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Protection Of Child Labour in Factories with Special Reference to Article 24 Of the Indian Constitution

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Abstract

India is one country where child labour still exists as a challenge to society. The biggest victims are primarily the families that are caught in the vicious cycle of poverty. With the growing percentage of schoolchildren who work in hazardous conditions, the nation faces a formidable problem of the abnormal development of these young people in all sides — physical, mental, emotional, and moral. Those kids who get buried in busy production units could develop defects or irregularities that may constraint their biological ability to fully grown. Despite laws intended to limit children's work, it is difficult for poor children to have options other than engaging in labour to help with family struggles which in turn affect them in many ways physically, educationally and psychologically. In underdeveloped countries, the problem of children labour is very serious and is present both in rural and urban areas caused by a high rate of poverty which has been rising because of doubled population growth, wide illiteracy amongst people, and growing dependence. Organizations like factories, brick making, carpet weaving, and silk spinning become profitable as they rely on cheap child labour, children with less likelihood to unite and negotiate collectively. hence, they get deprived of these fundamental rights like health care, education, and protection from abuses. The focus of this article is to talk about complex issue in a country, namely, child labour and to raise the understanding of public with the statutes of children in India. It underlines the paramount Ness of multi-dimensional approach towards combating child labour and equally acknowledging the fact that parents stand out to be the most influential persons in the children's lives through the way they raise their kids, educate and develop them. This specific study seeks to assist the elimination of child labour in India by studying the economic-social components that result in child labour and then proposing to implement the amendments in the constitution that are ultimately are geared towards protecting the rights of children.

Keywords: *Child labour, Article 24, Indian Constitution, education, International Labour Organization.*

Introduction

Child labour is a violation of human rights, as a vast number of kids work under bad and inhumane conditions in different countries. While Indian constitution maintains protection of minors as one of its primary objectives, dangerously hazardous jobs in industries housing minor workers form a crucial aspect among the same. Indian Constitution by article 24 elaborates that minors below 14 years of age is against the law to work in hazardous occupations. This sub-rule infers commitment to wellbeing of kids through custody of their interests and the mental, emotional, and physical health. Conspicuously, child labour is still present in the realms of manufacturing even though legislations exist because of socioeconomic problems, ineffective enforcement measures and the absence of awareness among people regarding the harmful effects of unregulated work. Worldwide, child labour is emerged as a major barrier for the idea of children to become the holders

of their rights and to enjoy a good life, prominently where the child services are concerned. Amidst the concerted efforts to put an end to this practice, still many children labour under severe conditions, missing their right to be with other children of their age, the opportunity to education and other fundamental rights. In India 24th of the Constitutions is a remarkable litigation that serves as fundamental protection to child from exploitation from factories. It can be interpreted as reserve responsibility of state towards protecting children's rights and providing them holistic development by eliminating the employment of minors under 14 years in dangerous jobs e.g. factories. Still, the reality that child labour is still prevalent in several industries across various countries point to the idea that the government should have a complete awareness of the legal framework, socio- economic variables, implementation processes and difficulties associated with protecting children at work.

This paper is concerned with a purpose – to formulate a comprehensive study of Article 24 of the Constitution that deals with the child labour in industries. This work examines reasons and background of the child labour phenomenon from the legal point of view through critically analysing of the historical viewpoints, legislative provisions, judicial rulings, policy initiatives and socioeconomic implications of the existing legal framework in this field and finally concentrates on the areas that require improvements as to the implementation and enforcement. The module will also examine what obligations fall on various players in solving the child labour problem in factories, which include the government, courts, employers, civil society organizations and international linchpins. Besides, cases, datasets, and models of good practices will be conceptualized in order to bring attention to the crookedness and complexity of the fight against child labour in industrial settings. This intensive assessment is how the article is desired to establish as a pivotal component of the comprehensive dialogue about labour rules and child rights, by recommending options for enhancements in lawmaking systems, execution governance and collaborations among the numerous interested parties so that we can fully safeguard kids from the harms of factory exploitations and move them on to a better future. The aim of this study is to examine whether the introduction of the Article 24 of the Constitution has been helping to provide industry workers with child labour. It will discuss the judges' opinions, the background history of the case, laws' requirements, and all other relevant issues that may arise and be used as arguments against the successful implementation and enforcement of the child labour regulations. In addition, it will explain the importance of the state, the court, civil society, and the international community in general, working together to overcome this problem. At the end of the day, it will make out both regulating and enforcing child labour laws towards safety of young people in industries. This study tends to offer a contribution to the conversation on labour laws and child rights by introducing these concepts from the point of view that the purpose is to improve the legislation and the effectiveness of other related mechanisms that will fight oppression of children in the factory context.

