CHAPTER- V

ROLE OF ENFORCEMENT MECHANISMS

The enunciation of any law or a regulation solemnly proclaimed with ceremony is meaningless if proper observance of that precept of law is not forthcoming. Law is a command to be obeyed and hence due observance is inherent in the concept of law. If the laws are not properly enforced, the word of law would lose its efficacy to a moral recommendation that may be ignored at will.¹

If there is a right, there must be a remedy. It is the remedy, which makes the right real. If there is no remedy, there is no right at all. So, when the rights are guaranteed by a law, there must be some agencies to monitor the proper application of the law and in case of violation of the rights conferred by the law, the aggrieved party should get necessary opportunity to obtain the remedy. To improve the condition of the child labour also, different laws have been passed. But passing of these laws is not enough, if these are not properly implemented. In this respect, the enforcement machinery has a special responsibility to look into the proper implementation of the measures which have been undertaken by the government for the welfare of the child labour. Enforcement machinery means the machinery which can compel the performance and obedience to the laws by effective surveillance and monitoring. It has a special role to play in case of the implementation of child labour laws, so that the child labour gets the benefit which have been provided by laws.
ORGANS OF GOVERNMENT

In every modern government, there are three organs and those are the legislature, the executive and the judiciary. The legislature makes the laws, the judiciary interprets them and the executive enforces them. It is impossible for a government to function without these three organs.

Among the organs of government, especially in democratic countries, the pride of place is given to the legislature. The basic function of the legislature is to make laws. It not only makes laws, but also amends and repeals them. The will of the people is expressed through the laws of the country. The life of the people is bound to be affected by the nature of the laws passed by the legislature.

In India, at the Centre, the legislative organ is known as Parliament. It consists of the President and two Houses known respectively as Lok Sabha and Rajya Sabha. In every state it consists of the Governor and in some states two Houses Known as the Legislative Council and the other as the Legislative Assembly, in other states, one House known as the Legislative Assembly. People elect their representatives to the legislature.

The parliament holds a ‘watching brief’ on behalf of the people to ensure that public policies and programmes are so operated as to ameliorate the condition of life for the common man and add to the sum total of human happiness. Apart from taking part in making laws, the legislators may ventilate the grievances of people in the House. Members of the legislature may ask questions and supplementary questions and thereby expose the misdeeds of the executive. Commissions of Inquiry can also
be set up by the legislature to examine the working of certain departments of the
government. In this way, the legislature also can play an important role in the
enforcement of the child labour laws.

The function of the executive is to execute the law. It is concerned with the
execution of the will of the state. That will of the state is formulated and expressed in
terms of law. Although the executive is separate from the legislature, it exercises a lot
of control in the legislative field. In a parliamentary form of government like India, it
is the head of the executive who is the leader of the legislature. The party having the
majority in the legislature forms the government and continues in office so long as it
enjoys confidence of the legislature. The executive decides which bills are to be
enacted into laws. Those bills are also mostly drafted by the executive. The executive
initiates the bills and also pilots them through. As the executive is constituted from
the party which has majority in Lok Sabha, therefore it can get the laws passed
whenever need arises.

Moreover, the executive also can make law under the powers delegated to it
by the supreme legislative authority. This type of law is known as Delegated
Legislation. Nowadays the state is assuming more and more responsibility for
promoting the welfare of its citizens, like health, education, employment, trade,
industry, commerce and other services. The concept of negative state has turned into
a welfare state. Therefore, it is necessary that the executive should be entrusted with
numerous powers, including that of delegated legislation.

In this way, the executive can play an important role in executing child labour
laws. Moreover, it can lay down necessary rules if such a power is delegated to it by
the legislature.
The role of judiciary is also very significant in the enforcement of the laws. The most important function of judiciary is administration of justice. Whenever a case comes before a judge, it is his duty to interpret the law of the country on that point in an impartial manner and give his decision accordingly. It is his duty to see that justice is dispensed according to the law. He must not give any arbitrary interpretation. He must not take upon himself the work of the legislature. However, while giving his decision, he is at liberty to discuss the law in detail and also can give his honest opinion as to how he considers the law to be defective on that point. If he pleases, he can make his own suggestions. Whenever the parties come to a court of law with their conflicting claims, it is the duty of the judge to decide which claim is according to the law of the country. It is also his duty to punish the wrongdoer so that justice may prevail in the country.

