

CHILDHOOD LOST: REVISITING POLICY INTERVENTIONS AND WAY FORWARD FROM CHILD LABOUR PERSPECTIVE

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Abstract. The paper is based on the doctoral thesis titled “Child Labour, Rights and Rehabilitation: A Study of Select Stakeholders in Delhi”. The objective of the research was to know how far the government initiative has been proved effective and sustainable. The paper attempts to analyse the current circumstances and revisits the legislative interventions.

Keywords: *Childhood, child labour, child policy, crime against children, legislation, vulnerable children.*

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1. Introduction

John F. Kennedy, former president of the United States of America once said “*Children are the living messages we send to a time we will not see*”, quotes of the former president well reflected in the National Policy for Children in India. It was indeed a significant step to ensure the protection and promotion of a healthy environment for children to gain their full potential. The government of India adopted the *National Policy for Children* on 26th April, 2013 (Ministry of Women and Child Development, 2013). It precisely states children are “*Supremely Important Asset*” and priorities 4 key areas *survival, health and nutrition, education & development and protection & participation* (Ministry of Women and Child Development, 2013). United Nations Convention on the Rights of the Child (UNCRC) defines child, a *child* means *every human being below the age of eighteen years unless, under the law applicable to the child, a majority is attained earlier* (Article 1 of the UNCRC). *Article 21 (A)* and *Article 29* of the Indian Constitution describe a child. It says that a child who is below 14 years old whereas the Juvenile Justice (Care and Protection of Children) Act states that all children below 18 years should be treated as children. India is the home of the largest population of children in the world as per census 2011; India accounts for 39 percent of children under 18 of age in which 29 percent fall under 0 to 6 (zero to six) years of age (International Labour Organisation, 2017). Children are the greatest gift to humanity and childhood is an important and impressionable stage of human development as it holds the potential for the future development of any society. Children who are brought up in an environment, that is

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conducive to their physical, social and intellectual health, grow up to be responsible and productive members of society.

2. Methodology

The research paper has been taken from the doctoral thesis titled “Child Labour, Rights and Rehabilitation: A Study of Select Stakeholders in Delhi”. A broader objective of the study was to know how far the government initiatives on rehabilitating rescued child labourers have proved effective, sustainable and helped in reintegrating survivors into the educational and social mainstream. A descriptive research design including a mixed methods approach for the study was used. Also, a non-probability purposive sampling technique was used and a total of 271 (124 children+124 families members+23 stakeholders) respondents belonging to different groups were included in the study (Bharti, 2023).

3. Children in Industry: Factsheet

International Labour Organisation (2017) The fact sheet based on the data of Census 2011 highlights that the total child population in India in the age group (5-14) years is 259.6 million in which 10.1 million, means 3.9 percent of the total population is working. It is also significant to mention here that the fact sheet further pronounced a more than 42.7 million children are out of school. However, it also carries affirmative indicators that the incidence of child labour has decreased in India by 2.6 million between 2001 and 2011. Especially rural areas witnessed more child labour but on the contrary, the number of child labour in urban areas increased which precisely indicates a growing demand for child workers in urban households work or others (International Labour Organisation, 2017).

A total number of working children (5-14) in rural and urban areas is 8.1 million (4.3 percent) and 2.0 million (2.9 percent) respectively according to Census 2011. As per Census 2011 broadly child labour are engaged in respectively 2.63 million (26.0 Percent) in Cultivators, 3.33 million (32.9 Percent) in agricultural labourers, 0.52 million (5.2 Percent) in household industry workers and 3.62 million (35.8 Percent) in other workers. The Census 2011 indicates that Uttar Pradesh, Bihar, Rajasthan, Maharashtra and Madhya Pradesh collectively represent 55 percent of total working children in India in which 2.18 million (21.5 Percent) in Uttar Pradesh, 1.09 million (10.7 Percent) in Bihar, 0.85 million (8.4 Percent) in Rajasthan, 0.73 million (7.2 Percent) in Maharashtra and 0.70 million (6.9 Percent) in Madhya Pradesh.

