

## CHILD LABOUR, RIGHTS AND REHABILITATION: A STUDY OF SELECT STAKEHOLDERS IN DELHI

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### Abstract

The study highlights the life of child labour after the rescue, repatriation and describes the rehabilitation. The broader aim of the study was to know how far the government initiatives on rehabilitating rescued child labourers have proved effective, sustained and helped in reintegrating survivors into the educational and social mainstream.

### Keywords

*Child Labour, Rights, Rescue, Repatriation, Rehabilitation*

### 1. Background

Children who are brought up in an environment, that is conducive to their intellectual, physical and social health, grow up to be responsible and productive members of society. Every nation links its future with the present status of its children. Under extreme economic distress, children are forced to forego educational opportunities and take up jobs that are mostly exploitative as they are usually underpaid and engaged in hazardous conditions. Basu and Tzannatos (2003) Poor households predominantly send their children to work at an early age in their lives. Child labour is largely driven by vulnerabilities caused by poverty, lack of education, and other varied deprivation. Progress in eliminating child labour is therefore closely linked to reducing these vulnerabilities, mitigating economic distress, and providing families with adequate social protection and regular income. According to the Census 2001 figures, there are 12.6 million working children in the age group of 5-14 as compared to the total child population of 25.2 crores. Approximately 12 lakhs children are working in the hazardous occupations/processes which are covered under the Child Labour (Prohibition & Regulation) Act and there are 18 occupations and 65 processes. Whereas the Census data 2011 highlights that a total of 10.11 million children between 5 and 14 years working as child labourers. Additionally, the number of adolescent labourers in India is 22.87 million which means the total (age 5-18) is around 33 million (Marwaha, 2020). Although, there is a sharp decline in child labour from 12.6 million in 2001 to 10.11 million in 2011.

#### 1.1. Global Scenario of Child Labour

The International Labour Organisation (ILO) annual report “*Ending Child Labour by 2025: A Review of Policies and Programs*” is a compilation of affirmative measures introduced and reflecting upon achievement. The major findings report put forward a global estimate of the number of child labour, which indicates 152 million of child labour

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in which 64 million girls and 88 million boys consisting of almost one in 10 of all children globally. However, the report suggests a decline in the number of child labour by 94 million since 2000, but in the last four-year period witnessed a slow rate of reduction by two thirds. So, a prediction has been made based on the current rate of deduction in the number of child labour, highlighting 121 million children still will be engaged in child labour by 2025.

### ***1.2. Rescue and Repatriation***

The order of the honorable High Court of Delhi, dated 24<sup>th</sup> September 2008 delivered in the Writ Petition (Crl.) 2069/2005, WP (C) 4125/2007 and WP (C) 4161/2008 in which direction was given to the National Commission for Protection of Child Rights (NCPCR) to bring a detail action plan for enforcement of the child labour laws, also to suggest measures for proper utilization of funds and measures relating to education, health and rehabilitation support to children and families of working child. This is particularly for children who are engaged in hazardous occupations or processes. The strategy suggested in the report includes enforcement of the law, rescue, interim care and protection and legal proceedings, repatriation and rehabilitation of child labour, particularly trafficked and migrant children, based on the “*Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour*”. The rescue operation is recommended to be divided into two Stages – Pre-rescue and Rescue. The rescue operation can be divided into two subcategories – Minor Rescue Operation (less than 10 child labour) and Major Rescue Operation (Child labour more than 10) Anyone aware of any act of engaging/procurement or likelihood of any child being used for any form of child labour, instructed to inform the responsible authority in case of immediate urgency due to any types of threat, harm to the child, the rescue to be conducted immediately. The Deputy Commissioner of the District or on his behalf the Deputy Labour Commissioner will be the responsible authority for the rescue operations and initiation of raid and rescue recommended to be started as soon as possible but within 24 hours in the case of a major rescue operation.