2. What is Child Labour?

The existence of children's labours even in the times when the international community has taken a lot of measures to combat this problem is disintegrate and challenging. If, indeed, it is declared in most of international conventions it is unlikely that it becomes a part of law. Basically, child labour could be associated with any activity that children occupy latterly penalizes their developmental well-being physically, educationally, psychological, or environmentally. The International Labour Organization (ILO) plays an important role in fighting the child labour problem by categorizing it in many groups like, child work, child labour, and the worst kinds of child labour, thereby help. Employment of children is without a doubt that of the best affords simplest jobs in this respect. Office jobs that teens between the ages of 12 and 17 do should be no more than 14 hours a week without having to interfere with their education and training and health. On the other hand, child labour is described as that kind of daily work carried out for at least 14–43 hours a week along dangerous conditions that may lead to physical or psychological harm to the child, obstacle of education and systematic poverty¹. The worst kind of child labour are not only life-threatening but may worsen their health, put their lives in danger and make them morally corrupt. Among such threatening types are child soldiers, enslavement, trafficking, and involvement in illegal activities such as drug trafficking and pornography. India's framing fathers,

¹ “Hazardous work is defined by provisions of ILO Convention No.182”

even though there isn't a solid legal definition for child labour, included provisions such as article 24² into the constitution that prevents toddlers under the age of 14 to do jobs like mine and factories³. These are the doctors who are in line with the directive policies of state, which is established to uplift the health and develop the children⁴. However, when a precise law is not given, questions arise from the society about how effective the laws that exist are to deal with the widespread issue of child labour, and whether some regulations erroneously do the job for market forces instead of serving as laws. Taking a comprehensive look into these problems in the next step of the research is the aim of the following article that, additionally, will review the efficiency of the current legislative procedures in the context of India in the fight against child labour.

3. International Background of Child Labour Legislations

Academies and workplaces, whose mission is to educate under pupils worldwide, have adopted technology in their instructional process. In developed country, the impregnation of the term 'child labour' is overwhelmingly correlated with teenage part-time workers who want to earn extra money while attending schooling full-time thereby implying nothing but a very carefree and childish perspective. Yet, children are commonly employed in needy countries because of economical imperatives where the kids have no choice but to work due to poverty and family needs. Historical experiences mirror the development of child labour laws in their timeframes though the advanced countries are different. During European colonization, laws that forced poorest young ones to serve as apprentices set the basis for these inhuman labour exploitations. The already precarious state of things got worse with the introduction of the industrial revolution which promoted factory towns which were used cheap and easy labourers, including women and children. Rather than the lack of jobs, the fact that child labour was needed under the upcoming industries and the current economy has made it prevalent in early 19th century US.

In tune with the rising sentiments, laws were finally created to curb unconscionably harsh conditions. Concretely, Connecticut Act of 1813 that asking manufacturers to assist their easily-tired young employees with minimum education didn't give a positive result. Back in 1836, Massachusetts was the first to introduce a child labour law in the United States. It included children under fifteen years of age, who were employed by factories, and sent them to school. Educational and humane efforts against the continuous burdens of the first unskilled generation of worker, the South became the center for the textile industry, even though unfavorable working conditions established the new generation. In the turn of the century, when anxiety over children's welfare gathered into a head, workings of women and children was placed under a scrutiny by the Bureau of Labour Statistics (BLS) and was the subject of the 1909 report on working women and children. However, in the ensuing legislative process, the fight over children's employed age was raging. By 1913 the majority of states fixed the minimum age of 14 for manufacturing work.

Before the Fair Labour Standards Act (FLSA)⁵, which was passed in 1938 and marked a turning point in child labour laws, were the main obstacles for congressional exertions to curb child employment. The FLSA (Fair Labour Standards Act) via the case of West Coast Hotel Co. vs. Parrish in 1941 established many labour issues like the minimum wage, overtime and child restraints. As 14 and 15 years olds having cases for nonagricultural industries, which certifies under the Labour Department that provides educational and health promotion, 16 was selected as the lowest minimum age for non-agricultural work through the Fair Labour Standards Act (FLSA). Moreover, they define that any risky job can't be done by the ones who are under the age of 18, and this would be a major advance in controlling children's jobs.

