child labour

- To support their family
- While children are mostly denied to work forcefully, the financial circumstances prevailing in the family seemed to passively exert pressure on them
- Lack of interest in education is another reason for children to do domestic work. 50% of those reported working due to lack of interest in education; 85% of children said that if given an opportunity, they would not like to attend school.
- 40% Children were influenced by other children and they left school.

Chapter - 6

Conclusion and suggestions

6.1 Conclusion

Children are the future of every nation. It is, therefore, the prime duty of every person to safeguard these blooming buds. The future of every country depends upon the proper bringing up of the children. But it is sad affairs that these nation builders are being neglected by the government and society as well. Millions of children are employed as child labourers in both developing and developed countries of the world though their number is more in developing countries. Child labour is a mistreatment of children that are likely to damage their health as well as physical and mental development. They are deprived of social, economic and educational development. Children, who are supposed to spend time in playing or learning, have to work as bread earners, not only for themselves but also for their families and this is the harsh reality in our society.

The United Nation Convention on the Rights of the Child, 1989 is a landmark in international human rights legislations. India has also ratified this Convention but India has not yet ratified the International Labour Organisation Convention No.138 and 182, fixing minimum age of employment as 18 years. In India, according to Child Labour (Prohibition & Regulation) Act, 1986, children below the age of 14 years are prohibited for employment in hazardous occupations/processes specified in the Act. One most important weakness of international instruments is that all these conventions are not enforceable and their ratification fully depends upon the member states.

Despite several active legislations, policies, Commissions and Committees to deal with child labour in India, the decline in the magnitude of child labour has been measured less than expected and as a result, the problem continues as a challenge to the country.

Testing of Hypothesis

Constituted under the Uttar Pradesh Industrial Development Act of 1976, Noida “a city managed by the New Okhla Industrial Development was set up to promote industrial growth in the area”. Today, it's one of Asia's largest industrial townships which are well planned, well connected, unified and the modern industrial city in India. As we know Noida is industrial city; people here go for work daily. People in Noida are so busy that they do not even have time to take care of their families and house chores. That’s why they employ children specially a girl who can take care all the things. In this study, I have found that people think they are helping children through employing them. People who are educated and know all the laws relating to child labour employ children and violate laws. The implementation of the Act depends entirely on the state’s enforcement machinery.

A large majority of child labourers in Noida city of Uttar Pradesh belong to socially and economically backward sections of society. Among the various factors, the economic compulsion of the parents, lack of awareness and illiteracy are the well-known reasons for existence of child labour. It has been observed from the study that poverty is the main cause of child labour. Children are considered to be economic assets by the poor persons.

Children who are rescued by the executives and NGOs live under the protection of NGOs because there is no NCLP school in Noida. Rescued children are sent to their families and after it NGOs claim the money which has been spent on them from the Government.

Poverty is the main cause of child labour. Besides poverty, illiteracy, unemployment and population are important causes for existence of child labour in the society. Government of Uttar Pradesh has done various efforts to fight with this problem. Government of U.P. is launching various schemes for eradication of child labor yet the condition of U.P. is very poor. U.P. has rank 1 in offences related to child labour in India.

It may be concluded that, in Noida city of Uttar Pradesh, a large number of children are employed as domestic child labourers. Though there is excess of

laws dealing with the problem of child labour, yet child labour is far from abolition due to the defective implementation by the law enforcement agencies.

6.2 Suggestions

Based on the study, following suggestions are recommended to address issues of child domestic labour:

6.2.1 Legislative Reforms

Child protection laws must be implemented in their real spirit to get preferred results and strict punishment must be given to the delinquents for violation of provisions of child protected laws. Children and their parents should also be made conscious of all the related legislations and for this campaign programme should be launched by the government.

Minimum Wages should be fixed for child labourers. Uniform Minimum wages should be provided. More focus should be set to rehabilitation than prohibition. The rehabilitation programme should come within the authority of Education and Health Department, along with Labour Development. Coordination in these departments is essential requirement to achieve this aim. Schools under National Child Labour Project must be opened in Noida for rehabilitation of children rescued.

6.2.2 Education system

Laws on child labour and education should be implemented in a jointly supportive way. Every State Government should frame rules under the Right to Education Act, 2009 instantly for the proper implementation of the provisions of the Act and state Governments should give more stress on women education. When woman will be educated, trained and empowered; the occurrence of child labour by their children will decrease automatically. The Law should levy a duty on the parents/guardians to send the child to school.

6.2.3 Poverty alleviation programmes

The main reason of child labour is poverty and extreme population growth, so the Government should implement family planning policies efficiently. Poverty eradication programmes should be launched by the government in backward areas and employment should be given to parents of child labour.

6.2.4 Other suggestions

According to the researcher it is necessary to address the knowledge and Skills of Children. However it is found that the children though not educated have various skills in them, thus there is a necessary to acknowledge such skills. It is further contended that, there should be learning centers for child labourers who are rescued by the authority or NGOs. It is felt that such rescued child labourers go through mental and emotional trauma thus it is necessary that they should be kept under observation and rehabilitation is required. It is stated that, creating opportunities towards decent work through vocational training and skill building will help develop such children. Further lastly, large scale awareness campaigns/ programmes is required to be carried out so that people should be aware that involving child in labor is a punishable offence.

