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Child Labour and Human Rights: Legal Challenges and Policy Imperatives for Social Justice

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Abstract: Child labour continues to be one of the most urgent human rights issues in modern India. In spite of a robust legal regime and several international obligations, the continued existence of child labour points to large gaps in implementation, policy coherence, and access to justice for children. This study, grounded in a doctrinal review of existing literature, explores the socio-economic factors that contribute to the continued exploitation of children, along with the shortcomings in law enforcement and child protection mechanisms. It critically examines key legal frameworks like the "Child and Adolescent Labour (Prohibition and Regulation) Act, 1986", the "Right of Children to Free and Compulsory Education Act, 2009", and the "Juvenile Justice (Care and Protection of Children) Act, 2015". These laws are assessed in the context of India's international obligations under the "United Nations Convention on the Rights of the Child" and "International Labour Organization Conventions" 138 and 182.

The research highlights the importance of adopting a rights-based, child-centric approach that tackles the underlying factors contributing to child labour and fosters meaningful social justice. The importance of legal changes, institutionalization of accountability, community mobilization, and integrative cross-sectoral policy responses to successfully curb child labour has been stressed in the paper. The research ends with policy implications focusing on inter-agency cooperation, rehabilitation, and encouragement towards inclusive development planning, prioritizing each child's rights and dignity.

Keywords: Child Labour, Human Rights, Legal Reforms, Social Justice, Policy Implementation

1. Introduction

Child labour remains one of the most serious problems facing the international community, particularly in developing countries like India, where socio-economic disparities and weak implementation of laws related to labour often exacerbates the risks faced by children. In general terms, child labour encompasses any work that affect children innocence, obstructs their access to education, or harms their overall development, access to formal education, or negatively impact their mental, physical, social, or moral well-being¹. It is a broad range of exploitative practices that vary from bonded labour, domestic work, agricultural work, and rag picking to using children in illegal activities like begging and trafficking². The practice continues despite legislative advances and global commitments because of deeply entrenched structural causes such as poverty, illiteracy, social exclusion, and weak state capacity.

According to the "**2011 Census of India**" data, around 10.1 million children are involved in various forms of work aged between 5 and 14 were engaged in various forms of work³. Experts argue that the figure is much greater when considering the informal and hidden sectors, including homework, street vendors, and child labour in household businesses⁴. It is the very hiddenness of child labour that makes it that much more challenging to regulate and eradicate. The COVID-19 pandemic has further deepened this crisis, forcing millions of children to leave school and enter the workforce due to widespread job losses, reverse migration, and economic hardship in households⁵. As a result, child labour is no longer merely a development issue. It is a central human rights issue that needs an immediate legal and policy response.

¹ "International Labour Organization (ILO), What is Child Labour? available at" <https://www.ilo.org/ipec/facts/lang--en/index.htm> (last accessed 15 Apr. 2025).

² *Bachpan Bachao Andolan v. Union of India*, (2011) 5 SCC 1.

³ Census of India 2011, "Primary Census Abstract: Child Population," Office of the Registrar General & Census Commissioner, India.

⁴ Kailash Satyarthi, "Invisible Child Labour and Policy Gaps," (2018) 53(1) *Economic & Political Weekly* 10.

⁵ International Labour Organization and UNICEF, *Child Labour: Global Estimates 2020, Trends and the Road Forward* (2021).

The Indian Constitution, which implements and has value aspiringly, offers a robust framework for the security of children. "Article 24 strictly prohibits engaging children less than fourteen in harmful occupations such as mining, factory work, or any other employment deemed dangerous"⁶. In addition, under "Article 39(e)" and "Article 39(f)" of the "Directive Principles of State Policy", The government has a responsibility to protect children from exploitation and ensure that their formative years are shielded from both physical and moral neglect. The "86th Constitutional Amendment" incorporated "Article 21A" into the Constitution, which assures the right to free and compulsory education for all children between the ages of six and fourteen⁷. The constitutional protections mirror an assurance of rights of children to protection, education and dignity.