The Courts can issue injunctions in certain cases and thereby help in checking the harm or mischief that might have resulted otherwise. An injunction of a Court may order the government, a local body or a private individual, to desist from doing something. By issuing a writ of mandamus, the court may order the government to do a particular thing which the law of the country requires it to do. Thus, judiciary may exercise its powers to examine whether the laws are effectively implemented or not.

In India, the role of judiciary has been quite significant in promoting child labour welfare. The judiciary has also given a lead to save the child workers from exploitation and improve their working conditions.
INSPECTING MACHINERY

The inspecting machinery can play a significant role in the enforcement of child labour laws. Labour legislation without inspecting machinery has been called as "an essay in ethics rather than a binding social discipline" in the Report of the Director General in the 48th Session of International Labour Conference held at Geneva in 1964. Inspection services have provided the means for the enforcement of various legislations relating to the prohibition and regulation of child labour. The purpose of inspection, as the International Labour Organisation manual on Labour inspection points out, is primarily education of the employers and workers to secure better implementation of the labour laws. If the labour inspectors find that the legal requirements relating to the prohibition of child labour are not being observed in an undertaking they have visited, they should explain the legislations to the employer, demand that the employment of the young person or persons working there be ended and possibly penalise the employer in the manner laid down by the law.

Importance of labour inspection has been recognised by International Labour Organisation from the very beginning. It adopted the Labour Inspection (Health Services) Recommendations in 1919, urging governments to establish efficient factory inspection system and services to safeguard the health of the workers. Again in 1947, International Labour Conference adopted Convention No. 81 on Labour Inspection in Industry and Commerce. In 1969, it was complemented by Convention No. 129 on Labour Inspection in Agriculture.

The functions set out in these two Conventions with regard to labour inspection are virtually identical and there are three functions. The first function of
the inspector is to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons and other connected matters, in so far as such provisions are enforceable by labour inspection. The inspector has to supply technical information and advice to the employers and the workers concerning the most effective means of complying with the legal provisions. Moreover, he is to bring to the notice of the competent authority, defects or abuses not specifically covered by the existing legal provisions.


Under Section 17 of the Child Labour (Prohibition and Regulation) Act, 1986, the appropriate government has been empowered to appoint inspectors who will be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860. Under this provision, wide powers have been conferred on inspecting officials in terms of visiting the establishments collecting evidence against defaulting occupiers and detaining them within the premises of the establishment for fleeing the child labour from the place of employment or to tamper with the registers and other records to be maintained by them in respect of child labour. The inspector has also been given the power under Section 16 to file a complaint in a court of competent jurisdiction if an offence is committed.
The basic reason for ineffective enforcement machinery is that some inspectors operate together with the employers engaging child labour for getting personal gain either in cash or in kind. At the same time, such employers including occupiers of such establishments particularly in unorganised sector operate in organised manner and offer stiff resistance to the inspectors or persons working on their behalf and in some cases they even turn violent, thereby endangering their lives. This type of attitude creates demoralising impact on inspecting officials. So requisite safeguards should be provided to them so that they may work effectively. At the same time serious action should be taken against the corrupt officials in order to compel them to work efficiently for the purpose of providing necessary protection to the child labour in accordance with the provisions of the Act.

