

Special Article

Child Labour: Status And Policy In India

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Abstract

Child labor in India is a persisting problem majorly due to poverty, unemployment, or the socio-economic conditions of the parents that force the children to contribute. Due to migration in urban areas, all the family members contribute to the income of the family which means children take up menial work. Due to the lack of government reporting, reliance is placed on the reports from various organizations and NGOs. The legislative and other statutory efforts by the government in addressing the child labor problem have been a failure as schemes like NCLP are deficient in funds meaning the closure of various schools formed under NCLP to rehabilitate these child laborers rescued. A grey area in child labor persists due to higher employment of children above 14 years in hazardous employment and engagement more in employment rather than schooling. The author emphasizes the need to include trade learning and skill development as a solution to better engage children over 14 years in schooling and provide an incentive for them to develop skills that will enhance their job prospects in the market.

Keywords: Child Labour, India, Poverty, Education, hazardous work

1. Introduction

“I am the child. All the world waits for my coming. All the earth watches with interest to see what I shall become. Civilization hangs in the balance, For what I am, the world of tomorrow will be. I am the child. You hold in your hand my destiny. You determine, largely, whether I shall succeed or fail, Give me, I pray you, these things that make for happiness. Train me, I beg you, that I may be a blessing to the world”. Manie Gene Cole.²

The poem was quoted by Justice Hansari in the *M.C. Mehta v State of Tamil Nadu*³ judgment, where the petitioner raised the problem of child labor engaged in

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² Cited by Justice Hansaria in the judgment of *M.C. Mehta v. State of Tamil Nadu*, AIR 1997 SC 699.

³ AIR 1997 SC 699.

hazardous employment. The court observed that child labor is a national problem due to poverty. The judgment defines the problem of child labor as one of the intractable during that time. However, seeing a similar situation after more than two decades is of no shock.

The vision of a socialist economy giving access to every one of the basic necessities including housing, books, and leisure is still a far-fetched dream for many Indians. The reality of equality and equity is still dramatically different for different sections of the people in the society, few due to their economic background have to start earning from a young age others retire at 40 years earning and investing enough to sustain their lifetime. Engagement of child laborers in hazardous employment such as mines, inflammable substances or explosives, and hazardous processes⁴ violates sec 3A of the Child Labour Protection Amendment Act, 2016.⁵

Child labor in India is a practice that is carried out of compulsion, the need to sustain families in the cities, or urban living. The outcome of child labour majorly affects the learning ability of the children considering that early age is crucial for their formative development, hence, reducing their potential to secure better wages in the future. (Dessy & Pallage, 2005)

India has a long and complex history when it comes to child labor. Historically, child labor was prevalent in various sectors such as agriculture, textiles, and manufacturing, driven by economic factors and societal norms. The British colonial rule exacerbated this issue, exploiting child labor for cheap labor in industries and plantations. Post-independence, India made significant strides in addressing child labor through legislative measures and social reforms. The Constitution of India, adopted in 1950, enshrined the rights of children and prohibited the employment of children under the age of 14 in hazardous occupations (The Constitution of India, 1950, A 24) The Child Labour (Prohibition and Regulation) Act of 1986 further strengthened legal protections for children, prohibiting their employment in certain occupations and processes⁶. However, despite these efforts, child labor remained a persistent challenge, particularly in informal sectors and marginalized communities. Poverty, lack of access to education, and social inequalities continued to drive children into exploitative labor practices. The National Child Labour Project (NCLP),

⁴ The Factories Act 1948, clause (cb), “hazardous process” means any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, wastes or effluents thereof would— (i) cause material impairment to the health of the persons engaged in or connected therewith, or (ii) result in the pollution or the general environment.

⁵ The Child Labour (Prohibition and Regulation) Amendment Act, 2016 (35 of 2016), 3A. No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule: Provided that the Central Government may, by notification, specify the nature of the non-hazardous work to which an adolescent may be permitted to work under this Act.”

⁶ The Child Labour (Prohibition and Regulation) Act, 1986, S 3. Prohibition of employment of children in certain occupations and processes - No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on: Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government

launched in 1988, aimed to rehabilitate child laborers and provide them with education and skill development opportunities.

