



# Problems And Prospects Of Child Labour In India

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## Abstract:

The children are the citizens of future era and no doubt supreme asset of the country. Childhood is both the most vulnerable and the most formative period of life. Children need protection, support and encouragement and a safe and peaceful environment. On the proper bringing up of children and giving them the proper training to turn out to be good citizens depends on the future of the country. Children are at risk because of their vulnerability in society. Child of today cannot develop to be a responsible and productive member of tomorrow's society unless an environment which is favourable to his social and physical health is assured to him. Throughout the world, millions of children have their rights compromised by poverty, malnutrition, armed conflict and humanitarian crises. The violation of the rights of children, such as a lack of access to education, safe shelter and health care, is not only a problem of 'other poorer countries'. Today child labour considered as one of the major public health issue globally. Majority of the children are working among the child labourer rather going to school. They are engaged into all sorts of work for the sake of earning something for the family. As a result, they are also deprived of primary education, without which chance of success in life is remote. It is true that a number of laws have been imposed to prevent child labour. But they are more flouted than obeyed. The ban has been imposed to save the children from hazardous works and to restore their care-free childhood. They have to be groomed and looked after appropriately, not only on the basis of constitutional or statutory provisions, but also with great human touch and concern.

## INTRODUCTION

The child that is hungry must be fed, the child that is sick must be helped, the child that is backward must be helped, the delinquent child must be reclaimed, and the orphan and the waif must be sheltered and succoured

- Declaration on the Rights of the Child -Adopted by the League of Nations as the Declaration of Geneva, in 1924

The children are the citizens of future era. Childhood is both the most vulnerable and the most formative period of life. Children need protection, support and encouragement and a safe and peaceful environment; areas of violent conflict, social unrest, high criminality or alienation cannot provide all these. On the proper bringing up of children and giving them the proper training to turn out to be good citizens depends on the future of the country. Children are at risk of human rights violations because of their vulnerability in society. Child of today cannot develop to be a responsible and productive

member of tomorrow's society unless an environment which is favourable to his social and physical health is assured to him. Throughout the world, millions of children have their rights compromised by poverty, malnutrition, armed conflict and humanitarian crises. The violation of the rights of children, such as a lack of access to education, safe shelter and health care, is not only a problem of 'other poorer countries'. Gabriel Mistral, the Nobel Laureate said, "We are guilty of many errors and faults, but our worst crime is abandoning the children, neglecting the foundation of life. Many of the things we need can wait. The child cannot; right now is the time, his bones are being formed, his blood is being made and his senses are being developed. To him we cannot answer".<sup>1</sup>

Today child labour considered as one of the major public health issue globally. According to ILO, a total of 250 million children are working as labour in the world. A national survey had shown that more than 16 million children between eight to fourteen years are largely appointed in hotels and boarding houses, in tea-shops, restaurants, in commercial firms, in factories and fisheries. Majority of the children are working among the child labourer rather going to school. They are engaged into all sorts of work for the sake of earning something for the family. As a result, they are also deprived of primary education, without which chance of success in life is remote. It is true that a number of laws have been imposed to prevent child labour. But they are more flouted than obeyed. The ban has been imposed to save the children from hazardous works and to restore their care-free childhood.<sup>1</sup>

## MEANING OF CHILD

As per ILO the term 'child labour' is best defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children, or work whose schedule interferes with their ability to attend regular school.<sup>2</sup>

UNICEF defines child labour differently. A child, suggests UNICEF, is involved in child labour activities if between 5 to 11 years of age, he or she did at least one hour of economic activity or at least 28 hours of domestic work in a week, and in case of children between 12 to 14 years of age, he or she did at least 14 hours of economic activity or at least 42 hours of economic activity and domestic work per week.<sup>3</sup>

The Constitution of India in the Fundamental Rights and the Directive Principles of State Policy prohibits child labour below the age of 14 years in any factory or mine or castle or engaged in any other hazardous employment (Article 24)

As per the Child Labour (Prohibition and Regulation) Act, 1986, amended in 2016 ("CLPR Act"), a "Child" is defined as any person below the age of 14, and the CLPR Act prohibits employment of a Child in any employment including as a domestic help. It is a cognizable criminal offence to employ a Child for any work. Children between age of 14 and 18 are defined as "Adolescent" and the law allows Adolescent to be employed except in the listed hazardous occupation