Many laws have been enacted in India to regulate and prohibit child labour. The most significant among them is the **"Child and Adolescent Labour (Prohibition and Regulation) Act of 1986"**, which, following an amendment in 2016, "prohibits the use of workers younger than 14 years in any occupation and adolescents aged 14 to 18 years in occupations that pose a high risk to their safety and health"⁸. It is followed by the **"Right of Children to Free and Compulsory Education Act, 2009"**, which proclaims education a basic right.⁹ "Article 21A" asserts that education is a fundamental right. In addition, child labour is banned under the **"Juvenile Justice (Care and Protection of Children) Act, 2015"**, which also includes provisions for the rehabilitation of affected children.¹⁰ Low rates of conviction, few inspection instruments, and cultural and societal permissibility of child labour in informal settings render enforcement unfeasible¹¹.

India has committed to key international treaties that forbid labour related to children and uphold children's rights. As per "Article 32" of India's 1992 ratification of the "United Nations Convention on the Rights of the Child (UNCRC)", Children have the right to be safeguarded

⁶ Constitution of India, Art. 24.

⁷ Ibid., Art. 21A.

⁸ Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (as amended in 2016).

⁹ Right of Children to Free and Compulsory Education Act, 2009.<https://www.education.gov.in/rte>
<https://countercurrents.org/2019/08/evaluation-of-right-to-education-rte-act/>

¹⁰ Juvenile Justice (Care and Protection of Children) Act, 2015, s. 2(14), s. 26.

¹¹ National Crime Records Bureau (NCRB), Crime in India 2022, Ministry of Home Affairs, Government of India.

against financial harm and from being included in any activity that may harm their health, development, or disturb their educational opportunities.¹² India is also bound by the "Worst Forms of Child Labour Convention, 1999 (Convention No. 182)" and the "ILO Minimum Age Convention, 1973 (Convention No. 138)", both of which require State parties to eradicate harmful child labour practices.¹³

Notwithstanding this extensive legislative framework, on the ground, a different picture prevails. There are gaps in implementation, uncoordinated actions between departments, and inadequate mechanisms for rehabilitation and monitoring that are still eroding the effectiveness of the laws that exist. Child labour frequently overlaps with other violations of the child's rights, including trafficking, bonded labour, caste-based discrimination, and gender-based violence, so it creates a matrix of interconnected vulnerabilities¹⁴. Under such circumstances, child labour cannot simply be treated as a socio-economic issue; it has to be addressed as a human rights issue that requires a multidisciplinary, rights-based, and inclusive response to law and policy.

In this article, this response is critically examined by addressing the legal and policy interventions toward this social evil in India from a human rights view. The article seeks to discuss constitutional and statutory protection, assess the effectiveness of enforcement, and discuss international commitments and cross-country practices. The article further explores socio-legal impediments in realising children's rights and suggests policy imperatives toward bringing legal tools into congruence with precepts of social justice, equity, and the dignity of humans.

¹² United Nations Convention on the Rights of the Child, 1989, Art. 32.

¹³ ILO Convention No. 138, Minimum Age Convention, 1973; ILO Convention No. 182, Worst Forms of Child Labour Convention, 1999.

¹⁴ Human Rights Watch, Small Hands, Big Suffering: Child Labour in India's Cotton Industry, 2020 Report.

2. Conceptual Overview of Child Labour and Human Rights

2.1 Introduction

Child labour is a major socio-legal and human rights problem, going far beyond economic disadvantage to involve dignity, justice, and equal opportunity concerns. Child labour is symptomatic of deeper structural inequalities and governance, education, and welfare system failures. Child labour is addressed by the need for an explicit conceptual understanding of its foundations in law and ethics.

2.2 Defining Child Labour

Not every task carried out by minors is considered "child labour." According to the "International Labour Organization (ILO)," child labour refers to employment that negatively impacts a child's all over health, strips them of their childhood, and hinders their growth, potential, and sense of dignity¹⁵. Such work includes work that is:

Harmful to children's minds, bodies, society, or morals;

Hazardous or exploitative;

Disrupting children's education by forcing them to drop out of school early or denying them the right to attend school in the first place¹⁶.

However, all labour performed by children is not considered child labour. The ILO permits light and non-exploitative work so long as the work doesn't interfere with school or health.

¹⁵ International Labour Organization, Child Labour: Global Estimates 2020, Trends and the Road Forward (Geneva: ILO, 2021) 6.

¹⁶ Ibid.

2.3 The Indian law definition of “child” and “adolescent labour”

The "Child and Adolescent Labour (Prohibition and Regulation) Act, 1986", as amended in 2016, distinguishes between 'children' and 'adolescents.' A "child" refers to an individual under the age of 14, while an "adolescent" is someone who is 14 years old but under 18¹⁷. The Act:

Completely bans the inclusion of a child in any kind of employment or work-related activity;

Governs the circumstances under which children may work in non-hazardous jobs.

