

The Role of Government in Combating Child Labor: India as a Case Study

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ABSTRACT

The issue of child labour has been a persistent thorn in India's growth story. Despite the existence of several national and international level legislations pertaining to this issue, completely eradicating the practice of employing child labour has been a difficult and arduous task. This policy paper attempts to explore the reasons behind the persistence of this issue, analyse the adverse impacts on children engulfed in this practice and further suggest some policy-based solutions to this issue by looking at the impact of landmark court cases.

INTRODUCTION

Child labour is a pressing issue in India because it prevents children from receiving proper education and hinders their ability to secure better livelihoods in the future. This problem is mainly caused by poverty, and the country as a whole suffers the negative consequences of this societal issue. About 3.6% of India's labour force is composed of children under the age of 14, nearly 85% are engaged in the traditional agricultural sector, less than 9% in manufacturing, services and repairs and about 0.8% are in factories. (Suri & Preeti, n.d.) However, the eradication of child labour is a top priority in India, and efforts are being made at the grassroots level to address this issue. Many non-governmental and voluntary organisations, as well as national and international groups, are involved in this process. This paper focuses on the issue of child labour, its causes and its ill effects. Further, it also examines the effectiveness of the legal framework in addressing child labour in India, with a particular focus on understanding the issue in the Indian context. There is clearly an urgent need for this issue to be effectively addressed and resolved.

EXTENT OF CHILD LABOUR AS A PROBLEM

According to the United Nations Children Fund ("UNICEF"), a child is classified as a child labourer when he is either too young to work or is involved in hazardous activities that may compromise his physical, mental, social or educational development (UNICEF Data, n.d.). This problem is caused by various social, economic, and political factors. According to the International Labour Organization ("ILO"), approximately 246 million children aged 5 to 17 are currently working in conditions that are either illegal, hazardous, or exploitative. Child labour is the employment of children below a certain age, which is considered illegal by law and customs. The exact age limit varies from country to country and government to government. Child labour is a worldwide problem that is viewed as exploitative and inhumane by many international organizations. The ILO defines child labour to mean work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling:

1. by depriving them of the opportunity to attend school;
2. by obliging them to leave school prematurely; or
3. by requiring them to attempt to combine school attendance with excessively long and heavy work. (UNICEF Data, n.d.)

The trend of employing children as domestic workers in urban areas is increasing, and these children often work under unregulated conditions without adequate food or fair wages. This situation is comparable to slavery, and there are disturbing reports of physical, sexual, and emotional abuse suffered by child domestic workers. Proponents of children doing domestic work often argue that families have placed their children in these jobs for care and employment.

Child labour in India is more prevalent than in many other countries, with approximately 10 million children actively engaged in, or seeking work. As per Census 2011, the total child population in India in the age group 5-14 years is 259.6 million with over 10 million (4% of the total child population) engaged in work, either as ‘main worker’ or ‘marginal worker’. The Census data indicates decreased incidence of child labour in India by 2.6 million between 2001 and 2011. The data shows a greater decline in rural than in urban areas. The increase in rural-to-urban migration is driving demand for child workers in urban areas. (UNICEF Data, n.d.)

However, it is expected that COVID-19 and subsequent economic distress have increased the risk of child labour. The closure of 1.5 million schools due to the pandemic and lockdowns in India has impacted 247 million children enrolled in elementary and secondary schools and added to the risk of them slipping into child labour and unsafe migration.

The Child Labour (Prohibition and Regulation) Act of 1986 provides a definition of a child as any person who is under the age of 14. This law prohibits children from engaging in certain types of work, including domestic work, working in dhabas and hotels, catering at railway establishments, construction work on the railway or near the tracks, working in plastic factories, and working in automobile garages. Additionally, the act prohibits children from working in places where certain processes are being carried out, such as making beedis, tanning, soap manufacturing, working in brick kilns, and roof tiles units. However, these provisions do not apply to a workshop where the occupier is working with the help of their family or in a government-recognized school.

In India, the states of Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and Maharashtra are biggest employers of child labour, responsible for hiring over half of India’s total child labour market. Tens of thousands of children work 14-16 hours a day, with scant access to water and nutrition, in a variety of professions. Some of the major sectors that are responsible for children being involved in the workforce are:

1. Garment Industry

India's garment industry is plagued by rampant child labour, which often goes unnoticed as it occurs in small, independently owned businesses or home-based setups. According to a 2015 report by the NGO, “Save the Children” on the garment industry in Delhi, over 8,000 garment workers in the city face harsh working conditions, including loud noise, inadequate lighting and ventilation, and dangerous tools. Shockingly, 36% of home-based workers are never paid for their work. The report served as an eye-opener for Delhi, prompting the city to recognize the need for collaboration between government, civil society, communities, and industries to eliminate this unethical practice. (Save the Children, 2015)

2. Brick Kilns

Traditionally, India's brick kilns have employed child labourers who work long hours, assist their parents, and neglect their education. In an effort to combat this issue, Save the Children's Brick Kiln Project has deployed volunteers to provide immediate access to education for children and facilitate their transition into formal education through their Bridge Course Centre (“**BCC**”). Additionally, the NGO has partnered with NMCS to launch a hand-washing campaign in brick kilns. The initiative has brought a ray of hope for children with 70 educational centres established across factories. Those who support NGOs like Save the Children have also helped to encourage factories to adopt a zero-child labour policy, which has enabled 16,000 children to escape a future of building bricks.

