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## **CHILD LABOUR: ANALYSING INDIA'S CONSTITUTIONAL AND LEGAL ASPECTS**

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By- **Sneh Shankar<sup>1</sup>**

### **ABSTRACT**

*Decades of observation have shown that impoverished families are compelled to send their kids to labour, which leads to a significant issue the globe is currently facing. Children and their families may suffer greatly as a result of child labour. When kids work, it doesn't always mean they provide financial support for their families; in fact, a lot of them work as slaves or as bonded labour. Nor do all of them get paid for their labour. They also deal with a lot of issues that could permanently harm their upbringing. Children typically labour to support their family both materially and financially. Parents frequently disregard their children's health, or they might not even be aware of it. This paper discusses how India has implemented rules and policies to eliminate child labour. Despite these attempts, child labour and the conditions that contribute to its prevalence persist. The study's findings explain why children are forced to labour, namely poverty. This research concludes that governments, societies, and communities should work together more effectively to reduce child labour.*

*It emphasizes that child labour is frequently caused by socioeconomic circumstances in which families rely on their children's earnings. This scenario is compounded by poverty, a lack of education, and weak legal protections for children. The research also emphasizes that agricultural child labour is a critical component of the problem. It implies that without tackling*

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<sup>1</sup>Student, Law College Dehradun.

*child labour in agriculture, it will be difficult to address child labour in more dangerous areas. This perspective is critical to understanding the broader consequences of child labour in India. The lack of knowledge about current regulations intended to safeguard underage labourers is mentioned in the abstract. It mentions that a lot of employers are unaware of these rules, which adds to the continuation of underage labour.*

**KEYWORDS:** Child Labour, Child Labour (Prohibition and Regulation) Act, 1986, Fundamental Rights, Constitution, Child Education

## INTRODUCTION

As stated by Wordsworth, "The Child is the Father of the Man." Nehru believes that children are the country's greatest resource. A child is typically defined as an individual under the age of 14 who is less mature, less developed, unable to comprehend the implications of their actions, and unaware of their rights. Child labour is a widespread issue. The term "child labour" generally refers to "all children under the age of 15 who are compelled to work regularly in organisations to support their families, both in hazardous and non-hazardous conditions that are exploitative and detrimental to their physical and mental development as well as their education and training opportunities." The International Labour Organization defines "Child Labour" as any child under the age of fifteen who is engaged in economic activity, excluding children under the age of five and those between the ages of twelve and fourteen who work fewer than fourteen hours per week, unless their jobs or activities present a risk due to nature or other factors. Article 24 of the Indian Constitution specifies that it is illegal for minors under the age of 14 to perform in dangerous jobs. This sub rule implies a dedication to children's welfare through guardianship of their interests and their physical, mental, and emotional well-being. Notably, despite laws being in place, child labour persists in the manufacturing sector due to socioeconomic issues, a lack of efficient enforcement strategies, and a lack of public awareness of the detrimental consequences of uncontrolled work. Every child's fundamental needs are

their top priorities, and the Indian Constitution guarantees them. children's living conditions are appalling, and as a result of violations of their rights, they are either directly or indirectly involved in activities like child labour, picketing, prostitution, begging, etc. The primary causes of child labour are familial pressure, poverty, migration, parental negligence, and other social ills. In addition, basic deprivations include inadequate food, shelter, and education. The Constitution's Article 24 addresses child labour in the industrial sector. Various enactments, such as the Mine Act of 1952, the Merchant Shipping Act of 1958, the Motors Transport Workers Act of 1951, the Plantation Labour Act of 1951, and the Bedi and Cigar Workers (Condition of Employment) Act of 1961, which forbid the employment of children under a certain age, have been added to the statute book in accordance with the aforementioned article 24.

## **DEFINITION, HISTORY AND CONCEPT OF CHILD LABOUR**

### **DEFINITION**

Even though the international community has taken many steps to address this issue, child labour still exists and is difficult to overcome. It is improbable that it will become a part of law even if it is stated in the majority of international accords. In general, child labour can be defined as any activity that children engage in that negatively impacts their physical, mental, educational, or environmental development. In order to combat the issue of child labour, the International Labour Organization (ILO) has classified it into many categories, such as child labour, child labour, and the worst forms of child labour.