It is an unfortunate fact of life that labour inspection systems in most of the developing countries face severe problems which limit their ability to effectively carry out their function in relation to child labour. The most important aspect of these problems is the insufficient resources being allocated to labour inspectors. In spite of the legal provisions on enforcement machinery, the political pressure has prevented the labour inspectors from implementing the law banning the employment of children in hazardous industries. It is often found that premises are cleaned and children are put on innocuous jobs like distributing water when labour inspectors visit. The employers can easily bribe the corrupt officials and blackmail the honest ones. The attitude of the inspectorate staff is also responsible for poor enforcement of child labour laws. They consider it as a necessary evil. T. N. Kitchlu in an article titled “Child Labour: Current Scenario” has quoted the statement of an inspector of Sivakasi, Tamil Nadu. The Inspector opined, “Commissions may be appointed,
studies may be conducted, policy makers and planners may visit Sivakasi, but nothing could be done about the child labour, unless the attitude of the parents who send their children to match factories could be changed. What can we do if the parents want to send their children to work? They consider us their enemies if their children are taken out of the factories. They come in groups and protest and at times threaten us.” In some places child labour laws cannot be enforced due to an unhealthy nexus between employers and inspectorate itself.

The employees evade the implementation of laws in various ways, namely, they do not maintain the register of child workers and if an inspector enters the premises of factory, they send the child workers away through the backdoor. If an inspector per chance finds a child worker within the factory premises, the employer dupes the inspector by saying that the child worker has come to meet his friend or relation. Sometimes they show false age certificate particularly in unorganised and small industries. The labour inspector, whenever he finds any violation, faces difficulties in collection of evidence to prove that.

Enforcement of labour laws in unorganised sector seems difficult because the units are unregistered and large in number and scattered over a wide area. The number of labour inspectors is also extremely low. There are some practical problems also. When the inspectors visit an area where there is a concentration of units employing child labour, they may find children physically present and at work only in the first one or two units visited. In all the other units child workers are made to disappear or hidden away on learning of the visit of the inspector. Even if the inspector manages to find children employed in a particular establishment in violation of the law and takes up prosecution, he has to face many legal difficulties. When the
unit is small, the employer may defend himself by claiming that the children who were working in that unit are their family members and so it is covered by the exemption under the Child Labour (Prohibition and Regulation) Act, 1986. In larger units also, the employers may try to escape from their liability by stating that the children present inside the campus come only for the purpose of meeting their parents or for bringing lunch for them.

Moreover, it is very difficult on the part of the inspector to prove that a child is working in a particular unit because of non-availability of any documentary evidence. Again, though most of the laws have fixed the minimum age for employment as fourteen years, since in rural areas and among the poor, backward people, birth certificates are not available, it is not easy to prove the age of the worker. In such a case, the employer has to keep a medical certificate with him to prove the age of the child. Otherwise, the inspector has to get the child medically examined at the cost of the employer.\textsuperscript{16}

It is necessary that certain measures should be taken so that inspectors may discharge their duties properly. Amendments should be made in the Acts granting more powers to the inspectors. If an inspector finds any violation of law by an employer while visiting a particular industrial premise, he should have the power to punish the employer immediately on the spot. Otherwise sometimes it may become difficult for him to prove the misdeeds of the employer latter.

The number of inspectors should also be increased, so that they may visit the factories frequently. This will help in places where there is the concentration of units employing child labour. If sufficient number of inspectors go there together and enter different factories at the same time, it will be possible for them to identify the errant
employers, as these employers in such situations would not get time to hide the child labour.

The inspectors should have adequate knowledge of different provisions of laws. There is the need for proper training of the inspectors also on how inspection should be conducted in an effective manner.

If abovementioned measures are implemented, it can be expected that the inspecting machinery will be able to perform its responsibilities properly and it will be able to help in the elimination of child labour.

TRADE UNIONS

Trade unions encourage collective bargaining which ensures better terms and conditions of employment to the labour and at the same time endeavours for maintenance of good relations between employer and employees. In their endeavour to secure better working conditions, privileges and amenities to the labour, the Trade Unions adopt certain methods, namely, legislative, collective bargaining, mutual insurance and strike.17

The trade union movement in India is the by-product of the freedom movement and the two are intimately intertwined. The movement, that emerged between 1920 and 1940, represented the solidarity of Indian working class for national unity amidst diversity.18

As working children are not members of trade unions, they have no power to bargain over their conditions of work and as in any case the law does not recognise the existence of their work, there is no organised and forceful body to concern itself
with removing them from the labour force altogether. Up to the present time, with a few notable exceptions, national trade unions in the developing countries have not always paid sufficient attention to child labour.  