3.1. Global Scenario

The Sustainable Development Goals set 17 point agendas for social, economic and environmental justice, in which Goal 8 is dedicated to the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all in which Target 8.7 especially pronounced to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers and end of all forms of child labour by 2025. ILO report titled “*Ending Child Labour by 2025: A Review of Policies and Programs*” is a compilation of affirmative measures introduced and reflecting upon achievement

(International Labour Organisation, 2018). ILO annually publishes this report, of which the first edition of the report came in the year 2017 is a remarkable documental evidence based on reliable sources of data, which is a source of further discussion for better outcomes. International Labour Organisation (2018) The major findings report put forward a global estimate of number of child labour, which indicates 152 million of child labour in which 64 million girls and 88 million boys consisting of almost one in 10 of all children globally (p. 03 of the report *Ending Child Labour by 2025: A Review of Policies and Programs*). However, the report suggest decline in number of child labour by 94 million since 2000, but in last four-year period witnessed a slow rate of reduction by two thirds (p. 04). So, prediction has been made based on the current rate of deduction in number of child labour, highlight 121 million children still will be engaged in child labour by 2025 (p. 04). International Labour Organisation (2018). It is remarkable to highlight – 73 million children out of 152 million which accounts for almost half, are working in hazardous occupations or processes and 4.3 million of children are subject to the worst forms of child labour (p. 03). A greater number (78.3 million) of children are engaged in child labour, also attending school and there are 36.1 million of children engaged in child labour, but not attending school (p. 06).

International Labour Organisation (2018) It is significant to bring here notice from deriving the findings from the report, that 4.3 million children are trapped in forced labour or worst forms of child labour in which report findings highlight that 01 million of the are engaged in commercial sexual exploitation, 3 million of them are in forced labour by private owner and 3 lakh children are engaged in State imposed forced labour (p. 19). The number mentioned in the report does not bring an outstanding change from the report published four years earlier. International Labour Organisation (2018) Africa ranks highest among regions with 72 million child labour. Asia and the Pacific positioned second highest with 62 million child labour. Collectively, the Africa and Asian & the Pacific regions account for almost 09 out of every 10 children in child labour globally. The rest number of child labour is divided into the USA, Europe & Central Asia and the Arab States respectively 11 million (05 percent), 6 million (04 percent) and 1 million (03 percent) (International Labour Organisation, 2018).

There are 54 million children between ages 5 to 14 years performing household work for at least 21 hours of work (Threshold beyond which initial research suggests negative impact) which girls consist of 34 million, which means two-thirds of the total (International Labour Organisation, 2018). The finding of the report also highlights that there are 29 million children among ages 5 to 14 years, out of which 11 million are boys and 18 million are girls performing household work 28 hours per week, which is beyond the threshold, also about 7 million of engaged in household work for extremely long hours, means 43 or more each week in which two thirds are girls only (International Labour Organisation, 2018). There are more than 37 million children (adolescents) in the age group of 15 to 17 years in which 23.5 million boys and 13.6 million girls are engaged in child labour and almost half are engaged in agriculture and the rest are working in services and industry. The findings of the report point out that although these children are above the prescribed minimum age it must be considered child labour as they are engaged in hazardous work or in another worst form of child labour (International Labour Organisation, 2018). An Analysis of the child labour data for countries affected by armed conflict indicates that the number of children in employment, child labour and hazardous work is remarkably higher in these countries than in global averages. The findings of the report indicate a 77 percent higher incidence of child labour than the global average and

a 50 percent higher incidence of hazardous work than the global world. Also, natural disasters are associated with the risk of increasing child labour (International Labour Organisation, 2018).

4. Crime against Children: How Much Children are Safe in Society?

Below are the tables showing the crime-related cases registered against children across India. The crime against children is related to kidnapping, murder, rape and others. The latest report of the National Crime Records Bureau (NCRB) 2022 has been published by the Ministry of Home Affairs, Government of India.