The International Labour Organization define child labour as "All children under 15 years of age and who are economically active excluding those who are under 5 years and those between 12-14 years old who spend less than 14 hours in a week open their

jobs unless their activities and occupations are hazardous by nature or circumstances".<sup>2</sup>

The Factories Act of 1948 defines that "a person below the age of 14 years is to be regarded as a committee, defined child labour "as work by child. Therefore, any work undertaken by children that interferes their full physical development, their opportunities for desirable minimum of education or their need of recreation by a child below 14 years under either compulsion development or their desirable opportunities for a child voluntarily in an organized or unorganized minimum of education, termed as 'child labour'.<sup>3</sup>

The Child Labour (Prohibition and Regulation) Act of 1986 defines a child as someone who is under the age of 14. The Act prohibits the employment of children in certain hazardous occupations and processes, and regulates their employment in other areas.<sup>4</sup>

### **CONCEPT OF CHILD LABOUR**

Child labour refers to employment that is inappropriate for children due to its nature or the age at which it is undertaken. It includes work that interferes with a child's education or harms their health, development, or well-being. Children in India are engaged in various forms of child labour, each with significant risks and consequences.

#### **1.Hazardous Work:**

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<sup>2</sup><https://www.unicef.org/protection/child-labour>

<sup>3</sup> The Factories Act of 1948.

<sup>4</sup> The Child Labour (Prohibition and Regulation) Act of 1986, Protection Of Child Labour in Factories with Special Reference to Article 24 Of the Indian Constitution Amaras Singh<sup>1</sup> , Dr. Shova Devi<sup>2</sup> , 1 BA, LL. B, Amity Law School, Amity University, Lucknow, Uttar Pradesh <sup>2</sup>Assistant Professor, Amity Law School, Amity University, Lucknow, Uttar Pradesh.

Hazardous work involves employment that poses serious risks to a child's physical or mental health. Children often work in textile mills, manufacturing units, assembly lines, construction sites, or mining operations, handling heavy machinery, toxic substances, or working in unsafe environments. Long working hours, insufficient breaks, and dangerous conditions lead to fatigue, injuries, and long-term health problems.

### **2.Domestic Work:**

Many children, especially girls, perform heavy domestic chores, including cleaning, cooking, and caring for siblings, often without pay. They may also work in family-owned businesses, farms, or shops. Such work can result in physical exhaustion, malnutrition, neglect of education, and vulnerability to mental or physical abuse. Unpaid domestic labour often perpetuates the cycle of poverty by denying children educational and skill-building opportunities.

### **3.Agricultural Work:**

Children engaged in agriculture perform physically demanding tasks, such as lifting heavy loads, operating machinery, and handling sharp tools. Exposure to pesticides and chemicals can cause acute and chronic health issues, including respiratory problems, skin disorders, and long-term neurological effects. Long hours in the fields often lead to school absenteeism, limiting their educational opportunities.

### **4.Street Work:**

Street-working children engage in begging, vending, or other unregulated activities. They face extreme dangers, including exploitation, abuse, trafficking, exposure to harsh weather, poor hygiene, and accidents. Street work leaves little time for schooling and often jeopardizes their overall health and safety.

## **HISTORY OF CHILD LABOUR IN INDIA**

Child labour in India has been a long-standing social and economic issue, shaped by poverty, lack of education, and traditional socio-cultural practices. Its history can be traced through different phases, from ancient times to modern India.

## **Ancient and Medieval Periods**

In early Indian society, children were often involved in agricultural work, household chores, and traditional family occupations. They assisted their parents in farming, weaving, pottery, cattle rearing, and handicrafts. This practice was not seen as exploitative but rather as part of social learning and skill transfer. The gurukul system of education coexisted with such practices, where children of certain classes received education, while others, particularly from marginalized communities, contributed to manual labour.

During the medieval period, feudal structures and caste-based occupations continued to influence child labour. Children from lower castes and poor families were engaged in agricultural fields, domestic work, or as apprentices in artisan guilds. The system of bonded labour also emerged, where children worked to repay debts owed by their families, a practice that continued for centuries.

