

## PROHIBITION OF CHILD LABOUR IN INDIA

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**BEST CITATION** – ADITHYAN K, PROHIBITION OF CHILD LABOUR IN INDIA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (4) OF 2025, PG. 639-649, APIS – 3920 – 0001 & ISSN – 2583-2344.

### 1. INTRODUCTION

The child labour problem continues to pose a challenge before the nation. Government takes various pro-active measures to tackle this problem. However, considering the magnitude and extent of the problem and that it is essentially a socio-economic problem inextricably linked to poverty and illiteracy, it requires concerted efforts from all sections of the society to make a dent in the problem.

Labour<sup>1118</sup> means, 'Work, especially hard physical work'. The term "child labour"<sup>1119</sup> referring 'as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental'. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children.

According to the ILO, Child Labour refers to work that deprives children (any person under 18) of their childhood, their potential and their dignity, and that is harmful to their physical and/or mental development. It refers to work that is mentally, or morally dangerous and harmful to children; and/or interferes with their schooling by:

- depriving them of the opportunity to attend school
- obliging them to leave school prematurely
- requiring them to attempt to combine school attendance with excessively long and heavy work.

Child as defined in India, The Child Labour (Prohibition and Regulation) Act, 1986 is a person who has not completed the age of fourteen years. A child of such tender age is expected to play, to study, and be take care of its family. But the situation of the child, by will or by force the child is forced to work in harsh conditions and atmospheric situation. It pulls to the child to the retarded growth of its adolescence stage. 2011 census obviously expressed the number of child labours in India . Out of total child labourers of 10.1 million, girls are 4.5 million and boys are 5.6 million.

The backbone of the country is Children of the country. It can be achieved by the legislation of the government. In countries, like India strict legislative measures are needed to correct the problem. In India, several legislations are enacted to control the menace of child labour.

**Key words:** Labour, Child labour, Prohibition, Rights, Article, Work, Provision, Problem, Control, Correct, Measures

<sup>1118</sup> Labour: Karin Hofmeester et al. (2015) *The Global Collaboratory on the History of Labour Relations, 1500–2000: Background, Set-Up, Taxonomy, and Application*

<sup>1119</sup> Child labour: hild labor and health, problems and perspectives" in International Journal of. Occupational and Environmental Health, Vol 6, No 1, Jan-Mar 2000, Philadelphia.

## 2. Definition

According to the ILO<sup>1120</sup> (International Labour Organization), child labour is work carried out by children under the age of 18 that in any way exploits them, causes them mental, physical or social harm, or places them in mortal danger. It is work that interferes or blocks their access to education and “deprives them of their childhood, their potential and their dignity”.

According to the United Nations Convention on the Rights of the Child, a “child”<sup>1121</sup> means every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier.

The parents of child labourers are often unemployed or underemployed, desperate for secure employment and income. Yet it is their children, more powerless and paid less, who are offered the jobs.” What this report is suggesting is that children in paid employment are put there because they are easier to exploit and are cheap labourers. These are the words of UNICEF in their important 1997 “Roots of Child Labour”<sup>1122</sup> report.

As per the Child Labour (Prohibition & Regulation) Act, 1986. “child” means a person who has not completed his 14th year of age. The Act prohibits employment of children in 18 occupations and 65 processes contained in Part A & B of the Schedule to the Act.

Article 24 states that “No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment” Article 24 states that “No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment”.

<sup>1120</sup> International Labour Organization

<sup>1121</sup> Child: 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; to do otherwise is a criminal offence. Conversely, children between the ages of 14 and 18 are defined as “Adolescent” and are allowed to be employed except in mining, flammable substance- and explosives-related work, and other hazardous processes, per the Factories Act of 1948

<sup>1122</sup> the words of UNICEF in their important 1997

## 3. Legislations regarding child labour

### a) In India

India committed the enactments to the elimination of child labour in the country. Indian Constitution provides for protection of children from involvement in economic activities and avocations unsuited to their age and this is provided for in the Fundamental Rights (Article-24). Directive Principles of State Policy in the Constitution also strongly reiterate this commitment.

### CONSTITUTIONAL PROVISIONS:

#### Article 21 – A Right to Education

The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.

**Article 24:** Prohibition of employment of children in factories, etc.

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

**Article 39** – The State shall, in particular, direct its policy towards securing :-

(e) that the 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.