3. Unorganised Sector

In India's unorganised sector, use of child labour is a common occurrence and can be easily observed in tea shops, small shops, dhabas, with children working as personal servants or errand boys. Following the unorganised agricultural sector, the unorganised sector is the largest employer of child labour in the country. The informal sector, which is comprised of predominantly family-owned businesses, prefers to employ child labour due to its low cost and the "easy to hire, easy to fire" mentality towards children. Even school-going children engage in home-based labour after the school hours.

4. Agriculture

According to the 2011 Census data, the agriculture sector in India is likely the largest employer of child labour. Children are hired to work in various agricultural activities and at different stages thereof, such as cotton and cottonseed production, sugarcane, soybean, and paddy transplantation. They often work long hours for very low pay and endure poor living conditions. To address this issue, in 2014, the IKEA Foundation and Save the Children came together for a €7 million programme to protect 8 lakh children living in cotton-producing communities in the states of Punjab, Haryana and Rajasthan. Previously, the NGO has worked in 1,866 villages of Gujarat and Maharashtra where over 65,000 children were moved to classrooms from the bondages of child labour. (Save the Children, 2016).

5. Fireworks

The fireworks industry in India, particularly in the town of Sivakasi in South India, is a significant but largely concealed employer of child labour (Save the Children, 2016). Children in this sector work long hours, especially during India's festive seasons, in cramped and often hazardous conditions. They are exposed to harmful chemicals used in the production of fireworks which can have adverse effects on their lungs, skin, and long-term health. By using child labour, small manufacturers of both licensed and unlicensed fireworks are able to keep their costs low and generate substantial profits.

ADVERSE IMPACTS OF CHILD LABOUR

Child labour is regarded as the most atrocious form of child exploitation that has persisted for a long time. The effects of child labour are not restricted to physical and mental harm to the child, but it also deprives them of their fundamental rights such as the right to education, development, and freedom as enshrined in the Indian Constitution. Some of the notable adverse effects of child labour are as follows:

1. Negative Impact on Health

Children are working in hazardous export-oriented industries such as brassware, lock making, glass blowing, lead mining and stone excavation, fireworks, match works, electroplating, beedi rolling, glass blowing etc. These are places that have a serious negative impact on the health of the child working there. As a result, the children are found to be already suffering from many life-threatening diseases, as they enter into their adolescent years.

2. Impact on education

Child labour not only harms a child's physical health but also has a negative impact on their educational opportunities and academic performance. When families force children to work, they have less time to attend school, which affects their ability to receive an education. Even though some children may still attend school while working, the workload can impede their studies and negatively impact their academic performance.

3. Permanent Disabilities and Premature Death

UNICEF data estimates that approximately 250 million children between the ages of 5-14 are working in child labour around the world, and this number continues to rise. The ILO reports that around 165 million children between the ages of 5 and 14 are involved in child labour (International Labour Organisation, n.d). Many of these children work for extended periods, often in hazardous conditions, leading to poverty-related health issues such as malnutrition, fatigue, and anaemia. These health concerns can heighten the risk of work-related hazards and lead to permanent disabilities or premature death.

4. Deficiency of Nutrients

Child labourers often suffer from a severe deficiency of essential nutrients such as Vitamin B-complex, iron, and protein, which negatively impacts their physical, mental, and intellectual development. The deficiency of these nutrients can cause biochemical imbalances and irregular hormone secretion, including adrenals, corticoids, sex hormones, and growth hormones. Many child labourers also experience handicaps, malnutrition, emotional imbalances, behavioural problems, night blindness, weak yellow form, stunted growth, cracked lip and mouth corners, and other issues that lead to malnutrition and a failure to grow and develop properly. (Kaur, 2019)

POLICY FRAMEWORK

Over the past decade, several policy initiatives and programs have been implemented in India to address the issue of child labour. These initiatives include changes in constitutional law, the creation of a new National Child Labour Policy, the Child Labour (Prohibition and Regulation) Act of 1986, the establishment of a Task Force on Child Labor, the adoption of the Convention on the Rights of the Child, and other legislation aimed at addressing child labour. It can be argued that labour laws in India, including those to protect children, have been greatly influenced by various conventions and recommendations adopted by the ILO. Besides the constitutional provisions, there are several legislative enactments which provide legal protection to children in various occupations:

1. The Factories Act, 1948
2. The Employment of Children Act, 1938
3. The Mines Act, 1952
4. The Merchant Shipping Act, 1958
5. The Apprentices Act, 1961
6. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
7. Child Labour (Prohibition and Regulation) Act, 1986.

1. The Factories Act, 1948

The first law to prohibit child labour in India was the Indian Factories Act of 1881, which prohibited the employment of children under the age of 7 years, limited their working hours to 9 hours a day, and provided for 4 holidays per month and rest hours. This law was introduced by the British government in power at the time, with the aim of reducing production in Indian industries through legal restrictions.