Trade Unions can play an important role in generating awareness among employers about the legal aspects of child labour, like minimum wages, working hours, rest intervals and prohibited occupations. They can also take measures to protect children from exploitation by their employers. They can insist upon providing health and educational facilities to children at their worksites. The regular medical check-ups help in detecting occupational diseases at an early stage and it becomes easy to cure them. The trade unions have to undertake a sustained action to stop the violation of rules prohibiting the use of child labour. There should be closer cooperation among themselves to pressurise the authorities for a drastic change in their outlook to break the curse on child labour.  

Although in many developed as well as developing countries of the world, the respective trade unions have played a meaningful role for protecting the interests of the child labour, in India, the role of the trade unions in organising any effective programme against the poor implementation of statutory enactment relating to the child labour is not satisfactory. One of the basic reasons for the existing state of affairs in respect of negative role of implementation machinery and indifferent attitude of the trade unions is that children are mostly employed in cottage industries, small-scale industries, small shops and business establishments, dhabas, restaurants or in domestic employments. Due to the informal nature of such employments, it is not feasible for the trade union leaders to organise employees working in such areas of
employments and impose requisite pressure on the state for ensuring effective implementation of the existing legislations relating to child labour.\textsuperscript{23}

However, it may be mentioned that trade unions of India have co-operated with the International Labour Organisation since the International Programme for Elimination of Child Labour (IPEC) was launched.\textsuperscript{24} The Synthesis Report on “Action Against Child Labour: Lessons and Strategic Priorities for the Future” published by the International Labour Organisation (Geneva, October, 1997) has clearly acknowledged this contribution. In the report, it has been stated that the participation of Workers' Organisations in the campaign against child labour has taken a quantum leap, encompassing different activities like awareness raising and workers' education, solidarity movements targeting specific industries and provision of alternative education for working children. It has also been opined that while initial activity consisted mainly of awareness and sensitisation programmes for members, the trade unions have deepened the scope of their engagement in another direction. They have worked closely with other partners, such as governmental organisations, to incorporate child labour in their Workers' Education Programme. They have also involved community integration activities for purposes of better direction and surveillance of incidence of child labour, undertaken lobbying at both the national and local government levels for policy reforms and improved services for working children and intensified its advocacy activities.\textsuperscript{25}

In India, since it was launched in 1992, International Programme for Elimination of Child Labour (IPEC) has supported trade union action programmes.\textsuperscript{26} Trade Unions in India may take the benefit of these programmes and can contribute to the campaign against child labour.
The fact that working children are scattered in numerous establishments across India, it is not easy to identify them; far more difficult to release and rehabilitate them. In spite of this, if trade unions fully comprehend the problem and are determined to tackle it vigorously, positive results should be forthcoming before too much time has elapsed.

NON-GOVERNMENTAL ORGANISATIONS

Non-governmental organisations are important partners and collaborators of government. The partnership should not be symbolic and ritualistic but one that flows naturally and easily from both sides. There should be an open-minded dialogue between the government and non-governmental organisations to plan out a strategy and methodology of partnership.

Non-governmental organisations may play an important role in the enforcement of the laws. They can provide assistance to the government by supplementing and complementing governmental action in areas of social concern. Though different laws are there for the benefit of child labour, if their rights are violated, they have to accept that because of their inability. The government also, in most of the cases of violation of the rights of child labour cannot do anything as it does not have the infrastructure to reach the millions of people who work and live in remote, interior and inaccessible places. In these cases, the non-governmental organisations can act as a bridge between the government and these areas in ventilating their grievances and seeking timely redress.
Though different protective measures have been provided by various legislations for the child labour, these measures miserably fail for non-implementation or negligence or corruption by the inspecting authority. But non-governmental organisations may play a vital role in this respect. The local non-governmental organisations near such employment establishments can be roped into combine their moral pressure and prevail upon the employers to create better working conditions, safety provisions and lesser hours of work with breaks in between for such child labourers.\textsuperscript{30} The non-governmental organisations may also arrange for regular health check ups for these children.

