

THE ROLE OF LEGISLATION AND POLICY IN PROTECTING CHILD WORKERS

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Abstract:

The issue of child labor continues to be widespread around the world, with millions of youngsters being forced to perform work that deprives them of their youth, their health, and their education. In this abstract, the crucial role that legislation and policy play in safeguarding child workers is investigated. The abstract also examines the accomplishments and limits of existing frameworks of protection for child workers. For the purpose of protecting children from exploitative labor practices and ensuring that they are able to grow up in secure circumstances that foster their physical, emotional, and intellectual development, it is essential to have legislation that is effective. In this study, both international treaties, such as those established by the International Labour Organization (ILO), and national policies that are created with the intention of eliminating child labor are discussed. This paper examines the ways in which these laws are implemented in various socio-economic circumstances, as well as the obstacles that are encountered while enforcing them. In addition, the abstract emphasizes the significance of a multi-pronged strategy that incorporates community participation, school reform, and economic help for families. This is because the abstract stresses the role that policy plays in tackling the fundamental causes of child labor, such as poverty and a lack of access to education. Despite the fact that legislation has made substantial progress in decreasing child labor, there are still gaps in terms of enforcement, particularly in informal sectors and places with weak governance. In its conclusion, the abstract emphasizes the necessity of stronger and more comprehensive regulations that are sensitive to the changing nature of employment as well as the socio-economic realities that continue to perpetuate child labor.

Keywords: *Legislation, policy child, workers*

Introduction:

It is a continuous global problem that affects millions of children, robbing them of their fundamental rights to health, education, and a safe childhood. Child labor is a global dilemma that impacts millions of children. A number of regions across the world continue to be plagued by the brutal reality of child labor, despite the fact that considerable international efforts have been made and a variety of legislative frameworks have been established. The purpose of this introduction is to provide an overview of the present environment, including both successes and ongoing issues, and to dive into the role that legislation and policy play in safeguarding young workers. In addition to being a legal need, the protection of children from exploitative work practices is also a moral necessity. Over the course of many years, international organizations such as the United Nations (UN) and the International Labor Organization (ILO) have been instrumental in the process of developing worldwide norms to tackle the issue of child labor. Conventions such as the

International Labor Organization's Minimum Age Convention (No. 138) and the Worst Forms of Child Labor Convention (No. 182), both of which have been ratified by different nations, are included in this category. The elimination of child labor within particular cultural and economic contexts is the goal of national laws and policies, which are aimed to complement the international legal instruments that have been established. The elimination of child labor, however, cannot be accomplished solely by legislative means. Significant obstacles stand in the way of the implementation and enforcement of these rules, particularly in regions that have poor governance, widespread poverty, and restricted access to educational opportunities or opportunities. There are numerous instances in which child labor is firmly ingrained in the socio-economic fabric of communities. In these instances, children work to contribute to the income of their families. In light of this, it is necessary to take a holistic strategy that goes beyond law and incorporates policy measures that are targeted at addressing the underlying reasons of child labor. These include the reduction of poverty, the provision of community awareness, and access to excellent education. Through the examination of how these frameworks operate in various socio-economic circumstances and the identification of areas in which adjustments are required, the purpose of this article is to investigate the efficacy of existing legislation and policies in safeguarding child workers. It is anticipated that the introduction will lay the groundwork for a comprehensive examination of international treaties, national legislation, and policy initiatives, as well as the difficulties that are encountered in the process of putting these safeguards into effect. In the end, the purpose of this investigation is to bring attention to the extremely important requirement for more robust and comprehensive strategies to protect the rights and well-being of child workers all over the world.

