



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a

professional diploma in Public Procurement from the World Bank.

in Public

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi, Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur,
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WHITE BLACK
LEGAL

CHILD LABOR IN INDIA: LEGAL FRAMEWORK AND REGULATORY MEASURES

AUTHORED BY - TARANNUM SYED

4th year Student of BA.LL.B.,

GITAM School of Law, GITAM University, Visakhapatnam

1. ABSTRACT

Child labor refers to any employment that is unsafe or damaging to children and has an impact on their physical and mental development. This type of labor robs children of their youth, potential, and dignity, as well as interfering with child's capacity to fully attend and engage in school by forcing them to leave early. In India, the legislation on child labor imposes penalties for illegal child labor, although it does not totally prohibit the employment of minors. Particular types of child labor, such as operating a family company or performing as a kid artist, are permitted under certain circumstances. The citizens of India are guaranteed their rights under the Indian Constitution. Because children are considered citizens of the country, they are also granted rights under the Constitution. The Constitution makes particular rules for children because of their special role. The government has the authority to create particular provisions for the protection of children's rights. Despite the fact that the law prohibits child labor, it is widely practiced, with the main causes being a lack of awareness of the law and a lack of enforcement by the government. This project aims in finding out the effects, causes of child labor and its laws applicable on the same.

Keywords: Child Labour, Indian Constitution, employment, awareness, enforcement

2. INTRODUCTION

Children have always been believed to be close to God. No matter where they travel, they are regarded as bringers of pleasure, joy, and hope. The nation's destiny is in the hands of the children, who are unquestionably the stepping stones in defining any nation's future. If a country treats its children well and provides them with basic necessities, it will reflect in the country's future success. The nation's

moral obligation is to guarantee that every child's upbringing is preserved. Despite the fact that childhood is supposed to be a period of learning, bonding, and exploration, a substantial percentage of children in India are denied this opportunity owing to their socioeconomic status. Child labor has a number of negative consequences, including hunger, despair, and so on. It also has an impact on the children's future well-being by depriving them educational choices.

Child labor is a big concern not only in India, but in every developing country, because it damages the physical and mental well-being of children. Child labor has grown more common as a result of poverty, not only in India but across the world. Children represent a nation's hope and future, which is why they are a societal issue. Many laws have been passed to prevent child labor, but they have proven ineffective in addressing the issue. According to a 2017 statistic estimate, India is one of Asia's leading countries, with 33 million children exploited in child labor.

At employment, children are vulnerable to accidents and a variety of other risks. Such injuries inflict them social and economic suffering that lasts for the rest of their lives. Cuts, burns, lacerations, fractures, and dizziness are all frequent ailments. Child labour has also resulted in sexual abuse, STDs, HIV/AIDS, narcotics, drunkenness, sexual exploitation of females, rape, and prostitution. They are also subjected to physical abuse in terms of food, clothes, shelter, and medical care. As a result, they are unable to attend school, depriving them of fundamental education and forcing them to live in poverty. Child labour has also been linked to emotional neglect. Children are vulnerable to physical abuse, such as beatings, which frequently result in physical deformities.

3. WHAT IS CHILD LABOR?

Child labor is a worldwide issue that is not limited to a single country. The use of children in any manual activity is referred to as "child labor." A "child" is defined as an individual who is under the age of 14 years old, according to the **Child Labor (Prohibition and Regulation) Act** of 1986. A youngster is compelled to work and make a livelihood for himself and his family at a vulnerable age when he or she is meant to grow, enjoy his or her youth to the fullest, pursue education, and develop a strong value system. It not only has an impact on his or her physical and mental development, but it also places a significant financial burden on the youngster to sustain his or her family. Children are commonly forced to work as a result of adversities such as a lack of solid financial support, adequate

food, clothes, housing, and livelihood, to name a few. Child labor, according to the **International Labor Organization [ILO]**, is defined as employment that not only impacts children's childhood but also prevents them from attending school on a regular basis or receiving a suitable education. Child labor also takes away a child's dignity, potential, and childhood. Children under the age of 14 are unable to develop cognitively, socially, physically, or morally if they labor.