4. Role of International Labour Organization (ILO) for combating child labour

² "Article 24 of the Constitution of India"

³ "ILO Convention No.138"

⁴ "Article 39(e) and (f) of The Constitution Of India as under The State shall direct its policy towards securing- that health and strength of workers, men and women, and 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; - that children are given opportunity 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."

⁵ "The FLSA remains the Federal Law governing minimum wages, overtime, child labour, and recordkeeping. 16 years was established as the minimum age for covered non-agricultural employment under the Act. The Act had allowed 14 and 15 years old to be employed in occupations other than mining and manufacturing if the Secretary of Labour determines that will not interfere with their schooling and health and wellbeing. The Act also prohibited employment of minors under 18 years of age in hazardous occupations."

However, the International Labour Organization (ILO), which has existed since 1919 and understands the depth of the problem, understands children labour as a key world issue and is not wavering to quit its fight. The ILO became the very first actor to act on an urgent basis and to eliminate completely child labour at least in the most hazardous occupations, striving eventually for the total elimination of child labour in stages. Multiple Conventions and Recommendations of the ILO, in addition to International Labour Conferences that has emerged from their initial developmental phase into the international organizations of legally binding nature that address welfare, social security, labour administration, and human rights over time. It is sharply important that the indication regarding the minimum age when will the one join the work force should correspond to the point when the mandatory education is completed. For the Convention No. the age for work entry, minimums are being provided. The 138 Convention is intended to set the age floor out at 15 years, with even younger ages in the case of developing nations for the time being. In addition, the Convention allows the employment of young workers under circumstances such as babysitting or light domestic work⁶. Convention No. 7. Of 138's The article No.10 chapter defines the type of work as "light work." Recommendation No. "146" emphasizes the progress shifts that are necessitating the rise in the legal age for work from 13 to 16 years and for hazardous workplaces to 18 years, also puts children's welfare before other priorities when embarking on the national development programs⁷. Furthermore, Recommendation No. At the same time, § 146 emphasizes the importance of creating safe and conducive atmosphere for the children that is necessary for the development of their physical and emotional qualities. Instead, they should include improved family welfare, educating the children, skills training targeting work and safe working conditions. One of the significant milestones in global efforts to eradicate child labour was the 1999 adoption of Treaty with the number (19). As per the resolution number 182 the above was also embodied with the Recommendation No. 190. Nations will not only have to undertake this by translating conventions, but possibly also conduct an inclusive working process that involves children, families, and non-governmental organizations. They also comprise of issues about minimum age for employment and labours that involve the most serious forms of child labours and what those measures are. Measures like policy development, monitoring, and training are supposed to be embraced. Under the Forced Labour Convention and its recent protocol, state parties are mandated to protect victims of forced labour, study the issues in a broad context and be disciplined for the forced labour offences. Although international commitments are there, socioeconomic structures contribute to the fact that India did not ratify several important agreements, which about about their legal status, above all Convention Nos.138 and 182⁸.

5. Constitution of India and Child Labour

The framers of the Indian Constitution displayed far-sightedness by considering the children's safety with their welfare as a primary concern particularly by ensuring them protection from any form of exploitation which can be their bane. K.M. Munshi, K.T. Shah and Dr. B.R. Ambedkar had a great bearing on dropping anti-exploitation clauses from the drafting constitution. Munshi bolstered the emancipation of slaveholding, child labour, the purchase of humans, and punishment for the subjects of the forced service on the one hand; on the other hand, Ambedkar supported penalties for subjects of the forced labour or service. The Articles 23 and 24 of the Constitution of India can reasonably be claim to be the reasons for this perception⁹. Art. 24 prohibits such indignity, though this is subjugated to certain limitations, among cases that employ youngsters younger than 14 years either in industries, mines or hazardous work areas. Article 23 informs against the use of pens and slavery; it also prohibits the trafficking in one's persons and forced fishing. The masterminds weighed the unpracticable universal ban on children's work and also the low families' financial struggles, in the context of the ideology of the times and opted for the entrepreneurial balance which was in the children's interest. The fourth part of the Constitution provides the fundamental policies as a road-map for the government to take in protecting children's welfare, prioritizing child explosion prevention, and guaranteeing that they have space to mature

⁶ "ILO Convention No. 138 called Minimum Age Convention held in the International Labour Conference in the year 1937."