Historical Context and Evolution of Child Labor Legislation:

Over the course of its long and complicated history, the campaign against child labor has been influenced by a variety of economic, social, and cultural issues. During the early phases of industrialization, child labor was commonplace, particularly in factories, mines, and farms. This was because children were seen to be inexpensive and easily exploitable labor. The difficult working circumstances and long hours that child laborers were forced to undergo throughout the 18th and 19th centuries led to an increase in public concern, which ultimately resulted in the formation of groups that advocated for the provision of protection for children. In the early 19th century, the United Kingdom passed a series of laws known as the Factory Acts. These laws were intended to restrict the number of hours that children were required to work in factories and to improve their working conditions. These laws were the first important legislative reaction to the issue of child labor. These first legislative attempts provided the framework for more extensive child labor legislation, not just in Europe but also in other industrialized nations where they were implemented. The worldwide community's attempts to eliminate child labor gained pace as more people became aware of the ways in which it is harmful to society. An important turning point in the struggle against child labor on a worldwide scale was the formation of the International Labor Organization (ILO) in the year 1919. One of the primary focuses of the International Labor Organization's mandate was the protection of human and labor rights that are recognized on a global scale, as well as the promotion of social justice. The International Labor Organization (ILO) has, over the course of its history, developed a number of conventions with the purpose of safeguarding children from being exploited. These conventions include the Minimum Age Convention (No. 138), which was adopted in 1973, and the Worst Forms of Child Labor Convention (No. 182), which was adopted in 1999, with the intention of eradicating the most dangerous forms of child labor. Many nations have passed national legislation to prevent minors from being exploited,

in addition to the international treaties that have been established throughout the years. These laws sometimes contain requirements for the minimum age at which an individual can be employed, prohibitions on the sorts of job that minors are permitted to undertake, and regulations about working hours and terms and circumstances. The efficacy of these regulations, on the other hand, varies greatly depending on a variety of circumstances, including the strength of legal institutions, the amount of economic development, and cultural attitudes about child work.

Current Legislative and Policy Frameworks:

Because of the joint efforts of international organizations, governments, and civil society, the worldwide legal framework for preventing child labor is more solid than it has ever been before. This is the case today. Every child has the right to be free from economic exploitation and dangerous labor, which is recognized by the United Nations Convention on the Rights of the Child (UNCRC), which was established in 1989. This convention is another cornerstone of worldwide child protection. Despite the progress that has been made, there are still obstacles to overcome in order to transform legal frameworks into safeguards that are relevant for all children. In many countries, the enforcement of laws pertaining to child labor is impeded by a lack of resources, corruption, and the informal character of a significant portion of working conditions for children. As an illustration, children who are employed in agriculture, domestic work, or small family enterprises sometimes do not fall under the purview of labor inspections or legal safeguards. Furthermore, in order to achieve long-term reductions in child labor, it is essential to have policy frameworks that address the underlying causes of child labor. These factors include poverty, a lack of access to education, and social marginalization. There are essential components that must be included in an effective plan. These components include programs that offer social safety, promote access to excellent education, and empower communities to fight child labor. These regulations need to be adapted to the specific circumstances of each location, taking into account the myriad of factors that contribute to the prevalence of child labor in each area.

Challenges in Implementation and Enforcement:

Although a considerable amount of progress has been achieved in the establishment of legislative rights for young workers, the implementation and enforcement of these laws continues to be a significantly difficult problem. The effective implementation of child labor regulations is hampered in many countries with low and intermediate incomes due to the presence of inadequate governance systems, insufficient financial resources, and a lack of political will. It is also possible for families to be forced to rely on child work as a required means of survival due to the cultural norms and economic constraints that they face. There are specific challenges associated with enforcement in the informal sector, which is where a significant portion of the world's child labor is located. It is difficult for authorities to monitor and act in situations where children are working in this sector since they frequently do so in circumstances that are concealed or uncontrolled. Some examples of these contexts are small farms, street vending, or household employment. Additionally, the endeavor to safeguard young workers is made more difficult by the fact that child labor intersects with other problems, such as human trafficking, migration, and discrimination based on gender. Building up the capabilities of labor inspectors, increasing the amount of money invested in social services, and providing opportunities for civil society to participate in monitoring and advocacy are all necessary components of efforts to enhance enforcement mechanisms. It is also crucial to have international collaboration, particularly when it comes to tackling issues that take place beyond

international borders, such as trafficking, and making certain that global supply chains are free of child labor.