4. CAUSES OF CHILD LABOR

The major reasons of child labour include poverty, parental illiteracy, and family social and economic situations. Lack of understanding of the adverse impacts of child labour, as well as a lack of access to basic and quality education, family cultural values, and the environment in which one lives, all contribute to the high prevalence of child labour. Child labour is exacerbated by high unemployment and underemployment rates.

Children who drop out of school owing to family debt or who are expelled from school are more likely to work as children. Girls from underprivileged backgrounds are more likely to be coerced into child labor.

Poverty: Children are regarded as the family's helpful hands. Controlling child labour in poor nations is very hard since youngsters must not only sustain themselves but also their family and provide them with a life. Because of the high percentage of unemployment and underemployment caused by poverty, parents are forced to send their children to low-wage jobs.

Previous debts: People take out loans because of their low financial situation. However, because they do not have enough money to repay the debts, they not only work day and night to repay them, but they also drag their children to work so that the loan may be paid off on time and with ease.

Professional needs: Some businesses, such as the bangle industry, demand delicate and gentle hands rather than the harsh hands necessary in the bangle industry. As a result, they favour youngsters over adults for such jobs.¹

¹ Vrinda Nigam, "What are the Laws related to child labour in India"; <<https://blog.ipleaders.in/laws-related-child-labour->

Bonded labour: Children are frequently forced to work in the sun for lengthy periods of time while being denied access to water and food. These children are seldom compensated. Bonded labour contributes to the widespread growth of child labour.

Domestic assistance: young children frequently work for educated households, and despite various laws prohibiting the employment of children, they frequently invite small children to help them care for their houses and children.

5. EFFECTS AND CONSEQUENCES OF CHILD LABOUR

Child labor has a significant impact on a country's economic well-being. Working children are unable to receive an education and are unable to develop physically, intellectually, emotionally, or mentally. Children are neither equal to adults nor do they possess the same strength as adults, thus they are unable to work for extended periods of time because they become completely fatigued, reducing their physical strength and making them more vulnerable to illness. Child labour has long-term negative consequences for India. A country's economy will only develop if it has an educated workforce, skills, and technology, and the younger generation will be a component of future human capital. If child labour continues to be widespread, there will be a trade-off between human capital accumulation and economic growth. Agriculture employs 70% of child labourers because it requires less skilled labour, whereas other youngsters work in heavy industries.

Child labor does not need recognition; in fact, a surge in child labor indicates that the government has failed to provide fundamental necessities to its population, particularly children. In such circumstances, childhood has only negative consequences. It not only robs a kid of a normal upbringing, but also exposes them to physical and emotional abuse. It is not a good indicator when a youngster becomes emotionally and cognitively mature at a young age. It not only causes, but also perpetuates, poverty since the kid is unable to obtain a basic education and, as a result, earns very little money for his or her family. Malnutrition, drug addiction, and despair are all possibilities for children. It may jeopardize the dignity and morality of youngsters. Children may be forced into employment and sexually exploited. They may be subjected to sexual and physical abuse.

6. CHILD LABOUR PROHIBITION AND REGULATION ACT, 2016

This Act came into effect on January 9th, 2016. In the case of dangerous jobs and procedures, this legislation fully forbids the employment of minors under the age of 14 and teenage workers. This Act also controlled working conditions in cases where an adolescent's employment is not forbidden. This Act also provides for penalties in the event of a breach of any of its provisions, and the employment of minors under the age of 14 is considered a criminal offence. The Appropriate Government can provide the District Magistrate various authorities and responsibilities for enforcing the Act's provisions. The State Action Plan is issued to all States/Union Territories for successful implementation of this Act.

Amendment Rules, 2017: The Government of India revised the Child Labour (Prohibition and Regulation) Central Rules, 1986 after consulting with stakeholders. Child and adolescent employees were under to broad standards for prevention, protection, prohibition, rescue, and rehabilitation. Artists have been given protections such as working hours and working conditions. These protections are available to people who have been granted permission to work under the terms of this legislation. It also includes a concept of family in terms of the kid. It establishes the tasks and obligations of enforcement authorities, ensuring that all work is carried out in accordance with the terms of the act.