Table 1. Crime against children

Indian States	2020	2021	2022 (Latest)	Crime/Day	Percent against 2020*	Percent against 2021*
Andhra Pradesh	2648	2669	3308	9.06	24.92	23.94
Arunachal Pradesh	113	162	143	0.39	26.55	-11.73
Assam	4622	5282	4084	11.19	-11.64	-22.68
Bihar	6591	6894	8122	22.25	23.23	17.81
Chattisgarh	5056	6001	6177	16.92	22.17	2.93
Goa	125	151	184	0.50	47.20	21.85
Gujarat	4075	4515	4964	13.60	21.82	9.94
Haryana	4338	5700	6138	16.82	41.49	7.68
Himachal Pradesh	636	740	740	2.03	16.35	0.00
Jharkhand	1795	1867	1917	5.25	6.80	2.68
Karnataka	5471	7261	7988	21.88	46.01	10.01
Kerala	3941	4536	5640	15.45	43.11	24.34
Madhya Pradesh	17008	19173	20415	55.93	20.03	6.48
Maharashtra	14371	17261	20762	56.88	44.47	20.28
Manipur	125	143	120	0.33	-4.00	-16.08
Meghalaya	415	481	496	1.36	19.52	3.12
Mizoram	142	122	135	0.37	-4.93	10.66
Nagaland	31	51	35	0.10	12.90	-31.37
Odisha	6330	7899	8240	22.58	30.17	4.32
Punjab	2121	2556	2494	6.83	17.59	-2.43
Rajasthan	6580	7653	9370	25.67	42.40	22.44
Sikkim	147	149	159	0.44	8.16	6.71
Tamil Nadu	4338	6064	6580	18.03	51.68	8.51
Telangana	4200	5667	5657	15.50	34.69	-0.18
Tripura	260	236	220	0.60	-15.38	-6.78
Uttar Pradesh	15271	16838	18682	51.18	22.34	10.95
Uttarakhand	1066	1245	1706	4.67	60.04	37.03
West Bengal	10248	9523	8950	24.52	-12.67	-6.02

A&N Islands	141	124	146	0.40	3.55	17.74
Chandigarh	209	234	224	0.61	7.18	-4.27
Daman & Diu	67	104	107	0.29	59.70	2.88
Delhi	5362	7118	7468	20.46	39.28	4.92
Jammu & Kashmir	606	845	920	2.52	51.82	8.88
Ladakh	2	1	8	0.02	300.00	700.00
Lakshadweep	9	17	11	0.03	22.22	-35.29
Puducherry	71	122	139	0.38	95.77	13.93
Total	128531	149404	162449	445.07	26.39	8.73

Source: National Crime Records Bureau, 2022.

*Percent in comparison with latest data (2022) with previous year's data (2020 & 2021).

It is evident from the above table that 162449 crime-related cases against children were recorded in the year 2022 which is 26.39 percent higher than the year 2020 whereas 8.73 percent of cases increased in comparison with the previous year (2021). A total of 18 cases per hour of crime against children were reported in the year 2022. It is also precisely visible from the above table that 445 cases of crime against children per day were recorded in the year 2022 in India. The states like Maharashtra, Madhya Pradesh and Uttar Pradesh reported 57, 56 and 51 cases per day respectively. A large number of cases in comparison with the previous year has been recorded in Uttarakhand (37.03 percent); Uttar Pradesh (10.95); Rajasthan (22.44 percent); Kerala (24.34 percent); Maharashtra (20.28 percent); Bihar (17.81 percent); Andhra Pradesh (23.94 percent) and others. There are states which has also recorded less number of crimes against children in comparison with the previous year such as Assam (-22.68 percent); Chandigarh (-4.27 percent); Punjab (-2.43 percent); West Bengal (-6.02 Percent) and some of the North East states. A major crime against children is reported "Kidnapping & Abduction (45.7 Percent) and "Protection from Sexual Offences Act, 2012 (39.7 Percent)" including child rape. The recorded crime rate per lakh child population was 36.6 in year 2022 whereas 33.6 was reported in 2021 (NCRB 2022, p. xii).