The convergence strategy of Ministry of Labour for eradication of child labour

In the Ministry of Labour and Employment, a Core Group on convergence of various welfare schemes of the government has been established. The purpose of this group is to guarantee that the families of child laborers are given priority for their improvement. The government is adopting the principle that poverty and illiteracy are the main causes of child labor. In light of this, the educational rehabilitation of children has to be coupled with the economic rehabilitation of their families. This is done to ensure that families are not forced to send their children to work due to the economic circumstances. There are a variety of proactive actions that the Ministry is working towards between the many initiatives of the several Ministries, including as

- The Ministry of Women and Child Development, in order to support the efforts of this Ministry in giving food and shelter to children who have been pulled from labor through their various programs, such as Shelter Homes, etc.
- Under the Sarva Shiksha Abhiyan, the Ministry of Human Resource Development is responsible for providing a midday meal to the children attending NCLP schools, as well as training for teachers, the provision of books, and other related activities. Additionally, NCLP pupils are being integrated into the official education system.
- Convergence with the Ministries of Rural Development, Urban Housing, and Poverty Alleviation, as well as the Panchyati Raj, in order to cover these youngsters under their different income and employment generating schemes by means of their economic rehabilitation.
- One officer from the State Department of Labour has been considered for nomination as the Anti-Human Trafficking Unit (AHTU) in each state. This officer will serve as the link officer for coordinating with the Ministry of Human Resources and Development in that state in order to combat the trafficking of minors. CBI is the major anti-trafficking agency in the country.
- Convergence with Ministry of Railways for increasing awareness and curbing trafficking of children.

Converging Against Child Labour – support for India's Model is a pilot project that is being implemented by the Ministry of Labour in collaboration with the International Labour Organisation and the State Road Organization of Delhi. This project is being funded by the United States Department of Labour, and its primary objective is to contribute to the prevention and elimination of hazardous child labour, which includes the trafficking and migration of children for the purpose of employment. Over the course of forty-two months, the Project will be implemented in two districts in each of the following states: Bihar, Jharkhand, Gujarat, Madhya Pradesh, and Orissa. Donor contribution of \$6,850,000 USDOL in the United States

- The staff of the Railway is also educated on how to deal with children who are suspected of being migrants or trafficked.
- The government is taking a number of proactive measures to bring together the programs of various ministries, such as the Ministry of Human Resource Development, the Ministry of Women and Child Development, the Ministry of Urban Housing and Rural Poverty Alleviation, the Ministry of Rural

Development, the Railway, and Panchayati Raj institutions, among others, in order to ensure that child laborers and their families are able to benefit from the programs of these ministries.

EXTENT OF CHILD LABOUR AS A PROBLEM

The United Nations Children's Fund (UNICEF) defines a kid as a child laborer when the child is either too young to work or is participating in dangerous activities that may damage his physical, mental, social, or educational development (UNICEF Data, n.d.). In other words, a child is considered to be a child laborer when those two conditions are met. This issue is brought about by a number of different social, economic, and political element interactions. There are roughly 246 million children between the ages of 5 and 17 who are now working in situations that are either unlawful, dangerous, or exploitative, as stated by the International Labour Organization (often known as "ILO"). The employment of children who are less than a specific age is referred to as child labor, and it is regarded to be against the law and against traditions. The precise age restriction varies from nation to nation and from government to government when it comes to the issue. Numerous international organizations consider the practice of employing children as a means of exploitation and harsh treatment to be a global issue. According to the International Labor Organization (ILO), child labor is defined as employment that is damaging to children on a mental, physical, social, or moral level, and that also interferes with their ability to attend school:

1. by the denial of their right to participate in educational activities;
2. by forcing students to leave school earlier than they had planned; or
3. by mandating that they make an effort to balance going to school with working for an overly long time and with a lot of labor (UNICEF Data, n.d.)