## **Colonial Period**

The British colonial era marked a turning point in the nature of child labour. With the establishment of factories, tea plantations, and mines, the demand for cheap and easily exploitable labour increased. Children were widely employed in these industries because they could be paid less and were more compliant. They worked in hazardous conditions for long hours, often suffering from injuries, illnesses, and malnutrition.

The plight of child workers drew some legislative attention. The Factories Act of 1881<sup>5</sup> was the first law to restrict child labour, prohibiting the employment of children below 7 years of age and limiting the working hours of those between 7 and 12. Later amendments, such as the Factories Act of 1911, Mines Act of 1901, and Children's Act of 1933, gradually raised the minimum age and regulated working conditions. However, enforcement remained weak due to the economic dependence of families on children's earnings and the colonial government's emphasis on industrial growth.

## Post-Independence Developments

After India gained independence in 1947, child labour was recognized as a serious social problem. The Constitution of India laid down clear principles against it: Article 24 prohibited the employment of children below 14 years in factories, mines, or hazardous occupations; Article 39 directed the State to ensure that children were not forced by economic necessity to work in unsuitable conditions; and Article 45 emphasized free and compulsory education for children.

Despite constitutional safeguards, child labour persisted due to widespread poverty and illiteracy. In response, several legislations were enacted, such as the Child Labour (Prohibition and Regulation) Act, 1986, which prohibited child labour in certain hazardous industries and regulated working conditions in others. Over the years, amendments have strengthened these provisions, raising the minimum age of employment and aligning laws with international conventions.

## CAUSES OF CHILD LABOUR IN INDIA

Child labour continues to be a pressing social and economic problem in India despite several constitutional provisions and legislative measures prohibiting it. According to estimates, millions of children are still engaged in various forms of labour, particularly

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<sup>5</sup> The Factories Act of 1881



in informal and unregulated sectors. The persistence of child labour in modern India can be explained by several interlinked causes.

### **1.Poverty and Household Economic Pressure**

Poverty is the foremost cause of child labour. A significant proportion of Indian households still live below the poverty line, struggling to meet daily needs. In such families, children are seen as economic contributors. Instead of attending school, they are forced to work in farms, workshops, construction sites, and small businesses to supplement the family income. For extremely poor households, child labour becomes a survival strategy rather than a choice.

### **2.Lack of Access to Quality Education**

Education is the strongest alternative to child labour, yet access remains uneven. While the Right of Children to Free and Compulsory Education Act, 2009 has expanded enrolment, the quality of education in many rural and government schools is poor. Inadequate infrastructure, shortage of teachers, and high dropout rates push children into the labour market. For families facing economic hardships, immediate earnings from labour seem more

### **4.Unemployment and Underemployment of Adults**

Ironically, the lack of job opportunities for adults indirectly fuels child labour. When adult members of families remain unemployed or underemployed, children are pushed into low-paying jobs to ensure survival. Employers, in turn, often replace adult workers with children because they can extract longer working hours at minimal wages.

### **5.Social Inequality and Caste System**

Caste and community-based occupations play a major role in perpetuating child labour. Marginalized groups, particularly Dalits and tribal communities, are more vulnerable to exploitation. Many children from these backgrounds are employed in

hazardous occupations or trapped in bonded labour. Gender inequality further aggravates the problem, with girls often being employed as domestic workers or confined to household labour, denying them education and childhood.

### **6. Migration and Child Trafficking**

Rural-to-urban migration has led to a rise in child labour. Migrant families moving to cities for work often involve their children in construction work, rag-picking, and roadside vending. Additionally, trafficking of children for bonded labour, domestic servitude, and even begging remains a widespread problem.

## **IMPLICATIONS OF CHILD LABOUR IN INDIA**

Child labour is not only a violation of children's rights but also a major obstacle to India's social and economic development. While it may provide temporary economic relief to families, its long-term implications are deeply damaging at the individual, societal, and national levels.