It is suggested before the rescue operation that the District Task Force must have a list of all juvenile homes, Welfare Hotels or accommodations in Organisations/Residential Bridge Courses and other spaces for children for at least 1500 rescued children at any given point of time (in case of major rescue operations). Besides, availability of food, cloth and a panel of caregivers, volunteers, transportation of the rescued children to the home that they have been assigned to must be done immediately by the labour department, also a recording of statements by the police, the District Magistrate (DM) and the labour department suggested being conducted at the place where child located. All the proceedings need to be kept confidential and the rescue team also needs to keep a minimum to ensure secrecy. The number of members in the rescue team will be decided upon the number of children to be rescued and the geographical area of operation or other factors. The rescue team consists of a representative from the Labour Department (but not below the rank of Assistant Labour Commissioner), the Sub-Divisional Magistrate Concerned, The Head/Nodal Officer of Special Juvenile Police Unit, District Social Welfare Officer/District Child Welfare Officer, Deputy Education Officer, The Senior most Officer of the Factory Licensing Department, A Member of the concerned CWC, Centre Coordinator of CHILDLINE, Member of at least one Non-Governmental Organisation (NGO) actively involved in the rescue and rehabilitation of child labour.

## 2. Research Objective & Methodology

A broader aim 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. The study also aims to explore the number of issues that arise as impediments while implementing rehabilitation programs.

### 2.1. Research Design

Looking at the nature of the issues and subject, the researcher had used a descriptive research design for the study. It has also used mixed methods approach for the realisation of the objectives of the study.

### 2.2. Universe of the Study

The universe for this study was the total number of children rescued in Delhi through several efforts by government and non-government organisations. Through various records, it was found that four major organisations were engaged in the rescue and rehabilitation of children. These organisations were - Bachpan Bachao Andolan (BBA), Salaam Baalak Trust (SBT), Prayas Juvenile Aid Centre Society (Prayas) and Butterflies. Except for BBA, the other three organisations have not accepted the request of the researcher to share data on the rescued children owing to their policies. Therefore, the researcher has studied all children rescued by BBA.

### 2.3. Sampling

For the study, a non-probability purposive sampling technique was used. A total of 124 families and children was drawn from two developmental block of Katihar district of Bihar. Katihar district has the largest number of rescued children in the community. The children interviewed were rescued during 2016-19 in which almost 3/4 of children were rescued in the year 2018. It was also proposed to conduct interviews of around 20 different key people in the process to understand different aspects of child labour. Below is the list of the 23 stakeholders from the different departments or agencies who were interviewed:

**Table 1.** Details of Interviewed Stakeholders

Institutions/Stakeholders	No. of People Interviewed
Advocate/Activist	01
Saalam Balaak Trust (SBT)	04
Child Welfare Committee (CWC)	03
Delhi Commission for Protection of Child Rights (DCPCR)	01
Butterflies	01
PRAYAS	02
Office of Labour Commissioner	02
Teachers (Govt. School)	02
District Child Protection Unit (DCPU)	02
Parents/Boys	04
Bachpan Bachao Andolan (BBA)	01
<b>Total</b>	<b>23</b>

A total of 271 (124 children + 124 family members especially head of family+ 23 stakeholders) persons belonging to different groups were included in the study.

### 3. Legislative Frameworks, Policies and Programs: From Child Labour Perspective

There are several legislative frameworks, policies and programs to safeguard the rights of the children. The following are the major guiding legislative framework in the domain of child labour and their rehabilitative process:

**Table 2.** Major National Legislative Framework

Key Initiatives	Major Highlights
The National Policy for Children 2013	It highlighted 4 key priorities areas and set it non-negotiable and inevitable rights for each child. These 4 key areas are Survival, Health & Nutrition, Education & Development, Protection, and Participation. It takes measures to ensure access to these rights.
The National Policy on Child Labour 1987	Three major actionable components are recommended in the policy document (a) Legislative Measures (b) Convergence initiatives (c) Project Initiative. National Child Labour Project Scheme (NCLP) was implemented.
The Child and Adolescent Labour (Prohibition and Regulation) Act 1986	Prohibit the engagement of children in all occupations and prohibit the engagement of adolescents in hazardous occupations & processes. It mentioned the Child and Adolescent Labour Rehabilitation Fund.
The Juvenile Justice (Care and Protection of Children) Act 2015	It amends and consolidates and bring uniformity in the laws enacted for the care and protection of children, also children found to conflict with the law and in the 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 reintegration, rehabilitation and matters related to their best interest of children. Child Welfare Committee, Juvenile Justice Board, Adoption Agencies are major highlight of the Act.
National Child Labour Projects (NCLP)	Elimination of All forms of child labour, withdrawal of all adolescent workers from hazardous occupations or processes and advancement of their skilling and integration, awareness among stakeholders and target communities as well as training for NCLP functionaries.

