

## Assignment ①

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Case Study:- year 1998-99

Torture of a child labour: Uttar Pradesh

(Case No. 5897/24/98-99).

This case highlights serious human rights violations against a child labour, including police brutality and child exploitation. The National Human Rights Commission (NHRC) took swift action, ensuring accountability for the police officers and recommending financial relief for the child welfare and education. Additionally legal action against the Dhaba owner under the child labour (Prohibition and regulation) Act was initiated.

The case also reinforces India's commitment to child right under the Convention on the Rights of the child (CRC) and the Indian Constitution, particularly Article 39(e) and(f), 24 and 25. which emphasize child protection, education and freedom from exploitation. Despite legal safeguards, this case underlines the urgent need for stricter enforcement of child protection laws and awareness campaigns to prevent such incidents in



the future.

### Key issue in the case:-

- ① Police Brutality:- The incidence involves two intoxicated police officers physically assaulting and torturing a child, which is a gross violation of human rights.
- ② Child Labour:- The child was working at roadside dhaba (restaurant) which is illegal under the child labour (Prevention) Act.
- ③ Legal and Administrative Action:- The suspension of the police officers and initiation of a criminal case against them is a positive step, but the question remains whether justice was fully served.
- ④ Compensation and Rehabilitation:- While the commission recommended Rs. 5000 as interim relief for child welfare and education was this amount sufficient for long term rehabilitation.

### ⑤ Employer Liability:-

The dhaba owner was also subjected to legal action emphasizing the role of business in child labour exploitation.

### Legal Constitution Framework:

#### ① Convention on the Right of the Child (CRC):-

The case violates multiple provisions, especially Article 6(2) which obligates states to ensure children's survival and development.

#### ② Indian Constitution:-

(i) Article 24 :- prohibits child labour in hazardous conditions.

(ii) Article 39(e) and (f) :- protect children from exploitation and abuse.

(iii) Article 45 :- mandates free and compulsory education for children up to 14 years.

#### (iv) Supreme Court Judgment:-

Various rulings reinforce that children should not be forced into labour or exposed to hazardous conditions.



### Criticle Reflections:-

- (i) What actions taken against the officers and dhaba owners sufficient?
- (ii) How can state ensure better protection of child labours from such exploitation?
- (iii) Are existing laws and enforcement mechanisms strong enough to prevent similar incidence?

### Legal and Policy Reforms Needed -

- (1) Strengthening police Accountability.
- (2) Stronger Implementation of child labour laws
- (3) Judicial and Legislative Actions.

### Solution and Best Practices :-

- (1) Community Based Reporting Mechanisms
- (2) Collaboration with NGOs.
- (3) Better Rehabilitation policies.

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