



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.

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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

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THE ROLE OF GOVERNMENT ENFORCEMENT AGENCIES IN ERADICATING CHILD LABOUR

AUTHORED BY - MAINAM HARSHINI

INTRODUCTION

1. A BRIEF OVERVIEW:

The topic of this study focuses on the role of government enforcement agencies in eradicating child labour. Child labour is a global issue that affects millions of children worldwide, depriving them of their basic rights, education, and a healthy childhood. Government enforcement agencies play a critical role in implementing and enforcing laws, regulations, and policies to combat child labour and ensure the protection of children's rights.

Child labour is a serious problem in India. According to the International Labour Organization (ILO), there are an estimated 10.1 million child labourers in India, of whom 6.4 million are in hazardous work. Child labour can have several negative consequences for children, including physical and psychological harm, interrupted education, and increased risk of exploitation and abuse.

The Indian government has enacted several laws and policies to address child labour, including the Child Labour (Prohibition and Regulation) Act, 1986. However, child labour continues to be a problem in India, and the government enforcement agencies responsible for enforcing these laws have been criticized for their lack of effectiveness.

2. STATEMENT OF THE PROBLEM:

The problem statement for this study is “Despite the efforts of government enforcement agencies, child labour continues to persist in various parts of India. This study seeks to investigate the effectiveness of these agencies in eradicating child labour and explore the challenges they encounter in implementing and enforcing laws and regulations related to child labour”.

3. RELEVANCE OF THE STUDY:

The study of the role of Indian government enforcement agencies in eradicating child labour is relevant for several reasons. Child labour is a serious problem that affects millions of children in India. Understanding the role and effectiveness of these agencies in combating child labour is crucial for assessing the progress made, identifying gaps, and suggesting improvements. This study aims to contribute to the existing knowledge base on eradicating child labour in India and provide insights for policymakers, researchers, and practitioners.

4. OBJECTIVES OF THE STUDY:

1. To examine the roles and functions of Indian government enforcement agencies which are combating child labour.
2. To know the strategies and initiatives are implemented by Government in enforcing child labour laws and regulations.
3. To identify the major challenges faced by Indian government enforcement agencies in eradicating child labour.

5. HYPOTHESIS:

The hypothesis for this study is “Government enforcement agencies that have strong legislation, effective monitoring mechanisms, and adequate resources are more likely to be successful in eradicating child labour”.

6. RESEARCH QUESTIONS:

1. What are the roles and functions of Indian government enforcement agencies in combating child labour?
2. What are the policies and initiatives implemented by Government in enforcing child labour laws and regulations?
3. What are the major challenges faced by Indian government enforcement agencies in eradicating child labour?

7. RESEARCH METHODOLOGY:

This research is carried out on doctrinal methodology. And this study could involve a combination of legal research, including an in-depth analysis of the Child Labour (Prohibition and Regulation) Act, of 1986, relevant case law, Schemes of Government, Policies, Census survey of India, press reports, newspapers, journals, and scholarly articles. It also involves a review of relevant statutes and policies to understand the practical application and interpretation of actionable claims.

LITERATURE REVIEW

The research paper is based on the primary and secondary sources. The primary source are Child Labour (Prohibition & Regulation) Act, Labour & Employment Ministry website, whereas the secondary sources are journals, Research papers, and scholarly articles. These sources reviewed in understanding and framing the problem, framing the research questions, how analysis of the problem was carried out and finally helping to draw inferences from the sources.

Baland and Robinson (2000) demonstrate that child labour will be inefficiently high if parents are either creditor bequest constrained.¹

Fitzsimons (2007) reports, however, that parents respond in this way to a downturn not in their own, but in village aggregate income, suggesting that idiosyncratic income shocks are neutralized by informal insurance arrangements at the local level.²

ANALYSIS OF RESEARCH QUESTIONS

RESEARCH QUESTION-1

WHAT ARE THE ROLES AND FUNCTIONS OF INDIAN GOVERNMENT ENFORCEMENT AGENCIES IN COMBATING CHILD LABOUR?