Some of the major global legislative frameworks dealing with cases with vulnerable children including child labour has been described below:

**Table 3.** Major Global Legislative Framework

Key Policy Framework	Major Highlights
United Nations Convention on the Rights of Child (UNCRC)	Convention on Rights of Child is one of the most ratified treaties in history. It is a well-known international treaty to secure the civil, political, economic, social, and cultural rights of children. CRC is in three parts in which comprehensive measure coded into different 54 articles.
Sustainable Development Goal	It's a universal collective commitment towards the conscience developed to end widespread poverty, all forms of discrimination, child labour, child abuse, gender disparity and environment protection through targeting 17 points goal goals. Target 8.7 talks about ending the worst forms of child labour by 2015.
The Universal Declaration of Human Rights (UDHR)	The UDHR is one of the widely accepted historical policy documents in the history of human rights. It recognises the inherent dignity, equal and inalienable rights of all members of the human family and it is said to be the pillar of freedom, justice, and peace in the world.

Minimum Age for the Admission to Employment (Minimum Age Convention 1973)	It is a historical agreement adopted in the 58th International Labour Conference held at Geneva on 26th June 1973 and it came into force on 19th June 1976. It laid down the minimum age for employment of children- setting the minimum 15 years of age for employment, or not less than the age of completion of compulsory education.
Worst Forms of Child Labour Convention 1999	Convention Number 182 on Worst Forms of Child Labour is an affirmative step taken for the complete eradication of the worst forms of child labour. It was adopted on 17 June 1999 and comes into force on 19th November 2000. It defines what the worst forms of child labour are and recommends measures to stop it.

#### 4. Research Findings: What does it say about child labour rehabilitation?

The research findings contain the socio-economic profile of the family as well as rescued children. It also has key findings describing the rescue and rehabilitation status of child labour:

##### 4.1. Socio-economic profile of the family

The majority of respondents were from marginalized groups (Schedule Caste (SC); Schedule Tribe (ST); Other Backward Caste (OBC)). A large number of respondents were illiterate. A smaller number of respondents (11.29 percent) studied above the 5<sup>th</sup> standard. A great number of respondents (87.10 percent) were found to have BPL (Below Poverty Level) ration cards. A majority of the respondents (62.90 percent) were engaged as a labour worker for their source of livelihoods whereas a good number of respondents shared agriculture (32.26 percent); labour work in agriculture (4.84 respondents) was their major source of income.

A bigger size of the family members of respondents reported in the findings of the study. The average family size was 13 (OBC) and 11 (SC and ST). A majority of the respondents have kaccha houses and accessibility of electricity was reported in all of the respondents in the study. A greater number of respondents from OBC (82.98 percent); SC (95.83 percent) and ST (92.59 percent) use wood for cooking food, although a lesser number of respondents from OBC (17.02 percent); SC (4.17 percent) and ST (7.41 percent) reported use of cooking gas in preparing food received under Ujjawala scheme of the government. The hand pump is still a major source of drinking water in remote parts of Bihar. A large size of respondents from OBC (82.98 Percent), SC (75.00 percent) and ST (48.15 percent) were found using hand pumps for getting water for use and drinking; more than fifty percent (51.85 percent) of respondents from ST section reported tube wells for water. A large proportion of respondents from OBC (74.47 percent), SC (77.08 percent) and ST (88.89 percent) have accessibility to Pakki (All Weather Road) road.