Realizing the multifaceted nature of this problem, the Government has embarked on a holistic and multi-pronged approach to eliminate child labour from the country in a phased manner, beginning with children working in hazardous occupations and processes and progressively covering those working in other occupations also. On the one hand, it provides for legal action for enforcement purposes and on the other, focuses on general development programmes for the economic empowerment of the families

of children as well as project based action in areas of high concentration of child labour.

### **The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986**

Under the Child Labour (Prohibition & Regulation) Act, 1986 the engagement of children up to 14 years was prohibited in certain hazardous occupations and processes and to regulate the conditions of work of children in other employments. Now, Government has enacted the Child Labour (Prohibition & Regulation) Amendment Act, 2016 which came into force with effect from 1st September, 2016. The Amended Act, named as the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 inter alia covers complete prohibition on employment or work of children below 14 years of age in all occupations and processes; linking the age of the prohibition of employment with the age for free and compulsory education under Right to Education Act, 2009; prohibition on employment of adolescents (14 to 18 years of age) in hazardous occupations or processes and making stricter punishment for the employers contravening the provisions of the Act

### **The Child Labour (Prohibition & Regulation) Amendment Rules, 2017**

The amendment in Child Labour Act, Government has framed the Child Labour (Prohibition & Regulation) Amendment Rules, 2017. The Rules inter alia cover provision for prevention, rescue and rehabilitation and convergence, definition of “help” in the family enterprises owned by the family of the child and regulation of child artists to ensure their safety and security. The Rules also provides for District Nodal Officer (DNO)<sup>1123</sup> and Task Force under the chairmanship of District Magistrate to ensure that the provisions of the Act are properly enforced.

### **The Schedule of Hazardous Occupations and Processes.**

After amendment the Act, Government has got the Schedule of hazardous occupations and processes to make it more comprehensive. As per the recommendations of the Technical Advisory Committee (TAC)<sup>1124</sup>, the Schedule of hazardous occupations and processes of the Act has been divided in two parts namely „Part A” covering a list of hazardous occupations and processes in which adolescents are prohibited to work and children are prohibited to help in family or family enterprises and „Part B” covering an additional list of occupations and processes where children are prohibited to help in family or family enterprises (in addition to „Part A”).

ILO conventions No.138 (minimum age of entry to employment) and 182 (worst form of child labour)

After making suitable amendment in the Child Labour Act, in 2016 India ratified ILO conventions No.138 (minimum age of entry to employment) and 182 (worst form of child labour) on 13.06.2017. The ratification of the Convention No.138 and 182 would move a step ahead in the direction of achieving the goal of eradication of child labour from the country as it would be legally binding to comply with the provisions of the Conventions. By ratifying these two core conventions, India join majority of the countries who have adopted the legislation to prohibit and place severe restrictions on the employment and work of children.

### **Standard Operating Procedure**

The Ministry has framed a Standard Operating Procedure (SOP) creating a ready reckoner for trainers, practitioners and monitoring agencies to ensure complete prohibition of child labour and protection of adolescents from hazardous labour ultimately leading to Child Labour Free India. Standard Operating Procedure

<sup>1123</sup> District Nodal Officer

<sup>1124</sup> Technical Advisory Committee



PENCiL<sup>1125</sup> (Platform for Effective Enforcement for No Child Labour)

The Ministry has developed an online portal PENCiL (Platform for Effective Enforcement for No Child Labour) which is functional w.e.f. 26.09.2018. The purpose of this portal is to provide for a mechanism for both enforcement of the legislative provisions and effective implementation of the National Child Labour Project (NCLP)<sup>1126</sup>. The Portal has the components like Complaint Corner, State Government, NCLP, Child Tracking System, and Convergence. Now, complaint of child labour can be registered electronically on the Portal to the concerned District Nodal Officers (DNOs) for taking prompt action.

#### **SUPREME COURT JUDGEMENT ON CHILD LABOUR:**

- Supreme Court has issued various directions to the State Governments from time to time. Some of these directions are:
- completion of survey of children working in hazardous employments; – payment of compensation amounting to Rs.20,000/- by the offending employer for every child employed in contravention of the provisions of the Act;
- Giving alternative employment to an adult member of the child withdrawn from the hazardous occupations or payment of an amount of Rs.5,000/- for each child employed in hazardous employment by the appropriate Government;
- Payment of interest on the corpus of Rs.25,000/- (Rs.20,000/- by the employer and Rs.5,000/- by the appropriate Government) to the family of the child withdrawn from work;
- Provision of education in a suitable institution for the child withdrawn from work; – constitution of the Child Labour Rehabilitation-cum-Welfare Fund; –
- Constitution of a separate cell in the Labour Department of the appropriate Government for the purpose of monitoring.