In recent years, India has made significant progress in combating child labor and promoting social justice. The amendment to the Child Labour (Prohibition and Regulation) Act in 2016 strengthened protections for children, prohibiting their employment in all occupations and processes except for family businesses and the entertainment industry⁷. Government initiatives such as the National Action Plan for Children (NAPC) and the Integrated Child Development Services (ICDS) scheme focus on holistic child development, including education, nutrition, and healthcare. The 'Beti Bachao, Beti Padhao' (Save the Girl Child, Educate the Girl Child) campaign emphasizes the importance of girls' education and empowerment in reducing child labor (GOI). Despite progress, challenges persist in eliminating child labor entirely. The informal sector, rural areas, and marginalized communities remain vulnerable to child exploitation. Lack of enforcement of child labor laws, weak implementation of education and social protection programs, and gaps in data collection and monitoring pose challenges in combating child labor effectively.

The author through the paper aims to propose the fact that instead of banning child labor altogether government should develop a policy for child labor based on children who go to school and work as well, another based on children not going to school and being involved in wage-earning for the family by working in less hazardous employment and last children involved in hazardous employment.

2. International Agreements, Indian Laws, And Landmark Judgments

Child labor remains a global challenge that violates the very essence of human rights and dignity, particularly concerning children's education, health, and overall well-being. Addressing this complex problem involves international agreements, conventions, Indian laws, and landmark judgments.

The Universal Declaration of Human Rights (UDHR) 1948 sets the foundation for human rights protection, emphasizing equality, dignity, and freedom for all individuals. Although not explicitly mentioning child labor, the UDHR underscores education as a fundamental right, crucial for preventing exploitative labor practices. A beacon of human rights, underscores the sanctity of childhood through Articles 1 and 5, emphasizing equality and protection from cruel treatment. While not explicitly mentioning child labor, the UDHR's call for education lays a foundation for safeguarding children from exploitation. The Universal Declaration of Human Rights (UDHR) is a seminal document adopted by the United Nations General Assembly in 1948. It lays out the fundamental human rights that are to be universally protected. Among its many articles, Article 5 and Article 1 are particularly relevant when discussing the protection of children from exploitation and ensuring their right to education and a safe environment. Article 5 of the UDHR states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

⁷ The Child Labour (Prohibition and Regulation) Amendment Act, 2016 No. 35 Of 2016, S 3.

This article establishes a clear prohibition against any form of severe mistreatment, emphasizing the inherent dignity of every individual. Article 5 prohibits cruel, inhuman, or degrading treatment that is directly relevant to child labor practices. Many forms of child labor involve harsh conditions that can be considered cruel or degrading. Therefore, this article implicitly calls for the elimination of such exploitative practices.

Article 1 states: “All human beings are born free and equal in dignity and rights.” This foundational principle asserts that every person, regardless of age, sex, nationality, or any other status, possesses intrinsic dignity and equal rights. When these two articles are analyzed together, they underscore the necessity of comprehensive measures to protect vulnerable populations, especially children, from exploitation and abuse. They highlight the universal imperative to ensure that all individuals, including children, are treated with respect and afforded their basic rights. The UDHR states, “Everyone has the right to education” and mandates that elementary education be free and compulsory (UDHR, 1948, A. 26). Ensuring access to education is a fundamental strategy in combating child labor, as it provides children with opportunities for personal development and future employment, breaking the cycle of poverty and exploitation.

Adopted in 1973 by the International Labour Organization (ILO), Convention No. 138 establishes international standards to eliminate child labor and ensure the physical and mental development of young people (Minimum Age Convention, A.1). It sets the minimum age for general employment at 15 years, emphasizing that children should remain in school at least until this age, thus ensuring they receive a basic education before entering the workforce⁸. This alignment of compulsory education with the minimum working age is crucial for preparing children for productive and fulfilling work lives. Furthermore, the convention stipulates those 18 years is the minimum age for hazardous work, aligning with Article 32 of the UN Convention on the Rights of the Child⁹. This article mandates that children be protected from economic exploitation and any work that could harm their health or development, interfere with their education, or negatively impact their physical, mental, spiritual, moral, or social growth. Accompanying the convention, Recommendation No. 146 stresses the importance of national policies aimed at poverty alleviation and the promotion of decent jobs for adults (ILO).