<sup>1</sup> Ankita Mitra, "Problem of Child Labor in India", <https://www.importantindia.com/10632/problem-of-child-labor-in-india/>,

<sup>2</sup> Child labour in India, [https://en.wikipedia.org/wiki/Child\\_labour\\_in\\_India](https://en.wikipedia.org/wiki/Child_labour_in_India),

<sup>3</sup> What are the Laws related to child labour in India, <https://blog.ipleaders.in/laws-related-child-labour-india/>,

and processes which include mining, inflammable substance and explosives related work and any other hazardous process as per the Factories Act, 1948.<sup>4</sup>

### **The Factories Act of 1948:**

The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on who, when and how long can pre-adults aged 15–18 years be employed in any factory.

### **The Mines Act of 1952:**

The Act prohibits the employment of children below 18 years of age in a mine.

## **CAUSES OF CHILD LABOUR**

As child labour is a socio-economic phenomenon, it is generally considered that illiteracy, ignorance, low wages, unemployment, poor standard of living, stark poverty, deep social prejudices and appalling backwardness of the country side are all, severally and collectively, the root cause of child labour.

### **Poverty**

Wide spread poverty is one of the major causes of child labour. In India, which is developing country, poverty forces the parents to send their children to seek employment, because augmentation of their income is essential for the survival of the family, including the children themselves. Illness and other contingencies demand extra money in hand and the employment of children is resorted to as quick and easily accessible way to get it.

### **Illiteracy and Ignorance of Parents**

In India, the lower socio-economic groups like the scheduled casts and scheduled tribes are illiterate. The majority of them think only about the present, which is then sole concern and worry. They never try to think of the future. They ignore the fact that child labour deprives the children of all the educational opportunities and minimize their chance for vocational training. It also affects their health and they are converted into labourers of low wages for their entire life.

Parents believe that more children means more earning also help to fast increase in child labour. The low income of parents which is not adequate to meet the basic needs of the family, force the children to work and supplement the family income. In this way poverty compels parents to send their children to distant places to work. The object poverty and unemployment forces the children to take up unremunerative jobs, which result, into many social evils.

### **Unemployment**

The state of the unemployed is even worse than that of the poor. Low wages make man poorer but unemployment makes him absolutely poor. It turns the weak into a cripple. Poverty dampens his spirit but unemployment kills it mercilessly. So, one can muster sufficient courage to suggest the poverty-stricken unemployed send his child to work.

<sup>4</sup> Child labour in India, [https://en.wikipedia.org/wiki/Child\\_labour\\_in\\_India](https://en.wikipedia.org/wiki/Child_labour_in_India).

## Low wages of the Adult

The wage structure of the adult workman has a direct bearing on the occurrence of child labour. The more exploited a workman is the more will be his compulsions to send his children to work, who will be paid all the more less. So, in order to ensure adequate and regular supply of cheap child labour even in violation of the protective laws, the vested interest of the employer will be to keep the wage structure of his adult workers at its lowest.

Another direct cause of child labour, which is as causative as poverty, is the unfavourable condition at home. There may be tension and uncertainty, provoked or increased by poverty; the father may have left home; the mother may be alone; the father or mother or both may have fallen ill or become physically unfit to work or may have died. In such families these contingencies upset the delicate balance of the family budget, leaving the family with no alternative but to send the children to work. These starving families would prefer bare bread in hand today rather than go without it in the hope of buttered bread in distinct future

## Migration to Urban Areas

Further, some studies have found migration to cities, due to industrialization and urbanization, also to be one of the factors responsible for the problems of child labour.

## Other Reasons

In addition to the above causes, there are also certain significant reasons for child labour. Firstly, the process of protective labour legislation is slow which cannot even cover agriculture labour, domestic servants and small-scale industries. Secondly, the inspecting machinery, which is provided by the State Government, is inadequate to check child labour.<sup>5</sup>

## PROBLEMS OF CHILD LABOUR IN INDIA

Child labour often creates a situation when the children are forced to work when they are expected to study & enjoy the innocence of their adolescent age. A large number of the child workers are virtually under inhuman conditions and in the most unhygienic surroundings. They are either school drop-outs or have not seen any school at all. They earn a very meagre wage and work in most unsafe conditions. The hazardous conditions take their toll. The children are often bed-ridden and subjected to deadly illnesses due to malnutrition. Children suffer from lung diseases, tuberculo-sis, eye diseases, asthma, bronchitis and backaches due to the work they do. Some are injured in fire accidents while working in factories. Many become unemployable even at the age of 20. If injured or incapacitated, they are discarded mercilessly by their employers.<sup>6</sup>