The practice of using children as domestic workers in metropolitan areas is becoming increasingly common. These children frequently labor in settings that are not regulated, and they are not provided with appropriate food or fair remuneration. The condition is analogous to that of slavery, and there are frightening instances of physical, sexual, and emotional abuse that minor domestic servants have been subjected to. It is a common argument made by proponents of children working in domestic professions that families have placed their children in these jobs for the purpose of providing care and employment. There are around 10 million children in India who are either actively engaged in work or are looking for job. This amount of child labor is far higher than in many other nations. According to the Census conducted in 2011, the total number of children in India who are between the ages of 5 and 14 years old is 259.6 million. Of this number, more than 10 million, which accounts for 4% of the total child population, are now working, either as "main workers" or "marginal workers." According to the statistics from the Census, the number of children who were employed in India declined by 2.6 million between the years 2001 and 2011. In comparison to metropolitan regions, the data reveals a more significant reduction in rural areas. The need for juvenile laborers in urban regions is being driven by the growing number of people moving from rural to urban settings. The data from UNICEF (n.d.) It is anticipated, however, that the COVID-19 outbreak and the ensuing economic difficulties have contributed to an increase in the likelihood of child labor. Two hundred and forty-seven million children who were enrolled in elementary and secondary schools in India have been impacted by the closure of 1.5 million schools as a result of the epidemic and lockdowns. This has increased the likelihood that these children may become involved in child labor or dangerous migration. The Child Labour (Prohibition and Regulation) Act of 1986 defines a child as any individual who is less than 14 years old. This definition applies to all members of the population. Certain

sorts of job, including as domestic work, working in dhabas and hotels, catering at railway enterprises, construction work on the train or along the tracks, working in plastic manufacturers, and working in automotive garages, are all prohibited under this regulation which prevents children from engaging in certain types of work. In addition, the legislation makes it illegal for minors to work in establishments where particular procedures are being carried out. These operations include the production of beedis, tanning, soap manufacture, working in brick kilns, and roof tile units. On the other hand, these restrictions do not apply to a workplace in which the occupier is working with the assistance of their family or in a school that is recognized by the government. In India, the states of Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh, and Maharashtra are the most significant employers of child labor. These states are responsible for employing more than half of the overall child labor market in India. There are tens of thousands of youngsters who are employed in a range of vocations and labor for fourteen to sixteen hours a day, with very limited access to water and food. The following are some of the most important industries that are responsible for the participation of children in the labor force.

Garment Industry

The garment industry in India is plagued by widespread child labor, which sometimes goes unrecognized since it takes place in tiny firms that are individually owned or in home-based setups of various kinds. A report on the garment industry in Delhi that was published in 2015 by the non-governmental organization "Save the Children" stated that over 8,000 textile workers in the city are subjected to difficult working circumstances. These conditions include excessive noise, inadequate lighting and ventilation, and the use of dangerous instruments. 33 percent of those who work from home are never compensated for their efforts, which is shocking. Delhi was given a wake-up call by the study, which prompted the city to understand the necessity of collaboration between the government, civil society, communities, and industry in order to eradicate this immoral practice. (Save the Children, 2015)

Brick Kilns

Brick kilns in India have a long history of using child laborers who are required to work long hours, provide assistance to their parents, and pay little attention to their education. In an effort to address this problem, the Brick Kiln Project of Save the Children has recruited volunteers to offer children with instant access to education and to smooth their transition into formal school through its Bridge Course Centre (also known as the "BCC"). Furthermore, the non-governmental organization has collaborated with the National Monuments Conservation Service (NMCS) to initiate a program aimed at cleaning hands at brick kilns. Children have been given a glimmer of hope as a result of the project, which has resulted in the establishment of seventy educational centers from industries. 16,000 youngsters have been able to escape a future of working as bricklayers because to the efforts of those who support non-governmental organizations (NGOs) such as Save the youngsters. These individuals have also helped to convince industries to adopt a zero-child labor policy.

Unorganised Sector

The employment of child labor is a widespread occurrence in India's unorganized sector. It is easy to notice youngsters working as personal servants or errand boys at tea shops, small stores, and dhabas. This type of labor is particularly prevalent in the tea industry. After the unorganized agriculture sector, the unorganized sector has the position of being the greatest employer of child labor in the country. Child labor is

particularly popular in the informal sector, which is primarily made up of firms that are owned by families. This is owing to the fact that child labor is very inexpensive and there is a "easy to hire, easy to fire" mindset toward children. After school hours, even children who are enrolled in school are participating in work that is performed at home.