CHILD LABOUR

International Labour Organization (ILO) states, the term child labour is best defined as work that deprives children of their childhood, their potential, and their dignity, and that is harmful to their

¹ Cigno, A and F.C. Rosati (2005), The Economics of Child Labour, New York, and Oxford: Oxford University Press

² Besley, T. (1995), Non-market institutions for credit and risk-sharing in low-income countries, Journal of Economic Perspectives, 9, 115- 127

physical and mental development. It refers to work that is mentally, physically, socially, or morally dangerous and harmful to children, or work whose schedule interferes with their ability to attend regular school, or work that affects in any manner their ability to focus during school or experience healthy childhood.³

GOVERNMENT ENFORCEMENT AGENCIES:

1. Ministry of Labor and Employment: formulates and implements policies and programs related to child labour. laws and regulations set up inspection mechanisms and coordinate with other ministries to combat child labour.
2. National Commission for Protection of Child Rights (NCPCR): protection of children from exploitation. It works with state commissions and other agencies to enforce child labour laws.
3. State Commissions for Protection of Child Rights: monitors and protects the rights of children. They identify child labour cases within their respective states.
4. District Task Forces: identifies child labour cases at the local level, rescues them, and ensures their rehabilitation and education. They coordinate with various departments and NGOs to combat child labour.
5. Labor Department: state and central levels enforce labour laws, conduct inspections, investigate complaints, and prosecute offenders.

RESEARCH QUESTION-2

WHAT ARE THE POLICIES AND INITIATIVES IMPLEMENTED BY THE GOVERNMENT IN ENFORCING CHILD LABOUR LAWS AND REGULATIONS?

CONSTITUTIONAL PROVISIONS:⁴

1. **Article 21 A:** Right to Education: The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.
2. **Article 24:** Prohibition of employment of children in factories, etc.: No child below the age of fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment.
3. **Article 39(e):** The State shall direct its policy towards securing that the health and strength of

³ <https://www.ilo.org/>

⁴ The Constitution of India, 1950.

workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

LEGISLATIVE ACTION PLAN

The Gurupadswamy Committee (1979) was the committee established by the Central Government to study, do research and recommend on the problem of child labour in India. The Committee thoroughly investigated the issue and One of their key findings was the close connection between the issue of child labour and poverty. It was crucial to assist the poor in escaping the vicious cycle of poverty in order to reduce the prevalence of child employment. The sole plan of action, in the Committee's views, was to abolish child employment in hazardous occupations while enforcing regulations and raising working conditions elsewhere.

After taking into consideration the Gurupadswamy Committee's recommendations, The Child Labour (Prohibition and & Regulation) Act,1986 was passed by the Union Government. The Act featured a "Schedule" that listed forbade the employment of children in 13 dangerous occupations and 57 processes while also regulating their working conditions in other non-hazardous activities and vocations. Based on the suggestions of the Child Labour Technical Advisory Committee, which was established under the Act, this Schedule was gradually expanded over the following few years.

CHILD LABOUR (PROHIBITION & REGULATION) AMENDMENT ACT, 2016: This legislation made it illegal for kids between the ages of 5 and 14 to work in any position. The amendment also regulates teenagers' working circumstances when it is not prohibited from recruiting them for dangerous occupations and processes between the ages of 14 and 18. The amendment strengthens the penalty for such violations by making it illegal for enterprises to employ any kid or teenager who is in violation of the Act. The amendment grants the government the power to grant a district magistrate the necessary authority and impose the necessary obligations in order to successfully carry out the provisions of the Act.

CHILD LABOUR (PROHIBITION & REGULATION) AMENDMENT ACT, 2017: The Rules provide a thorough and precise framework for the prevention, prohibition, rescue, and rehabilitation of child and adolescent workers. To address issues with family support, family businesses, and the

definition of family with regard to children, specific provisions have been added to the rules. In terms of working conditions and hours, it also provides protections for artists who have been granted permission to work under the Act. The rules provide precise provisions that embody the tasks and obligations of enforcement authorities in order to ensure the effective execution and compliance of the Act's provisions.

CONVERGENCE STRATEGY

Focusing and convergence of general development programmes for benefiting children wherever possible, A Core Group on convergence of various welfare schemes of the Government has been constituted in the Ministry of Labour & Employment to ensure that, the families of the Child Labour are given priority for their upliftment.⁵

To ensure that the families of child labourers are given priority for their uplift, the Ministry of Labour & Employment has established a Core Group on the Convergence of Different Welfare Schemes of the Government. Education for children must be complemented with economic rehabilitation for their families because poverty and illiteracy are the main causes of child labour, according to the government, so that families are not pressured by their financial situation to put their children to work. Various proactive efforts are being taken by the Ministry to support various Ministry plans, including

1. The Ministry of Women and Child Development, supports this Ministry's efforts to provide housing and food for children who have been taken off the job through its Shelter Homes and other programmes.
2. The Ministry of Human Resource Development for mainstreaming NCLP children into the official education system, giving midday meals to NCLP schoolchildren, training teachers, supplying books, etc., all as part of the Sarva Shiksha Abhiyan.
3. Collaboration with the Ministries of Rural Development, Urban Housing, and Poverty Alleviation, as well as Panchayati Raj, to include these kids in their different programmes for generating revenue and finding employment in order to help them recover their economic stability.