<sup>5</sup> Causes of Child Labour in India, [http://shodhganga.inflibnet.ac.in/bitstream/10603/169651/9/09\\_chapter%203.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/169651/9/09_chapter%203.pdf),

<sup>6</sup> Suitisikha, Problem of Child Labour in India, <http://www.yourarticlelibrary.com/essay/child-labour/problem-of-child-labour-in-india/43962>,

## AREAS WHERE CHILD LABOUR IS RAMPANT

- Bidi making
- Carpet weaving
- Garages
- As Servants at Homes
- Farming
- Building and construction industry
- Tea Stalls
- Cement manufacture including bagging
- Cloth printing, dyeing and weaving
- Manufacture of matches, explosives and fireworks.
- Diamond Industry
- Soap manufacture
- Tanning
- Wool-cleaning
- Manufacture of slate pencils (including packing)
- Shoe Polishing.

## PROSPECTIVE MEASURES FOR THE PROTECTION OF CHILD LABOUR

### Protection under Indian Constitution

Several articles of Indian Constitution provide protection and provisions for child labour.

#### Article 15 (3)

The State is empowered to make the special provisions relating to child, which will not be violative of right to equality.

#### Article 21

No person shall be deprived of his life or personal liberty, except according to procedure established by law. The Supreme Court held that 'life' includes free from exploitation and to live a dignified life.

#### Article 21A

The State shall provide free and compulsory education to all children of the age of six to fourteen years, in such manner as the State may, by law, determine. Where children are allowed to work, in such establishment, it is the duty of employer to make provisions for the education of child labourer.

#### Article 23

Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this prohibition shall be an offence punishable in accordance with law.

#### Article 24

No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

**Article 39 (e)**

The State shall, in particular, direct its policy towards securing the health and strength of the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

**Article 39 (f)**

The State shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity; and that childhood and youth are protected against exploitation and against moral and material abandonment.

**Article 45**

The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

**Article 51A (e)**

It shall be the duty of every citizen of India, who is a parent or guardian to provide opportunities for education to his child or ward as the case may be, between the age of six and fourteen years.<sup>7</sup>

**Legislations**

When in the 20<sup>th</sup> Century, child labour became so prominent that news of factory hazards and mishappenings taking innocent children's life, flashed all around in the newspapers, then was the time, a need for legislations and statutes were felt to prohibit the mal practice of child labour. Today, there are sufficient statutes condemning and prohibiting child labour such as:

**The Factories Act of 1948:** The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on who, when and how long can pre-adults aged 15–18 years be employed in any factory.

**The Mines Act of 1952:** The Act prohibits the employment of children below 18 years of age in a mine. Mining being one of the most dangerous occupations, which in the past has led to many major accidents taking life of children, is completely banned for them.

**The Child Labour (Prohibition and Regulation) Act of 1986 amended in 2016:** The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. The list was expanded in 2006, and again in 2008.

**The Juvenile Justice (Care and Protection) of Children Act of 2000:** This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage. This act provides punishment to those who act in contravention to the previous acts by employing children to work.

**The Right of Children to Free and Compulsory Education Act of 2009:** The law mandates free and compulsory education to all children aged 6 to 14 years. This legislation also mandated that 25

<sup>7</sup> K. G. Mallikarjuna, "Constitutional Provisions and Legislations for Child Labour in India", International Journal of Economics, Commerce and Research (IJEER), Vol. 3, Issue 2, Jun 2013, 133-140

percent of seats in every private school must be allocated for children from disadvantaged groups and physically challenged children.<sup>8</sup>

## COMMITTEES AND COMMISSIONS ON CHILD LABOUR

- Along with legislation, a series of committees and commissions have been appointed by the Government of India, either specifically on the question of child labour or on labour conditions in general to enquire into the causes or consequences of the problem and to suggest measures to reduce the incidence of child labour and to ameliorate the conditions of the child workers.
- The Royal Commission on Child Labour observed that the employment of children continued to be a problem and found out that in many cities large number of young boys was employed for long hours and the employees imposed corporal punishment and other disciplinary measures against them.
- The Labour Investigation Committee submitted in its report in the year 1946 observed that in various industries, especially smaller industries, the statutory prohibition of employment of children was not seriously enforced. (GOI, 1946).
- According to the National Commission on Labour "the employment of children is non-existent in organised industries. It persists in varying degrees in the unorganised sector.
- The Gurupadaswamy Committee, in its 1979 report, identified the sectors of the economy with substantial number of working children.