2. The Employment of Children Act of 1938

This Act prohibits employing children under the age of 15 years in any occupation related to the transportation of passengers, goods, or mail by railways or port authorities located within port limits. The Act also provides some protection for children between the ages of 15 and 17, but this protection does not extend to those who are serving as apprentices or undergoing vocational training.

3. The Mines Act, 1952

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

4. The Merchant Shipping Act, 1958

This Act forbids the employment of children under the age of 15 on a ship, with the exception of a school ship or training ship, a ship governed by a family, a home trade ship of fewer than 200 tonnes gross, or a ship where the child will be employed for a meagre wage and be under the supervision of his father or another nearby adult male relative.

5. The National Apprenticeship Act 1961

The Apprentices Act 1961 was presented in the Parliament in 1961 and came into effect on 1st January 1963. It was eventually further amended in 1973 and 1986. In the beginning, this Act was meant for the training of trade apprentices. As per this Act, any individual who is 14 years of age or above and who has minimum educational qualification as prescribed for a trade can undergo apprenticeship training.

6. The Beedi and Cigar Workers (Conditions of Employment) Act

This Act was enacted in 1966 and is applicable to any industrial establishment that engages in the production of beedis, cigars or both, whether the industry is powered or not. The Act prohibits the employment of individuals under the age of 14 in any such facility, while those between the ages of 14 and 18 are prohibited from working during the period from 7 p.m. to 6 a.m.

7. The Child Labour (Prohibition and Regulation) Act (1986) and Child Labour Amendment (Prohibition and Regulation) Act, 2016

This law has undergone several amendments since its introduction, including in 2012 with the Child Labour (Prohibition and Regulation Amendment) Bill. Under the Child Labour Amendment (Prohibition and Regulation) Act, 2016 any person found guilty of employing children or adolescents in any illegal labour work can be jailed for 6 months and 2 years along with a fine of up to Rs. 50,000. Further, if a person continues with it even after being punished once, can be jailed for between 1 to 3 years. Parents found guilty of forcing their children to work in family businesses or as child artists or any prohibited occupations get warned for the first time and can be punished with a fine of up to Rs 10,000 for the second time. The aim of these amendments has been to strengthen the existing provisions and make them more effective in eradicating child labour in India. The 2012 amendment seeks to expand the list of hazardous occupations and processes from 18 to 83, thereby increasing the scope of the law's coverage. The amendment also seeks to prohibit the employment of children below the age of 14 in all occupations and processes, except those run by their family members. In addition, the amendment introduces stricter penalties for those who employ children in violation of the law. The Standing Committee on Labour and Employment has made several recommendations to further strengthen the amendment, including increasing the scope of the law to cover all forms of child labour, including those in the informal sector, and providing for greater protection and rehabilitation of rescued child labourers. Overall, the Child Labour (Prohibition and Regulation) Act and its amendments reflect the Indian government's commitment to eliminating the scourge of child labour in the country. However, there is still a long way to go, and concerted efforts are needed from all stakeholders to ensure that every child in India can enjoy their childhood and access quality education.

JUDICIAL APPROACH TO CHILD LABOUR IN INDIA

Over recent years, the issue of child labour has been rigorously discussed by various courts in India, including the Supreme Court of India. Some of the prominent judgement discussing this issue are as follows:

1. Bandhua Mukti Morcha Vs Union of India [1984 AIR 802]:

- *Facts of the case:* This public interest litigation (“**PIL**”) case was filed under Article 32 of the Indian Constitution before the Supreme Court of India (“**Court**”), petitioning for the end of child labour in Uttar Pradesh (“**UP**”). A court-appointed committee found that many children were kidnapped from Bihar and exploited in UP's carpet industry, experiencing physical abuse and being employed at an age under 14. The court emphasised the importance of protecting children's rights to education, health, and development for India's progress as a democracy.
- *Judgement:* While acknowledging that economic necessity cannot immediately abolish child labour, the court directed the respective State Governments of UP and Bihar to take pragmatic steps to protect and promote the rights of children. The Court referred to various fundamental rights and directive principles of the Indian Constitution, including Article 21 (the right to life and personal liberty), Article 24 (prohibiting employment of children below 14 years in hazardous industries), Article 39 (e) and (f) (prohibiting citizens from being forced into unsuited vocations and obligating the state to protect children from exploitation), and Article 45 (mandating free compulsory education for all children below 14 years). The Court also cited India's obligations under the Universal Declaration of Human Rights and the Convention on the Rights of the Child. The Court ordered both states to frame policies progressively eliminating the employment of children below 14 years, provide compulsory education, ensure nutrient-rich foods, and administer periodic health check-ups, incorporating measures from an earlier case of *M.C. Mehta v. State of Tamil Nadu & Ors.* The Court's decision required that regular progress reports be submitted to the Court's Registry to ensure the implementation of the ruling. Additionally, this case, along with other relevant public interest litigation cases, led to the formation of the National Child Rights Commission by the National Commission for Protection of Child Rights (NCPCR) in 2006. This new Commission was responsible for monitoring compliance with the Convention on the Rights of the Child and overseeing the provision of free primary education to all children in the country as well as the protection of children from economic exploitation.
- *Significance of the case:* This case, together with other public interest litigation cases and child labour eradication campaigns, has contributed to increasing awareness of the issue of child labour and bringing it to the government's attention. The government has taken steps towards the formal abolition of child labour and initiatives have been implemented to eradicate it, particularly in the field of education. As a result, the use of child labour in the carpet industry has decreased, but there are still millions of children who are being exploited in the labour market in India. Therefore, stronger and more effective protections for children's rights are urgently needed.
- *Effectiveness of the Judgement:* The U.P. Bandhua Mukti Morcha Vs Union of India judgement was a crucial turning point in the fight against bonded labour and exploitation of workers in India. This landmark judgement highlighted the pervasive and severe nature of the issue and directed the government to take urgent and necessary measures to identify and release bonded labourers from