7. CHILD LABOUR ACT

Various acts restrict the employment of children under the age of 14, but no framework was established for this, and no measures were made to control the working conditions of child labourers who were forced in exploitative situations. To achieve these goals, a bill named the Child Labour (Prohibition and Regulation) Bill was presented in Parliament. The Child Labour Act of 1986 was passed on December 23, 1986, after the recommendations of the Gurupadswamy Committee of 1976. Parliament enacted the Child Labour (Prohibition and Regulation) Amendment Bill, 2016 in the month of July. This Act not only modifies the Child Labor Prohibition and Regulation Act of 1986, but also expands its reach and imposes harsh penalties in the event of a violation. The Child Labor Prohibition and Regulation Act of 1986 prohibits children under the age of 14 from working in 83

hazardous jobs and procedures.²

1. Through this Act, child labour becomes a punishable offence. If a child is employed when he or she is under the age of 14, the employer faces a sentence of 6 months to 2 years in jail or a fine of 20,000 to 50,000, or both, for the first offence. However, if the employee is a repeat offender, the employer faces a sentence of one to three years in prison.
2. This statute creates a new category of individuals known as "adolescents." These are youngsters that are beyond the age of 14 but under the age of 18. They are not permitted to work in any harmful industries.
3. The number of dangerous occupations has been reduced from 83 to 3. Under this legislation, the Union Government has the authority to add or remove any occupation from the list specified in the act. The Factories Act of 1948 defines three dangerous occupations: mining, inflammable substances, and hazardous procedures.
4. This Act entirely bans the employment of minors under the age of 14 in all jobs and businesses. However, if the youngster works in a family company and his or her education is not affected, he or she can continue to work.
5. This Act establishes a Rehabilitation Fund for the purpose of child rehabilitation.

8. MEASURES FOR ERADICATING CHILD LABOUR

8.1. AWARENESS: Parental understanding of the dangers of child work can help to prevent school disruption and child labor. Communities that are aware can better identify and respond to the problems that children face. Awareness also assures that communities take advantage of chances for growth, education, job, and business, resulting in a more socially and economically developed society with fewer children suffering. NGOs educate communities about the significance of children's rights through community activities, sports, the arts, and theatre. NGOs also provide money, educational resources, and information services, all with the goal of assisting children and their communities in moving forward.

² Shivani Verma, "Child Labour laws in India"; <<https://blog.ipleaders.in/child-labour-laws-in-india/>> accessed 5 November 2023.

- 8.2. EDUCATING MORE YOUNGSTERS:** Despite having the world's largest educational system, India confronts poor literacy as a result of low enrolment. Save the Children and other organizations run a variety of programs to increase children's school enrollment. Out-of-school youngsters and those on the verge of dropping out are identified and brought back into the educational fold by the organization. Developing 'Inclusive Learner Friendly Environments' (ages 3-18) in a variety of contexts, including slums and villages. Encourage youngsters and their families to send their children to school and offer admissions support. Develop and fund libraries, as well as infrastructure such as computers, sports equipment, and Mobile Learning Centers.
- 8.3. ROLE OF NGO:** The NGO strives to ensure that current policies are implemented. In continuous relief and rescue operations across India, it has rescued 9337 children from child labour. Save the Children works in 120 countries to provide education and a new life for millions of children impacted by armed violence and exploitation. The NGO collaborates with state and national authorities, especially state police agencies, to combat child abuse in states like as Punjab, Delhi, Bihar, J&K, Jharkhand, West Bengal, and Assam, where children are particularly vulnerable.³

Long-term societal change requires policymaking, and pushing for better laws involves showing how change might be beneficial. NGOs do research on exploited children, provide findings, and utilize case studies to demonstrate how their work benefits children. Changing policy needs partnerships with a variety of stakeholders, including the media, legislators, citizens, and other members of civil society. Many cases have been brought under the recently enacted Protection of Children Against Sexual Offenses Act (2012) and the Immoral Traffic (Prevention) Act, which have resulted in more convictions, proving how legislation may effectively combat child trafficking. NGOs also work closely with local and state officials to monitor the implementation of pro-child legislation.