### **1. Impact on Education and Human Development**

The most immediate implication of child labour is the denial of education. Children engaged in work, whether in agriculture, factories, or domestic service, often drop out of school or never enroll at all. This leads to illiteracy, lack of skills, and limited opportunities for social mobility. In the long run, this perpetuates the cycle of poverty, as uneducated children grow into unskilled adults with fewer chances of securing decent employment. It also undermines the government's initiatives such as the Right to Education Act (2009) and the vision of universal literacy.

### **2. Health and Physical Consequences**

Many child labourers are engaged in hazardous occupations such as mining, construction, carpet weaving, and fireworks manufacturing. Exposure to dust, chemicals, heat, and long working hours affects their physical growth and causes chronic illnesses, malnutrition, and even permanent disabilities. The absence of

healthcare facilities at workplaces further worsens their conditions. Child labour deprives them of proper nutrition and recreation, which are essential for healthy physical and mental development.

### **3. Psychological and Emotional Impact**

Children forced into labour often experience exploitation, abuse, and neglect. They face harsh working conditions, verbal and physical abuse, and lack of emotional support. This can cause trauma, low self-esteem, and feelings of hopelessness. Deprived of a normal childhood, they miss out on play, social interaction, and learning, which are crucial for emotional well-being. In the long run, these experiences may lead to psychological disorders, depression, and difficulty integrating into society as adults.

### **4. Perpetuation of Poverty and Inequality**

Child labour is both a cause and consequence of poverty. Families send children to work due to financial hardships, but by doing so, they trap them in a cycle of poverty because the children remain uneducated and unskilled. This cycle reinforces social and economic inequalities, especially among marginalized communities such as Dalits, tribals, and migrant families. The practice also widens gender inequality, as girls engaged in domestic work or household duties are often denied schooling and opportunities.

### **6. Legal and Ethical Concerns**

Child labour undermines the effectiveness of laws such as the Child Labour (Prohibition and Regulation) Amendment Act, 2016 and violates international commitments like the UN Convention on the Rights of the Child and ILO Conventions. Continued prevalence of child labour reflects gaps in law enforcement, governance, and social justice, raising ethical concerns about the failure to protect children's rights.

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**CONSTITUTIONAL PROVISIONS, LEGISLATIVE FRAMEWORKS & JUDICIAL APPROACHES OF CHILD LABOUR:**

**CONSTITUTIONAL PROVISIONS**

India's legal system for children is based on a number of international agreements, regulations, and constitutional clauses that protect children's rights. Through important rulings, the Indian court has been instrumental in interpreting and upholding these laws. The judicial approaches to child law in India are examined in this essay, with particular attention paid to noteworthy instances that have influenced the development of children's rights.

The Indian Constitution offers a strong foundation for safeguarding children's rights. The needs and rights of children are particularly covered in a number of articles:

**Article 14: Right to Equality (in reference to child labour)<sup>6</sup>**

The right to equality is guaranteed under the Indian Constitution. It declares that no one on Indian territory shall be denied equality before the law or equal protection under the law. Important Elements of Article 14

- Every person is subject to the same laws regardless of their social, economic, or cultural background, according to the principle of equality before the law. Regarding child labour, it suggests that every child ought to have the same legal rights and safeguards.
- Equal Protection of the Laws: This clause in Article 14 guarantees that people in comparable situations receive the same treatment. It requires the state to guarantee that laws intended to shield children from child labour and other forms of exploitation are applied equally.

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<sup>6</sup> Constitution of India

## Article 21: Right to Life and Personal Liberty<sup>7</sup>

This fundamental right is essential because it protects the rights to life and personal freedom, which can be applied to a variety of situations, such as child labour. Article 21 has the following implications for the problem of child labour:

- Right to Life and Dignity: According to Article 21<sup>8</sup>, a person's right to life includes the right to a dignified existence in addition to their bodily existence. youngsters who work as youngsters are frequently exposed to dangerous situations, depriving them of a childhood and the chance to develop holistically. Consequently, it is against children's right to a dignified existence to employ them in exploitative jobs.
- One aspect of personal liberty is the ability to make decisions regarding one's life. Children who are enlisted in labour are deprived of their autonomy and are unable to participate in social growth, play, or education. The core of personal liberty as guaranteed by Article 21 is clearly at odds with this coercion.
- To prevent child exploitation, India has a number of laws in place, including the Right of Children to Free and Compulsory Education Act of 2009 and the Child Labour (Prohibition and Regulation) Act of 1986. By outlawing child labour and guaranteeing access to education, these statutes respect Article 21 of the Constitution.
- The Indian judiciary has given Article 21 a broad interpretation. The Supreme Court emphasized in seminal decisions such as *M.C. Mehta v. State of Tamil Nadu*, (1991) 1 SCC 283: AIR 1991 SC 417<sup>9</sup> the necessity of shielding children from child labour since it violates their right to life and personal freedom. In