#### **b) International Treaties against Child Labour**

##### **International labour organization (ILO) convention, 1973:**

One of the most effective methods of ensuring that children do not start working too young is to set the age at which children can legally be employed or otherwise work. The aim of ILO Convention No.138 on the minimum age is the effective abolition of child labour by requiring countries to: (1) establish a minimum age for entry into work or employment; and (2) establish national policies for the elimination of child labour.

##### **The Convention on the Rights of the Child, 1989**

###### **• Article 1:**

A child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

• **Article 19:** States Parties shall take all appropriate measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse

• **Article 27:** the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

• **Article 28:** the right of the child to education; requires that primary education be compulsory and available free to all; measures to encourage regular attendance at schools and the reduction of drop-out rates.

The UN Convention on the Rights of the Child (UNCRC)<sup>1127</sup>, adopted in 1989, sets out fundamental rights for all children under 18, encompassing survival, development, protection, and participation.

<sup>1125</sup> Platform for Effective Enforcement for No Child Labour

<sup>1126</sup> the National Child Labour Project

<sup>1127</sup> The UN Convention on the Rights of the Child

### Declaration of the rights of the child:

In 1959, the United Nations General Assembly adopted the Declaration of the Rights of the Child. It marked the first major international consensus on the fundamental principles of children's rights.

They thus chose to draft a second Declaration of the Rights of the Child, which again addressed the notion that "mankind owes to the Child the best that it has to give."

On 20 November 1959, the Declaration of the Rights of the Child was adopted unanimously by all 78 Member States of the United Nations General Assembly in Resolution 1386 (XIV).

### UNHCR 1989

The UNHCR<sup>1128</sup> (UN High Commissioner for Refugees) plays a crucial role in protecting the rights of refugee children, and the 1989 Convention on the Rights of the Child (CRC) is the most widely ratified international human rights treaty, establishing fundamental rights for all children, including refugees.

### United Nations Convention on the Rights of the child (UNCRC) 1989

The UN Convention on the Rights of the Child (UNCRC)<sup>1129</sup>, adopted in 1989, sets out fundamental rights for all children under 18, encompassing survival, development, protection, and participation.

### Definition of a Child:

The UNCRC defines a child as any human being below the age of 18.

### Fundamental Rights:

**The convention acknowledges that every child is entitled to fundamental rights, including:**

- Right to Life, Survival, and Development: This includes the right to health, nutrition, a name, and nationality.

- Right to Education: Ensuring access to education that enables children to reach their full potential.
- Right to Protection: Protection from abuse, violence, neglect, and exploitation.
- Right to Express Opinions and be Heard: Children have the right to express their opinions and have them taken seriously.
- Right to be Raised by or Have a Relationship with Their Parents: The convention emphasizes the importance of family life.

### Scope of Rights:

The UNCRC covers a wide range of rights, including:

- Right to identity and nationality
- Right to freedom of expression
- Right to the highest attainable standard of health care
- Right to rest and leisure
- Right to protection from sexual exploitation and abuse

### Non-Discrimination:

The convention ensures that all children, regardless of race, color, gender, language, religion, opinions, origins, wealth, birth status, or ability, are afforded equal rights.

### Best Interests of the Child:

The best interests of the child must be a primary consideration in all actions concerning them.

### Optional Protocols:

There are three optional protocols that strengthen the Convention and add further unique rights for children: the Optional Protocol on the sale of children, child prostitution and child pornography, the Optional Protocol on the involvement of children in armed conflict, and the Optional Protocol on a complaints mechanism for children.

### 4.Types of Child Labour in India

#### 1. Agricultural Labour

A substantial number of children find themselves toiling in the fields, engaging in

<sup>1128</sup> UN High Commissioner for Refugees

<sup>1129</sup> The UN Convention on the Rights of the Child

various agricultural activities. These children are often subjected to arduous conditions, working in environments where exposure to harmful pesticides and machinery poses significant risks.

## 2. Domestic Labour

Child labour is prevalent in domestic settings, where children, predominantly girls, are engaged in household chores. This form of exploitation involves long hours of work, and minimal wages, and, in some instances, exposes children to physical and emotional abuse within private households.

## 3. Manufacturing and Industries

The manufacturing and industrial sectors witness the exploitation of child labour, with children engaged in activities ranging from brick kilns to garment factories. The hazardous conditions in these environments pose risks to the health and well-being of the children involved.