³ "Top 5 ways to tackle the problem of child labor in India", <<https://www.savethechildren.in/child-protection/top-5-ways-to-tackle-the-problem-of-child-labor-in-india/>> accessed 15 November 2023.

9. CRITICAL ANALYSIS

Nowadays, there is no connection between people who are educated and people who earn money. In simple words, people who are highly educated are paid less and people who are less educated are paid high. This doesn't mean education is not important, because education is not just about knowledge of science, math, English etc., but about the morals, ethics and values that you inculcate during your school life. For a long time, child labour has been one of the most serious issues confronting Indian society. It's been around for a long time. When a youngster is forced to labour, he loses his opportunity to have a fulfilled and happy childhood. Simultaneously, it deprives children of their true ability, compromises their physical and mental health, and offends their dignity. Poor education, which is often associated with child labour, is a major hindrance to India's economic progress.

One of the most important things to note that child labour is directly related to poverty. To reduce the prevalence of child labour, it is necessary to assist the poor in escaping poverty. It will be impossible to completely eradicate child labour as long as poverty exists, and that efforts to do so by legal methods will not achieve the intended objectives. In these circumstances, the only option is to prohibit child labour in dangerous areas while both regulating and improving working standards in other sectors.

As it is difficult to eradicate the problem completely, but can actually try to control the same by following certain safety measures to children at workplace. The government should try to educate children simultaneously apart from work. They should be sent to schools even if they go on work to earn for their living. They should be sent to schools, so that India finds youngsters who are hardworking and also inculcating morals and values from their schooling.

10. CONCLUSION

Child labour is still a concern in India. The government has adopted a variety of initiatives to actively address the problem of child labour. However, owing to socio-economic issues such as poverty and illiteracy, which are the primary causes of child labour, it cannot be rectified unless and until all

members of society work together.⁴ This problem may be resolved and we can have a better and developed India if each individual accepts responsibility for child labour. If the public supports the government's functions, the problem of child labour can be significantly reduced. It is critical to raise public awareness about the dangers of child labour and to educate people about the importance of allowing children to grow and enjoy their childhoods since they are the future of our country. Every individual must recognize the importance of children's growth and education, since they are the ones who will determine the nation's future.

11. BIBLIOGRAPHY

1. Shivani Verma, “Child Labour laws in India”; Published 7 August 2019; <<https://blog.ipleaders.in/child-labour-laws-in-india/>> accessed 5 November 2023.
2. Shristi Suman, “*The Child Labour (Prohibition and Regulation) Act, 1986*”; Published 13 December 2019; <<https://blog.ipleaders.in/child-labour-prohibition-regulation-act-1986/>> accessed 6 November 2023.
3. Vrinda Nigam, “What are the Laws related to child labour in India”; Published 16 January 2015; <<https://blog.ipleaders.in/laws-related-child-labour-india/>> accessed 8 November 2023.
4. “*Children and Work*”; <<https://labour.gov.in/sites/default/files/Updated%20Status%20on%20Child%20Labour.pdf>> accessed 9 November 2023.
5. “*Initiatives Against Child Labour in India*”, <<https://www.savethechildren.in/child-protection/initiatives-against-child-labour-in-india/>> accessed 14 November 2023.
6. “Top 5 ways to tackle the problem of child labor in India”, <<https://www.savethechildren.in/child-protection/top-5-ways-to-tackle-the-problem-of-child-labor-in-india/>> accessed 15 November 2023.

⁴ Shristi Suman, “*The Child Labour (Prohibition and Regulation) Act, 1986*”; <<https://blog.ipleaders.in/child-labour-prohibition-regulation-act-1986/>> accessed 6 November 2023.