their bondage. This judgement led to several changes in various laws and policies related to labour rights and protections, including the strengthening of the Bonded Labour System (Abolition) Act, 1976, and the creation of committees and commissions to monitor and address the issue of bonded labour, along with laying down the guidelines for rehabilitation of bonded labourers, thus ensuring their successful reintegration into society.

2. Sheela Barse Vs Secretary, Children Aid Society and Others [1987 AIR 656]:

- *Facts of the case:* The appellant initially filed a writ petition before the High Court of Bombay (“**High Court**”) regarding the working of the New Observation Home managed by the Children's Aid Society in Mankhurd. The appellant alleged that the children residing in the home were being forced to work without pay and were engaged in hazardous employment. The appellant also claimed that the Society had assigned the work to private entrepreneurs without making any payment. The High Court passed a judgement giving some directions to the authorities. However, the appellant maintained that the High Court failed to consider many of her contentions, and the directions given were inadequate. The Children's Aid Society is registered under the Societies Registration Act, 1860 and treated as a Public Trust under the Bombay Public Trusts Act, 1950. The Chief Minister of Maharashtra State is the ex-officio President of the Society, and the Minister for Social Welfare is the Vice-President of the Governing Council. The Society receives grants from the State and operates a Remand Home at Umerkhadi within Bombay, which is now run as an Observation Home under the provisions of the Bombay Children's Act, 1948. The appellant requested stronger action to be taken to ensure that the children's rights were protected and that they were not being exploited for financial gain.
- *Judgement:* The appellant later filed a writ petition in the Supreme Court of India against the judgement of the High Court. The Supreme Court's judgement expressed concern for the future of the country's children. The Supreme Court stated that officers at different levels must be trained to properly handle the situations they are tasked with. Probation officers and Judicial officers must have the necessary knowledge to handle juvenile cases. Further, the children should not be kept in observation homes for long periods and should be kept occupied in activities that promote adaptability and self-confidence. The Supreme Court also ruled that the respondent society should be treated as a state under Article 12 of the Indian Constitution. The employment of children in observation homes without remuneration is not illegal. Finally, the State of Maharashtra was directed to enforce the law and fulfil its constitutional obligations.
- *Significance of the case:* Ensuring the proper care and development of children is crucial for any country as they are the future citizens. Although some children may engage in unlawful activities, they should be treated with special care and provided with appropriate training to become responsible and law-abiding citizens. This responsibility lies with the higher authorities who must create laws that protect the rights of children who commit crimes and focus on their development. The Indian government has taken steps to improve the lives of such children, including implementing provisions outlined in international charters such as the International Covenant on Civil and Political Rights and the Declaration of Child Rights. The signatory countries must provide proper facilities for counselling, training, and corrective measures to rehabilitate children in Observation Homes.

- *Effectiveness of the judgement:* The judgement was highly effective in bringing attention to the issue of custodial violence and abuse of children, and it resulted in significant changes in laws and policies related to the treatment of children in these institutions. The Supreme Court directed the government to take measures to ensure that the rights and welfare of children in juvenile homes and observation homes were protected and that they were not subjected to any form of violence or abuse. The judgement also led to the creation of several committees and commissions to monitor and address the issue of custodial violence and abuse of children. The Juvenile Justice Act, 1986 was amended to include stronger provisions for the protection of the rights and welfare of children in these institutions.