## 4. Street and Service Sector

Children on the streets are often coerced into various forms of labour, including begging, rag-picking, and vending. Additionally, the service sector, comprising small-scale enterprises and roadside eateries, witness the exploitation of child labour."

## 5. Reasons for child labour

Child labour remains a pervasive and deeply rooted issue in India, despite significant efforts to eradicate it.

### a. Poverty:

Poverty is the most significant driver of child labour in India. Families living in poverty often have no choice but to rely on their children's labour to make ends meet. Parents struggling to provide basic necessities, such as food, shelter, and clothing, see child labour as a means of economic survival. At CRY India, we understand that addressing child labour's root cause necessitates efforts to alleviate poverty. Our programs focus on creating awareness of the

importance of education and how it can lead to better employment opportunities for their children in the future.

### b. Economic Pressures on Families

Families burdened with economic pressures due to unemployment, underemployment, or mounting debts may resort to child labour as a means of supplementing their major income. This is often a heartbreaking choice made out of sheer desperation.

CRY<sup>1130</sup> India strives to break this cycle by connecting parents with MNREGA<sup>1131</sup> job opportunities and other social welfare schemes. We work to empower parents to improve their financial stability, thereby reducing their dependence on child labour.

### C. Lack of Quality Education

The absence of quality education is a significant barrier to breaking the cycle of child labour.

Many children in India do not have access to proper schools, or if they do, the quality of education may be subpar. When quality education is not accessible, children are more likely to enter the workforce prematurely.

At CRY India, we believe that education is the key to transforming lives. We work tirelessly to ensure that every child has access to quality education, encouraging them to dream beyond their circumstances by helping them get access to the government benefits like scholarships and education materials.

### d. Lack of Child Labor Awareness

A lack of awareness about the detrimental effects of child labour perpetuates the problem. Some families may not fully comprehend the physical, psychological, and emotional toll that child labour takes on their children.

CRY India's awareness campaigns play a crucial role in educating communities about the harmful consequences of child labour. We conduct workshops, seminars, and awareness programs to inform families, communities, and

<sup>1130</sup> Child Rights and You

<sup>1131</sup> THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT 2005 (MGNREGA)



policymakers about the importance of eradicating child labour.

#### e. Conflicts & Mass Migration

Conflict situations and mass migrations, whether due to internal strife, natural disasters, or economic instability, disrupt families and expose children to the harsh realities of labour. In such situations, children often find themselves without a proper support system.

CRY India actively works to support children in conflict-affected areas and during mass migrations, providing them with essential services, counselling, and access to education, aiming to rebuild their lives.

#### f. Gender Disparities

Gender disparities are a significant contributor to child labour, as girls, in particular, often face discrimination and are more likely to be engaged in unpaid domestic labour. This deprives them of the opportunity to receive an education and enjoy their childhood.

CRY India is committed to addressing gender disparities by advocating for equal opportunities for boys and girls, empowering girls through education, and creating a more equitable society for all.

#### g. Natural Disasters & Climate Change

Natural disasters, including floods, droughts, and other climate-related events, disproportionately affect marginalised communities. When families lose their livelihoods due to environmental factors, children are pushed into labour to support their families.

#### h. Demand for Cheap Labour

The demand for cheap labour in various industries, including agriculture, manufacturing, and domestic work, perpetuates child labour. Employers seeking to cut costs may exploit children who are often unaware of their rights or unable to defend themselves.

#### i. Lack of Stringent Legislation

Weak or poorly enforced legislation allows child labour to persist. India has made progress in enacting laws to combat child labour, but gaps remain, and enforcement can be lax.

CRY India actively advocates for stronger legislation, actively participating in policy discussions to ensure that the legal framework is robust and comprehensive, leaving no room for exploitation.

#### j. Lure of Cheap Labour

In certain cases, adolescent children are drawn to the labour market due to the perception that it offers them an opportunity to earn money, and they may be enticed by the prospect of independence.

CRY India believes in empowering children to make informed choices about their future through children's collectives. We provide them with the education and skills needed to secure meaningful, sustainable employment in the future, ensuring they are not lured into exploitative labour.

### 6.Challenges to control in child labour

Combating child labour is a complex challenge that demands a multifaceted approach, addressing the immediate issue and its deep-rooted causes and far-reaching consequences. Here are some of the key challenges that must be tackled:

- **Poverty and Economic Vulnerability:** In a vicious cycle, poverty remains the primary driver of child labour. Families with limited resources rely on their children's income for survival. CRY India works to empower these families economically, providing alternative livelihood opportunities and breaking the cycle of poverty.
- **Lack of Access to Quality Education:** Many children are forced into labour due to a lack of quality education. CRY India prioritises the education of rescued child labourers by facilitating their enrollment and

retention in schools. This ensures they receive a proper education and a brighter future.