These policies are vital in reducing the necessity for child labor, the recommendation also highlights the need for free and compulsory education and the provision of vocational training to equip young people with the skills necessary for future employment. The exception to child labor activity is also mentioned under the convention that permits light work for children younger than the general minimum age¹⁰. In countries where the minimum age for general work is 15, children aged 13-14 are allowed to engage in light work. Similarly, in countries where the

⁸ Minimum Age Convention, 1973 (No. 138) ILO A.2 (3).

⁹ Minimum Age Convention, 1973 (No. 138) ILO A.3 (1).

¹⁰ Minimum Age Convention, 1973 (No. 138) ILO A.7 (1).

minimum age is 14, children aged 12-13 may participate in light work. This exception is attached with a condition that this type of work must not interfere with their schooling or their ability to benefit from it and should not be harmful to their health or development.

As of April 2018, 171 countries have ratified C138, demonstrating a global commitment to ending child labor and promoting education and development. India's ratification in 2017 marked a significant milestone, reflecting its dedication to these international standards. The convention, along with Recommendation No. 146, provides a comprehensive framework to protect children from labor exploitation and ensure they receive the education and opportunities necessary for their growth and development.

Adopted in 1999 by the International Labour Organization (ILO), Convention No. 182, complemented by Recommendation No. 190, mandates the prohibition and immediate action to eliminate the worst forms of child labor. This convention provides a clear definition of what constitutes the worst forms of child labor and outlines specific measures that member states must implement to eradicate them, emphasizing the crucial role of education in this process¹¹.

Defining the Worst Forms of Child Labour Article 3 specifies the worst forms of child labor as slavery¹², exploitation in prostitution and pornography¹³, illicit activities¹⁴, and hazardous work¹⁵. Article 7 (2) of the convention requires member states to take effective and time-bound measures, recognizing the importance of education in eliminating child labor¹⁶. These measures include

- Implementing strategies to prevent children from engaging in the worst forms of child labor.
- Providing the necessary and appropriate assistance for the removal of children from the worst forms of child labor, ensuring their rehabilitation and social integration.
- Ensuring access to free basic education and, where possible and appropriate, vocational training for all children removed from the worst forms of child labor¹⁷.

Despite international efforts, child labor persists globally. Over one-third of children, labourers are out of school, with the 15-17 age group comprising 53.2% of

¹¹ Worst Forms of Child Labour Convention, 1999 (No. 182) A. 3.

¹² This includes all forms of slavery, such as the sale and trafficking of children, debt bondage, serfdom, and forced or compulsory labour, including the forced recruitment of children for use in armed conflict.

¹³ The use, procuring, or offering of a child for prostitution, the production of pornography, or pornographic performances.

¹⁴ The use, procuring, or offering of a child for illicit activities, particularly for the production and trafficking of drugs as defined in relevant international treaties.

¹⁵ Work that, by its nature or the conditions in which it is performed, is likely to harm the health, safety, or morals of children.

¹⁶ International standards define child labour as work that is hazardous, demands excessive hours, or is performed by children who are too young.

¹⁷ Worst Forms of Child Labour Convention, 1999 (No. 182) A. 7.

these out-of-school children (ILO). Child labor is more prevalent among boys than girls across all age groups, indicating a need for targeted interventions.

3. Analysing Child Rights And Labour Laws In India

The legislative framework robustly safeguards the rights of children against labor exploitation. The Child and Adolescent Labour (Prohibition and Regulation) Act, of 1986, prohibits the employment of children under 14 years of age in any occupation. It also restricts the employment of adolescents (ages 14-18) in hazardous occupations and regulates working conditions where adolescent employment is permitted. Complementing this, the Factories Act, of 1948, specifically under Sections 22, 23, and 27, prohibits child employment in certain factory environments to ensure their safety. Further reinforcing these protections, the Beedi and Cigar Workers Act, of 1966, strictly prohibits the employment of children in the beedi and cigar industry, recognizing the hazardous nature of this work. The Plantation Labour Act, of 1951, under Section 25, regulates working conditions for children in the plantation industry, ensuring that their rights and safety are maintained. Additionally, the Domestic Workers (Registration, Social Security and Welfare) Act, 2008, under Section 14, bans the employment of children as domestic workers or in any related work, acknowledging the vulnerability and exploitation risks in this sector.