⁷ "Mahajan, Pramila & Chand, S. Status of Child Labour (1st Edition), New Delhi: Adhyayan Publishers & Distributors, 2006, pp164, 166"

⁸ "The ILO Convention Concerning the prohibition and immediate action for the worst forms of child labour."

⁹ "Articles 23 and 24 of The Constitution of India."

in a free and respectful environment¹⁰. This encompassment of the specific constitutional clauses seeks to preserve children and young adults from abuse and bad-nurture by supplying the principle that government policies must follow. It is a recognition of this responsibility and the enforcement of the constitutional claim that the Indian government has undertaken to support the program of child's welfare on a national level. Hence, the Constitution also includes the several clauses that propose a welfare scheme for children that reveal the nation's main priority as far as children are concerned¹¹.

6. Indian Statutory Provisions regulating child labour

(a) The Employment of Children Act, 1938

The Child and Labour Act of 1938 was put in place to replace the old laws and cool down child labour in specific industries as well as in workshops and other specified industries. The main goal behind the Act had been achieved through the set of essential provisions. There were firstly, included such prohibitions in manufacturing where minors under the age of the 15 won't partake in railroad, mail, passenger and freight operations. It was a ban on hiring children younger than 12 years as well as the restriction of port duties to those who are already 14. Moreover, the Workshop Laws set out that the kids who were doing work would receive an age certificate. The act conformed to international labour standards, as mandated from the 1948 International Labour Conference Convention (No. 90) which is meant for staff aged below 17 years, so night work in ports and railroads was not allowed for minors. Moreover, it was required that records be kept for those under age 17 years. Initially, the Act was extended to the railway premises; however, the coverage was later expanded, mostly via a 1978 amendment, to include underage minors aged 15 and below, from a variety of jobs working in the railway vicinity. The following jobs were created: beginning of operations section, dining establishment, cleaning ash pits and under trucks, and many other jobs that were done along or in between railway tracks. In spite of the limitation of the Act, which is the failure to provide rules and regulations concerning the health, medical examinations, welfare, and safety of minors skilled in this kind of jobs, this act is still important. The Act experienced a number of amendments, as a result of relentless work that was done to refine and enhance its effectiveness against child labour, despite occasional detrimental amendments that aimed to facilitate working conditions for children only¹².

(b) The Contract Labour (Regulation and Abolition) Act, 1970

Even though Child's (Prohibition and Regulation) Act 1938 does not give specific rules regarding child labour, the law is built with loopholes that disable the enforcement of the law against the exploitative employers. Being flexible, the nature of the contract labour system is subject to various forms of exploitation which create these insecurities. This is very interesting aspect of the Act, that workers who are called the "out-workers" are omitted from the definitions of "worker". The workers undertaking the physically hard tasks outside the plant are called out-workers who are receiving and processing the materials that the main employer supplies to them. Often, they do this in their own Domicile or in a place that is not owned by the company. There are various types of labour that often go unnoticed in the employment sector. This invisibility is not limited to a single life-stage but rather spans across different generations and cultures. This provision implies that in the area of small-size business the Act quite often happen to incorporate the casual hirement of the child labourers who work as out-workers. Such kids become out-of-school labourers in the manufacturing industry like their home-based work but without provisions of the Act. He or she is vulnerable to abuse and has no legal protection against child labour¹³. So then the very purpose of the Act is to end child labour but it contains elements that make the general restrictions and problems with the Act not effective in addressing and preventing child labour practices, particularly when it comes to substituting out-of-work arrangements.

(c) The Child Labour (Prohibition and Regulation) Act, 1986

¹⁰ "Article 39(e) of the Constitution of India"

¹¹ "Article 15(3) of the Constitution of India enables the state to make special provisions for children, Article 24 prohibits employment of children below the age of 14 in any hazardous employment, and Article 45 provides compulsory and free education for children of the age group 6 to 14 years."