⁵The Policy of the Government on the issue of Child Labour, *Ministry of Labour and employment*

4. To coordinate with the state's Ministry of HRD in order to combat child trafficking, one officer from each state's Department of Labour has been designated as the Anti Human Trafficking Unit's link officer. The primary anti-trafficking organisation is CBI.
5. Collaboration with the Ministry of Railways to raise awareness and prevent child trafficking. In addition, the Ministry is carrying out a pilot project called Converging Against Child Labour - Support for India's Model, which is funded by the US Department of Labour and is being carried out in collaboration with the International Labour Organisation, SRO Delhi, to help prevent and end hazardous child labour, such as child trafficking and child migration for labour. The Project is covering two districts each in Bihar, Jharkhand, Gujarat, Madhya Pradesh, and Orissa for a duration of 42 months. USDOL Donor Contribution of US\$ 6,850,000

PROJECT-BASED ACTION PLAN

NATIONAL CHILD LABOUR PROJECT SCHEME: In 266 child labour-endemic regions across 20 States, the government is putting its National Child Labour Project Scheme (NCLP) into action. Presently, there are 3.2 lakh students enrolled in approximately 7311 special schools. 8.95 lakh children have been mainstreamed into the formal system since the Scheme's commencement. In order to implement the National Child Labour Policy, the NCLP Scheme was established in 1988. The Programme aims to use a step-by-step approach, initially rehabilitating kids who work in dangerous jobs and procedures. In accordance with the Scheme, children who are working in dangerous occupations or processes must be removed from those jobs or procedures and placed in special schools so that they can be mainstreamed into the official educational system.

In order to rehabilitate working children in the child labour-endemic 12 districts of the nation, the government launched the National Child Labour Project (NCLP) Scheme in 1988.

The objective of the Scheme:⁶

1. This is the major Central Sector Scheme for the rehabilitation of Child Labour.
2. The Scheme seeks to adopt a sequential approach with focus on rehabilitation of children

⁶ Government Committed for Eradication of Child Labour, *Press Information Bureau Government of India Ministry of Labour & Employment*, 10th February 2020.

working in hazardous occupations & processes in the first instance.

3. Under the Scheme, a survey of Child Labour engaged in hazardous occupations & processes has been conducted.
4. The identified children are to be withdrawn from these occupations & processes and then put into special schools to enable them to be mainstreamed into the formal schooling system.
5. Project Societies at the district level are fully funded for opening up special schools/Rehabilitation Centres for the rehabilitation of Child Labour. The special schools/Rehabilitation Centres provide
 - a) non-formal/bridge education
 - b) Skilled/vocational training
 - c) Mid Day Meal
 - d) Stipend @ Rs.150/- per child per month.
 - e) Health care facilities through a doctor appointed for a group of 20 schools.

The Target group: Surveys must be conducted by the project societies to determine which youngsters are engaged in risky tasks and procedures. The target group for the project society will then be these kids. Children in the age range of 5-8 years must be mainstreamed into the official educational system immediately through the SSA. Working children between the ages of 9 and 14 will require rehabilitation through NCLP schools set up by the Project Society.

Project Implementation: The District Magistrate/Collector/Dy. Commissioner of the District, who serves as the district's administrative head, must preside over the registered society through which the entire project must be carried out. Members of the society may be chosen from the relevant government agencies, Panchayati Raj, non-governmental organisations, labour unions, etc.

Funding pattern: The Ministry of Labour & Employment has funded 19.3 crores (2021-2022) for initiatives that have been taken up in the Central Sector. Depending on how well the project activities are going, money is released to the relevant Project Societies. **Current Status of NCLP**

Programme: 7311 special schools are operating under the NCLP system. 8.52 lakh youngsters have been mainstreamed into the official education system as of this writing.