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<sup>7</sup> Constitution of India

<sup>8</sup> Constitution of India

<sup>9</sup> *M.C. Mehta v. State of Tamil Nadu*, (1991) 1 SCC 283: AIR 1991 SC 417

accordance with the tenets of Article 21, the court underlined that children should be assured a childhood free from exploitation.

- Additionally, India has ratified international agreements like the United Nations Convention on the Rights of the Child (UNCRC)<sup>10</sup>, which requires that children be shielded from labour that disrupts their education and economic exploitation. India's domestic legislation is in line with its international obligations when Article 21 is upheld in relation to child labour.
- Child labour is frequently associated with poverty, illiteracy, and insufficient social support networks. By guaranteeing access to healthcare, education, and basic necessities, Article 21 might be interpreted as a request for the state to preserve children's right to life and liberty by preventing them from having to labour for their survival.
- The prevention of child labour is a responsibility of both society and the government. The state is required by Article 21 to make sure that children have access to opportunities for education and development. This
- Involves putting laws into place that reduce poverty and enhance family living circumstances.

## **Article 23: Prohibition of Traffic in Human Beings and Forced Labor:**

The significance of labour rights is emphasized in Article 23 of the Universal Declaration of Human Rights, especially with regard to child labour and the ban on forced labour and human trafficking. An explanation of how this article connects to these concerns is provided below:

- Everyone has the right to work, to choose their own job, and to fair and comfortable working circumstances, according to the right to work.

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<sup>10</sup> United Nations Convention on the Rights of the Child (UNCRC)<sup>10</sup>

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- Fair Wages: It indicates that everyone has the right to fair and acceptable working circumstances, which includes fair wages, and that equal pay for equal effort should be provided without discrimination.
- Protection Against Forced Labor: It forbids forced labour in all its manifestations including human trafficking, reaffirming that no one should be forced to work under duress.
- Special Protections for Children: According to Article 23, children should be shielded from exploitation, including child labour, even if it makes no mention of them directly.
- To guarantee that children can grow, develop, and receive an education free from exploitation, child labour must be prohibited. In light of Article 23, the following are important points about child labour.
- Child labour frequently results in the exploitation of children, depriving them of their youth, education, and potential. The right of children to have a childhood free from economic exploitation is tacitly supported by Article 23<sup>11</sup>.
- Forced labour and human trafficking: A lot of youngsters are the victims of forced work, which is against their rights. Article 23 calls for the protection of children from all forms of exploitation and expressly forbids such acts.
- The International Labour Organization (ILO) conventions, such as Convention No. 138 on the minimum age for admission to work and Convention No. 182 on the worst forms of child labour, are examples of international agreements that supplement Article 23 by offering particular rules and guidelines to shield children from labour exploitation. States' role: Nations are urged to pass and

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<sup>11</sup>Constitution of India

implement legislation that forbids child labour, defends children's rights, and guarantees access to secure environments and education.

## **Article 24: Prohibition of Child Labor:**

Child work is addressed in Article 24 of the Indian Constitution, which reflects the nation's dedication to upholding children's rights and promoting their wellbeing. This item, which is a pillar of children's rights in India, is found under the section on fundamental rights.

According to Article 24's text:

"No child below the age of fourteen years shall be employed to work in any factory or engaged in any hazardous employment." Essential Elements of this article:

**Age Definition:** Children under the age of 14 are especially protected by the provision. This illustrates the understanding that because of their sensitivity and educational needs, children in this age range need to be shielded from labor exploitation.

**Types of Employment:** Employment in industries and dangerous jobs are also prohibited. Recognizing that some occupations might be harmful to a child's physical and mental development, this includes sectors that provide health and safety hazards.