##### 4.2. Profile of Children

A greater number (74.19 percent) were rescued in the year 2018 and a good number (20.97 percent) of child respondents were rescued in the year 2016 whereas a marginal number (4.84 percent) of child respondents were rescued in the year 2019. The children's mean age at the time of rescue was 11 years old. A greater number of children were helped by tout (77.42 percent) and relative (12.90 percent) in migration. The reasons stated for migration largely reported poverty, debt. Children were provided an average of 5698 INR wage per month for their work at the factory and an average of 19 children were working along with the respondents. A majority of respondents (24 percent) of

children were engaged in Zari work and a good number of respondents were engaged in stitching (20 percent); kadhari work and bangle industry (16 percent) and packaging (8 percent). It is found in the study that most of the children were engaged in embroidery and stitching work.

#### **4.3. Rescue and Rehabilitation Status of the Children**

A greater number of respondents (75.81 percent) were rescued in 2018 and all of the respondents reported receiving the support of the Non-Governmental Organisation (NGO) in rescue from the factory and all of them stayed at the accommodation provided by the NGO. A majority of the children stayed up to 20 days at shelter homes and a marginal number (3.23 percent) of children had to stay for more than a month. A majority of respondents (62.90 percent) received an interim compensation amount of 20,000 INR whereas a greater number (37.10 percent) of respondents did not receive their compensation amount of INR 20,000. A greater number of respondents (39.52 percent) received within 6 months and a sizable number (22.59 percent) respondents received within a year whereas none of the respondents reported funds received within a month.

It is very evident from the study findings that delivery of interim compensation to beneficiaries is delayed by 2 to 3 years. Almost 4 out of 10 faced problems in opening a bank account. A greater number of participants (72.6 percent) agreed about the delay in getting a rehabilitation package. The findings of the study indicated that 29 percent showed no responses to questions asked about bribes paid for getting compensation amount. The majority of the respondents (54.84 percent) have no idea about the case registered against the employer and the outcome of the case.

The majority of the respondents used funds in the construction of the home. A large proportion of the respondents (77.4 percent) from the child section were not found living with family at the time of data collection of the study whereas 22.6 percent of respondents (28 participants) were found living with parents. The findings highlighted that 74.2 percent (92 respondents) had not joined the school after repatriation whereas 25.8 percent (32 respondents) joined the school after restoration with family in which the majority (21 percent) of participants of the study got good behaviour from friends after re-joining school. The finding indicated that almost 9 out of 10 were found working at the time of data collection of the study whereas a marginal number of respondents (11.3 percent) were found studying at the time of research.

### **5. Stakeholder's Narrative: Bottleneck**

Key functionaries from several stakeholders were interviewed and the following thematic areas emerged after the analysis of the qualitative data:

#### **5.1 Missing Family**

The emotional bonding, togetherness that hold family together was seriously lacking among the child labour's families. A stakeholder Mr. RK (Name Changed) from a government school shared that the problem starts when the children enter into the age group capable of taking up the job. They become greedy and look at them as earning hands. We talk to parents but he says that "*are kuch de hu tu, okra bheje se ka hoti, 400-500 rupaya milah hai saal mai, sab to tu he kha ja hu* (You do not give anything except for 400-500 INR in year to the children in school. Then, what is use of sending the child to school? You take away everything). It indicates parent ignorance towards the education

of children. Parent statement clearly indicates that they send their children to school for the sake of receiving the benefits provided by the government and the conversation does not contain any query of educational progress of their children which tells serious lack of motivation for their children's education. A child shared during interview that "*Ghar pe man nahi lagta tha, isliye delhi aagya*" (I was not feeling happy at home, so came to Delhi) and he also said "*Bahar ka maja hee kuch alag hota hai*" (The joy outside is completely different). It reflects upon absence of purpose and complete ignorance within family structures. The family surroundings completely seem meaningless to children that he/she does not feel attached or motivated.

## 5.2 Procedural gap in rescue, repatriation and rehabilitation of child labour

This section is divided into three sub-section such as Rescue, Repatriation and Rehabilitation gaps for more understanding the prevailing situation.

