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RESEARCH ARTICLE

CHILD LABOUR : ACHIEVING CHILD PROTECTION LAW GOAL'S THROUGH POLICY REVAMPING

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Abstract

Future of any nation depends upon on how the nation develop it's children, as children are considered to be most crucial and important asset of a nation. Therefore not because of this but also seeing the current scenario the protection of children becomes the most important part nation's objective to protect these asset's of the nation from the different kinds of exploitation. The exploitation which we are not directed to one area but have taken different forms of it from Sexual Molestation, Child Prostitution to Child Labour, which also highlights about the society we live in, that how incapable we are in protecting our future generations. Still the problem which the author felt is to be first and foremost most important to be dealt by the government is of Child Labour, as unlike other forms of child exploitation is the one where children some time themselves decide to go for it; and mostly it is because of the aspect of the existence of poverty at very extreme and other ignored issues. Child Labour is undoubtedly one of the oldest form of child issue in our society which is still an big issue. Started from working in handicraft workshops and agriculture to working in the factories, it was and it is so because that children from very beginning were considered as very profitable asset because they employer doesn't need to pay much to them. We should not let religious & cultural beliefs. Not only physically but also emotionally and intellectually it impacts the development of the child. Hence, therefore considering the different challenges faced by the children, child protection is and in future too should always be the main responsibility of not just government but also society.

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Introduction:-

The question is that even in today's millennium too child rights and protection remains as one of the major issues. It may be because these children still are not a complete political entity, they are just mentally and also economically defenseless. This got even worse because of marginalization child is either bonded labour, homeless child labour, loner orphan, destitute, in such circumstances these child becomes more vulnerable to state of not being cared and also to crime. Every morning whenever the sun

risers from the/between the mountains we wake up, we feel the freshness of the air, see the immaculacy of the small water drops and it's glittering tenderness of the atmosphere each day. Similarly a small child also brings freshness love in our life, makes us remind & feel our soul and it's purity and the tenderness of the nature. From very early time as a tradition and like protocol we all were always been trying to guide our children and in furtherance help them in progressing nation, and that is why it's important that we consider them(children) as the most important human resource of our nation, and why our nation only in fact for any nation each child is the one who decide the future of there nation. Future welfare of nation it's society is very much related to it's welfare of the child, children are the future of the nation. Our nation is none less than the garden and children of our nation nonetheless than flowers of this garden and it's duty of everyone to protect these flowers. Child Labour is a problem in India which also leads to socio-economic problem, which is not a new thing in India. In India children from very beginning were forced for working, to do some work either in the fields or at the home to help their parents. In the various texts available Child Labour has been defined as any work which is done by the children with their little innocence hands ultimately to help his or her family economically, now that can be either directly or it can be either indirectly, which cost their social, physical and mental development. But circumstances are such that they are forced to do hard labour, to earn livelihood for him/herself and his/her family at very early age, because of which their mental development stops. Largely the Child Labour is a problem associated with poor families, when children's who are working their parents just cannot afford education because of insufficient and not stagnant source of income for their children, the one of the reason that leads to child labour, that is seen as a blot on nation in that context. It act as nothing but a disgrace that lakhs & millions of children found working in the hazardous and dangerous fields. Complication of Child related issues in India is because of factors like attitudes (traditional attitudes), lack of education, etc. Ultimately if we look into the various reports and data it is quite next to impossible to articulate that exactly how many children all around the world are working for their daily livelihood at cost of their childhood. Though latest estimates states that on count no. of children working between the age group of 7 to 17 years old is 246 million. To which, around 177 million children, 1 in among each 8 children in the whole world are still risked to or found working in the different forms of worst child labor which sometimes cost their life too along with his or her physical and moral well care.