**Connection with Other Provisions:** Article 24 supports a number of other clauses in the Constitution that support children's rights, including:

## **LEGISLATIVE FRAMEWORK:**

### **Indian Legislative Framework Against Child Labour**

Child labour has been a persistent social and economic problem in India, impacting the physical, mental, and educational development of children. The Indian Constitution and various legislative enactments collectively aim to prohibit and regulate child labour while promoting education and welfare of children.



### **Key Legislative Measures**

#### **The Child Labour (Prohibition and Regulation) Act, 1986 (CLPR Act)<sup>12</sup>**

This Act was the first comprehensive legislation addressing child labour in India. It prohibited the employment of children below 14 years in certain hazardous occupations and regulated working conditions in other non-hazardous employments. Key provisions included restrictions on working hours, mandatory safety measures, and provision for rest intervals and health monitoring of working children.

The 2016 Amendment, Child Labour (Prohibition and Regulation) Amendment Act, 2016

This amendment strengthened the legal framework by completely prohibiting the employment of children below 14 years in all occupations. It also prohibited adolescents (14–18 years) from working in hazardous occupations but allowed them in non-hazardous work under regulated conditions. The amendment sought to balance child protection with the practical realities of family income needs while emphasizing education.

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

By mandating free education for children aged 6 to 14 years, the RTE Act plays a crucial role in preventing child labour. It makes schooling compulsory, thereby reducing the opportunity for children to be employed, especially in informal sectors.

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

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<sup>12</sup> The Child Labour (Prohibition and Regulation) Act, 1986 (CLPR Act)<sup>12</sup>

While primarily aimed at juvenile offenders, the Act also provides mechanisms to rescue and rehabilitate children engaged in exploitative labour, ensuring protection, rehabilitation, and education.

### **JUDICIAL INTERPRETATION:**

Through international agreements, judicial interpretation, and legislation, the legal framework around child labour has changed throughout time. The following are some recent significant case laws and advancements pertaining to child labour in India:

#### **Gaurav Jain v. Union of India, (1997) 8 SCC 114<sup>13</sup>**

The subject of child labour in dangerous industries—specifically, carpet weaving, where children were exploited in unhealthful working conditions—was taken up by the Supreme Court in this case. The government was instructed by the Court to take steps to prevent child labour, such as identifying regions with high rates of child labour, enhancing enforcement systems, and guaranteeing young workers' rehabilitation.

#### **M.C. Mehta v. State of Tamil Nadu, (1996) 2 SCC 176<sup>14</sup>**

The Supreme Court tackled the problem of child labour in the matchstick business in this historic case. The Tamil Nadu government was ordered by the court to take prompt action to end child working in dangerous industries. The Court also underlined how crucial it is to educate and rehabilitate child labourers.

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<sup>13</sup> Gaurav Jain v. Union of India, (1997) 8 SCC 114

<sup>14</sup> M.C. Mehta v. State of Tamil Nadu, (1996) 2 SCC 176

**People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235, AIR 1982 SC 1473<sup>15</sup>.**

The Supreme Court ruled that child labour violated the fundamental rights guaranteed by Article 21 (Right to Life and Personal Liberty) of the Constitution in this case, which concerned the employment of youngsters in dangerous conditions in brick kilns. The Court ordered that children employed in these businesses be released immediately.

**Bachpan Bachao Andolan v. Union of India, (2012) 5 SCC 1<sup>16</sup>.**

The Bachpan Bachao Andolan (BBA), which opposes child labour in dangerous industries, was involved in this case. The \*Child and Adolescent Labour (Prohibition and Regulation) Act, 1986\* and its revisions were the main targets of the Supreme Court's decision to enforce child labour laws more strictly and to direct state governments to take action to stop child work.

**National Campaign Committee for Eradication of Child Labour v. Union of India, (2018) 3 SCC 651<sup>17</sup>.**

The Supreme Court reaffirmed in this instance how crucial it is to shield children from exploitation. As required under the 'Right to Education Act, 2009', the Court ordered the federal and state governments to increase their efforts to stop child labour and implement corrective measures, such as offering free and compulsory education to all children under the age of 14.