**A. Gaps and Challenges in Rescue of Child Labour:** It has been found during an interaction that the procedures differ state-wise and Delhi is a little more organised in terms of the task force, district force and convergence planning. A stakeholder Ms. P (Name Changed) shared that they give letters to SDM after identification of the place of child labour but the processing of the letter takes longer time in the Department. She further added that the District Administration makes them feel that you have brought the case, so it is your headache to get it done. Ms. P told that it took months to plan a rescue operation and further shared that "*wo darte hai*" (They fear). The Sub-Divisional Magistrate (SDM) asks about number of children before raid and says "*ek baccha hai hum nahi ja shakte, time waste hota hai*" (We cannot raid for just one child. It's complete waste of time) "*Wo yahee puchte hai kee madam kitne bacche honge*" (They always ask for number of children) and if the numbers are less then they says "*kuch aur number badhne do*" (let the number go up). It reflects a lack of interest in participation in rescue operation. It highlights the procedural gap in planning and conducting rescue operations.

**B. Gaps and Challenges in Repatriation of Child Labour:** One of the family member Mr. PX (Name Changed) shared that it took around one month for the release of his child. He further said that after hearing rescue of child reached Delhi and went to Sarai Kale Khan Police Station to get information about child where police told "*humlog ke haath mai ab nahi hai baccha, wo court ke haat mai hai, wo log ab court ja chukka hai, waha bhaiyan hoga, wo log jab bolega, tab baccha jayege*" (The child is not in our custody, the court will decide now, the statement of the child will be recorded and the child will go then only). It highlights that the family is completely clueless about what has happened and what to do next. It adds fears, stress in the lives of the families and reflect serious gap in repatriation process of children that the family even after a couple of days of rescue operation has not been communicated properly and family had no choice except to travel to Delhi and face challenges.

One of the family member Mr. PY (Name Changed) shared that he borrowed 5000 INR on interest and travelled to Delhi where they were asked to provide identity cards. He was told that "*baccha abhi nahi chutega*" (Child will not be released at present) then he said "*waha mujhe room mai bhi rahne nahi nahi de raha hai, station mai hum rahte hai, raat bhar machar katata hai, deen mai pheer yaha dorte hai, hum itne door bihar se aaye hue hai, kya khyenge-piyenge, kaise rahenge, 5000 rupaya lay the, raste mai kuch kharcha hua, pheer yaha khate hai, kitna deen jayega sir humara aise, kya karenge, aisee*"

*karte karte sat roj hua*” (I am not allowed to stay at room. I am staying at the railway station at night where mosquito does not let us sleep. I run from here and there for whole day. I came from Bihar. How will we live here for so such a long time? I had 5000 INR in which some of money gone in travelling. How long 5000 INR will let us survive in Delhi?).

It indicates family suffers emotionally, gets stressed and suffer financially because of the lack of effective planning on the part of repatriation of children. One of the respondent Mr. VP (Name Changed) from Child Welfare Committee (CWC) shared that employer call the parent and ask them to call. He said further that the employer wants at earliest so that children get released soon. It indicates that parents are in regular conversation with employer and he tell everything to parent which make them feel frustrated, stressed and hostile to the whole process of the rescue, repatriation and rehabilitation. None of the key respondents from family and children shared about any conversation or counselling sessions to help them in understanding the entire process so that their anxiety, fear or stress can be reduced. It tells us that there are serious gap among the parents and other key stakeholders involved in the process of rescue, repatriation and rehabilitation and it is precisely evident that it persist continuously.