Agriculture

The data from the Census that was conducted in 2011 indicates that the agriculture industry in India is most likely the sector that employs the most children. Children are employed to labor in a variety of agricultural activities and at various phases of those activities. Some examples of these tasks include the production of cotton and cottonseed, as well as the transplanting of coconuts, soybeans, and rice. Frequently, they put in long hours for very little money and are forced to endure deplorable living circumstances. In order to solve this problem, the IKEA Foundation and Save the Children collaborated in 2014 to launch a program that would provide protection to eight lakh children who were living in villages that produced cotton in the states of Punjab, Haryana, and Rajasthan. The initiative would cost seven million euros. Earlier, the non-governmental organization (NGO) worked in 1,866 villages throughout the states of Gujarat and Maharashtra. During this time, more than 65,000 children were freed from the bonds of child labor and placed in schools. 2016 edition of Save the Children.

Fireworks

According to Save the Children (2016), the fireworks business in India, and more specifically in the town of Sivakasi, which is located in South India, is a substantial employer of child labor although mostly hidden from public view. Children who are employed in this industry put in long hours, particularly during the holiday seasons in India, while working in settings that are sometimes dangerous and crowded. They are subjected to hazardous chemicals that are utilized in the manufacturing of pyrotechnics, which may have a negative impact on their lungs, skin, and overall health throughout the course of their lifetime. Small producers of pyrotechnics, whether legal or unlicensed, are able to keep production prices low and create considerable profits by employing child labor. This benefits both the manufacturers and the consumers.

POLICY FRAMEWORK

In India, the problem of child labor has been addressed via the implementation of a number of different governmental measures and programs throughout the course of the last ten years. 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 Labour, the adoption of the Convention on the Rights of the Child, and other legislation aimed at addressing child labour are some of the initiatives that have been taken to address the issue of child labour. The International Labor Organization (ILO) has established a number of conventions and recommendations, and it is possible to claim that they have had a significant impact on the labor laws of India, especially those that protect minors. In addition to the requirements of the constitution, there are a number of legislative enactments that offer legal protection to children who are employed in a variety of jobs:

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.

The Factories Act, 1948

It was the Indian Factories Act of 1881 that was the first law in India to outlaw child labor. This law barred the employment of children who were less than seven years old, limited their working hours to nine hours per day, and allowed for four holidays per month in addition to rest hours. Through the implementation of legislative constraints, the British government that was in power at the time enacted this rule with the intention of lowering the amount of production that was coming from Indian companies.

The Employment of Children Act of 1938

When it comes to the carriage of people, commodities, or mail, this Act makes it illegal for railways or port authorities located within port limits to hire minors under the age of 15 for any activity that is linked to the transportation of these things. In addition, the Act affords some protection to minors who are between the ages of 15 and 17, although this protection does not apply to youngsters who are serving as apprentices or who are participating in vocational training.

The Mines Act, 1952

Under the terms of this Act, it is illegal to employ minors who are less than 18 years old in a mine. Mining is one of the most hazardous jobs, and it has been responsible for a number of significant incidents that have resulted in the deaths of children in the past. As a result, mining is absolutely prohibited for children.

The Merchant Shipping Act, 1958

With the exception of a school ship or training ship, a ship governed by a family, a home trade ship of less than 200 tons 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, this Act prohibits the employment of children under the age of 15 on a ship. However, there are some exceptions to this rule.

The National Apprenticeship Act 1961

Beginning on January 1, 1963, the Apprentices Act of 1961 was introduced to the Parliament in the year 1961 and went into force on that same day. Over time, it underwent more revisions in the years 1973 and 1986. This Act was initially intended to be used for the purpose of providing training for trade apprentices. In accordance with this Act, apprenticeship training is available to any person who is at least 14 years old and possesses the minimum educational qualification that is stipulated for a particular trade.