A special online site called PENCIL (Platform for Effective Enforcement for No Child Labour) is created in order to improve monitoring and implementation of the NCLP and make it more successful. This will guarantee the efficient application of the Child Labour Act's provisions and the efficient running of the NCLP Scheme. Through the Portal, the Central Government can communicate with all Project Societies, Districts, State Governments, and the general public.⁷

INDUS (Indo-US child labour project): receives about the US contribution of 6,850,000 dollars. 103,152 child and adolescent workers were withdrawn from hazardous processes and rehabilitated against a set target of 80,000 children.⁸

SDIS (Skill Development Initiative Scheme): Vocational courses and certification. 'Minimum Skills Set' which is Sufficient for profitable employment. The end is ending.

RESEARCH QUESTION-3

WHAT ARE THE MAJOR CHALLENGES FACED BY INDIAN GOVERNMENT ENFORCEMENT AGENCIES IN ERADICATING CHILD LABOUR?

POVERTY: The Gurupadswamy Committee contends that if poverty exists, it will be impossible to totally remove it, therefore efforts to end child employment by legal means will not have the desired effect.

ILLITERACY: The worst impact of child labour is its interference with education and decreasing opportunities for career development. They do not learn any skills and do not receive an education, which condemns them to a life of servitude as illiterate, oppressed, and trampled labourers. Low wages and ongoing disadvantage on the job market are caused by being unskilled. Children who work in hazardous conditions can experience tragic accidents or malformations as a result. Children are more vulnerable because of their high rate of malnutrition and undernourishment, which lowers their resistance to life-altering illnesses.

⁷ Government Committed for Eradication of Child Labour, *Press Information Bureau Government of India Ministry of Labour & Employment*, 10th February 2020.

⁸ Ministry of labour and employment, <https://labour.gov.in/childlabour/indus>

PANDEMIC: 100 million fewer children worked as children between 1991 and 2011, demonstrating the success of a balanced legislative and programmatic approach; nevertheless, the COVID-19 pandemic has undone many of the gains accomplished during this time. The Covid-19 problem may reverse years of progress in the battle against child labour by making these already vulnerable communities even more vulnerable to poverty. By the end of 2022, the epidemic will put an extra 9 million children in danger of being forced into child labour globally, according to a report by the International Labour Organisation (ILO) and UNICEF. The economic crisis brought on by the epidemic in India and the closing of schools are likely causes of child work, risky migration, and poverty among young people.

The percentage of working children has dramatically grown among the 818 children that were evaluated, rising from 28.2% to 79.6%, according to a research by the Campaign Against Child Labour (CACL), primarily as a result of the COVID-19 pandemic and school closures. The coronavirus pandemic is forcing children to drop out of school and labour in industries and farms, adding to India's already severe problem with child labour.

Children who are orphaned are especially at risk for trafficking and other forms of exploitation, such as forced begging or child work. The risk of older children leaving school to help their younger siblings is likewise higher in these situations. Children are viewed as a temporary solution to replace the employment gaps caused by migrant workers who fled urban areas for their rural homes during the lockdown. More than 94% of kids who responded to the CACL poll claimed that family pressure and the domestic economic crisis drove them into employment. During the epidemic, most of their parents either lost their employment or received extremely poor pay. 591 children were rescued from forced slavery and bonded servitude during the lockdown by Bachpan Bachao Andolan, a civil society organisation for children's rights. The children were from various regions of India.

CONCLUSION

In concluding, it is evident that India has experienced less child labour in recent years. However, 6 million of the 40 million youngsters who are not in school are employed outside the family. The presence of a sizable population of Nowhere Children, who do not work or attend school, is a major problem. If we examine the likely contributing components, we find that poverty is a necessary but

not sufficient condition for the success of child labour. While poverty plays a part in keeping kids out of school, it does not always push them into the workforce. Only the presence of other supporting variables, such as a lack of educational infrastructure, seems to be more important in encouraging kids to work. Undoubtedly, the physical aspect of educational infrastructure is crucial in this regard, but the human element is starting to take centre stage.

The growth of the educational infrastructure with a focus on basic education and the observation that it plays a significant role in this respect would be extremely helpful in the fight against child labour. An emerging theory on educational infrastructure holds that, overall, we have somewhat progressed past the point where there was a severe lack of physical infrastructure, such as a lack of school buildings and other facilities. It is thought that the current backlog is primarily caused by the human element, specifically the availability of teachers. Therefore, the major objective is to make sure that schools have enough staff and that teachers have the time to care for individual children.

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