**C. Rehabilitation:** One of stakeholders Mr. AK (Name Changed) mentioned that a proper rehabilitation is not possible till the time respective state government do not work in collaboration with us. He said further that families take back the child to home but who knows, where the children are going. Are they going to home or going to some other place? There are so many paperwork needed which are greatest hurdle because family does not provide any document in most of cases which is required to open bank account to get the compensation amount or other program benefits. Another stakeholder Mr. SKR (Name Changed) shared that the moment child enter in the home, we started running behind paper work. We did not get enough time to work for their rehabilitation. The major challenges are verification of name and address. It delay the whole process of rehabilitation of child labour. One of the parent stakeholder Mr. PY (Name Changed) told when he came to home with his son after getting him release from shelter home received call from local staff of organization to meet at labour department office at Kathiar (Home District) and visited Katihar around 10 times thereafter. He added further that it cost around 70 INR for one trip to Katihar from his home and loss of one man-days too. It is evident here that even families have to run between home to local offices to receive compensation amount of just INR 20,000. As it seems that families have expenses more than what he receives in rehabilitation amount from government. One of respondent with in families also told about receiving call from offices from Delhi. They also received letters from post office and were asked to come to Delhi as to appear in case to record statement. He said further that He was not well at that time so, he asked to Mr. SA (relative and name changed) to go Delhi. He gave 100 INR to him as his contribution and other families also contributed (more than one children from same village had rescued). He added further that Mr. SA was told that compensation amount of 25,000 INR will be given but did not receive anything till the time. He said that “*us baar 5000 INR kharcha karke chale aaye; kai baar aayenge-jayenge; kai baar kharcha karenge; aane-jane mai-raste ka kiraya hai, kahana pina hai, waha jate hai tab ghar pariwar sab marta hai bhukh se; yeh hisab se hum nahi jaye paye; ab Sarkar kuch de ya na de; hum nahi ja payenge* (I spend 5000 INR at that time in coming to Delhi; there are expenses such as tickets, food, accommodation in Delhi; how many time we can make it?; there are families at home to



feed; they suffer so I decided to not to go either government give anything or not). It highlight the complexity of the whole process of rehabilitation in which parents real life situations are completely ignored and it seems through the above shared experiences of families that personnel involved till rescue to rehabilitation largely un-emphatical and sensitive less.

**D. Awareness and Sensitivity Gap:** The knowledge gap is reflected precisely in the study, especially among the children and families. The families and children mentioned lack of awareness about the law prohibits working of children. It reflects gap on part of awareness among people at field as well as demand for more awareness programs. One of stakeholder Mr. SK (Name Changed) shared that public attacked on them during a rescue and they were shouting “*Baccha Chor, Baccha Chor*” (People who steal children). It says that people are not seeing any kind of social issues while seeing children working whereas they attack to people who came for rescue. It states people mind-set still not changed and serious awareness and sensitivity gap persist. One of key respondent Ms. PS (Name Changed) from girl shelter home shared that there is no acceptance within society for girl living in shelter home. They think something fishy happening- *kuch galat kaam karte hai; aur larkiya training pe jati hai* (something is work; girls go for training). It says that still society need to be educated about child labour and other vulnerable children life reality.

**E. Policy Gap:** It has been shared precisely by stakeholders that there is no concrete policy document on the rehabilitation of child labour. The latest amendment in the child labour act caused a dilution of the legislation at the moment aspect of family enterprises inserted. The child was allowed to work in their family business. The family enterprises has been extended so much that it ruined the child the concept of the child labour. It has been reason that rescue operation has just reduced to 10 percent of earlier. The supply side is still intact as there is a large number of children coming from Delhi to the Howrah route. The area is continued to suffer seasonally by flood and the rate of migration remains unaffected rather has slight increase every year. However, there is no concrete plan for such “child labour hotspots areas” either with the government or non-government agencies.

**F. Poor Educational Infrastructure:** One of respondent MR. AKT (Name Changed) reported our headmaster is overloaded with extra work from the government. The number of teachers is lesser in comparison to number of children. We have 109 girls in my class and a single teacher. It was supposed to be divided into sections but teachers are not appointed. We have classrooms but there are 9 teachers out of 25 sanctioned teacher posts. It has been shared by respondent that most of the government schools lack basic infrastructure such as classrooms, drinking water, toilet, books, qualified teachers, latest teaching equipment and other facilities like electricity, bench, tables, etc. One of respondent Mr. RK (Name Changed) shared that there is no electricity in my school. It says a lot about the current ground reality of government schools. It seems very much true that only people who cannot afford the expenses of private schools come to government schools in villages and the same group of people eventually fall into the child labour trafficking and child marriage trap.

## 6. Conclusion

The research findings state that a larger number of respondents (37.10 percent) did not receive their compensation amount of 20,000 INR. A greater number of participants (72.6 percent) agreed about a delay in getting a rehabilitation package. The compensation amount of 20,000 INR cannot be considered a rehabilitative measure; also, such a small amount cannot be justified as compensation. The study highlights that 74.2 percent of children after repatriation have not joined the school. The findings state almost 09 out of 10 were found working.

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