The local non-governmental organisations may take steps in protecting the child labourers not only from their employers but from their own families also. So, there is a greater necessity of working with the parents of such children by different activities like opening of community centres for children and adults so that some sort of recreation facilities along with family counselling facilities can be provided at the doorstep.\textsuperscript{31} In rehabilitation of these child labour also, the non-governmental organisations may play a significant role. They may also help in educating these child labourers in skill upgradation and other technical activities.

Non-governmental organisations have an important role to play in the elimination of the scourge of the child labour. These non-governmental organisations should encourage, initiate and undertake practical action programmes to improve the condition of working children. Their object should be to improve health, recreational and educational provisions of child labour. They can raise public awareness by providing information on child labour problems to the interested social action groups or authorities. They can create informal public opinion and pressure for control of
child labour. They also can propagate among employers, trade unions and voluntary organisations to promote child labour welfare programmes. They can demand and agitate for the promotion of occupational safety and health and the improvement of the physical environment at work place where children work. Moreover, they should demand strict enforcement of laws and regulations prohibiting the employment or work of children in hazardous activities.

The campaign against child labour must be within the framework of a partnership of international organisations with concerned governments and non-governmental organisations. Then only their efforts will have a lasting impact on the status of the working children of the world.

MEDIA

All those, who are involved with 'child labour' - that is, the child labourers themselves, their parents, their employers, trade unions and governments - should be made fully aware both of the harm and damage that work can inflict on the children, to the society of which they are a part and to the generations to come.\textsuperscript{32} The role of media is to inform, dispel doubts and misgivings, sensitisise, usher in hope and dispel cynicism and scepticism. Its role in elimination of child labour and rehabilitation of those children who are released from work is one of the most important components of the process of total human development.\textsuperscript{33}

Media can effectively demonstrate to parents, on the one hand, how much valuable the children would be to them if they receive proper education and on the
other hand, how sending them to work and gross exploitation at school-going age would ruin their health and mental development and shorten their lives.34

Films, television, radio, theatre and press have a great impact on thinking of general masses. Programmes highlighting the working and living conditions of child labour can change the attitude of the society towards these children.35 Between print media and electronic media, electronic media can be said to be more significant as the print media is relevant only for the literate people, but the electronic media can be utilised both by literate and illiterate people. Discussions on the radio and television, relating to the evil effects of employment of child labour with legal experts, trade union leaders, activists and researchers and interviews with the working children employed in different occupations can create awareness among general people towards this problem and it would help them in changing their attitude towards these children.

“Salam Bombay”, directed by Mira Nair, the documentary on child labour in glass factories of Firozabad, made by Mira Dewan and television serial “Hum Panchi Ek Daal Ke” are marvellous attempts to change the attitude of society towards these children.36 Such types of Audio-visual mediums can touch the hearts of the people easily and all sections of people can understand the problem of child labour after watching these.

Though the print media is relevant only for the literate people, yet the role played by it in mobilisation of public opinion and creation of awareness among people is very significant. Exposure of crimes through investigative journalism can go a long way in shaking up the enforcement agencies into action and inspiring them to
do a bit of introspection and to work towards more effective implementation of the laws meant to ameliorate the condition of children.

As far as folk media is concerned, the country has an abundance of resources. Folk media in the form of ‘nukkad natak’, street theatres and various other folk forms of communication such as harikatha and burrakatha in Andhra Pradesh, jatra opera in Maharashtra and West Bengal, Yakshaganam in Karnataka, pala and daskathia in Orissa can be important vehicles of communication of messages relating to the elimination of child labour. Dhulia Bhaona, Oja pali, batar naat (street play) and mobile theatres of Assam can also fulfil similar purpose.

The media should highlight that a child constitutes a very important human resource that needs to be nurtured and developed into a productive human being through proper upbringing, training and education. Government should launch regular information and education campaigns, using posters, leaflets, slogans and so on. Radio, television and press, either on their own initiative or in association with the government or at its suggestions, can run similar campaigns.