Irrespective of this law, child labour still exists and continues to thrive even in the most informal industries, including agriculture, housework, and hawking on streets, as well as smaller industries such as carpet production and construction.

2.4 Child Labour as a Violation of Human Rights

Human rights are present in the inherent dignity of every individual, and they are everywhere, indivisible, and interdependent. The "Universal Declaration of Human Rights (UDHR), 1948" affirms the “right to education” ("Article 26"), the right to an “adequate standard of living” ("Article 25"), and protection from economic exploitation¹⁸. These rights are further reinforced by the "United Nations Convention on the Rights of the Child (UNCRC), 1989", which India adopted in the year 1992. "Article 32" of the ‘UNCRC’ safeguards young person from exploitation in economic terms and child labour.¹⁹.

2.5 Child Labour's Social and Developmental Consequences

Child labour contributes to:

Withdrawal of education and skill formation;

¹⁷ Ibid, s. 2(aa).

¹⁸ Universal Declaration of Human Rights, 1948, arts. 25–26.

¹⁹ United Nations Convention on the Rights of the Child, 1989, art. 32.

Exposure to unsafe work environments and cruelty;

Perpetuation of poverty and social isolation across generations.

It not only denies children their rights but also constrains the country's development by reducing human capital²⁰. Educational withdrawal as a result of child labour has chronic effects on health, income, and social mobility.

2.6 Towards a Rights-Centred Approach

A legalistic approach alone is not enough. A rights-based approach calls for structural interventions that focuses on the primary reasons of child labour. These include:

Poverty reduction strategies;

Universal avail to quality and inclusive education;

Social protection mechanisms for vulnerable families;

Improved enforcement and public awareness campaigns²¹.

It is only when children are seen as rights-holders and not economic instruments that real progress towards the removal the social and legal evil can be made.

3. Legal Framework on Child Labour in India

India does have a firm legal and constitutional obligation to eradicate child labour, but it is not always enforced. This part critically analyzes the major constitutional provisions, statutory frameworks, judicial decisions, and the latest policy reports governing the nation's strategy towards the elimination of child labour.

²⁰ Kailash Satyarthi, "Child Labour: A Violation of Human Rights," *Indian Journal of Human Rights and the Law*, Vol. 13, No. 1 (2016): 1–7.

²¹ Neera Burra, *Born to Work: Child Labour in India* (New Delhi: Oxford University Press, 1995) 34–36.

3.1 Constitutional Mandate

The Indian Constitution gives the basic structure for safeguarding children against exploitation. "Article 24 bans the employment of children under 14 years in any hazardous occupations such as factories and mine"²². Children must be provided with an opportunity and the means to grow up in a healthy atmosphere unencumbered by exploitation and abuse, in line with Article 39(e) and (f) of the Directive Principles²³.

The "86th Constitutional Amendment" introduced "Article 21A", which "grants children aged 6 to 14 the right to free and compulsory education", a crucial step in indirectly addressing child labour²⁴.

3.2 Legislative Framework

The main law governing child labour is the "Child and Adolescent Labour (Prohibition and Regulation) Act, 1986", which was modified in 2016. The 2016 amendment also provided more stringent punishment, including imprisonment and fines, for contraventions²⁵.

Nevertheless, one of the biggest loopholes is the Act's exemption of family businesses and entertainment industries (except circuses), where kids are legally permitted to work after school. This is said to blur the lines between education and exploitation²⁶.

3.3 Ancillary Laws

Other labour laws add to the child labour protections:

²² The Constitution of India, art. 24.

²³ Ibid, art. 39(e)–(f).

²⁴ Ibid, art. 21A; The Constitution (Eighty-Sixth Amendment) Act, 2002.

²⁵ Ibid, ss. 14, 14A.

²⁶ Shruti Nagpal, "Child Labour in Family Enterprises: Legal Loopholes and Socio-Cultural Justifications," National Law Review, Vol. 44 (2021): 103–118.

Adolescents less than 14 are forbidden to work in manufacturing places, according to the Factories Act of 1948²⁷.

“Child labour” in mines is prohibited according to the Mines Act of 1952²⁸.

“The Bonded Labour System (Abolition) Act 1976” is applied when young person are trafficked or coerced into work using debt bondage²⁹.