Table 2. Missing and Untraced Children (Below 18 years)

Untraced Children from Previous years		Children Missing in 2022 (Latest Data)		Total Children Missing (Previous Years+2022)		Total Un-traced Missing Children	
Boys	13379	Boys	20380	Boys	33759	Boys	13505
Girls	31133	Girls	62946	Girls	94079	Girls	33798
Trans	12	Trans	24	Trans	36	Trans	10
Total	44524	Total	83350	Total	127874	Total	47313

Source: National Crime Records Bureau, 2022.

It is evident from the above table that a total of 83350 children were reported missing in the year 2022 of which girls, boys and Trans were 62946, 20380 and 24 respectively. A total of 127874 cases of missing children including the previous year

recorded in which girls, boys and Trans were 94079, 33759 and 36. It is precisely visible from the above table that 15 children per hour are being reported missing in India in which 73 percent (94079) of girls were found missing. The above table also shows that a total of 47313 children remain untraced in which a larger number of girls (71 percent) reported untraced means such a large number of children in which mostly girls have not reached their home and their parents including entire families is also suffering.

5. Key legislative interventions: Revisiting and connecting dots

Several key interventions happened in terms of policy, programs and various others. Following are the key legislative interventions to nurture and protect the children especially vulnerable children of the country.

A. Global Legislative and Rehabilitative Framework

The global initiative has performed an imperative role in channelizing the global leaders to bring disadvantaged communities of the society under social security coverage so that the people residing at the last ladder of development can realize development opportunities.

United Nations Convention on the Rights of Child (UNCRC)

United Nations (1989) Convention on the Rights of Child is one of the significant developments in the history of child rights globally. The philosophical base of this convention is deeply rooted in the objective defined for the formation of the United Nations agency. It has four broad objectives. The first is to secure peace and security worldwide, next is to ensure a healthy and progressive relationship among nations, third objective is precisely dedicated to maintaining balance among nations relating to each nation's economic, social, cultural and other humanitarian relations and fourth urge all nations to come on common platform to meet and discuss our goals and learn from mistakes which we made in the history of mankind (United Nations, 1989). A number of steps the United Nations has taken since its formation and significant milestones it achieved in protecting and securing human rights worldwide. In a series of protection of human rights United Convention on the Rights of Child is a prominent milestone in the protection of the rights of children globally, it is a commonly popular in short CRC. It was adopted in the 44th general assembly session of the United Nations on 20th November, 1989 (United Nations, 1989). Convention on the Rights of Child (CRC) came into force on 2nd September, 1990. The information available on the webpage of the United Nations Treaty Collection, discloses that it has been ratified by 196 countries, except the United States of America (Only country not to ratify) but it signed the treaty, which also obliged the country to achieve goals and objectives of CRC (United Nations, 1989).

Convention on Rights of Child is one of most ratified treaties in history. It is well known international treaty to secure the civil, political, economic, social and cultural rights of child worldwide. It's a legal agreement among nations to protect right to survival, protection and education of the child through a number of child centric measures so that not a single child face any form of discrimination on basis of identity, race, culture, language, sex, religion etc. CRC is in three parts in which comprehensive measures are coded into different 54 articles, which cover and are required for the holistic development of child. It is precisely an eminent step that will definitely nurture an environment for child in reaching full potential.

Sustainable Development Goals

United Nations (n.d.) *Sustainable Development Goals* (SDGs) are universal collective commitment towards the conscience developed to end widespread poverty, all forms of discrimination, child labour, child abuse, gender disparity and environment protection. It's an instrument of global cooperation, brotherhood in a form of global blueprint for attaining sustainable development through targeting identified 17 points global goals. A consistent focus on a selective target will definitely bring a positive change in other sections of the development areas so that a balance social, economic and environment sustainability will be witnessed. United Nations (n.d.) Sustainable Development Goals initiated with a pledge "*leave no one behind*" contains 15 global goals under which 169 targets are set, also 1 to 3 indicators are created for each target for monitoring purposes. United Nations General Assembly adopted the Sustainable Development Goals in year 2015 with a universal call to end poverty, protect and ensure peace & Well-being and bring prosperity for all by the year 2030. However, each target of SDGs is significantly relevant for the holistic development of children and other global child issues, but there are some sets of targets remarkable from the perspective of protection and promotion of child rights.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)