The Main Causes Of Child Labor In India:-

How necessary could child labor be to families in India, if we look we would find that also in poor families in India the source of income for their family comes through child labor. There is a one study that has been done by ILO in which they observed or found that in Indian households the income of children are considered to be very essential, and that too would be in the form of either working wages or either it could be for adult household members, in short conceding children to get something by doing different economic activities. Few data also shows that if we see ratio wise then the children hold in some cases the share of income for family of 34% - 37%. So yes data clearly shows that how for poor families income from child labor is so important. The elimination of child labour can not be possible if we look into one determinant only authorities or government should also look into other determinants before digging to deep and highlighting only on one determinant responsible for child labor i.e poverty. Prevalence of child labour in India should be seen as through the eyes of data as shown by the different authorities if our nation wants to eradicate child labor. The need of an hour is that the steps has to be taken as early as possible before more and more children start getting trapped in this hell.

Definition:-**Global:-**

In very simple words, child labor can be understood as children who have engaged themselves into any type of economic activity and who are below the legal employment age in that country. Article 2 of the ILO's Convention 138 stating the minimum age for employment: "Each member which ratifies this convention shall specify ...a minimum age for admission to employment or work... no one under the age shall be admitted to employment or work in any occupation." it has also been ratified by the majority of

ILO member states. Under few cases like ‘light work’ they can be employed but altogether all are not to be employed who are below in any place where nature of work is hazardous.

In India:-

1. Specifically the term Child per say has not been defined under Indian Constitution. United Nations Convention on the Rights of the Child in it's Article 1 States that - ‘a child means every human being below the age of 18 years of age unless the law applicable to the child’. The very definition of the child depends upon the purpose, the same can be observed if we extract out of different legislation the definition of the child depending upon it's purpose.
2. Under Majority Act, 1875 the majority age that has been mentioned is 18 years & in case of the minor whose property that has been under the supervision of the Court of Wards where there is Age of Majority of 21 years.
3. Under the Child Labour(Prohibitions and Regulations) Act, 1986, child is defined as ‘a person who has not completed his 14th year of age.
4. Child Marriage Restraint Act, 1926 defines the child as, ‘such person who if a male has not completed the age of 21 years & the age of 18 years if a female’.
5. Under the Act of Juvenile Justice(Care and Protection of Children)Act, 2015 is one of the fundamental law that India have to deal with needy children care and protection, which is being achieved by the help of their child-friendly approach.
6. Indian Government one of the most successful and still progressing laws is The Protection of Children from Sexual Offences Act(POCSO), 2012 the very purpose of this act is to combat the sexual violence against the children.

Truly children are the god's greatest gift to the mankind, most important and precious asset of the nation. Well being and health of the children leads to the development of any community. ‘Winston Churchill during the time of World War II said that ‘there is no other finer investment then putting the milk in the mouth of the babies’, this thing appeal outside the nation to everywhere this what the very fundamental faith in juvenile justice is about; nothing but the re-organization of the born child or wither unborn, leads to the beginning of Juvenile Justice’, stated Justice Krishna Iyer.

Reducing Child Labour: Identifying Policy Options:-

Child Labour is a very much of phenomenon that is very complex in nature cut across the boundary of not only education but also health, labour markets capital markets, economical growth, social security all of these play a crucial and important role. And Hence therefore to stop the or to bring the reductions in the number of child labour, requires a action in the form of policy response which has to be in nature cross-sectoral. The main burden of governmental organizations in bringing down the reduction in child labour, the same reductions cannot be achieved until or unless we address the factors that cause the children to enter work in the first place. What should be aimed is that to change the ‘equilibrium’ by the change in the economic and social environment mainly with respect to household, and that is why the preventive policies are what these organizations come up with. As these policies are more relevant with respect to resource needed. However o the same hand given about the cross sectoral phenomena, where programs are aimed towards the reducing the child labour would eventually also contribute to other objectives like generating the economies for the use of resources.