Efforts to preserve children's fundamental social and humanitarian rights extend to rescuing them from hazardous employment, such as scrap collection, automobile workshops, and garbage landfills. Despite these comprehensive legislative measures, enforcement remains a challenge. As per the NCPCR Annual Report 2022-2023, India's Commission noted discrepancies in the number of First Information Reports (FIRs) filed regarding child labor violations. The report emphasizes the underreporting of such cases. The report stated the gap in child labor cases reporting and enforcement, it was mentioned that the State of Rajasthan reported 726 FIRs in 2020, yet NCRB data recorded only 476 FIRs for the entire country in the same year (ILO, 2023). This discrepancy underscores the importance of having robust legislative provisions as well as ensuring effective implementation and enforcement. Continuous monitoring, accurate reporting, and stringent enforcement are essential to uphold the rights of children and eliminate child labor practices.

Judicial intervention in India has played a crucial role in protecting children from hazardous employment and ensuring their overall well-being. The courts have recognized the necessity of safeguarding children's rights to physical and mental development, especially against the backdrop of socio-economic challenges faced by marginalized and poor families, which often compel children to contribute financially. In addressing these issues, the judiciary has delivered several landmark

judgments. The cases of *People's Union for Democratic Rights v. Union of India*¹⁸ and *Francis Coralie v. Administrator, Union Territory of Delhi*¹⁹, were pivotal in setting the minimum age of employment and affirming the right to a dignified life, which includes the right to education and protection from exploitation. These judgments established that no child under the age of 14 should be employed in any hazardous occupation, thereby laying the groundwork for subsequent legislative measures. Recognizing the need for a comprehensive solution to child labor, the judiciary also emphasized the importance of compulsory education as a means to curb child labor.

In the TMA Pai Foundation case²⁰, the court enforced the provision of free and compulsory education, highlighting that education is a fundamental right crucial for the development and empowerment of children. This decision underscored that access to education is not only a tool to prevent child labor but also a means to ensure children's holistic development. Despite these judicial interventions, the socio-economic realities of marginalized communities pose significant challenges. Many families rely on the additional income generated by their children, making it difficult to eradicate child labor entirely. Therefore, while the judiciary has made significant strides in protecting children's rights through setting employment age limits and enforcing compulsory education, there remains a need for continuous efforts to address the root causes of child labor.

Indian courts have issued landmark judgments to protect children's rights and eradicate child labor. In the above cases mentioned the court emphasized Article 21 protection, including children's health, strength, and freedom from abuse. This case underscored the holistic development and well-being of children as paramount. The Delhi High Court has taken a firm stand against child labor, emphasizing the critical importance of safeguarding children's rights and ensuring their access to education. In the landmark judgment in *Save the Child Foundation vs. Union of India*,²¹ the court articulated a vision for the future, asserting that today's children, free from exploitation, constitute tomorrow's bright future.

The judgment underscores the necessity of education in securing this future. The court meticulously defined the roles and responsibilities of various government agencies to ensure a complete ban on child labor, highlighting the need for coordinated efforts across different levels of government. A significant directive mandated the rescue of 500 children from labor every month, aiming to systematically reduce the number of children subjected to labor. To ensure swift justice, the court ordered that charge sheets in cases involving child labor and trafficking be filed within 45 days, deterring such practices through timely prosecution. Additionally, the court instructed that the appropriate District Legal Services Authorities (DLSAs) provide compensation to victims of trafficking, supporting their reintegration into society. This judgment not only underscores the

¹⁸ AIR 1982 SC 1473.

¹⁹ 1981 AIR 746.

²⁰ T.M.A. Pai Foundation v. State of Karnataka, AIR 2000 SC 355

²¹ WP (Crl.) 2069/2005.

importance of education but also sets a precedent for rigorous enforcement of child labor laws, representing a vital step toward securing a bright future for the next generation by ensuring they are educated, protected, and free from exploitation. Similarly, *Bachpan Bachao Andolan vs. State of Bihar* emphasized training, sensitization, and coordinated efforts among stakeholders to combat child labor effectively.