“The Right of Children to Free and Compulsory Education Act 2009” makes attending school compulsory, eliminating child labour³⁰.

3.4 Judicial Activism

"Judicial intervention" has played a crucial role in expanding how children's rights are understood and enforced in India. In **"M.C. Mehta v. State of Tamil Nadu,"** the **"Supreme Court"** directed the establishment of **"rehabilitation welfare funds"** and mandated **"compensation"** for children involved in labour³¹. More recently, in **"Save the Childhood Foundation v. Union of India" (2021),** the Court reaffirmed that child labour violates fundamental rights and called for a holistic rehabilitation approach, including **"education," "skills training,"** and **"nutritional support"**³².

3.5 Policy Reports and Trends in Data

Reports show the recent past that the pandemic due to COVID-19 led to extensive school dropouts and economic hardship, forcing vulnerable children into labour once again³³. According to a **2021 study by the "V.V. Giri National Labour Institute,"** there has been a resurgence of children working in sectors such as **"agriculture," "unregulated informal**

²⁷ Factories Act, 1948, s. 67.

²⁸ Mines Act, 1952, s. 45.

²⁹ Bonded Labour System (Abolition) Act, 1976, s. 2(g).

³⁰ Right of Children to Free and Compulsory Education Act, 2009, s. 3.

³¹ M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699.

³² Save the Childhood Foundation v. Union of India, WP(C) No. 1243/2020, decided on 14 December 2021 (SC).

³³ UNICEF India, Impact of COVID-19 on Child Labour in India (New Delhi: UNICEF, 2022) 9.

jobs," and "household domestic work." The report highlights growing concerns over the reappearance of underage labour in these vulnerable areas.³⁴

Child labour in the urban informal economy and caste communities is underreported, as per the UNICEF–ILO 2023 policy brief³⁵. Only 11% of FIRS initiated under child labour laws resulted in convictions, as per the NCPCR Annual Report (2022–2023), reflecting poor enforcement³⁶. As such, a 2023 report by Bachpan Bachao Andolan also expressed concern regarding low community awareness and lax rescue procedures³⁷.

3.6 Legal Interpretation Challenges

There is no one age for a "child." While legislation on labour places an upper age limit of 14 years on childhood, the “Juvenile Justice (Care and Protection of Children) Act 2015” “defines a child as any person below the age of 18 years”³⁸. Such inconsistency creates confusion in enforcement and waters down protective mechanisms.

Conclusion

India's constitutional and legislative attempts bear witness to a desire to end child labour, but loopholes, weak enforcement, and socio-economic compulsions continue to undermine it. Legal change has to be followed by more robust institutions, public accountability, and a move away from punitive to preventive approaches based on child rights and social justice.

4. International Human Rights Instruments and Child Labour Standards

Child labour is a cross-border human rights issue that cuts across national jurisdictions, requiring interstate cooperation and normative convergence. Multilateral international human

³⁴ V.V. Giri National Labour Institute, Child Labour in Post-COVID India: A Situational Assessment, Research Report No. 68/2021 (Noida: Ministry of Labour and Employment, 2021) 14–17.

³⁵ UNICEF and ILO, Urban Child Labour: Challenges and Policy Pathways (Policy Brief, 2023) 5–7.

³⁶ NCPCR, Annual Report 2022–23: Enforcement of Child Labour Laws and Gaps in Prosecution (New Delhi: NCPCR, 2023) 32.

³⁷ Bachpan Bachao Andolan, Child Labour Rescue and Reintegration Study 2023 (New Delhi: BBA, 2023) 4–6.

³⁸ Juvenile Justice (Care and Protection of Children) Act, 2015, s. 2(12).

rights conventions set down minimum standards, commitments, and expectations for state parties, such as India, to eliminate child labour in all its manifestations. The binding and non-binding human rights instruments constitute the legal and moral basis on which national legislation and policies are framed.

4.1 “United Nations Convention on the Rights of the Child (UNCRC), 1989”

The most endorsed and detailed global framework addressing the “rights of children” is the “United Nations Convention on the Rights of the Child (UNCRC), 1989,” which was formally adopted by India in 1992. As per “Article 32” of this Convention, every signatory state is required to protect a safeguard child from “economic exploitation” and prevent their involvement in activities or employment that may compromise their health, disrupt their education, or adversely affect their development³⁹. States are also required by the Convention to apply legislative, administrative, and social measures to give enough protection to a child.

