

A Comprehensive Legal Approach to Combat Child Labor and Harassment in India

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ABSTRACT

Over the past decade, global progress has improved child well-being in areas such as education, health, and nutrition. However, India, despite having one of the world's largest child populations, ranks a low 112 on the Child Development Index, indicating serious challenges in ensuring children's rights and welfare. While India has introduced several constitutional and legal protections—such as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (amended in 2016)—millions of children still face abuse, exploitation, and deprivation. Child labour remains a major issue, with over 10.12 million children aged 5–14 engaged in work, as per the 2011 Census. Although adolescents (14–18) may work in non-hazardous sectors, many children are still found in dangerous jobs, violating Article 24 of the Indian Constitution, which prohibits hazardous child labour. UNICEF notes that India has the highest number of child labourers under age 14 globally, while agriculture is the largest employment sector for child labour, both globally and in India. Informal sectors across the country also contribute significantly to the problem, highlighting the urgent need for better implementation and enforcement of child protection laws. This paper aims to discuss the legal framework for child protection in India and its effectiveness.

Keywords: Child Labour, Child Protection, CLPR Act, International Labour Organization, Fundamental Right, NCLP.

Introduction

Children form the foundation of any nation's future, and their protection, development, and well-being are of paramount importance. Over the past decade, while the global community has made notable progress in improving children's access to education, nutrition, and healthcare, India's performance has remained inconsistent. Despite having the world's largest child population, the country ranks 112 on the Global Child Development Index, indicating significant gaps in ensuring a safe, healthy, and supportive environment for all children.

India's constitutional and legal frameworks—including Article 21A (Right to Education), Article 24 (Prohibition of Child Labour), and the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (amended in 2016)—lay a strong foundation for child rights. However, the implementation of these protections often falls short. Millions of children continue to face neglect, abuse, and exploitation, and child labour remains a persistent issue, especially in unregulated sectors.

The Indian judiciary has played a crucial role in addressing these challenges. In the landmark case *M.C. Mehta v. State of Tamil Nadu* (1996), the Supreme Court directed the creation of a Child Labour Rehabilitation-cum-Welfare Fund and emphasized compulsory education and compensation for rescued children. Similarly, in *Bachpan Bachao Andolan v. GNCTD* (2023), the Delhi High Court condemned the illegal employment of children in hazardous environments following the tragic Anaj Mandi factory fire, reinforcing state accountability. In *Manga v. State of Rajasthan* (2022), the Rajasthan High Court highlighted the urgency of state action against child trafficking and bonded labour.

These cases underscore the judiciary's proactive role in enforcing child protection laws and bridging the gap between legal intent and grassroots reality. This document explores the current status of child protection in India, examines the legislative and judicial landscape, analyses the root causes and scale of child labour, and underscores the need for stronger implementation and systemic reform.

Government Efforts to Fight Child Labour in India

In 1979, the Indian government set up a committee called the **Gurupadswamy Committee** to look into the issue of child labour and suggest ways to deal with it. After studying the problem closely, the committee made some important suggestions. It said that **as long as poverty exists**, it will be hard to completely stop child labour. So, instead of banning it entirely through laws, the committee recommended a **more practical approach**.

The committee suggested that:

- Child labour should be **banned in dangerous (hazardous) jobs**.
- In other areas, the **working conditions of children should be improved**.
- A **multi-step strategy** was needed to solve the issue.

The Child Labour Law – 1986 and Its Amendment

Based on these suggestions, the government passed the **Child Labour (Prohibition & Regulation) Act in 1986**. This law:

- **Banned the employment of children in certain hazardous jobs and industries**, and
- **Set rules for how children could work in other types of jobs**.

Over time, the list of dangerous jobs has been made longer by a special committee called the **Child Labour Technical Advisory Committee**.

Later, in **2016**, this law was updated through the **Child Labour (Prohibition & Regulation) Amendment Act**. The changes made were:

- **Children under 14 years of age cannot be employed in any kind of job**.
- **Teenagers between 14 and 18 years (called adolescents)** cannot work in dangerous jobs.

National Policy on Child Labour – 1987

In line with these laws, the government also created the **National Policy on Child Labour in 1987**. This policy focuses on **rehabilitating child and adolescent workers** and helping them lead better lives. The action plan includes:

- **Strict enforcement** of child labour laws.
- **Special projects** in areas where child labour is common (through the **National Child Labour Project – NCLP**).
- **Improving family income and living conditions** so children don't have to work.

Current Government Actions

The government is taking strong steps to enforce child labour laws, while also trying to help children and their families. State governments are carrying out regular checks and raids to catch those breaking the law. Since poverty is the main reason for child labour, the government also focuses on rehabilitating children and improving their families' economic situation, so children can stop working and go to school instead.