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<sup>15</sup> People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235, AIR 1982 SC 1473

<sup>16</sup> Bachpan Bachao Andolan v. Union of India, (2012) 5 SCC 1

<sup>17</sup> National Campaign Committee for Eradication of Child Labour v. Union of India, (2018) 3 SCC 651

**Vikash Yadav v. Union of India, (2020) 4 SCC 558<sup>18</sup>.**

The interpretation of the legislation pertaining to the concept of child work and adolescent labour was the main focus of this recent case. The petitioner contended that there were gaps in the way child labour regulations were being applied, particularly with regard to kids working in family businesses. In order to stop child exploitation, the Court ordered the government to examine how child labour laws are being applied and to establish more stringent oversight procedures.

### **ISSUES AND CHALLENGES OF CHILD LABOUR IN INDIA**

Child labour continues to be a significant socio-economic issue in India, despite legal frameworks and international commitments aimed at its eradication. It affects millions of children and impedes their overall development, health, and education.

#### **1. Poverty and Economic Dependence**

Poverty remains the most significant driver of child labour. Many families depend on the additional income generated by their children to meet basic needs such as food, shelter, and clothing. In rural areas and informal sectors, children are often engaged in agriculture, domestic work, small-scale industries, or street vending. Even with legislation in place, economic necessity forces families to overlook legal restrictions, perpetuating child labour cycles.

#### **2. Lack of Access to Quality Education**

Education is both a preventive and remedial measure against child labour. However, many children, particularly in rural and marginalized communities, lack access to quality schooling. Factors such as long distances to schools, inadequate infrastructure, poor teaching quality, and insufficient incentives to attend school push children into

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<sup>18</sup> Vikash Yadav v. Union of India, (2020) 4 SCC 558

work. Even when schools exist, the opportunity cost of education—lost wages from child labour discourages attendance.

### **3. Social and Cultural Norms**

In some regions, social and cultural attitudes normalize child labour. Families may view children's work as a traditional responsibility or a form of early skill acquisition. Gender norms exacerbate the problem, as girls are often engaged in household chores or domestic labour, which is unregulated and less visible, making it difficult to enforce laws.

### **4. Informal and Unregulated Work Sectors**

A large portion of child labour occurs in informal or unregulated sectors, such as domestic work, small workshops, and street vending. These sectors are often beyond the reach of labour inspectors and enforcement agencies, making monitoring and compliance difficult. Exploitative conditions in these sectors include long working hours, hazardous tasks, and physical or emotional abuse.

### **5. Weak Enforcement of Laws**

India has comprehensive laws prohibiting child labour, such as the Child Labour (Prohibition and Regulation) Act and the Right to Education Act. However, enforcement remains weak due to limited resources, inadequate inspection mechanisms, and corruption. Many violations go unreported, and penalties are not consistently imposed, reducing the deterrent effect of the legislation.

### **6. Migration and Urbanisation**

Internal migration contributes to child labour, as children often accompany their families to cities in search of work. Migrant children are especially vulnerable to exploitation in construction, factories, and street vending. Urban settings may provide more employment opportunities but less protection and social support for children.

## **7. Health and Safety Concerns**

Children engaged in labour are exposed to physical, mental, and emotional hazards. Work in factories, mines, or agriculture can cause injuries, chronic illnesses, malnutrition, and stunted growth. Psychologically, children may face stress, anxiety, and lack of social development due to early work exposure.

## **8. Impact of Globalization and Economic Pressures**

Global supply chains and the demand for cheap labour create pressures that indirectly perpetuate child labour. Industries seeking low-cost production may exploit children, particularly in textile, carpet weaving, and agricultural sectors.

The challenges of child labour in India are multifaceted, combining economic, social, cultural, and systemic factors. While laws and policies exist, poverty, lack of education, weak enforcement, and cultural attitudes continue to hinder progress. Addressing child labour requires an integrated approach: strict law enforcement, access to quality education, social protection for vulnerable families, awareness campaigns, and community participation. Only a holistic strategy targeting both root causes and immediate risks can sustainably eradicate child labour in India.