3. M. C. Mehta Vs State of Tamil Nadu [(1996) 6 SCC 756]:

- *Facts of the case:* An advocate filed a plea in Supreme Court alleging that the constitutional right of children was being severely violated in contradiction to Article 24 of the Indian Constitution. This article prohibits any child under 14 years of age from working in factories, mines, or any hazardous employment. This case arose out of a public interest litigation filed by an advocate, M.C. Mehta in the Supreme Court of India under Article 32 of the Constitution of India, in respect of the employment of children in the match industry in Sivakasi. The court acknowledged that child labour is a significant issue in India and reviewed the history of child labour legislation in the country. In a prior case in 1991, the Supreme Court had provided directives on how to enhance the quality of life of children employed in Sivakasi factories.
- *Judgement:* The Supreme Court of India issued directions to the State Governments to prevent child labour and protect the rights of children. The State Governments are required to conduct surveys to identify the types of child labour in their states, with priority given to the most hazardous employment. Employers found violating the Child Labour (Prohibition and Regulation) Act, 1986, were to pay compensation of Rs 20,000 per child and inspectors will ensure compliance. To rehabilitate child labourers, a Child Labour Rehabilitation-cum-Welfare Fund was ordered to be established at the district or area level. The fund will provide financial assistance to families to enable children to withdraw from work and pursue education. If an adult member cannot find employment, the government will deposit Rs 25,000 per month into the fund. The child's employment will be terminated if they are unable to attend school due to work requirements. Children employed in non-hazardous jobs will have a limited working day of four to six hours with at least two hours of education provided each day. Employers will bear the cost of education, and inspectors will enforce compliance. The penal provisions of the Child Labour (Prohibition and Regulation) Act, 1986, will be used to enforce the prohibition of child labour in hazardous jobs.
- *Significance of the case:* The Supreme Court acknowledged that child labour was not limited to Sivakasi anymore and had become a nationwide issue in India, despite various laws enacted over the past 50 years. Poverty was recognized as a fundamental cause of child labour, and the court stated that without ensuring an alternative source of income for families, the problem of child labour could not be effectively addressed.
- *Effectiveness of the judgement:* The judgement was highly effective in bringing attention to the issue of industrial pollution and its impact on the environment and public health. The Supreme Court directed the closure of tanneries that were not complying with environmental regulations and

ordered the creation of a committee to oversee the implementation of environmental laws and regulations. The judgement also led to the strengthening of environmental laws and regulations in India, including the formation of the National Green Tribunal to handle environmental disputes and the amendment of several environmental laws to make them more stringent.

GOVERNMENT'S INITIATIVE TO ERADICATE CHILD LABOUR AND ITS EFFECTIVENESS

The issue of child labour is complex, and it is difficult to measure the effectiveness of court judgments and policy initiatives in eradicating the problem. However, India has implemented several laws and policies to stop and prevent child labour. The Indian Constitution prohibits the employment of children under the age of 14 in hazardous industries. The government has also enacted several laws such as Child Labour (Prohibition and Regulation) Act of 1986, Right to Education Act of 2009, and Juvenile Justice (Care and Protection) Act of 2000 to prevent child labour. The Indian government has also launched several initiatives such as the National Child Labour Project, the Integrated Child Protection Scheme, and the National Policy for Children, to address the problem of child labour. Despite these measures, child labour remains prevalent in India, particularly in the informal sector. According to the ILO, an estimated 10 million children are engaged in child labour in India. (International Labour Organization, 2017). While there has been some progress in reducing child labour, it is clear that more needs to be done. Effective enforcement of laws and policies, better awareness-raising efforts, and improved access to education and healthcare are some of the measures that could help to eradicate child labour in India.

SHORTCOMINGS OF THE CURRENT INDIAN LAWS AND POLICIES:

Despite the presence of laws and policies, child labour remains a prevalent issue in India. Some of the shortcomings in the current Indian laws and policies include:

- **Poor enforcement**

One of the main shortcomings of Indian laws and policies is the lack of effective enforcement. Many industries that employ child labourers are in the informal sector, making it difficult to monitor and enforce the laws. As a result, many children continue to work in hazardous and exploitative conditions without any repercussions for their employers.

- **Weak penalties**

The penalties for violating child labour laws in India are often not severe enough to act as a deterrent. This encourages some employers to continue exploiting child labour. Moreover, in many cases, the perpetrators of child labour violations are not held accountable, and even when they are, the punishment is often minimal.

- **Limited coverage**

The laws and policies on child labour in India apply only to specific sectors, such as hazardous industries and factories. This leaves many other industries, such as agriculture and domestic work, largely unregulated. Moreover, the laws do not address the root causes of child labour, such as poverty and lack of education.

- **Inadequate social protection measure**

The lack of social protection measures, such as access to education, healthcare, and social welfare programs, also contributes to the prevalence of child labour in India. Children from poor and marginalised communities often have limited access to these basic services, forcing them to work to support their families.

Addressing these shortcomings in Indian laws and policies will require a comprehensive approach that addresses the root causes of child labour, improves enforcement, and strengthens penalties for violators. It will also require greater investment in social protection measures to ensure that children have access to education, healthcare, and other basic services.

ALTERNATIVE SOLUTIONS

I. Strengthening Education Systems

One alternative solution to curbing child labour in India is to strengthen the education systems across the country. This can be achieved by increasing investments in education infrastructure, improving the quality of education, and promoting universal access to education. Strengthening the education system will result in the following benefits:

- Education is a long-term solution that addresses the root causes of child labour by providing children with opportunities for better future employment.
- Increased investments in education can help create more schools and improve facilities, making education accessible to a larger number of children.
- Improving the quality of education can make schooling more attractive and relevant, motivating parents to send their children to school.

Some of the trade-offs/difficulties associated with strengthening the education system are as follows:

- Strengthening education systems requires significant financial resources and long-term commitments from the government.
- It may take time to see the full impact of improved education on child labour reduction.
- Socioeconomic factors and cultural norms can still influence parents' decisions to prioritize child labour over education, especially in marginalised communities.