United Nations (1986) United Nations Standard Minimum Rules for the Administration of Juvenile Justice which is commonly known as "*The Beijing Rules*" fill the long demand of standard procedures of handling juvenile justice following the aim and spirit of fundamental rights conferred to the offenders of crime and juveniles in trouble with law. United Nations (1986) The basic conceptual basis is the recognition that the young in early state of human development require particular care and assistance with regard to physical, mental and social development and also require legal protection in circumstances of peace, freedom, dignity and security. United Nations (1986) It was adopted by the 7th United Nations General Assembly in year 1985 which was marked as the International Youth Year, means the year 1985 designated to highlight the relevance of Participation, Development, Peace, Protection and Promotion of the Rights of Young propagated through Declaration of the Rights of the Child.

The Universal Declaration of Human Rights (UDHR)

United Nations (n.d.) *The Universal Declaration of Human Rights*, informally also known as *the International Bill of Human Rights* is one of the widely accepted historical policy documents in the history of human rights. United Nations (n.d.) United Nations adopted this prominent human rights declaration in its 3rd United Nations General Assembly on 10th December, 1948. This is one of the United Nations document which has set world record in getting translated in more languages also the Universal Declaration of Human Rights inspired globally many National or International Conventions and Treaties, additionally a lot of regional or domestic laws pertaining to human rights. It is functioning as fundamental principles to protect human rights globally and equally, it has significant impact on the preventive, protective and rehabilitative measures taken so far for the issues pertaining to child labour and his or her families. It is certainly important to mention here the prominent human rights declaration coded in the Universal Declaration of Human Rights. United Nations (n.d.) Preamble of the Universal Declaration of Human Rights highlights the foundational basis of ensuring rights to every

one through taking reflection of historical surroundings of fear, barbarous acts and disregard for human rights. It recognizes the inherent dignity, equal and inalienable rights of all members of the human family and it is said to be the pillars of freedom, justice and peace in the world. It is also considered to be essential instrument to promote social progress, development of friendly relations and better standard of life.

***Minimum Age for the Admission to Employment
(Minimum Age Convention, 1973)***

ILO (1973) *Minimum Age for the Admission to Employment* is significant globally to bring attention to the circumstances in which children are working. It is also equally important to mention that this is an open space to discuss the ideal stage in term age in which child can be fully or partially allowed under regulatory provisions. ILO (1973) It is a historical agreement adopted in the 58th International Labour Conference held at Geneva on 26th June 1973 which came into force on 19th June, 1976. India, home for largest child labour ratified it in year 2017. Minimum Age for the Admission to Employment laid down a minimum age for employment of children, considering their physical, psychological and other development growth. Child labour is global phenomenon; especially India has a high concentration of child labour where children are forced to live in unhygienic, longer hour of work, no rest, abuse, torture and work in hazardous settings. It has devastating impact on the development of child and further, it also reflects in overall development of country. It is a milestone instrument for securing the rights of children to live their childhoods and bring circumstances for children to study, play, enjoy their surroundings and avail equal opportunities in life to grow as a sensible, accountable and competent citizen.

Worst Forms of Child Labour Convention, 1999

Convention Number 182 on Worst Forms of Child Labour is affirmative step taken for the complete eradication of worst forms of child labour which have devastating effect on the moral, physical and psychological development of child (ILO, n.d.). It is significant step and a collective global call to take action to identify child labour, form laws and implementation of programs for action, monitoring and evaluation. It was adopted on 17th June, 1999 which comes into force on 19th November, 2000 (ILO, n.d.). It precisely identify different forms of prevailing worst forms of child labour, also laid down forms which strictly recommended to stop in which slavery, sale or trade of children, forced work, prostitution and pornographic precisely categorised for further action and measures taken to complete prohibition of such practices in member country.