Efforts from ILO and Indian Legislature Against Child Labour

The International Labour Organization (ILO) has several conventions related to child labor. As of my last knowledge update in January 2022, the information provided here may not include the latest conventions or amendments. It's crucial to check the latest information from the ILO website or other reliable sources for the most up-to-date details. Below are summaries of key ILO conventions related to child labor:

- *ILO Convention No. 138 - Minimum Age Convention (1973): Sets the minimum age for admission to employment or work at 15 years (14 years for developing countries), with some exceptions for light work and certain types of employment. Provides safeguards for the working conditions of young workers aged 15-18, including limitations on working hours and hazardous work.*

- *ILO Convention No. 182- Worst Forms of Child Labour Convention (1999)*: Identifies and prohibits the worst forms of child labour that should be eliminated as a matter of urgency. Includes forced or compulsory labor, use of children in prostitution, involvement in illicit activities, and work that is likely to harm the health, safety, or morals of children. Requires immediate action for the removal of children from such forms of labor and the provision of appropriate rehabilitation and education.
- *ILO Convention No. 79 - Night Work (Non-Industrial Occupations) Convention (1946)*: Regulates night work for young persons (under 18) in non-industrial occupations, with an emphasis on protecting their health and well-being. Specifies the industries and types of work where night work is prohibited for young workers.
- *ILO Convention No. 146 - Seafarers' Identity Documents Convention (2003)*: Addresses the issue of child labor in the maritime sector by requiring seafarers to carry a valid identity document, which includes proof of age. Aims to prevent the employment of children in maritime work.
- *ILO Convention No. 152 - Occupational Safety and Health (Dock Work) Convention (1979)*: Provides measures for ensuring the occupational safety and health of dock workers, including provisions related to the employment of young workers and their protection against specific hazards.
- India has a long history of addressing the issue of child labor through various legislative measures and initiatives. The country recognizes that child labor is a violation of fundamental human rights and is committed to eliminating this practice. Over the years, several laws and initiatives have been implemented to combat child labor in India. Here's a detailed overview:
- *The Child Labour (Prohibition and Regulation) Act, 1986*: This act is the primary legislation addressing child labor in India. It defines a child as any person below the age of 14 and prohibits their employment in certain hazardous occupations and processes. The act regulates the working conditions of adolescents (14-18 years) and prohibits their engagement in hazardous occupations.
- *National Policy on Child Labour*: The National Policy on Child Labour was formulated in 1987, aiming at the gradual elimination of child labor. It focuses on rehabilitation and education of child laborers and lays down guidelines for state governments to implement effective measures.
- *Integrated Child Development Services (ICDS)*: The ICDS program, launched in 1975, provides a package of services to children under six years of age and pregnant and lactating mothers. It addresses malnutrition, health, and early childhood education, indirectly contributing to the prevention of child labor.
- *Sarva Shiksha Abhiyan (SSA)*: SSA is a flagship program for universalizing elementary education in India. Its goal is to ensure that every child in the country receives quality elementary education, thus reducing the likelihood of child labor.
- *Rashtriya Kishor Swasthya Karyakram (RKSK)*: Launched in 2014, RKSK is an adolescent health program focusing on the well-being of adolescents aged 10–19 years. By addressing health and developmental issues, it contributes to creating an environment where adolescents can pursue education and not engage in labor.
- *National Child Labour Project (NCLP)*: NCLP is a central sector scheme launched in 1988 to rehabilitate child laborers in identified areas with a high prevalence of child labor. The project provides education, vocational training, and nutrition to rescued child laborers.
- *Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)*: MGNREGA guarantees 100 days of wage employment per year to rural households, aiming to enhance livelihood security in rural areas. This indirectly contributes to reducing the economic pressure that leads to child labor.
- *The Right of Children to Free and Compulsory Education (RTE) Act, 2009*: RTE mandates free and compulsory education for children aged 6 to 14 years in India. By ensuring access to quality education, the act plays a crucial role in preventing child labor.

- *National Commission for Protection of Child Rights (NCPCR): Established in 2007, NCPCR monitors and protects the rights of children. It works towards the effective implementation of laws and policies related to child labor.*
- *International Collaboration: India has collaborated with international organizations like the International Labour Organization (ILO) to address the issue of child labor. The ILO's conventions and recommendations have influenced India's legislative and policy framework on child labour.*

Legal Framework and Ground Reality

India boasts a robust legal and constitutional framework aimed at safeguarding children's rights. Key provisions in the Constitution—including **Article 21A (Right to Education)**, **Article 24 (Prohibition of Child Labour in Hazardous Jobs)**, and **Article 39 (e) & (f)** (Directives on child protection)—establish a clear mandate for ensuring the safety, education, and healthy development of children. Furthermore, landmark legislations such as:

- **The Right of Children to Free and Compulsory Education Act (2009)**
- **The Juvenile Justice (Care and Protection of Children) Act (2015)**
- **The Protection of Children from Sexual Offences (POCSO) Act (2012)**
- **The Child and Adolescent Labour (Prohibition and Regulation) Act (1986, amended in 2016)** —collectively aim to provide a comprehensive legal framework for child rights and welfare.