Also achieving the reductions in the child labour instances along with what all mentioned above also requires the supportive national legal & political environment. For ensuring the programs and broader development plans the political commitment is therefore needed so to ensure the subject of child labour remains the mainstream till it can be eradicated completely. For the purpose of as an statement of national intent and also for the purpose of the regulatory framework for the consistency of labour legislation with that of international standards of the child labour. Child Labour is very important issue to be dealt and for this it is important to delineate the role of the institution regarding their responsibility, and also that there is effective coordination between the institutes and a proper information sharing structure are in place.

Child Labour and Education:-

The very importance of the education with respect to the child. Cannot and never be underestimated. And the same can be understood. By the way, that how for an individual An education. Increases. His or her. Earning power which eventually also helps in improving there quality of life. Education. helps in knowing the health-care related. And the nutritional issues and by dealing the same they can increase the life expectancy. Also, other than what about stated education helps in building up the confidence turn on the national scale. It helps in economic development. and by encouraging more equitable and also a representative government. And that is why it has been said by the Gandhi Ji that the education was more important than the literacy. And hence its states that there are wider affects of the education and therefore any such thing which comes as an obstacle in fulfilling the right to education and have a similar negative impacts on the socio economic development enhance child labour is truly search an impediment. There's no doubt in the fact that both child labour and education have a inverse link between them but somehow this link has not been acknowledged. as a casual one. But spite of this, it has been always accepted as an incidental one and because of which both the child labour and also the lack of education are mere existence which is considered. as the symptoms of endemic poverty.

So therefore there is a kind of intention have you to establish that causal link and that policy making. That would acknowledge this relationship would guarantee for sure the rights of children and Education and would stop any kind of exploitation of these children. But nevertheless number of educational development are there where the initiatives has been taken and adopted with respect to this link for its implementation and for its established meant ask the same can be seen in the Millennium Development Goals which have the set targets by the United nation in 2000 do. It does not have any specific reference to child Labour, but the very second goal of that has stated to ensure the primary education and the access to it to all the children to which the money agencies and the institute's have pointed out that this food eventually helps in eradication of child labour which would work as a means to achieve the goal of nation which is free from child Labour and therefore. The Government of the Madhya Pradesh state has focused themselves for the purpose of eradicating child labour with in order to come up with the national program for the purpose of making elementary education and is universalisation through this program which in itself makes reference to child labour.

There are number of people who are hesitant to ban the child labour whether it may be for the purpose of economic reasons or either for the purpose of non economics reasons and the people who believes to do so have their views based on the grounds that this ban is just going to increase the hardship of the children. Also few times it has been argued. Those who tends to advocate bans fail to consider the consequences for the children of simply removing them from the workforce but at same time these commentators only have not been able articulate the fact there is a link between the child labour and education and that this education itself has a potential which can be used as a tool to eradicate the issue of child labour and it's direct consequences and therefore, this procedure itself has been followed before and now also by different countries to reduce the child Labour. Also on many occasions it has been argued. that children, views and their perspectives and preferences should be taken into account and add these children only. In many occasion have prefer the work who were the school? There is no doubt in that. How important is the perspective of the children, But these commentators most of the time forget that children's have the inherent immaturity of not knowing the fact that how the education can mould up their life and how they can make their life better now and for the upcoming future.

Under Article 32.1 of UNCRC establishes the link between the education and the child Labour, under which it states that -"States parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous for to interfere with the child education or to be harmful to the child help for physical, spiritual, social mental and moral development". Also Article 28 put its emphasis on the children's right to have the equal access to education. In order to achieve these. It also stays at the parties "make primary education compulsory and available free to all. End take measures to encourage regular attendance at schools and the reduction of drop out rates".

Despite of all these rights are not been upheld by the countries. And therefore it has been stated and suggested that because of poor implementation of the legislation which talks about the compulsory education is a root cause of child labour.