Recently a video circulated on social media where a child was seen delivering food in his uniform after school because his father a delivery person for Zomato was injured. Similar incidents of children honing adult responsibilities at an early development stage of their life face the bitter truth of life. For these children the nuances of life do not rely upon rights, the social structure of our democracy, or equity of development opportunity rather it is about survival depriving them of the basic rights that accounted for their welfare. Child labor is work that deprives children of their childhood, their potential, and their dignity (ILO, 2021). The picture of child labor is visibly witnessed in the Indian dhabas, traffic lights, and construction sites.

There was a time in India when people were suffering from extreme starvation and famine, at that time poverty was estimated based on a cost supported by diet (NITI Ayog, 2021). In India, the trend of poverty estimation has developed over the years taking into account varied dynamic dimensions. Due to the changing times, this estimation was based on income level, subsequently, this has now changed and it depends on a multidimensional poverty index that includes health, standard of living, and education. However, the government being a socialist democracy is fulfilling this gap by various schemes and policy development. Education is accessible to all children under Sarva Shiksha Abhiyan (SSA), Health is accessible to all under the Aayushman Bharat Scheme, standard of living is provided by better sanitation schemes under Swachh Bharat Abhiyan, minimum wages, cooking Pradhan Mantri Ujjawal Yojana that is aiming to achieve the twin objective of health of females working by providing clean fuels and achieving zero carbon for India.

The Indian constitution protects the rights of children in hazardous employment including the fireworks industry²², construction work²³, and beedi work²⁴. Children are protected from working in hazardous employment under the Indian constitution under Article 24. Notably, the nature of employment that is hazardous does not make it suitable for a child to work. However, the Indian constitution specifically mentions in Article 39 to not let the socio-economic condition of a child force them to take up work that affects the development of a

²² *M.C.Mehta v State of Tamil Nadu*, AIR 1997 SC 699.

²³ Construction is majorly dangerous activity held in *People's Union for Democratic Rights v. Union of India & Ors, Francis Coralie Mullin v. Union Territory of Delhi, T.M.A Pai Foundation, M.C. Mehta v. State of TN- Child Fund, Roshan Gupta v. The State of Bihar & Ors, N Jayakumar Nat & Anr v. State of NCT Of Delhi & Anr.*

²⁴ *Ranjangam, Secretary, District Beedi Workers' Union v. State of Tamil Nadu and others*

child. In order to substantiate the role of parents in ensuring that children are not employed in any employment that will affect their development has been provided for the duty in the constitution (Constitution of India, A 51 A (k)).

Children and youth are crucial to the development of a country, providing essential human resources. It is important for a country to have a healthy youth, and holistic child development is essential to ensure that children are not forced to work at a young age due to their socio-economic background. The situation of child labor is due to the economic and financial situation of the family especially in the urban areas where it is becoming difficult to sustain it has become important for children to engage in employment activities at an early stage or in a situation to work after school (Rawat, 2020). This undermines the very purpose of National Education Policy 2020 and creates a gap in getting better educational opportunities for these children due to their condition and gives a very narrow margin for few to better their lives in the future and in some cases a reason for them to engage in criminal activities.

4. Child Labour Statistics In India

17 years is the highest as compared to the other South Asian regions in India, with approximately 5.8 million (Khan & Lyon, 2015). The report observed a decline in child labor incidence in India between 2001-2011, particularly in rural areas. The number of child labourers working in urban areas had increased during the same period due to their demand for menial work (Khan & Lyon, 2015). That means lesser pay to the child laborers and more profit margin for the employer. Yet another reason is the negative impact of urbanization, where children have to work in order to share the expenses of living and sustain their families. As per the report, the number of children working in hazardous employment is highest in the construction sector. Based on the different age groups 7-14 years of the group contributed 4.7% and children in the 15-17 years of age group contributed 13%. The report has been able to highlight the issue of children above 14 years being employed in hazardous employment that is not covered by child protection laws.²⁵ This makes them compromise their education in light of no regulation to check such exploitative working conditions that force them to contribute to the family occupation. The nature of such employment is more or less on a contractual basis falling under casual workers. As per the ILO report, the age group of 7-14 years is engaged as workers in casual employment which accounts for 32.8 percent, whereas, 42.1 % under 15-17 years of age group are engaged as casual workers. This figure is not a shocking reality considering the socio-economic conditions of the people, who in order to sustain themselves in urban areas tend to make all their family members engaged.