However, despite these laws and constitutional guarantees, **millions of children in India continue to suffer from neglect, abuse, and exploitation**. The gap between policy and practice remains stark. This disconnect is often attributed to weak law enforcement, under-resourced child protection institutions, limited awareness at the grassroots level, and deep-rooted socio-economic disparities.

The Persistent Challenge of Child Labour

One of the most glaring manifestations of this systemic failure is the continued prevalence of child labour in India. According to the 2011 Census, approximately 10.12 million children aged 5 to 14 were engaged in some form of labour—representing nearly 4% of the child population in that age group. These children are often forced to work under exploitative conditions, sacrificing their right to education, health, and a dignified childhood.

While child labour is not unique to India—an estimated 217 million children are engaged in work globally, many of them full-time—India remains one of the countries with the highest absolute number of child labourers, as highlighted by UNICEF. Sub-Saharan Africa, by contrast, holds the highest percentage of children engaged in labour relative to its population.

The 1986 Child and Adolescent Labour (Prohibition and Regulation) Act, significantly amended in 2016, clearly defines a “Child” as anyone under 14 years of age and prohibits their employment in any sector, including domestic work. The law also defines “Adolescents” (14–18 years) and permits their employment only in non-hazardous occupations, thereby reinforcing a rights-based approach to child welfare.

Hazardous labour is especially concerning. In 2001, it was estimated that 1% of child workers in India—about 120,000 children—were employed in hazardous sectors such as mining, construction, and manufacturing. The Indian Constitution, under Article 24, enshrines freedom from hazardous labour as a Fundamental Right, yet enforcement remains inconsistent.

Sectoral Distribution and Economic Drivers

Child labour in India is widespread in **both rural and urban informal economies**, cutting across sectors:

- **Agriculture** remains the **largest employer**, engaging about **60–70%** of child labourers globally, according to the **ILO and FAO**. In India, children often work in subsistence farming, livestock care, and seasonal crop harvesting.
- **Manufacturing** sectors—such as garment production, carpet weaving, and firecracker factories—often employ children in exploitative conditions.

- **Urban informal jobs**, including rag picking, vending, hotel and restaurant work, and domestic service, are also common.
- **Trafficking and bonded labour** remain rampant in parts of the country, further exacerbating child vulnerability.

These patterns are primarily driven by **poverty, lack of access to education, migration, family debt, and inadequate social safety nets.**

Child Labour Landmark Cases in India

Child labour continues to be a critical social and legal issue in India. Millions of children are engaged in exploitative work that deprives them of education, safety, and development. Over the years, the Indian judiciary has intervened through several landmark judgments, addressing systemic gaps and reinforcing child protection laws. These rulings have contributed significantly to strengthening the legal framework and promoting a rights-based approach to child welfare.

Key Landmark Cases are given as follows:

M.C. Mehta v. State of Tamil Nadu (1996)

- **Finding:** The Supreme Court acknowledged that widespread child labour stems from poverty and lack of access to education. It specifically pointed to the unorganized sector—such as factories, farms, and domestic work—as the primary site of child labour abuses.
- **Legal Principle:** The Court directed the creation of a *Child Labour Rehabilitation-cum-Welfare Fund*, to be financed by employers found guilty of hiring child labourers. Compensation of ₹20,000 per child was to be deposited by such employers. It also made *free and compulsory education* for children a priority and encouraged the employment of adult family members in place of children to mitigate income loss. This case laid a foundation for proactive state responsibility in eradicating child labour.

Anaj Mandi Fire Case – Bachpan Bachao Andolan v. GNCTD (2023)

- **Finding:** This case was triggered by a devastating fire in a factory in Delhi's Anaj Mandi area, which resulted in several deaths, including children who were illegally employed. The incident exposed serious lapses in law enforcement and regulatory oversight.
- **Legal Principle:** The court condemned the employment of children in *hazardous industries* and the failure of authorities to ensure workplace safety. It ordered immediate implementation of the *Delhi Action Plan for Total Abolition of Child Labour*, focusing on rescue operations, medical support, rehabilitation, and reintegration. The case reinforced the accountability of employers and state officials for child labour in dangerous settings.