The “UN Committee on the Rights of the Child” pointed out severe issues of enforcement in its 2021 Concluding Observations regarding India, among them poor protection of migrant and vulnerable children as well as the failure to properly monitor informal economies⁴⁰.

4.2 ILO Conventions No. 138 and No. 182

Two milestone treaties have been set up by the “International Labour Organization (ILO)” to fight the social evil:

138 regarding the “Minimum Age for Admission to Employment” and

“ILO Convention No.182” regarding the “Worst Forms of Child Labour”.

India formally endorsed both conventions in 2017, thereby committing to prohibit the engagement of minors below the legally defined age in work and to eliminate all forms of

³⁹ Ibid, art. 32.

⁴⁰ UN Committee on the Rights of the Child, Concluding Observations on the Combined Fifth and Sixth Periodic Reports of India, CRC/C/IND/CO/5-6 (Geneva: UN, 2021) para 49.

dangerous and exploitative labour involving children⁴¹. Under "Convention No. 182", countries are obligated to implement prompt and decisive measures to eliminate the most severe forms of child labour, such as slavery, human trafficking, involuntary servitude, involvement in drug-related activities, and any work that poses a threat to a child's physical or moral well-being.⁴²

The ILO Global Action Plan (2021–2025) focuses in special ways on interlinking education systems, raising social protection and enhancing labour inspection regimes to complete the goal of eradicating 'child labour' by 2025⁴³.

4.3 “The Universal Declaration of Human Rights (UDHR), 1948” and “ICESCR, 1966”

The "Universal Declaration of Human Rights (UDHR), 1948" does not carry legal enforceability, it forms the cornerstone of contemporary human rights ideology. "Article 26" acknowledges the entitlement to free and mandatory primary education, whereas "Article 25" guarantees each person the right to sufficient living standard that promotes health and general well-being⁴⁴. Such provisions hold great significance concerning the removal of the child labour.

These rights are guaranteed under the legally binding "International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966", which India ratified in 1979. "Article 10(3)" of the ICESCR specifically requires states to implement special protection and assistance measures for all children and young individuals, ensuring no discrimination⁴⁵.

4.4 “Sustainable Development Goals (SDGS) and Target 8.7”

The member states of the United Nations have endorsed the "2030 Agenda for Sustainable Development", which includes "Target 8.7", which involves "taking immediate and effective

⁴¹ Ministry of Labour and Employment, Government of India, India Ratifies ILO Conventions on Child Labour (Press Release, 13 June 2017).

⁴² ILO Convention No. 182, Worst Forms of Child Labour Convention, 1999, art. 3.

⁴³ ILO, Ending Child Labour by 2025: A Global Call to Action (Geneva: ILO, 2021) 10.

⁴⁴ Universal Declaration of Human Rights, 1948, arts. 25–26.

⁴⁵ International Covenant on Economic, Social and Cultural Rights, 1966, art. 10(3).

measures to end forced labour, terminate modern slavery and human trafficking, and achieve the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025, eliminate child labour in all its forms"⁴⁶.

As per the UN SDG Progress Report 2023, although India has made some advancements in the curtailment of 'child labour', specifically in the urban regions, the rural-urban disparity and incidence in the tribal areas continue to be critical issues⁴⁷.

4.5 Regional Arrangements: SAARC and SAIEVAC

Regionally, the "South Asian Initiative to End Violence Against Children (SAIEVAC)", under the "South Asian Association for Regional Cooperation (SAARC)", works as a cooperative platform aimed at eliminating child labour and the exploitation associated with it.

The 2022 Kathmandu Declaration reiterated member countries' pledge to eradicate all child exploitation and underlined coordinated cross-border action⁴⁸. As a prominent SAARC member, India is committed by this declaration to strengthen its legislative and institutional measures against child labour.

Conclusion

India's accession to international treaties and declarations demonstrates a legally binding obligation as well as an ethical imperative to protect children from exploitative work. Such instruments constitute a normative underpinning which necessitates implementation by effective laws, administrative supervision, and policy interventions based on rights. There is still a long way to go to end child labour as per international standards due to inherent challenges in the process.

⁴⁶ United Nations, Transforming Our World: The 2030 Agenda for Sustainable Development, UNGA Res. A/RES/70/1 (25 September 2015), Goal 8.7.