Child labor has been associated with infringing human rights and depriving children of their basic fundamental development, there is evidence to associate

²⁵ The Child Labour (Prohibition and Regulation) Act, 1986, (61 Of 1986), Sec 2 (II).

household poverty with child labor that continues to keep them in poverty child after child through generations and deprive them of social upliftment²⁶.

Under The Child Labour (Prohibition and Regulation) Amendment Act, 2016, section 3 of the act covers employment, which includes a child helping his family or family enterprises after his/her school hours or during vacations. The act is vague about what constitutes a family enterprise²⁷, as it is noticed that a family's routine work can include working in beedi factories, agarbatti factories, and other similar product manufacturing units. This issue has been rightly raised by the former head of the National Commission for the Protection of Child Rights, who has highlighted the child exploitation of children coming from marginalized communities due to a lack of regulated labor conditions. The children participate to help their parents ensure that they finish the given work in the limited time frame to get wages based on a piece rate basis (Tewari, 2016).

Newspaper reports indicate that government statistics place the child labor population at over 20 million. However, NGO estimates suggest a higher number, around 60 million, potentially reaching 100 million if all out-of-school children are included in the labor force. The statistics and the report findings prove the ground realities of child labor protection in India and the lack in our education system to attract the pool of children who can rely on it for better job opportunities or skill development. The 2020 National Education Policy has emphasized the importance of the holistic development of children. The school attendance dropout rate is higher among the 7-14 years group i.e., 93.5 percent. It is to be noticed that the school attendance rate for children over 14 years drops more than 6.5 percent per year, which reflects the need to earn money is of primary importance in comparison to education. Besides, the school dropout rate for employment there is no regulatory check or accountability on the employer for engaging children above 14 years exposes the age group in a vulnerable position, approx. 2.5 million of the 15-17 years group are in hazardous labor work.

5. Failure Of Schemes In The 21st Century

The Ministry of Labour and Employment implemented the National Child Labour Project (PIB, 2019) in 1988's objective is to rehabilitate child laborers by rescuing them from their work and getting them enrolled in NCLP special training centers that provide education, financial support, health support, and other basic needs to children of 9-14 years before they enter the formal education system. For children aged 5-8, the Samagra Shiksha Abhiyan facilitates their direct entry into formal

²⁶ ILO, International Labour Standards on Child labour, <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/child-labour/lang--en/index.htm>.

²⁷ The Child Labour (Prohibition and Regulation) Amendment Act, 2016, S. 3(2) Explanation (b) "Family enterprise" means any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons.

education. So, far the project has been able to mainstream 13.63 lakhs (PIB, 2020). The drawback of this project has been that there are budgetary issues in supporting the project (Jigeesh, 2022). This state is reflected in the Ludhiana school where NCLP plans to close the school under the project. There insufficiency of grant releases from the center to run these schools and the center plans to merge it with the Sarva Siksha Abhiyan Scheme (Sharma, 2022).

The Child & Adolescent Labour Rehabilitation Fund ²⁸ which was created by the government to ensure the welfare of the children rescued has been stagnant for the past five years with the center not distributing it for its said purpose (HT Correspondent, 2022).

The central scheme to run the National Child Labour Project (NCLP) has been able to achieve its objective of rescuing and rehabilitating child laborers to a certain extent, since to date more than 20 million child laborers exist in India.

Eradicating child labor in the country is an intersectoral approach where the effort of addressing the needs of migrants is required to be structured that involves providing better housing, stable job opportunities, and fixed minimum wage keeping the inflation margin in mind. Social protection in the form of pension schemes, death, and disability benefits assures the parents to send their children to schools rather than engaging them in labor and continued educational development in a holistic manner. Creating a cycle where education for the migrants' children is a compulsory state-level approach. There needs to be some reformation in the approach of schooling and creating an open environment to enter school. School is not seen as a means to get mid mad meal that satisfies their temporary objective but rather a long-term-based approach has to be created. This long-term agenda can be made by providing skills and development training to the children from an age that will help them learn and develop a skill that benefits them in gaining job opportunities (Sabina Dewan, 2019). This will help in filling the illiteracy gap existing in our country and the lack of employable population being generated from our education system. The number of those unemployed in the 20-24 age group is an astonishing 43.7 percent (Joshi, 2022).