II. Enforcing Child Labour Laws and Regulations

Another alternative solution is to enforce existing child labour laws and regulations more rigorously. This involves increasing inspections, imposing stricter penalties on violators, and enhancing collaboration between government agencies, NGOs, and employers. Enforcing child labour laws and regulations will result in the following benefits:

- Strong enforcement of labour laws can act as a deterrent and discourage employers from engaging in child labour practices.
- Stricter penalties can create a higher risk for employers, motivating them to comply with regulations and seek legal alternatives to child labour.
- Collaboration between various stakeholders can lead to better monitoring and identification of child labour cases.

Some of the trade-offs/difficulties associated with enforcing child labour laws and regulations are as follows:

- The implementation of child labour laws and regulations may face challenges due to corruption, inadequate resources, and limited manpower.
- Some employers may find ways to evade inspections or hide child labour practices, making enforcement difficult.

- Strict enforcement alone may not address the underlying socio-economic factors that drive child labour, such as poverty and lack of opportunities.

III. Targeted Social Welfare Programs

A third alternative solution is to implement targeted social welfare programs that address the socio-economic factors contributing to child labour. This can include providing financial support to families living in poverty, offering vocational training and employment opportunities for adults, and implementing awareness campaigns on the negative impacts of child labour. Implementing targeted social welfare programs will result in the following benefits:

- Targeted social welfare programs can address the root causes of child labour by addressing poverty, unemployment, and lack of opportunities.
- Providing financial support to families can alleviate their economic burden, reducing the need for child labour.
- Vocational training and employment opportunities can empower adults to earn a sustainable income and provide for their families.

Some of the trade-offs/difficulties associated with implementing targeted social welfare programs are as follows:

- Implementing effective social welfare programs requires careful planning, coordination, and sustained financial investment.
- It may be challenging to reach all families in need, particularly those in remote or marginalised communities.
- Changing cultural attitudes and norms related to child labour may take time and require comprehensive awareness campaigns.

It's important to note that these alternative solutions are not mutually exclusive and can complement each other in addressing the complex issue of child labour in India.

POLICY RECOMMENDATIONS

I. Strengthen Education Systems:

The government may consider increasing budgetary allocation for education, focusing on improving infrastructure, teacher training, and curriculum development. Measures must be implemented to ensure universal access to quality education, particularly in rural and marginalised areas. Further awareness campaigns should be undertaken to promote the importance of education and combat societal norms that perpetuate child labour.

II. Enforce Labour Laws and Regulations:

The government must work towards increasing the number of labour inspections, especially in high-risk sectors prone to child labour, such as agriculture, manufacturing, and domestic work. The government may consider imposing stricter penalties, including fines and legal actions, on employers found violating child labour laws. Further, sincere efforts must be made by the government towards enhancing coordination and information sharing among government agencies, NGOs, and employers to effectively identify and address cases of child labour.

III. Implement Targeted Social Welfare Programs:

The government may consider implementing comprehensive poverty alleviation programs that provide financial assistance to vulnerable families, ensuring their basic needs are met. Further, efforts should be made to develop skill development programs and vocational training opportunities for adults, thereby enabling

them to secure sustainable employment and reduce the need for child labour. Further, awareness campaigns should be conducted at the community level to educate parents, employers, and children about the consequences of child labour and promote alternative opportunities.

IV. Strengthen International Cooperation:

The government may consider collaborating with international organisations, such as the ILO, to access technical expertise, resources, and best practices in combating child labour. The may also consider engaging in bilateral and multilateral agreements with countries that import goods produced using child labour for ensuring the enforcement of supply chain transparency and responsible sourcing practices.

V. Enhance Monitoring and Reporting Mechanisms:

The government may consider establishing a centralised database to track and monitor child labour cases, thereby facilitating data-driven policy decisions and targeted interventions. Further, the reporting of child labour through helplines, hotlines, and dedicated online platforms should be encouraged, thereby ensuring anonymity and protection for whistleblowers. Further, progress made in addressing child labour, including the number of cases identified, prosecuted, and rehabilitated should be regularly published.

VI. Strengthen Child Protection Systems:

The government may consider allocating resources to strengthen child protection mechanisms, including child helplines, shelters, and rehabilitation centres. They should also train law enforcement officials, social workers, and judicial personnel to handle child labour cases sensitively and efficiently. Further, integration of child labour prevention and rehabilitation programs into the existing child welfare framework should also be ensured.

VII. Continuous Research and Evaluation:

The government may consider investing in research and data collection to better understand the causes, trends, and impacts of child labour, enabling evidence-based policy formulation. Further, the effectiveness of implemented interventions should be evaluated regularly for contributing towards continuous improvements in their implementation for combating child labour.

It is crucial for the Indian government to adopt a holistic approach, involving multiple stakeholders and sustained efforts, to effectively combat child labour. Implementing these policy recommendations can help rectify the flaws in the current framework and create a comprehensive system that prioritises the rights and well-being of children in India.