B. National Legal and Constitutional Framework

The heart of India is significantly reflected in the preamble of the Constitution of India. It states “*We the people of India, having solemnly resolved to constitute India into a Sovereign, Secular, Democratic Republic and to secure to all its Citizens- Justice, Liberty, Equality, Fraternity*”. It performed a significant role in the fabrication of a national legislative framework to safeguard and ensure child rights.

The Constitution of India

India (Bharat) is a Union of States; known to home of the oldest democracy on the earth. India is governed by a federal structure with a comprehensive structure and detailed guidelines mentioned in the Constitution of India. It was adopted by the constituent

assembly on 26th November, 1949 and implemented on 26th January, 1950. It is a document created by adopting the best and suited to the culture of Indian practice to make it more inclusive and progressive. The Constitution of India is a comprehensive document divided into 22 parts and 12 schedules in which subjects of executives, judiciary, legislative, citizenship and union are incorporated. Primarily Part III of the Constitution of India contains the fundamental rights of citizens of the nation. Article 14 (Equality before law) states that the state shall not deny any person equality before the law or the equal protection of the laws within the territory of India. Article 15 (3) Prohibits discrimination on grounds of religion, race, caste, sex or place of birth or any of them; Nothing in this article shall prevent the State from making any special provision for women and children. Article 21 (Protection of life and personal liberty) states that no person shall be deprived of his life or personal liberty except according to procedure established by law. Article 21 (A) states that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Article (23) states the Prohibition of traffic in human beings and forced labour. Article (24) states the Prohibition of employment of children in factories, etc. which tells that no child below at age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

The National Policy for Children 2013

John of Kennedy, former president of the United States of America once said “*Children are the living messages we send to a time we will not see*”, quotes of the former president well reflected in the National Policy for Children in India. It was indeed a significant step to ensure the protection and promotion of a healthy environment for children to gain their full potential. Government of India adopted the *National Policy for Children* on 26th April, 2013 (Ministry of Women and Child Development, 2013). It precisely states children are “*Supremely Important Asset*” and priorities 4 key areas *survival, health and nutrition, education & development and protection & participation* (Ministry of Women and Child Development, 2013). India is the home of the largest population of children in the world as per census 2011; India accounts for 39 percent of children under 18 of age in which 29 percent fall under 0 to 6 (zero to six) years of age (International Labour Organisation, 2017). *The National Policy for Children* adheres to the preamble of the Constitution of India as well as the *Convention on the Rights of Child*. It has expanded the relevance and scope of the *National Policy for Children 1974*, also learning taken during periods of implementation and practical experiences added more value, equipped better to the *National Policy for Children 2013*.

The National Policy on Child Labour 1987

The National Policy on Child Labour is one of the flagship policy documents regarding the prevention and rehabilitation of child labour and other welfare initiatives for the welfare of families and children in India (Ministry of Labour & Employment, 1987). There are three major actionable components in the National Policy on Child Labour (Ministry of Labour & Employment, 1987). First, legislative measures to regulate, monitor and promotion of decent work conditions in industrial settings, besides regulation of working conditions of children in certain other employment envisage as a legislative action plan. Second, convergence initiative and third, project initiative.

The Child Labour (Prohibition and Regulation) Amendment Act 2016

The Child Labour (Prohibition and Regulation) Act 1986 is the principal Act that has gone through a significant change through the *Child Labour (Prohibition and Regulation) Amendment Act 2016*. The amendment profoundly highlighted the objective which states that “*an Act to prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and process and the matters connected therewith or incidental thereto*” (Ministry of Law & Employment, 2016). Section 3 of the Principle Act of Part II deals with the prohibition of the employment of children in certain occupations and processes in which a significant amendment has been brought and sub-sections have been inserted that placed a comprehensive description of the prohibition of the employment of children in any occupation and process. Section 3A has been added to the principle Act which deals with the prohibition of the employment of adolescents in certain hazardous occupations and processes. It states that *no child shall be employed or permitted to work in any of the hazardous occupations and processes outlined in the Schedule*. Section 14 of the principal Act under Part IV which consists of the miscellaneous in which penalties in violation of the Act have been mentioned went through a comprehensive change multiple sub-sections have been inserted about the penalties in case anyone is found violating the provisions of the Act. The punishment of imprisonment with fines has been placed which is marginally higher than the earlier provisions. The amendment inserted new sections 14A, 14B, 14C and 14D in which 14A states that any offences committed by an employer and punishable under section 3 of section 3A of the Act shall be cognizable. Section 14B (1) talks about setting up funds in every district or for two or more districts to be called the Child and Adolescent Labour Rehabilitation Fund in which the fine collected from the employer of the child will be credited. The sub-section (2) of the 14B also directs the appropriate government to credit an amount of fifteen thousand rupees for each child or adolescent for whom the fine amount has been credited. The further sub-section of (3) or (4) also talks about rehabilitation funds for children and adolescents.