How To Fight This Menace:-

There are number of NGOs which are consciously working in different workplaces and giving the fundamental guidance, to the working youth government along with different NGOs. Are working towards coming up with the strategies which rather than an energetic pro should keep up with good ways from kid work. In urban cities like that Mumbai. There are informative system, which are interconnected with the local through which the children who get preparing from their city schools are generally. Poor children. There are also couple of affiliations the purpose of which is the rehabilitation. Last year release of new Education Policy 2019 the purpose of which was to acknowledge the socio economic complexity. Related to the issue of child labour and not only this. It also acknowledges several models by means of which the very issue of child labour can be addressed. directly. In the year 2016 legislation in India with respect to child Labour laws have undergone through various amendments the result of which was that the India became a signatory to the 2 conventions. Firstly. International level organization. Minimum age for admission to Employment Convention 1973. And Worst forms of child Labour Convention 1999. And also by the amendment child adult scene in 2 separate categories for defined under the act of child and adolescent Labour Prohibition and Regulation Act 1986 where child is a person who has not completed his 14 year of age or such age as may be specified in the right of children to free and compulsory education Act 2009 whichever is more and the adolescent is a person who has completed his 14 years of age but has not completed his 18 year.

So therefore. It can be concluded that the national economic policy that was proposed in recent year would include, the secondary education under the right to Education Act. And that means. There is the possibility of an amendment under the right to Education Act and because of which there would be an eventual revision with respect to the definition of a child under the child labour legislation as well. And hence this would be considered as a very positive kind of change because of which there would be a tremendous capacity within the government organization institutes. To bring the sharp decline in the child labour numbers in India. All the above mentioned steps would have to be supported by the deep rooted issues of unemployment and poverty. Along with the proper safety to the children and their families especially. Those families and children who are being marginalised because of the ability, caste, gender, class etc. In the contemporary times. In the world. Way the work and the nature of work is rapidly changing rounders. On the other hand also opening number opportunities. For the children who are engaged in labour. With the adequate skills of the children. Then to be a part of the future world. In the future workforce. Because in the COVID-19, child labour in India and beyond the country had already increased rapidly.

Suggestions:-

1. The Present Act i.e. of the Child Labour (Prohibition and Regulation) Act, 1986 should be renamed as Child Labour (Prohibition & Rehabilitation) Act, it is so because the more emphasis can put over the rehabilitation of the child rather than mere regulation.
2. Government of each state should focus on framing the rules under the Right to Education Act, 2009 immediately so that the proper implementation of the provisions of it can be done.
3. Convention No. 182 of the Prohibition and Immediate Action for the Elimination of the Worst Form of Child Labour & also Recommendation No. 190, should be ratified by the Government of India, as it was adopted in year 1999 but not yet being ratified.
4. Also one more action should be taken in a way by making employment of children in any place other than Agricultural and Farm to be cognizable offence, and a non - bailable offence too; non-compoundable.
5. NGOs should be encouraged by the government for the purpose of achieving the complete elimination of the child labour by providing the NGOs with the required budgets periodically & also

- the accountability to check whether the funds are being used to deal with issue only and not being miss-used.
6. Lastly more sensitivity should be there by the judiciary whenever dealing with cases related to the child labour related cases. Benefit of doubt cannot be given to the employer, if the guilt has been proved offending employer should also be punished with imprisonment and not just fine. Under the Sentencing Policy too there should one general rule of mandatory imprisonment for employer with exception of fine, for the deter effect.
 7. Also there is need for few time period to increase the conviction rate, to have the deter effect.