⁴⁷ United Nations, SDG Progress Report: India 2023, NITI Aayog & UN India, p. 29.

⁴⁸ SAIEVAC, Kathmandu Declaration on Child Labour and Exploitation in South Asia, Regional Consultation Report, 2022.

5. Challenges in Law Enforcement and Policy Implementation

In spite of the existence of a sound legal infrastructure and multiple institutional mechanisms, the issue of child labour in India remains unabated. This ubiquity points toward high enforcement gaps and systemic policy implementation issues. Several structural, administrative, and socio-economic aspects lead to such problems, hindering the fulfilment of national and international child rights obligations.

5.1 Weak Enforcement Mechanisms

One of the most important challenges is the weakness of enforcement mechanisms. Child labour enforcing departments, charged with implementing the law related to child labour, lack adequately trained staff, limited resources, and bureaucratic inefficiencies⁴⁹. The labour inspectors themselves are overloaded with a wide range of activities and are insufficiently sensitized and trained to addressing child labour issues, particularly in the unorganized sectors where the highest rate of cases is found⁵⁰. Additionally, rural and interior area inspection infrastructure remains weak or does not even exist, letting illegal child labour practices grow in uncontrolled and unrestrained directions⁵¹.

5.2 Poor Interdepartmental Coordination

Enforcement of child labour laws necessitates effective coordination among various government departments, such as labour, education, police, and child protection services. However, in practice, this coordination is commonly fractured, causing redundancy or, at times, gaps in response⁵². The lack of integrated tracking or data-sharing system further hinders the

⁴⁹ Ministry of Labour and Employment, Annual Report 2022–23 (Government of India, New Delhi, 2023) 48.

⁵⁰ International Labour Organization (ILO), India: Child Labour and the Right to Education, ILO Decent Work Technical Support Team (2021) <https://www.ilo.org>.

⁵¹ Kailash Satyarthi Foundation, National Child Labour Survey Gaps and Advocacy Needs (2022) 5.

⁵² UNICEF India, Child Labour in India (2023) <https://www.unicef.org/india/what-we-do/child-labour> accessed 15 April 2025.

identification, rescue, and rehabilitation of child labourers⁵³. In the absence of a robust interdepartmental convergence model, the implementation of policy is piecemeal and reactive.

5.3 Inadequate Comprehensive Rehabilitation Measures

Even in rescues of child labourers, the lack of comprehensive and long-term rehabilitation schemes weakens the effectiveness of legal interventions⁵⁴. Rehabilitation takes the form of shelter provision without sufficient attention towards long-term education support, psychological counselling, or reunification with families⁵⁵. The result is that most of the rescued children either fall away from rehabilitation programmes or are re-trafficked or re-employed at exploitative workplaces⁵⁶. In addition, allocations of funds towards rehabilitation schemes under the Central Sector Scheme for Rehabilitation of Bonded Labourers have remained low⁵⁷.

5.4 Socio-Economic and Cultural Barriers

Child labour has its roots in the socio-economic fabric of Indian society. Poverty, illiteracy, indebtedness, and insufficient access to quality education compel families to push their children into work⁵⁸. Among tribal and poor communities, child labour is embedded and socially sanctioned, especially in family enterprises, agriculture, and domestic services⁵⁹. Structural causes such as these cannot be addressed by mere legal prohibitions⁶⁰. Social protection

⁵³ Bachpan Bachao Andolan, Rehabilitation of Rescued Child Labour: Status and Gaps, Policy Brief (2022) 5–6.

⁵⁴ Jha Praveen, Child Labour and Education in India: A Socio-Legal Perspective, (2022) 64(1) Journal of the Indian Law Institute 73.

⁵⁵ NCPCR, Report on Rehabilitation of Rescued Children under Child Labour Act, (2021) <https://www.ncpcr.gov.in> accessed 16 April 2025.

⁵⁶ Human Rights Watch, Compromised Childhood: The Failing of India's Rehabilitation System (2023) <https://www.hrw.org> accessed 16 April 2025.

⁵⁷ Ministry of Labour and Employment, Lok Sabha Question No. 1523 on Budget Utilisation under Rehabilitation Scheme (21 July 2023) <https://www.loksabha.nic.in>.

⁵⁸ Planning Commission, Report of the Working Group on Child Rights for the 12th Five-Year Plan (2012–17) (Government of India, New Delhi, 2011) 39.