CONCLUSION

In conclusion, child labour remains a significant challenge in India, requiring comprehensive and multi-faceted solutions. Through the analysis of alternative solutions and the examination of their strengths and weaknesses, it is evident that a combination of approaches is necessary to effectively curb child labour. Strengthening education systems can address the root causes of child labour by providing children with opportunities for better future employment. Enforcing labour laws and regulations can act as a deterrent and ensure that employers comply with legal requirements. Targeted social welfare programs can address the underlying socio-economic factors that drive child labour. Additionally, fostering international cooperation, enhancing monitoring mechanisms, strengthening child protection systems, promoting public-private partnerships, and continuous research and evaluation are crucial components in the fight against child labour. To make a persuasive appeal, it is important to recognize that the elimination of child labour is not just a legal and moral imperative, but also an investment in the future of India. By protecting the rights and ensuring the well-being of children, India will be nurturing a generation that can contribute positively to society, economic growth, and sustainable development. We must recognize the urgency of the issue and the long-term benefits of investing in children's education, welfare, and protection.

It is the collective responsibility of the government, civil society organisations, businesses, and individuals to come together and take decisive action. By implementing the recommended policies and action points, we can create a society where every child is free from the clutches of labour, where education becomes a fundamental right, and where future generations thrive in a nurturing and equitable environment. Together, we can build a brighter and more prosperous future for our children, one where they are not burdened by labour but empowered through education, protection, and opportunities.

References

- International Labour Organization. (2017). FACT SHEET: Child labour in India. Delhi: International Labour Organization. Retrieved May 19, 2023, from https://www.ilo.org/newdelhi/whatwedo/publications/WCMS_557089/lang--en/index.html
- International Labour Organisation. (n.d). World Day Against Child Labour 2008: Education: The right response to child labour. International Labour Organisation. Retrieved from <https://www.ilo.org/ipeccampaignandadvocacy/WDAKL/2008/lang--en/index.htm#:~:text=The%20ILO%20has%20estimated%20that,fees%20or%20other%20school%20costs>
- Kaur, J. (2019). CHILD LABOUR IN INDIA: CAUSES, IMPACTS AND PREVENTIVE MEASURES. International Journal of 360 Degree Management Review, Volume -7, Retrieved from <https://www.ij360mr.com/docs/vol7/spcl/45.pdf>
- Suri, R. & Preeti. (n.d) Child Labour in India: Initiatives and Challenges. Retrieved from <http://pggc46.ac.in/images/CHILD%20LABOUR%20IN%20INDIA.pdf>
- Save the Children. (2016) 5 Types of Industries Where Child Labour are Employed in India. Gurugram, Haryana: Save the Children India. Retrieved May 19, 2023, from <https://www.savethechildren.in/blog/child-protection/5-sectors-where-child-labour-can-be-found-majorly-in-india/>
- Save the Children. (2016). Major Role of NGOs in Child Labour Elimination in India. Gurugram, Haryana: Save the Children. Retrieved from <https://www.savethechildren.in/blog/child-protection/role-of-ngos-in-child-labour-elimination-in-india/>
- Save the Children. (2015). The Hidden Workforce: A Study on Child Labour in the Garment Industry in Delhi. Retrieved from <https://resourcecentre.savethechildren.net/document/hidden-workforce-study-child-labour-garment-industry-delhi/>
- UNICEF Data. (n.d). Child Labour. UNICEF Data. Retrieved from <https://data.unicef.org/topic/child-protection/child-labour/>

Bibliography

- Ahmed, A. Sehgal, D. R. (2020, June 12). Important Rights provided to the Employees working in Shops and Commercial Establishments. iPleaders. Retrieved May 19, 2023, from <https://blog.ipleaders.in/important-rights-provided-employees-working-shops-commercial-establishments/>
- Bandhua Mukti Morcha v. Union of India & Ors. (1997) 10 SCC 549.* (n.d.). ESCR-Net. Retrieved May 19, 2023, from <https://www.escr-net.org/caselaw/2015/bandhua-mukti-morcha-v-union-india-ors-1997-10-scc-549>
- Chakrabarty, D. (2021). Child Labour in India. (n.d.). International Journal of Law Management & Humanities, Volume 4, Issue 3. Retrieved May 19, 2023 from DOI <https://doi.org/10.1000/IJLMH.11342> Retrieved May 19, 2023, from <https://www.ijlmh.com/paper/child-labour-in-india/>
- India NCC. (n.d.) Article on child labour . India NCC. Retrieved May 19, 2023, from <https://indiancc.mygov.in/wp-content/uploads/2022/08/mygov-100000000979507942.pdf>