The Juvenile Justice (Care and Protection of Children) Act, 2015

Ministry of Women & Child Development (2015) *The Juvenile Justice (Care and Protection) Act* is a significant landmark in the history of child care and protection in India. It has consolidated the child-related laws enacted for the prevention, protection and rehabilitation of children in difficult circumstances. The Act laid down a comprehensive measure touching upon areas essential for the complete eradication of child labour or any other issues related to children or his/her families, whether it is a concern for adoption, children in conflict with the law or child in need of special care and protection (Ministry of Women & Child Development, 2015). An extensive objective of the Act is to amend, consolidate and bring uniformity in the laws enacted for the care and protection of children, also children found to be in conflict with law and in need of care and protection by incorporating measures and services, also adopting a child-friendly approach catering to their basic needs through proper care, protection, development, treatment, social re-integration, rehabilitation and matters related in their best interest of children (Ministry of Women & Child Development, 2015).

M.S. Gurupadaswamy Report, 1979

Ministry of Labour (1979) M.S. Gurupadaswamy Committee Report on Child Labour is a landmark in the history of fabricating rights and facilitating ways to deliver

rehabilitation measures and other welfare services to children working in hazardous occupations or other processes and families of working children. It has been guiding principles, also force to drive to undertake preventive, rehabilitative measures to stop child labour in terms of legislative, holistic development initiatives and project based action plans. The United Nations General Assembly adopted and declared 1979 as the “International Year of the Child” on 21st December, 1976 so that universal accountability and responsibility could be promoted worldwide, also global cooperation would be strengthened in the fight against widespread discrimination, torture, abuse, exploitation of children. Also, the goal is to bring attention towards the special need and promotion of the National Action Plan for the eradication of any forms of child cruelty and abuse. Accordingly, India also got inspiration which paved the way to setting up 16 members Committee consisting of members from different concerned departments under the chairmanship of M.S Gurupadaswamy in the year 1979 to look into the matters of employment of children in hazardous occupations or processes, also to examine the circumstances in terms of existing laws, other provisions and welfare measures. The Committee recommendations put it forward that a multiple policy approach and more study and remedial actions need to be undertaken. The Ministry of Labour and Employment recommended to, come forward and sponsor as well as integrate with other departments for effective programs planning and execution. One of the major recommendations is to set up an “Advisory Board” at the Centre and State levels to look after the functioning of programs, study of child labour, also results of programs and findings of the study should be placed on the Table of the House of Parliament or Assembly. It was the view of the Committee to fix a minimum age of Children for entry into employment. The Committee recommended 15 years, the minimum age for entry into any employment and strongly recommended bringing uniformity into the definition of “Child”, “Adolescent”, “Hours of Work”, “Conditions of Work” and bringing a comprehensive law to avoid any ambiguity in respect of prohibition, regulation and objective in terms of employment of children. A minimum educational qualification for entry into regulated employment is recommended to be fixed within five years. The Committee suggested eight standard minimum qualifications for entry into employment. It has been strongly put forward imposition of penalty in violation of labour laws also Planning Commission recommended working out on plan of taking away all children below the age of 15 years from the labour market so that employment can be generated for unemployed person.

Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)

The Right of Children to Free and Compulsory Education Act, 2009 is an outstanding legislative action undertaken for the “Free and Compulsory” education to children of age between 06 to 14 years in India (Ministry of Education, 2009). The 86th Constitutional Amendment in the year 2002 turned education into a fundamental right under Article 21-A in the Constitution of India which pronounces that the State shall provide free and compulsory education to all children of the age of six to fourteen years at the State may, by law determine (Ministry of Education, 2009). The Right of Children to Free and Compulsory Education Act, 2009 was enacted on 04th August, 2009 which came into force on 11th April, 2010. Its mandate to the State provide free and compulsory education to children of 06 to 14 years of age in neighbourhood schools in which it’s an obligation of the State to identify out-of-school children and further put measures for enrolment drive, their attendance as well as completion of elementary education.

The Commission for Protection of Child Rights Act, 2005

Ministry of Women & Child Development (2006) It is an affirmative outcome of India's commitment towards International or National Conventions or Legal Framework against issues of child exploitation and abuse. India's responses have been encouraging in participation in terms of accepting responsibility or adopting global commitment as well as the implementation of responsibility depicted. India actively participated and accepted the United Nations General Assembly Summit's Declaration on Survival, Protection and Development of Children in 1990, also the Convention on the Rights of the Child on the 11th December, 1992 and the United Nations General Assembly Special Session on Children held in 2002 in which an Outcome Document titled "A Word Fit for Children" adopted which collectively paved the ways for the adoption of goals, strategies and activities to fabricate a society fit for children in India (Ministry of Women & Child Development, 2006)

6. Conclusion & Suggestions

India is the home of the largest population of children in the world. India accounts for 39 percent of children under 18 of age of which 29 percent fall under 0 to 06 (zero to six) years of age (International Labour Organisation, 2027). India needs robust policy and program implementation so that the young energy of the country can be channelized into nation-building. However, the data indicates a sharp gap between the implementation and availability of policies and programs for children. India has been signed and committed to adhere to the global human rights treaties or United Nations Conventions. The country has robust policies and programs to safeguard vulnerable children but the implementation remains the major issue. International Labour Organisation (2017) The fact sheet based on the data of Census 2011 highlights that the total child population in India in the age group (5-14) years is 259.6 million in which 10.1 million, means 3.9 percent of the total population is working. It is also significant to mention here that the fact sheet further pronounced a more than 42.7 million children are out of school. It is evident from the table 1 that 162449 crime-related cases against children were recorded in the year 2022 which is 26.39 percent higher than the year 2020 whereas 8.73 percent cases increased in comparison with the previous year (2021). It is precisely visible from the above table 2 that 15 children per hour are being reported missing in India in which 73 percent (94079) girls were found missing. It also shows that a total of 47313 children remain untraced with a larger number of girls (71 percent) reported untraced means a large number of children mostly girls have not reached their homes.

6.1. Suggestions

It is just not the child who is in crisis but it is the whole family who is in the crisis. There is a need to bring the family of a vulnerable child to a central point to protect and rehabilitate. The convergence initiative of the different departments needs to be revived. The National Policy on Child Labour suggested three thematic action plans in which convergence initiative is one of the suggested measures for the delivery of welfare program benefits to families. The follow-up part is largely missing from the whole context. The District Child Protection Units (DCPUs) must be strengthened and the role of monitoring and convergence should be a major focus of the DCPUs. It should act as a nodal agency for convergence in the true sense. It is suggested to engage more and more professionals in the field. It should not be entirely government-run programs. The

government should make collaboration with professional agencies including Social Work Institutions. The use of technology is immensely required. It can be a much more effective tool for tracking the child once he/she leaves the home. The probable means of transport is train or bus for them. The cameras are installed at every point so if the child is seen in number, then identity should be verified. The hotspot regions especially the Delhi-Howrah route should be strictly monitored and staff like ticket collectors, railway police and others should be sensitized in a programmed manner. The hotspot of the vulnerable child across the country is no longer secret now so it is recommended to first close the tap because there is no meaning of sweeping at cities without closing the hole at the source station. It is suggested to have an effective plan of action for rehabilitation otherwise just rescuing them and throwing them back to the old situation will not be treated as rehabilitation.

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