The Committee in its report recommended:

- Setting up of Child Labour Advisory Boards;
  - Fixation of minimum age of entry to any establishment;
  - Strengthening of enforcement machinery;
  - Formulation of effective education policy.
- It was realised that legislation alone cannot bring an end to child labour. Therefore, the National Policy on Child Labour was formulated in conjunction with the legal measures to address the socio-economic issues and to provide a framework for a concrete programme of action. The policy encompasses action in the field of education, health, nutrition, integrated child development and employment.
  - The National Authority for the Elimination of Child Labour (NACEL) was constituted on September 26, 1994 under the chairmanship of Union Labour Minister. The NACL in its 1995 meeting adopted a programme of securing convergence of services of Ministries of Governments.<sup>9</sup>

<sup>8</sup> What are the Laws related to child labour in India, <https://blog.ipleaders.in/laws-related-child-labour-india/>.

<sup>9</sup> *Supra* 7

## **Suggestions to eradicate Child Labour**

Some suggestions or solutions which might protect the fruitful assets of the country and for the wellbeing of the children:

- Stricter implementation of labour regulations related to child.
- Ensure Ways to stick children in the schools like providing free meals at school, playful activities in the school and friendly environment for the students.
- Awareness about Population control among the panchayats, villages and in small towns.
- Awareness about Importance of Education among the children and their parents.
- Supporting and assisting NGOs working for the children's welfare.
- Interaction with parents of child labourers about ill effects of engaging children in labouring.<sup>10</sup>

## **PENALTIES**

Part III of 'The Child Labour (Prohibition and Regulation) Act of 1986 provides for the 'Prohibition of employment of children in certain occupations and processes'. The Schedule gives a list of hazardous occupations in two parts, viz., A and B

Violations under Section-3 shall be punishable with imprisonment which shall not be less than three months which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both. Continuing offence under section (3) shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

Any other violations under the Act shall be punishable with simple imprisonment, which may extend to one month or with fine, which may extend to ten thousand rupees or with both.

## **EFFORTS BY GOVERNMENT OF INDIA TO CONTROL CHILD LABOUR**

The child labour (Prohibition and Regulation) Act 1986 prohibits the employment of children below the age of 14 years in 16 occupation and 65 processes that are hazardous to the children's lives and health. Many states including Haryana have constituted the child labour rehabilitation –cum-welfare funds at district level and separate labour cells are being formed to address the issue. National child labour projects have been implemented by the central government in states from 1988 to provide non-formal education and pre-vocational skills. From 2001, Sarve Shiksha Abhiyan has been launched to educate poor and employed children in all states. Ministry of women and child development has been providing non-formal education and vocational training. Establishment of Anganwadies is also a big step by the government for the welfare of children and their physical, mental and educational development.

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<sup>10</sup> <https://www.khuranaandkhurana.com/2025/01/23/protection-of-children-from-child-labour-a-critical-analysis-of-indian-laws>.

## CONCLUSION

If awareness about the cons of child labour is spread across the nation and strict policing of implementation of existing laws are done, India can combat the issue of Child Labour. Every individual must understand how important it is for the children to grow and study, as they are the ones who will shape the future of the nation.

The Constitution of India, in a number of articles has spelled out the rights of children. While framing the Constitution, framers were very much influenced by the concept of Human Rights. It may be coincidence that the Indian Constitution was drafted almost at the same time as the Universal Declaration of Human Rights was adopted. Despite the existence of rights of children, it suffer from poverty, homelessness, abuse, neglect, preventable diseases and unequal access to health, education, and justice system that do not recognize their special needs. Therefore, the State parties are obligated to amend and create laws and policies to fully implement the convention; they must consider all actions taken in light of the best interests of the child.

The Supreme Court in Roy Jacob Vs. A Chakramakkal, observed that “children are not mere chattels, nor are they mere plaything, for their parents. Absolute right of parents over the destinies and lives of their children has in the modern changed social conditions, yielded to the considerations of their welfare as human beings so that they may grow up in a normal balanced manner to be useful members of the society.

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