¹² "The Employment of Children Acts, 1938, Section 3(3)"

¹³ "Section 2(i) of the Contract Labour (Regulation and Abolition) Act, 1970"

Here the Child Labour (Prohibition and Regulation) Act, 1986 is a shining legislative accomplishment that tackles with the issue of child labour in India. Acts as a follow up measure upon receipt of and realization that the surrounding governments had issued a number of reports of the Commission¹⁴. This Act rather is the highest level in legislation related to child labour which was based on two pre-ceding acts, and therefore, is the new approach on this social problem resolution¹⁵. The Act lies for its bivalent nature as it puts an end to printing and regulating child labour, on the one hand, but also failed to rally up support of socialists on the other hand. Hence, it seems not an accurate alignment with the primary aims of constitution. Regardless of the concerted international efforts since the International Labour Organization in the past years was established over its goal, the implementation of child labour elimination is proven ineffective and lacking in a well-defined and a logical system. This act, therefore, aims to prohibit all child labour in any dangerous job with immediate effect. Meanwhile, it will regulate the use of child labour in non-hazardous jobs through restrictions on wage hours, allotting weekend leave, reasonable working conditions, and so on. This is so because India's international obligations towards the 1989 UN Convention on the Rights of the Child were reaffirmed as this statutory resolution was enacted.

The Act on the Prohibition or Regulation of Child Labour is composed of dual strategies, consisting of the prohibition and regulation. In the meantime, the corresponding Act on the Removal of Forced Labour is made up with a single strategy just on the removal of forced labour. The Act assumes a direct role by laying out standards set for the establishment of the industries in two classes hazardous and non-hazardous. It specially prohibits the work of children in uncertain sectors and the regulation of such work in the sectors that are not harmful. Finally, the Act's intelligent way of erasing the child labour problem is addressed by use of regulation and prohibition against the labour, which are both applicable locally and internationally as well as per the constitution.

7. Critical analysis of the Child Labour (Prohibition and Regulations) Act, 1986

Despite it was enacted, the Child Labour (Prohibition and Regulation) Act in 1986 has numerous noticeable problems while contrasted with how wealthy countries did this, it was not the best policy. In developed nations, such a combination of part-time work and school may also be found in advanced countries among students involved in schooling at the official or secondary level. Yet in India the number who stays away from school or dropouts comprises greatest proportion of children labour. The most eye-catching deficiency in the Law is that it does not stipulate the organizations to assist children with their education activities either in the official or informal manner. Thus, those kids that are working in safe jobs are losing out from these essential learning activities. Besides, therefore the law lacks specific provisions sought to provide good care to minor children saved from insidious employments and it is all about protecting those kids who are rescued from the act of eliminating child labour entirely.

Moreover, the Act does not include any criteria which states special terms for the specific hazardous employment or industries. Therefore, they will be left without any measures for special protection until they obtain notification on their working conditions or until their situation becomes clear from the court rulings. It is also doubtful that the effectiveness of the Act may be influenced somehow if the labour inspectors responsible for compliance would be too few in number, which is manageable due to the existing high number of small-scale industrial units scattered about the nation. The complain rate and conviction rate as a result of this act pointed that there have been no much instances of employers applying the law. Claimants of prosecution encounter barriers in documentation issues such as reliable and printed out identifiers of age particularly for the illiterate people¹⁶. Even though the Act exempts kids from work in hazardous positions it paves the way for exploitation of minors in other non-prohibited tasks which consolidate the continued experience of child labour. However, it is the Act that mostly regulates large-capital companies, and unlike small businesses with family or home aspects, as well as the agricultural sector where most child

¹⁴ "The National Commission on Labour 1969; The Gurupadswamy Committee on Labour 1976 and Sanat Mehta Committee 1948"

¹⁵ "The Children (Pledging of Labour) Act, 1933 and The Employment of Children Act, 1938"

¹⁶ "People's Union for Democratic Rights vs Union of India, AIR 1991 SC 417"

workers get employed. This indicates the fact of profound need of holistic changes in the fields of child labour in India in sufficient response to the intricacy of the (child) labour problem.