- Infinity Learn. (n.d.). (Child Labour in India: Causes, Laws and How to eliminate Child Labor. Hyderabad: (n.d.). Infinity Learn. Retrieved May 19, 2023, from <https://infinitylearn.com/surge/study-materials/english/social/child-labour-in-india/>
- International Labour Organisation. (n.d.). Definition: What is meant by child labour? International Labour Organisation. (n.d.). (n.d.). ILO. Retrieved May 19, 2023, from https://www.ilo.org/moscow/areas-of-work/child-labour/WCMS_249004/lang--en/index.htm
- International Labour Organisation. (n.d.). What is child labour. (IPEC). (n.d.). International Labour Organisation. ILO. Retrieved May 19, 2023, from <https://www.ilo.org/ipec/facts/lang--en/index.htm>
- InsightsIAS. (2018). 5) Discuss the reasons behind high prevalence of child labour in India. Also, discuss the legal mechanism in place to address the issue.(250 words). Bangalore: INSIGHTSIAS. (2018, June 13). Insights IAS. Retrieved May 19, 2023, from <https://www.insightsonindia.com/2018/06/13/5-discuss-the-reasons-behind-high-prevalence-of-child-labour-in-india-also-discuss-the-legal-mechanism-in-place-to-address-the-issue-250-words/>
- Sheela Barse v. Secretary, Children Aid Society & Others on 20 December, 1986. Indian Kanoon. Retrieved May 19, 2023, from <https://indiankanoon.org/doc/1330804/>
- Kabishna. (n.d.) Child Labour In India. Legal Service India. Retrieved May 19, 2023, from <https://www.legalserviceindia.com/legal/article-92-child-labour-in-india.html>
- Kurbur, S.K. Pandey, A. (2017, August 11). All you need to know about Apprentices Act 1961. iPleaders. Retrieved May 19, 2023, from <https://blog.ipleaders.in/apprentices-act-analysis/>
- Kailash Satyarthi Children's Foundation. (n.d.). Combating Child Labour through National Child Labour Project Scheme. New Delhi: Kailash Satyarthi Children's Foundation. Retrieved from <https://satyarthi.org.in/wp-content/uploads/2022/06/Paper-on-NCLP-scheme.pdf>
- Kailash Satyarthi Children's Foundation. (n.d.) Reports. New Delhi: Kailash Satyarthi Children's Foundation. (n.d.). Kailash Satyarthi Children's Foundation. Retrieved May 19, 2023, from <https://satyarthi.org.in/reports/>
- Law Faculty. (2022). M.C. Mehta v. State of Tamil Nadu. » *Law Faculty*. (2022, July 31). Law Faculty. Retrieved May 19, 2023, from <https://lawfaculty.in/m-c-mehta-v-state-of-tamil-nadu/>
- Makhija, S. (2020, August 9). *M.C. Mehta v. State of Tamil Nadu and Others*. Indian Law Portal. Retrieved May 19, 2023, from <https://indianlawportal.co.in/m-c-mehta-v-state-of-tamil-nadu-and-others/>
- Ministry of Education. (2020). National Education Policy 2020. New Delhi: (n.d.). Ministry of Education. Retrieved May 19, 2023, from https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf
- Ministry of Labour and Employment. (n.d.). *Child Labour Policy*. Ministry of Labour and Employment. (n.d.). pencil.gov.in. Retrieved May 19, 2023, from https://pencil.gov.in/Users/nclp_policy
- Ministry of Labour & Employment. (1986). *THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986*. (1986, December 23). Ministry of Labour & Employment. Retrieved May 19, 2023, from https://labour.gov.in/sites/default/files/act_2.pdf
- Nigam, V. (2022). Child labour laws in India. iPleaders. Retrieved May 19, 2023, from <https://blog.ipleaders.in/laws-related-child-labour-india/>
- Rajkumar, M. (2020). What Does India's Law Say on Child Labour? How to File Complaints? New Delhi (2020, June 12). the quint. Retrieved May 19, 2023, from <https://www.thequint.com/explainers/child-labour-in-india-what-laws-say-explained#read-more#read-more>
- Save the Children. (2016) 5 Types of Industries Where Child Labour are Employed in India. Gurugram, Haryana: Save the Children. Retrieved from <https://www.savethechildren.in/blog/child-protection/5-sectors-where-child-labour-can-be-found-majorly-in-india/>
- Save the Children. (2020). Top 5 Ways To Prevent Child Labour in India. Gurgaon, Haryana: (2020, October 12). Save the Children India. Retrieved May 19, 2023, from <https://www.savethechildren.in/blog/child-protection/top-5-ways-to-tackle-the-problem-of-child-labor-in-india/>

- TeamLease Regtech. (n.d.). The Mines Act, 1952 & Mines Rules, 1955. Pune : (n.d.). TeamLease Regtech. Retrieved May 19, 2023, from <https://www.teamleaseregtech.com/resources/acts/article/102/the-mines-act-1952-mines-rules-1955/>
- The Policy of the Government on the issue of Child Labour.* (n.d.). Ministry of Labour & Employment. Retrieved May 19, 2023, from <https://labour.gov.in/sites/default/files/PolicyofGovernmenontheissueofChildLabour.pdf>
- UNICEF. (2021). *Child labour rises to 160 million – first increase in two decades.* New Delhi: UNICEF. Retrieved May 19, 2023, from <https://www.unicef.org/india/press-releases/child-labour-rises-160-million-first-increase-two-decades>
- UNICEF. (2019) Every Child Learns: UNICEF Education Strategy 2019-2030. New York: UNICEF. (n.d.). UNICEF. Retrieved May 19, 2023, from <https://www.unicef.org/media/59856/file/UNICEF-education-strategy-2019-2030.pdf>
- Vikaspedia.* (n.d.). *Child Labour policies — Vikaspedia.* (n.d.). Hyderabad: Vikaspedia. Retrieved May 19, 2023, from <https://vikaspedia.in/education/child-rights/child-labour-policies>