The Beedi and Cigar Workers (Conditions of Employment) Act

This Act was passed into law in 1966 and is applicable to any industrial establishment that is engaged in the manufacturing of cigars, beedis, or both, regardless of whether or not the enterprise is powered. People

who are under the age of 14 are not allowed to work in any of these establishments, and those who are between the ages of 14 and 18 are not allowed to work between the hours of 7 p.m. and 6 a.m., as stipulated by the Act.

Laws pertaining to the prohibition and regulation of child labor were enacted in 1986 and 2016, respectively, and also amended in 2016.

Over the course of its existence, this legislation has been subjected to a number of modifications, one of which being the Child Labour (Prohibition and Regulation Amendment) Bill, which was introduced in the year 2012. According to the Child Labour Amendment (Prohibition and Regulation) Act, 2016, any anyone who is found guilty of employing children or adolescents in any unlawful labor task will face a fine of up to Rs. 50,000 in addition to a prison sentence of between six months and two years. Furthermore, if a person continues to engage in it even after being reprimanded once, they may be sentenced to a prison term ranging from one to three years. For the first time, parents who are found to be guilty of forcing their children to work in family enterprises, as child painters, or in any other banned activities are given a warning, and for the second time, they may be penalized with a fine of up to Rs 10,000 at the discretion of the court. These adjustments have been made with the intention of enhancing the regulations that are already in place and making them more efficient in relation to the elimination of child labor in India. It is the intention of the amendment that was passed in 2012 to increase the number of hazardous vocations and procedures from 18 to 83, which would result in an expansion of the law's coverage. In addition, the amendment intends to make it illegal for children under the age of 14 to be employed in any and all vocations and procedures, with the exception of those that are operated by members of their own family. As an additional benefit, the change includes the introduction of more stringent sanctions for individuals who violate the law by employing juveniles. In order to further strengthen the amendment, the Standing Committee on Labour and Employment has made a number of recommendations. These recommendations include expanding the scope of the law to include all forms of child labor, including those that are performed in the informal sector, and providing for increased protection and rehabilitation of child laborers who have been rescued. The Child Labour (Prohibition and Regulation) Act and its revisions, taken as a whole, are a reflection of the resolve of the Indian government to eradicate the problem of child labor throughout the nation. However, there is still a significant distance to travel, and it is imperative that all parties involved make active efforts in order to guarantee that every kid in India has the opportunity to have a happy childhood and to get an education of sufficient quality.

Conclusion:

It is obvious that laws cannot eliminate child labor on their own, but policies and regulations play an essential role in safeguarding young laborers. To tackle the underlying issues of child labor and safeguard children from exploitation, a comprehensive social policy agenda, robust legal protections, and efficient enforcement mechanisms are essential. Every kid deserves the chance to grow up in a secure and caring environment, and as the nature of employment changes in the 21st century, our methods to eliminate child labor must also change. An essential part of the worldwide movement to end child labor is the implementation of policies and laws that safeguard children who work as laborers. Although there has been great success in creating all-encompassing legal frameworks, problems with enforcement, cultural norms, and socioeconomic variables are still holding things back. Child labor is still prevalent, especially in unregulated industries and areas with lax government. This highlights the problem with laws that lack

strong enforcement and supportive policies. In order to adequately safeguard children who work as laborers, we must not only comply with legal requirements but also tackle the underlying issues that force children to work. To achieve this goal, we need a comprehensive strategy that addresses poverty, ensures all children have access to high-quality education, raises awareness in the community, and provides financial assistance to families in need. In order to create conditions where children may freely pursue their education and growth without being exploited, policies that empower communities, enhance governance, and promote social justice are crucial. In addition, eliminating child labor from global supply chains and combating cross-border challenges like as trafficking requires international cooperation and multi-stakeholder engagement. For the sake of all children's rights and welfare, it is imperative that the business sector, civic society, international organizations, and national governments collaborate to find long-term solutions. Ultimately, laws banning child labor are important, but they won't go far without thorough policies and robust enforcement methods. Adapting these tactics to align with the growing socio-economic realities that sustain child labor and the changing nature of employment is a continuous problem. The eradication of child labor and the guarantee of a secure, healthy, and nurturing environment for all children can only be achieved via a united, worldwide effort.

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