⁵⁹ Satyarathi Kailash, Will for Children: Ending Child Labour in India (Penguin Random House India, 2021) 27.

⁶⁰ Sen Amartya, Development as Freedom (Oxford University Press, 2020 ed) 159–160.

policies like direct benefit transfers, mid-day meals, and conditional cash transfers must be better targeted and scaled up to deter child labour⁶¹.

5.5 Invisibility of Child Labour in Informal and Digital Sectors

Most child labour takes place in the informal sector, such as agriculture, domestic work, roadside hospitality, small industries, and now in the digital world, like online content and gig economy⁶². These industries are outside the purview of regular inspection agencies and policy reach⁶³. Digital child labour, such as coercive exploitation for social media and online work, is a new area that is not covered by proper regulatory mechanisms. There is little empirical evidence on child labour in these new industries, which stalls evidence-based policymaking.

5.6 Low Public Awareness and Social Vigilance

Another major hindrance to the successful enforcement of child labour legislation is the low public consciousness of the unlawfulness of child labour and children's rights⁶⁴. Most areas, particularly rural and peri-urban areas, possess low social awareness and unwillingness to report child labour cases. Community-based monitoring systems, if properly established through Panchayati Raj Institutions (PRIS), school management committees, and civil society organizations, could act as effective mechanisms for the prevention of child exploitation⁶⁵. But in most areas, these local mechanisms are either absent or weak.

⁶¹ NITI Aayog, Strategy for New India @75, (2022) <https://www.niti.gov.in> accessed 15 April 2025.

⁶² Ministry of Women and Child Development, Child Exploitation in the Digital Age: National Consultation Report (2024) 8.

⁶³ South Asia Initiative to End Violence Against Children (SAIEVAC), Regional Report on Informal and Digital Child Labour, (2023) 13–15.

⁶⁴ National Commission for Protection of Child Rights (NCPCR), Elimination of Child Labour: Strategy Paper (2020) <https://www.ncpcr.gov.in>.

⁶⁵ Save the Children, Community Vigilance and Child Rights Protection Toolkit (2021) 12.

Conclusion

The continued prevalence of child labour in India despite robust legal structures, suggests a critical necessity for systemic reform in policy implementation and law enforcement. There is a need for a multi-sectoral and rights-based response, with a priority on institutional capacity building, enhanced inter-departmental coordination, effective rehabilitation, addressing socio-economic vulnerabilities, and increased public participation. It is only through a comprehensive and inclusive strategy that India can move towards the abolition of child labour, consistent with its constitutional and international commitments.

6. Recommendations and Conclusion

6.1 Policy Recommendations and Reform Imperatives

To address child labour in India efficiently and promote the realization of human rights and social justice, the following multi-dimensional and rights-based recommendations are being put forward:

6.1.1 Strengthen Institutional Mechanisms and Enforcement

There is an imperative requirement to enhance the capacity of labour law enforcement agencies by increasing recruitment, giving specialized training on child rights, and establishing accountability through autonomous monitoring agencies⁶⁶. Special units on child labour within the police and judiciary must be created at the district level for speedy investigation and prosecution⁶⁷.

6.1.2 Reform Legal Loopholes and Harmonise Laws

“The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986” should be amended again to eliminate the "family enterprise" exemption, which now facilitates informal

⁶⁶ Ministry of Labour and Employment, Annual Report 2022–23 (Govt of India, 2023) 46.

⁶⁷ Kailash Satyarthi Children’s Foundation, Judicial Approaches to Child Labour in India (Policy Paper, 2021) 17.

exploitation under the cover of law⁶⁸. There needs to be a single definition of child labour, harmonized across labour, education, trafficking, and juvenile justice legislation, to remove interpretative discrepancies⁶⁹.

6.1.3 Improve Rehabilitation and Reintegration Frameworks

An integrated rehabilitation program should have education, vocational training, psychological counselling, and monetary assistance for the rescued child and family⁷⁰. Convergence among NCLP, Samagra Shiksha Abhiyan, and State Child Protection Units is vital to facilitate care continuity and reintegration⁷¹. Budget outlays for child welfare schemes must be raised with performance-linked disbursements.

6.1.4 Encourage Education and Lessen Economic Compulsion

Accessing quality, inclusive education for children belonging to marginalised and migratory populations is a solution in the long run⁷². Integrating child labour prevention with livelihood initiatives such as MGNREGA, Self Help Groups, and skill development missions can help in lessening the economic compulsion driving child labour⁷³.