BIBLIOGRAPHY

ACTS

1. Apprentices Act, 1961.
2. Beedi and Cigar Workers Act, 1966.
3. Children (Pledging of Labour) Act, 1933.
4. Factories Act, 1948.
5. Merchant Shipping Act, 1958.
6. Mines Act, 1952.
7. Minimum Wages Act, 1948.
8. Motor Transport Workers Act, 1961.
9. Plantation Labour Act, 1951.
10. The Employment of Children Act, 1938.
11. Child Labour (Prohibition & Regulation) Act, 1986.
12. Convention on the Rights of the child, 1989.
13. The Right to Free and Compulsory Education Act, 2009.

REPORTS

1. United Nation Convention on the Rights of Child (1989).
2. International Labour Organization Convention No.138
3. International Labour Organization Convention No.182
4. Statistical Abstract of Punjab, 2003.
5. Census report 2001
6. Census report 2011
7. NSSO report 2004-05
8. NSSO report 2009-10

9. United National Convention on the Rights of Child, 1989

BOOKS

1. Giri V. V. "Labour Problems in Indian Industry", 3rd Edition. Bombay, Asia Publishing House, 1972.
2. Ivy George : "Child Labour and Child Work", New Delhi, Ashish Publishing House, 1990
3. Joseph M. P. "Trade Unions and Elimination of Child Labour" Worker's Education 1995
4. Kabbur Ravi "Migrant Child Labour in India", New Delhi; S. N. Tripathy – Mohit Publications, 1997
5. Kalshretha J. C. "Child Labour in India", New Delhi, Ashish Publishing House, 1978
6. Mahajan V. D. "Constitutional Law of India", 7th Edition. Lucknow, Eastern Book Company, 1991
7. Manju Pandey: "Bharat Mein Bal Karmik", New Delhi, Manik Publication Pvt. Ltd., 1998
8. Mehta & Jaswal S.S "Child Labour and the Law" New Delhi, Deep and Publications, 1996
9. Mittal Mukta : "Child Labour in Unorganised Sector in a Developing Economy" Deep and Deep Publications, 1988
10. Pandey J. N. "Constitution of India" 27th Edition, Allahabad: Central Law Agency, 1994
11. Patil B. R. "Working Children in Urban India", Bangalore: D. B. Publishers (P) Ltd., 1988

12. Ramanathan Usha : “Child Labour Legislations in India”, Workers Education, June, 1995
13. Ratanlal & Dhirjalal :“The Indian Penal Code”, 27th Edition. Nagpur: Wadhwa and Company Pvt. Ltd., 1992
14. Sheervai H. M. : “Constitutional Law of India”, 4th Edition. Vol-I, Bombay: N.M. Tripathy Ltd., 1991
15. Shukla V. N. : “Constitution of India”, 8th Edition. Lucknow: Eastern Book Company, 1990
16. Srivastava K. D. : “Commentaries on the Factories Act”, 4th Edition, Lucknow: Eastern Book Company, Reprint, 1997
17. Varadhani Gurusharan G :“Child Labour and Women Workers” New Delhi: Ashish Publishing House, 1994

ARTICLES

1. Aggarwal, K., “Child Labour- A Socio-Legal Perspective” Labour and Industrial Cases, Vol. 45, Part-6, June 2012.
2. Arvind Virmani and Charan Singh, “Malnutrition among Children”, The Tribune, 4 January, 2014.
3. Ban on Domestic Child Labour Comes into Effect, The Hindu, Oct, 11, 2006.
4. Bhalla, A., “Outsourcing and Child Labour”, Legal News and Views, Vol. 23, No.9, Sep. 2009.
5. Bhattamishra, P. “International Conventions on Child Labour-A Critical Analysis” Indian Bar Review, Vol. 29 (3&4), 2002

INTERNET SOURCES

1. www.ilo.org.
2. http://ncpcr.gov.in/Reports/Magnitude_of_Child_Labour_in_India_An_Analysis_of_Official_Sources_of_Data_Draft.pdf.
3. <http://labour.nic.in/upload/uploadfiles/files/Divisions/Parliament/lu2226.pdf>
4. <http://www.labour.nic.in/upload/uploadfiles/files/FAQ/FAQ%20child%20labour.pdf>
5. <http://knowchildlabour.org/child-labour/how-int-law-defines-child-labour>
6. <http://www.tribuneindia.com>
7. <http://www.prsindia.org/billtrack/the-child-labour-prohibition-and-regulation-amendment-act-2012-2553>
8. [http://labour.nic.in/upload/uploadfiles/files/Divisions/Parliament/lu6299\(1\).pdf](http://labour.nic.in/upload/uploadfiles/files/Divisions/Parliament/lu6299(1).pdf)
9. www.ilo.org/legacy/english/regions/asro/newdelhi/ipec/.../india.pdf
10. www.tradingeconomics.com
11. www.indiacelebrating.com
12. www.mhrd.gov.in/rte
13. www.mhrd.gov.in/rte