8. Critical analysis of the Child Labour (Prohibition and Regulations) Amendment Act, 2016

With Child Labour (Prohibition and Regulation) Amendment Act of 2016 being a landmark legislature aiming to develop the Union Law in right likeness with Main Directives of Right to Free and Compulsory Education Act, 2009 for the sake of children between the ages 6 and 14, education of the children is maintained. The soon-to-be-implemented Maternity Benefit Bill was first introduced in the Rajya Sabha on December 4, 2012, and was signed into law by the President of India on July 29, 2016. As per the Act, it is intended to impose more drastic deterrents against employers that do not comply with child labour rules, and to make the parents or guardians accountable should they take their kids in dangerous occupational areas. In fact, the Act could be viewed as being a positive alert that tries to ban young people from working and only 14 year olds and below are the only ones exempted. Moreover, the law purports the teenage mentioning or which distinguishes (adj and n) it from the definition of "child". It is also present in other law such as the Factories Act of 1948. Besides that, hiring minors under 14 is prohibited, but more over, there are so many exceptions, which means that it is impossible to avoid the (re)consideration of the given statement in the sectors where work may be delegated to home system based organizations. Along that the Act has several concerns for reality of socioeconomic and exacerbating exploitation, where the Act is heavily contributory to punitive measures toward employers than to parents and/or guardians especially in cases of first-time offenders¹⁷.

The Act faces contradictions, removing hazardous jobs from its list but increasing business penalties while lessening parental punishments. It also broadens the definition of "family businesses" and includes distant relatives in the concept of "family," which could unintentionally allow for the exploitation of vulnerable children. Despite aiming to align with the Right to Education Act, the Act's reliance on market forces for enforcement and lack of implementation mechanisms for educational rights reveal its shortcomings. While it may appear to make changes and implement disciplinary actions, its effectiveness in addressing child labour issues remains questionable.

9. Indian Judiciary to this Menace

Under the Indian Constitution, the authors enshrined their understanding and acceptance of the fact that child labour was a widespread and rampant issue in the society. However, children either could come to terms with the terrible situation which unwillingly they are forced to participate in, while at the same time working to alternate it into something a whole lot better. Such a sentence as 'Article 24 of the Indian Constitution which guarantees the right to live a life free from employment as a child under fourteen years of age in factories, mines or dangerous occupations speaks for itself as an expression of the intention of the drafters of the Constitution. The executive branch plans the reason or method for the procedure based on the authority during the decision-making process by the legislators who failed to regulate the word "hazardous employment" for the clause of this constitution amidst this fact.

The Supreme Court emphasized the importance of Article 24 as a Fundamental Right against exploitation in the historic *Asiad Work Case*¹⁸, ruling that no child under the age of fourteen should be exploited in dangerous jobs like construction. This judicial interpretation disregarded arguments made by organizations like the Delhi Development Authority, which maintained that since the building projects were not included in the schedule, they were not covered by the Act. The judiciary's involvement in upholding constitutional provisions against child labour is exemplified by the State Governments' amendment of schedules to include the construction sector in response to the Court's decision.

Furthermore, the Supreme Court's rulings in decisions like *Labourers Working on Salal Hydro-Project v. State of Jammu and Kashmir*¹⁹ reaffirmed the state's duty to support education and give kids access to free educational resources. Public interest lawsuits later raised awareness of the problem of child labour and resulted in important court rulings. The court in *M.C. Mehta v. State*

¹⁷ <http://www.thehindu.com/opinion/columns/ruchira-gupta-child-labourprohibition-and-regulation-amendment-act-2016-a-law-that-allows-childlabour/article8964940...p2/2>, (Last Accessed on 31st March, 2024)”.
¹⁸ “People's Union for Democratic Rights v Union of India, AIR 1982 SC 1473”

¹⁹ “AIR 1984 SC 177”

of *Tamil Nadu*²⁰ established rules aimed at ending the employment of minors under the age of fourteen in dangerous businesses like as the Sivakasi Match industry. In a similar vein, the Court stressed the constitutional requirements of safeguarding children and avoiding exploitation brought on by poverty in *Bandhua Mukti Morcha v. Union of India*²¹.

The Supreme Court's readings of the Constitution emphasize the state's obligation to offer resources and opportunity to stop the exploitation of children's childhoods because of poverty, especially when it comes to Article 24 when read in connection with Article 39(e) and (f)²². The Court's decisions subtly acknowledge that a child's right to education is a vital component of their right to life and personal freedom, which are protected by Article 21 of the Constitution. In addition, the Court has stressed how crucial it is to infer this right's provisions based on other pertinent constitutional clauses like Articles 41, 45, 46, and 47²³.

The Supreme Court has demanded comprehensive steps to eliminate child labour and advance child welfare in light of these fundamental mandates. In the case of *M.C. Mehta v. State of Tamil Nadu*²⁴, the Court argued in favor of creating a National Commission for Children's Welfare, whose job it would be to create a phased plan to end child labour. The Court suggested that offenders establish a Child Labour Rehabilitation cum Welfare Fund, to which they would make contributions, with the money going toward the welfare of the impacted children. The Court also recommended actions including forcing the employers of child labourers to hire adult members of their family and giving financial aid to the impacted households.