6.1.5 Encourage Community Participation and Behavioural Change

Legal interventions need to be supplemented by social mobilisation. Child Protection Committees (CPCS) at the village and ward levels, engagement of Panchayati Raj Institutions, school management committees, and local NGOs can assist in the prevention, early

⁶⁸ Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (as amended in 2016), s 3.

⁶⁹ National Commission for Protection of Child Rights (NCPCR), Legal Convergence Strategy for Child Labour Elimination (2021) <https://ncpr.gov.in> accessed 16 April 2025.

⁷⁰ Bachpan Bachao Andolan, Rehabilitation of Rescued Child Labour: Status and Gaps (2022) 7.

⁷¹ UNICEF India, Children on the Move: Migrant Child Labour in India (2023) <https://unicef.org> accessed 16 April 2025.

⁷² Praveen Jha, Child Labour, Education and the State: Policy Dilemmas in India (2022) 64(1) JILI 53.

⁷³ Centre for Policy Research, Linking Anti-Poverty and Anti-Child Labour Strategies: Policy Convergence in India (2023) 44(2) Indian J Pub Pol 61.

identification, and reporting⁷⁴. Awareness campaigns through digital media, folk art, and street theatre should be directed towards employers and parents⁷⁵.

6.1.6 Develop a Strong Monitoring and Data System

A national database of working children, rescue operations, prosecutions, and rehabilitation outcomes, centralized for real-time tracking and assessment, should be maintained⁷⁶. Integration with Aadhaar-linked welfare mechanisms can assist in avoiding duplication and leakages⁷⁷.

6.2 Conclusion

The continued prevalence of child labour in India stands in stark contrast to both its constitutional obligations and its commitments under international human rights agreements. Despite the presence of comprehensive laws such as the "Child and Adolescent Labour (Prohibition and Regulation) Act, 1986" (amended), the "Right of Children to Free and Compulsory Education Act, 2009", and global treaties like the "United Nations Convention on the Rights of the Child (UNCRC)", millions of children remain trapped in exploitative and dangerous work. This highlights a systemic failure not only in law enforcement but also in addressing the root causes of child labour, such as poverty, limited access to quality education, social exclusion, and weak institutional accountability.

Fundamentally, child labour is not a purely legal issue; it is a crisis of human rights. Children lose their youth, schooling, and basic freedoms as a consequence. Underlying this gap between law on paper and the practice of law is the failure of inter-agency coordination, the shortage of resources in rehabilitation programs, and the non-involvement of communities. Further,

⁷⁴ Save the Children India, *Community-Led Child Protection Models: Evidence from Field Practices* (2023) 13.

⁷⁵ Neha Pathak, *Eradicating Child Labour through Behavioural Change: A Legal and Sociological Study* (2021) 46(3) EPW 24.

⁷⁶ Ministry of Women and Child Development, *Integrated Child Protection Scheme Progress Report* (2022) 40.

⁷⁷ NITI Aayog, *Harnessing Technology for Child Welfare: India's Digital Inclusion Strategy* (Policy Paper, 2024) 19.

technological changes and digital informal labour markets present new and complex challenges to current regulatory measures.

Child labour has to be addressed by a multi-pronged strategy based on principles of social justice. Legal action alone will not work if laws are not enforced effectively. Social policy needs to be proactive, inclusive and focused on the dignity and developmental rights of the child. There must be effective implementation of schemes for child protection, augmented budgetary outlays, strengthened institutional capacities, and grassroots-level awareness campaigns to provide a child-friendly environment.

Equally important is incorporating a child rights-based perspective into all legislative and policy platforms. Such a perspective acknowledges children not only as recipients of protection but as rights-holders to dignity, freedom, equality, and participation. It is important to advance child labour-free zones, intensify school retention measures, and construct community-driven monitoring mechanisms for accountability.

The challenge of child labour should be viewed as a test of India's democratic conscience and resolve to the constitutional vision of justice, social, economic, and political for all. Eradication of child labour is not just about prohibiting work; it is about helping every child thrive, learn, and be part of society in full measure. As India grapples towards its Sustainable Development Goals (SDGs), including Goal 8.7, the elimination of child labour should be pursued with increased urgency and unshakeable determination. The future of a just and equitable society is in the balance.