RESEARCH COMMUNITY

There is a need to investigate the impact of child labour on growth, morbidity, mortality, delinquency and fecundity of the children when they grow up and on the level of wages and unemployment and underemployment in the economy. There is the need to study about the impact of the work done in the hazardous industries on the health of the children. This task can be performed by the academic researchers, research institutions and government departments.
The deep-rooted research can be taken up to study the causes for the prevalence of child labour in different industries and the long-term consequences of early employment, particularly in hazardous industries, on children involved as well as the society as a whole.

Researchers may help the policy makers by making investigation regarding how far the laws have been successful in achieving their objects. They should also study how far the inspecting machinery has been successful in accomplishing their duties and what measures may be taken up to improve their standards.

Research institutions can study in detail the various tasks that children undertake in a country and publish a full analysis of the possible or certain, temporary or chronic repercussions on life and physical and mental health of children that result from the practice of each of these tasks. These studies should be undertaken not for the scholars only, but these should benefit the general public also by creating awareness relating to the evil impacts of these problem.

Academic researchers have produced a great deal of empirically sound scholarship on child labour in India. There are excellent studies of child labour conditions in specific industries like beedis, matches, bangles, brassware and glass. These studies document the impact of work on the health and well being of children, the prospects for future employment and the impact of child labour on their subsequent income.
COMMISSIONS AND COMMITTEES

Having realised the inadequacies of existing legislations in tackling the problem of child labour, the Government of India has appointed from time to time different Commissions and Committees to study the problem in all its aspects and to recommend suitable measures to control and eliminate the malaise of child labour. The first National Commission on Labour after independence was appointed in 1969 by Government of India to enquire into the conditions of labour in general. Although terms of reference of this Commission did not specifically refer to the child labour, the Commission studied the problem of child labour and found that the “employment of children persists in varying degrees in the unorganised sector and that it is more an economic problem than anything else”.

The Committee on Child Labour comprising 16 members was set up in February, 1979 by the Ministry of Labour of Government of India, to look into the causes leading to and problems arising out of the employment of the children. It stated that the enactment of law was only a first step, what was really important was its enforcement. In the course of its spot inspections and discussions, the Committee got a clear impression of several inadequacies in the existing administrative set up.

The Committee proposed that the minimum age for entry into any employment should be statutorily fixed at 15 years and all the fragmented laws on labour and employment should be codified for effective enforcement.

The Labour Ministry at various levels examined the recommendations of the Gurupadaswamy Committee. The Labour Ministers' Conference held in 1983 discussed various issues relating to the working children and the recommendations of
the Committee. The Conference of the Labour Ministers agreed to constitute a sub-
committee to study the problems under the Chairmanship of Sanat Mehta, the then
minister of Labour, in the state of Gujarat. The Committee was set up in November,
1983 to examine two issues. These are:— (i) Whether the minimum age for entry into
employment for children should be revised and if so, whether it should be uniform in
all industries and (ii) whether we should have a comprehensive law governing child
labour and if so, what should be outline of such law.

The Committee observed that:

"The problem of child workers cannot be over simplified nor
can it be treated separately as one existing by itself. It is a part of very
complex socio-economic phenomenon for which no quick or easy
solution can be contemplated."47

The Sanat Mehta Committee, however, held the view that it was possible and
necessary to enact legislation covering (i) the non-formal education of the working
children (ii) compulsory medical check-up and health-care (iii) skill development
training (iv) transport for working children and (v) provision for provident fund.48

INTERNATIONAL ORGANISATIONS

International organisations have taken different measures for protection of the
rights of the child labour. As these measures are implemented on sovereign states, so
international organisations cannot compel them. Signatory parties of various
Conventions are duty bound to follow these Conventions and other states also become
morally responsible to follow the provisions of the Conventions as these measures
were adopted for the benefit of the child labour.
The United Nations has also shown its concern for the protection of the rights of the child labour from the beginning. The most comprehensive international instrument on child rights was the Conventions on the Rights of Child which was adopted in 1989. Apart from guaranteeing rights it makes provision for implementation of various measures. For the purpose of examining the progress made by the state parties in achieving the realisation of the obligations undertaken in the Convention, there is the provision for the establishment of a Committee on the Rights of the Child. State parties are to submit to the Committee through the Secretary General of the United Nations, reports on the measures adopted by them, which give effect to the rights and on the progress made in this respect. For the effective implementation of the Convention, the Committee may invite the specialised agencies, the United Nations International Children’s Fund and other competent bodies to provide expert advice on the implementation of the Convention. The Convention on the Rights of the Child was ratified by India on 11th December, 1992, but it opined that some rights of the child pertaining to the economic, social and cultural rights could only be progressively implemented in the developing countries subject to the extent of available resources and within the framework of international co-operation.