As the center now plans to remove NCLP and induct these students in government schools, a separate provision for counseling needs to be created to help them integrate into the mainstream education system. Additionally, the government should use technological advancements to monitor child engagement in schools or employment accurately. This would allow authorities to adjust schemes as needed and address illegal practices against marginalized children. This will give an opportunity to the authorities to mold the schemes as per the requirement and also alter the illegal practices committed towards the children belonging to the marginalized sections.

²⁸ The Child Labour (Prohibition and Regulation) Amendment Act, 2016 No. 35 Of 2016, S. 14B.

6. Collective Action and Shared Responsibility

The long-term viability and resilience of emerging countries depend on collective action. The complexity and scope of the problems these nations face such as economic instability, poverty, and climate change often surpass the potential of individual initiatives. To solve such big issues calls for concerted efforts by a variety of stakeholders, including governments, international organizations, businesses, and civil society, who are collaborating to achieve shared objectives. In order to make a larger impact, the collective action principle makes sure that resources are combined, knowledge is exchanged, and activities are coordinated accordingly (Ostrom, 2010). The notion of shared responsibility highlights the necessity of sustainable development on a global scale. We can see that modern economies are interdependent, so decisions made in one country can have a big impact on other countries. For example, pollution and environmental deterioration can have far-reaching effects and are not limited by national lines. Thus, in addition to managing global externalities that disproportionately harm developing nations, collective effort is required to solve local challenges (Sachs, 2015).

It is commonly known that group efforts can significantly increase sustainability and resilience. The global reaction to the COVID-19 pandemic, for instance, demonstrated how concerted efforts can result in notable improvements in public health and economic recovery. Numerous international agreements, including the Paris Climate Agreement, show how cooperative nations can establish and meet challenging goals for cutting greenhouse gas emissions (UNFCCC, 2015). By promoting inclusive growth and development, collective action can improve resilience in poor countries. A framework for cooperation that addresses many aspects of development, from health and education to economic growth and environmental sustainability, is provided by multilateral programs like the Sustainable Development Goals (SDGs).

So, sustaining the long-term sustainability and resilience of developing countries requires not only shared responsibility but also joint action. Through collaborative efforts, knowledge sharing, sacrificing insignificant interests, and a shared vision, stakeholders may tackle complicated issues more successfully than they could if they worked in isolation. The accomplishments of group efforts in the fields of development, health, and climate change highlight the value of cooperation in obtaining resilient and sustainable results.

7. Enhancing Employability Opportunities for Children

The current status of India is such that despite the fundamental rights of the children and statutory rights in the form of the Child Protection Act, social schemes that promotes child participation in school education through mid-day meals. Children may not attend school because their families urgently need financial help, or because they see less value in schooling since better work opportunities often come from work experience rather than education.

To address this, child labor policy reform should focus on reviewing school curricula and implementing measures to nurture employability in age-appropriate ways. A report from the Centre for Policy Research highlighting the employment crises in India proposes the introduction of skill development and trade-related training at different school levels. This form of training development at the school level will help them with an incentive to go to school where they will learn the actual skills to be applied at work apart from learning soft skills. It will help in changing the labor market working conditions and development of more trained human capital, good incentives for children to attend school and look up to the future for far more job opportunities and less reliance on working and focusing majorly on education (Dewan, 2019). The government should focus on generating more jobs that can help absorb the rural population (Joshi, 2022). This system change will help the ever-employment crises in India.

In the case of *M.C. Mehta v State of Tamil Nadu*, AIR 1997 SC 699, the court has clearly laid down the reasons for child labor namely lack of opportunity for gainful employment, intermittency of income, and low standards of living. It is also able to highlight the ignorance of parents.

8. Conclusion

We part with the fond hope that the closing years of the twentieth century would see us keeping the promise made to our children by our constitution about a half-century ago.” The judgment mentions the “heaven of freedom” for the children, but the heaven of freedom is a balance of equity and opportunities. A complete ban on child labor may inadvertently result in more widespread, less humane working conditions. Rather a more holistic approach is required where importance to human capital by way of better investments in skill training from school level to give them a better bargain in the job front. The problem is child labor is not going to vanish from society due to ever-increased urbanization and increased inflation. Given the failure of previous government schemes to improve and rehabilitate child labor conditions, it is crucial to revise these initiatives. Effective, well-designed policies that address the root causes and provide sustainable solutions are essential for real progress.

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