## **METHODS OF ERADICATION OF CHILD LABOUR IN INDIA**

Child labour in India remains a serious socio-economic problem, despite comprehensive legislation and policy measures. Effective eradication requires a multi-pronged approach involving legal enforcement, education, social welfare, awareness campaigns, and community participation.

### **1. Legislative and Regulatory Measures**

The Indian government has enacted laws to prohibit and regulate child labour. The Child Labour (Prohibition and Regulation) Act, 1986, and its 2016 amendment prohibit employment of children below 14 years in all occupations and adolescents in hazardous jobs. Strict enforcement of these laws is a primary method of prevention.

Labour inspectors, along with local authorities, monitor workplaces to ensure compliance. Penalties, fines, and prosecution of violators act as deterrents. Strengthening regulatory mechanisms, expanding inspections, and imposing stricter penalties can further reduce child labour.

## **2.Universal Education and Skill Development**

Education is one of the most effective tools against child labour. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)<sup>19</sup> ensures that children aged 6 to 14 years receive free schooling. Providing quality education, scholarships, mid-day meals, and free textbooks helps retain children in school and reduces the likelihood of child employment. Vocational and skill development programs for older adolescents can equip them with employable skills, reducing economic dependence on child labour.

## **3.Poverty Alleviation and Economic Support**

Poverty is a root cause of child labour, as families often rely on children's income for survival. Government schemes such as Integrated Child Development Services (ICDS)<sup>20</sup>, National Child Labour Project (NCLP), and direct financial assistance to poor families help alleviate economic pressures. Conditional cash transfers to families for sending children to school instead of work have proven effective in some regions. Microfinance, employment schemes for parents, and social security measures also contribute to reducing dependence on child labour.

## **4.Awareness and Social Mobilization**

Raising awareness among parents, employers, and communities about the harmful effects of child labour is crucial. NGOs, local governments, and media campaigns

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<sup>19</sup> The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)

<sup>20</sup> Integrated Child Development Services (ICDS)

educate communities about children's rights, the importance of education, and legal provisions. Social mobilization encourages community-based monitoring, where local groups identify children at risk and support rehabilitation efforts. Public recognition of child-friendly communities and workplaces can further incentivize compliance.

### **5.Rehabilitation and Support Services**

Children rescued from exploitative labour require proper rehabilitation to prevent recidivism. Rehabilitation centres, vocational training, counselling, and integration into formal schools help children regain normalcy. The Juvenile Justice (Care and Protection of Children) Act, 2015, provides mechanisms for the care and protection of such children. Partnerships between government agencies, NGOs, and civil society ensure that rescued children receive long-term support.

### **6.Collaboration with International Organizations**

India collaborates with international bodies such as the International Labour Organization (ILO) to implement programs targeting the worst forms of child labour. Global partnerships provide technical expertise, funding, and monitoring mechanisms to strengthen national initiatives.

Eradication of child labour in India requires an integrated strategy that combines stringent enforcement of laws, universal education, poverty alleviation, community awareness, rehabilitation, and international collaboration. While legislation forms the backbone of prevention, sustainable success depends on social, economic, and educational interventions that address the root causes of child labour and empower children to lead healthy, productive lives.

### **CONCLUSION: -**

In India, child labour is still a complicated problem with deep roots in structural issues, cultural norms, and socioeconomic variables. The frequency of child labour is still fuelled by socioeconomic inequities, and implementation of laws and



constitutional provisions intended to safeguard children is still uneven. The right to education, the right to be free from exploitation, and the right to a dignified life are among the fundamental rights protected by the Indian Constitution that are intended to protect children.

Important initiatives have been taken to eliminate child labour and guarantee access to school by legislative measures including the Child Labour (Prohibition and Regulation) Act, 1986, and the Right of Children to Free and Compulsory school Act, 2009. However, development is hampered by implementation gaps, ignorance, and a lack of funding.

Stronger enforcement of current laws, improved public awareness campaigns, and extensive social welfare programs that target the underlying causes of poverty and educational inequality are all necessary components of effective child labor prevention efforts. Furthermore, establishing an atmosphere that upholds children's rights and fosters their wellbeing requires cooperation between governmental bodies, non-governmental groups, and the community.

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