Human Trafficking and Child Labour Case – Manga v. State of Rajasthan (2022)

- **Finding:** This case involved the trafficking and forced labour of children in a brick kiln unit. The petition highlighted how trafficked children were held in inhumane conditions and forced to work without pay.
- **Legal Principle:** The Rajasthan High Court emphasized the *urgent responsibility of police authorities* to respond to child trafficking complaints. It mandated immediate rescue operations, criminal proceedings against traffickers and employers, and collaboration with child protection units. The ruling reaffirmed that *trafficking for labour exploitation is a gross human rights violation*, demanding swift and coordinated state action.

Child Labour (Prohibition and Regulation) Act, 1986 – Enforcement and Judicial Endorsement

- **Finding:** The Act, especially after its 2016 amendment, bans the employment of children under 14 in all occupations and prohibits adolescents (14–18 years) from hazardous work. Courts have consistently upheld its provisions and demanded strict enforcement.
- **Legal Principle:** In cases like *Hayathkhan v. Deputy Labour Commissioner (2005)*, and reinforced in *M.C. Mehta v. State of T.N.*, courts ordered *penalties and compensation* for violations. These rulings reinforced the idea that *child labour is not merely a social issue but a criminal offense*, and violations must attract serious legal consequences.

Delhi Action Plan for Total Abolition of Child Labour – Court on Its Own Motion v. Govt of NCT of Delhi (2009)

- **Finding:** The Delhi High Court, on its own initiative, examined the scale of child labour in the national capital and the lack of coordinated rescue and rehabilitation efforts.
- **Legal Principle:** The Court adopted and enforced the *Delhi Action Plan*, which includes strategies like mapping child labour-prone areas, regular inspections, rescue operations, legal prosecution, and long-term rehabilitation through education and vocational training. The ruling underscored the *importance of an integrated, multi-agency approach* to eradicate child labour effectively.

Conclusion

Child labour remains a significant challenge in India, despite various legislative measures aimed at its eradication. The Gurupadswamy Committee's 1979 report highlighted poverty as a primary barrier to eliminating child labour, recommending a dual approach of banning hazardous child labour and regulating other sectors. Consequently, the Child Labour (Prohibition & Regulation) Act of 1986 was enacted, later amended in 2016 to prohibit employment of children under 14 and regulate adolescent labour in hazardous sectors.

Despite these legal frameworks, challenges persist due to poverty, lack of education, and cultural norms. The National Child Labour Project (NCLP) has been instrumental in rehabilitating over 1.2 million children, providing education and vocational training. Additionally, the Right to Education Act of 2009 and the Mid-Day Meal Scheme aim to keep children in schools and out of the workforce.

However, the effectiveness of these laws is contingent upon societal support, particularly from parents. Research indicates that parenting practices promoting education and awareness significantly reduce the risk of child labour. Parents' perceptions of children's rights and the harmful effects of child labour are crucial in preventing its occurrence.

In conclusion, while legal measures are essential, they must be complemented by societal efforts, especially in parenting, to effectively combat child labour. A holistic approach involving legislation, education, and community engagement is vital to ensure a future where children can enjoy their rights to education and a childhood free from exploitation.

The Indian judiciary has been instrumental in advancing the rights of children through progressive judgments and enforcement mechanisms. These landmark cases have compelled governments and law enforcement agencies to take decisive action against child labour, highlighted the root causes like poverty and lack of education, and pushed for systemic reforms. The courts have emphasized not just punishment, but also *rehabilitation and reintegration* of rescued children into society, particularly through education.

Child labour remains one of the gravest violations of child rights globally. Despite legal frameworks, such as India's **Article 24 of the Constitution**, and progressive statutes like the **POCSO Act (2012)** and the **Right to Education Act (2009)**, millions of children continue to be exploited across sectors. Landmark judicial decisions—such as **M.C. Mehta v. State of Tamil Nadu (1996)** and **Bachpan Bachao Andolan v. GNCTD (2023)**—have played a critical role in reinforcing the legal commitment to child welfare.

Eradicating child labour requires not only legal enforcement but also societal change, poverty alleviation, and strong education systems. The vision of a child-friendly world can only be realized when every child is allowed to live with dignity, protected from exploitation, and granted the opportunity to realize their full potential.

India's commitment to child protection is visible in its constitutional promises and progressive laws. However, the **reality for millions of Indian children remains grim**, with widespread violations of their fundamental rights. The persistence of child labour, abuse, exploitation, and educational exclusion is a stark reminder that **legal provisions alone are not enough**.

Effective child protection demands robust implementation mechanisms, inter-sectoral coordination, and sustained investment in child welfare systems. It also requires active community engagement, public awareness, and political will to address the root causes of child rights violations. Only then can India truly provide every child with the safe, nurturing, and empowering environment they deserve.

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