Conclusion:-

Nation's most valuable resources are children. How the nation grow and develop decides the future of the nation . Unfortunately there are many children who are deprived of the many things which can help the grow and thereby they are engaged in or subjected to the exploitation and abuse. Both social evil as well as economic practice, that is what child labour is. In a very rural economical environment in which their is unorganized agricultural labour, it sometimes the insensitivity of the upper caste and exploitation which derives these children to ill-treatment and undesirable channels of work. Not only economically but child labour now is also an public health issue, therefore what is needed to be done is to develop multidisciplinary approach.is a demand of an time to tackle the child labor issues. But what is the major cause behind the child labour is, is the poverty. When there is no money to afford schools and also education becomes the another factor behind why these children gets deviated to earn by doing any work. Some cultural beliefs are also like which encourage the child labour as the footsteps to their parents job. Also the because of the poor implementation of the policies and laws just add to such exploitation. It is also because of some macro-economic factors like very low pay informal economy. Therefore in a whole one good holistic approach is what needed, like development I early childhood development programs and like this many more initiatives. Though mostly in many countries they try to give an excuse of poverty as a cause we find why they are denying the rights which has to be given to the children like that of education by denying their right, to freedom from economic expectation but it appears that these are argument should not be considered as valid. It is so because poverty cannot and should not be considered as the balanced justification to make the children's away from the rights.

If we really want to stop child labor from it's very root or eradicate vulnerability of children totally it becomes so much important to spread awareness of the issue to the larger population, children who go for work there parents must be counseled they must be informed of impact and related consequences that comes up with the child labor. When it comes to awareness NGOs play a very vital role in that, best possible alternatives must be found out to supplement income of the family that need to be provided. It should be the responsibility of the employer they should be sensitized and not employ children in factories, restaurants or else any place where they are employed. And also as a citizen it should be the duty of every citizen to report any such incidence related to child labour to the police or to inform on prescribed govt helpline number i.e 1098 which is of Childline India Foundation, in order to provide nationwide helpline number for distress children, along with this all laws made for prohibition of child labor should be strictly implemented. To combat child labor great person and Nobel Laureate Kailash Satyarthi in 1980 also took step in the form of Bachpan Bachao Andolan (Save the Childhood movement). It was nation wide movement campaigning for the children rights. Main focus of it on totally eradicate the existence of bonded labor, trafficking of child and child labor, and highlighted or gave importance more to children's education(Right To Education). Till now, until this date more than 87,000 children are freed from this scrutiny with children and helped in rehabilitation and their education along with re-integration of children.

By mere bringing up of legislation's different acts for combating child labour is not enough, govt need s to understand every possible aspect related to this issue for instance though the law states that children below the age of 14 should be prohibited from working at any type of employment but what if that particular child labor is the sole earner of that family in such stopping such a child from working would

surely have the counter effect on the that child and then how would he survive. Therefore the focus should not just be on depleting the number of child labour in nation but to also to bring some policies and Yojana so that those children who are sole earner don't have to leave their education and that their family have proper source of income. If we discuss in depth the components like education, poverty and source of income is somewhere are greatly linked to each other poverty being central highlight give rise all other issues like dropping out of school because of death of elder and sole earner of the family so the one step out of school education to make some livelihood for him/herself or for his family. Now in such cases it becomes more important for government to better make policies different types of Yojana by ensure minimum income for such family and children for the livelihood or if such policies and schemes are there than the proper implementation of the same should be exercised rather just going with thought only that is total child labour eradication that is something we want but how the action regarding this issue must be taken it must have to be thought upon clearly other wise whatever act or law we'll come up with is going to rather than combating the such issue would become burden on the government and law makers. If we achieve such small neglected parameters and start there better implementation then there is no as such issue that can be tackled with respect this particular issue of child labour and also such similar issues. And more and more Field work projects like CSSP should be brought up at maximum regions and states so that issues like same of Surpur district can come to the light and the childhood of many more children can saved, by nurturing them, by giving them there childhood back to which they have there right for, to study or to dream big, such assessments from different would too would make authorities alarmed with the regular data received from time to time because of which proper action would be taken regularly in form of the act, policies, schemes etc. Children are the the best human resource or asset for any nation. Each child have the right to get best opportunities to fulfill his/her dreams to nurture himself and have access to recreation and education. After all, a child always meant to only learn, and not earn.

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