The cause of the child labour was taken up by the International Labour Organisation (I.L.O.) from the time of its inception in 1919. In its Convention in the same year, it asserted that the evil practice of the child labour cannot be allowed to continue and every member state where this practice is still prevalent must take the total abolition of child labour as its ultimate objective. Since its foundation, International Labour Organisation has been much concerned with the gradual
elimination of the child labour and the promotion of the well being of the children in the fields within its competence. In the Preamble of its Constitution, it is stated, *inter alia*, that "conditions of the labour exist involving injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled" and that "an improvement of those conditions is urgently required" in many domains, including the protection of children and young persons. In the Declaration of Philadelphia, the international Labour Conference, meeting in 1944, recognised the solemn obligation of the International Labour Organisation to further among the nations of the world, programmes, which among other things, would achieve provision for child welfare.

International Labour Organisation in the field of child labour has extended technical co-operation to the member states in order to enable them to frame their national policies in consonance with the International Labour standards propounded by it so as to ensure effective implementation as well as eventual ratification by all member states.

International Programme on the Elimination of Child Labour (IPEC) of International Labour Organisation is the main programme of the United Nations targeted specifically at this issue. In India this programme was started in 1992 and is implemented through various Action Programmes. The programme aims at progressively eliminating child labour and increasing awareness about its negative effects.

During the early period of International Programme on the Elimination of Child Labour, the action programmes focussed on the setting up of non-formal education centres, drawing local working children into these centres and boosting the
basic curriculum with low level vocational skills, supplementing the diet of children, providing health care, along with conducting awareness raising campaigns for the children, their parents, the community and employers. Later, the focus of its programmes shifted from providing welfare inputs to combating child labour at the local level through community support and involvement.

The United Nations International Children’s Fund (UNICEF) has played a significant role in improving the condition of the child labour and it has been a major funding agency for improving the lot of children in general and child labour in particular, especially in developing countries. It advocates the adoption of strong protection laws and policies and helps the countries to implement them by training community members and law enforcement officers.

It is not possible for the international organisations to solve the problem of child labour by itself. But it can undertake joint strategy with the states to solve the problem of child labour. It can also facilitate in terms of enhancing ongoing and future efforts aimed at preventing and eliminating child labour.

No legislation can be in a position to accomplish the desired goals unless it is implemented in an effective manner in consonance with its object and purpose. Enforcement mechanism can play a major role in the implementation of the laws. But these have not been able to perform their functions to the desired extent. So, the provisions relating to enforcement mechanism in various Acts should be made more effective. Complicacy relating to the prosecution of the erring employers should be removed. Then only the welfare measures provided by different Acts for the child labour will be really fruitful.
NOTES AND REFERENCES


12. Ibid.


16. Ibid.


19. Supra, Note 9, p. 60.


22. Ibid. p. 137.


24. Supra, Note 18, p. 292.

25. Ibid.

26. Ibid., P. 293.

27. Ibid., P. 298.

28. Supra, Note 9, p. 61.

29. Supra, Note 18, p. 271.

30. Supra, Note 20, p. 279.
31. Ibid., p. 280.
32. Supra, Note 9, p. 61.
33. Supra, Note 18, p. 311.
34. Ibid., p. 313.
35. Supra, Note 20, p. 71.
36. Ibid.
37. Supra, Note 18, p. 311.
38. Ibid., p. 312.
39. Supra, Note 9, p. 61.
40. Supra, Note 20, p. 72.
41. Supra, Note 9, p. 61.


46. Ibid.


48. Ibid.


52. Ibid. pp. 24-25.