The Court suggested setting up a special cell within the applicable government's labour department, under the direction of the Ministry of Labour and Employment, Government of India, in order to operationalize these suggestions. This cell would keep an eye on how the plan was being carried out at the district or local level, guaranteeing efficient use of resources and enforcement of laws to prevent child labour.

The Supreme Court's jurisprudence essentially emphasizes the need of the constitution to safeguard children from exploitation and to provide their access to welfare and education. The Court has played a crucial role in establishing legal remedies to the scourge of child labour and advancing the rights and welfare of children in India by citing the values entrenched in the Constitution, notably Article 24.

10. Conclusion

Child labour is aunting to the welfare of nation as the nation human resource (children) are essential for the growth and development of nation. While Article 21A, as per the Indian Constitution, suggests that it is the duty of State to provide free and necessary education for all the children till they will turn 14 years old. Yet unfulfilled, the State has failed to perform its constitutional obligation. Therefore, numerous children have dropped out of school and are involved in commercial, domestic and industrial activities. Child labour being the worst and the most common in small-scale enterprises and also in the informal sector, the reason being there are no strict rules and policies to deter this is mainly neglected. The problem of children work renders critical questions about the level of effectiveness of social programs in place and laws developed so far which have not attracted comprehensive attention to the issue that persists many years after the country became independent.

This idea of yhe necessity of eradicating child labouris evidenced by the fact that children aged 6-14 years are recognised by the constitution as having a right to go to school. Even though poverty and economic hardships are amongst the major factors that explain the continuing of child labour, other causes however also need to be considered for "the battle against child labour " to succeed. What finds the real expression is not culture's unique aspects but more generally prevailing values and behaviour. India, along with many developing nations, has relied on mandatory schooling programs to eradicate child labour. Although the issue has improved in many of these countries,

²⁰ "(1996) 6 SCC 756"

²¹ "AIR 1997 SC 2218"

²² "Jain, M.P, Indian Constitutional law (Fifth Edition 2008), Nagpur: Lexis Nexis Butterworths Wadhwa, p 1198."

²³ "AIR 1993 SC 2178"

²⁴ "(1997) II Lab. L.J. 724 (S.C.)"

India still struggles to fully eliminate it from its economy. Laws only prompt continuation of child labour because the enterprises still get the price. The law is generally a reserved way of controlling child labour.

The country of India continues to confront the phenomenon of child labour through a set of interrelated causes. Actually, many sectors of the economy still retain the outdated technology alongside the cheap, unskilled, and untrained labour. Actually, unlike big size companies which have legal safeguards, child labour has no mainstream among the small-scale industries. Small businesses that engage in family-based labour are specifically allocated outside the purview of Child Labour (Prohibition and Regulation) Act, 1986, being honoured by such an exemption. Apart from this, it is possible that most of the enterprises in export-oriented industries are competitive and the volumes of demand are not stable. This leads to exploitation of child labour as most employees are young people who are fired and left without being paid.

Workers' unions are there to protect adults from the unfavourable environment these unions does not exist for children therefore they are prone to exploitation. Employers actually shamelessly cheat on the youngsters by giving them the shorter hours and lesser wag than adults. Employers can get extended benefits even at the cost of poor labour class as a prevalence of piece-rate payment system becomes common. Moreover, this act leaves out from the original charter too many units or processes which are impermissible without even defining and categorizing "hazardous industry or process". Additionally, the Act fails to consider the learning needs of children taken from unlawful enterprises, and it does not have any strategies to help in their reintegration.

Issues concerning child labour still remain a threat, even though there have been legislative development attempts recently like the Right to Compulsory Elementary Education for Children. Having a mandate of the ultimate goal to ensure universal education, it does not close the gaps targeted for the protection of child workers who are allowed to work over the age of fourteen because it leaves the children younger than six and sit. In a consequence, child labour is something that dooms people to poverty because it doesn't pay enough to the labourers in the name of financial gains for the kids and their families. Despite having a recorded decline in poverty rate since the past decade in India, the increase in child labour is still very evident which proves that there is a need for having wider legal and policy reforms to eradicate this massive problem in India.

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