- **Cultural Norms and Social Acceptance:** In some communities, child labour is deeply ingrained in cultural norms, making it challenging to change mindsets. CRY India runs awareness campaigns to educate communities about the detrimental effects of child labour and promote a culture that prioritises children's rights and well-being.
- **Inadequate Legal Frameworks and Enforcement:** Weak legal frameworks and poor enforcement mechanisms enable unscrupulous employers to exploit children without consequence. CRY India advocates for stronger child labour laws and collaborates with authorities to ensure effective implementation.
- **Complex Supply Chains:** Due to the rise in globalisation, supply chains can be intricate, making it difficult to trace and eliminate child labour from production processes. CRY NGO runs awareness/ advocacy campaigns to facilitate transparency and accountability in businesses and international organisations supply chains.

### Child Labour and Gender Inequality

All children in India, dismantling the cycle that links child labour and gender inequality. Here's how:

- **Equal Education:** Ensure all children, girls and boys, have access to quality education. Education empowers them to break free from child labour and pursue brighter futures.
- **Family Support:** Empowering families economically alleviates the pressure to put children to work. This can involve micro-financing initiatives or skills training for parents.
- **Breaking Gender Stereotypes:** Challenging traditional gender roles allows both girls and boys to pursue education and explore their potential beyond societal expectations.

- **Life Skills Training:** Equip all children with life skills like communication, problem-solving, and financial literacy. This empowers them to make informed choices and advocate for themselves.

By creating a supportive environment that prioritizes education and empowers both girls and boys, we can dismantle the system that traps them in child labour. This approach fosters a future where every child in India has the opportunity to thrive.

### 7. Suggestions for stopping the child labour

#### 1) Educate yourself.

Learn and teach using humane education resources, and share what you learn with friends, family, co-workers, and others, and work together to increase your "voting" power.

2) Contact retail stores, manufacturers, and importers.

Kindly ask them questions about the origins of their products. Let them know you want to buy products that don't involve child labour, and give them suggestions for ethical products and services they can offer instead.

3) Buy fair trade and sweatshop-free products whenever possible.

Buy used when you can't. Or borrow, share, trade, make it yourself, etc. Look for certified fair trade labels such as Fair Trade Certified, Fairtrade America, and the Good weave label to ensure that you're supporting positive practices that don't involve child labour.

Also be sure to use Food Empowerment Project's Chocolate List to ensure that the chocolate you're purchasing wasn't made using child labour.

4) Grow more of your own food.

Buy from farmer's markets (verify their labour practices first), Community Supported Agriculture, and U-Pick farms.

5) Share your time and money.



Forgo that daily latte or expensive make-up or go out to eat a bit less, and funnel that money toward supporting reputable groups that are helping free children from exploitative labour and helping them get a good education. Volunteer your time when you can.

#### 6) Contact local, regional, and national legislators.

**Ask them to pass laws that ensure no products in your city/state/country are made with child labour, and encourage them to adopt “codes of conduct” which include concern for humane, sustainable, just practices.**

#### 7) Contact businesses that do business in countries that have child labor.

Encourage them to put pressure on government officials to take appropriate action and on businesses that use child labour to use sustainable, fair-trade practices.

#### 8) Invest ethically.

If you're a shareholder, use your voice to ensure that your companies support humane, sustainable, just practices that don't include child labor.

#### 9) Contact government leaders.

Write letters to the heads of countries that permit any form of child slavery/forced labor and ask them to strengthen and enforce their laws, and to increase educational opportunities for children and humane, sustainable business opportunities for adults.

#### 10) Educate others.

Give presentations to schools, communities of faith, nonprofits, and other groups to educate them about child labour issues and encourage positive action.

Stopping such insidious practices isn't easy, but there are choices that all of us can make to improve conditions for children, to reduce our contribution to child labour, and to facilitate an

end to the oppression and exploitation of children."

#### 8.Related cases:

#### 1) The case of *T.M.A. Pai Foundation & Others v. State of Karnataka & Others* (2002)

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#### Facts:

Dr. T.M.A. Pai founded the "Academy of General Education" in 1942 in Madras (now Chennai). Following the reorganization of states, this institution became part of Karnataka. Subsequently, several institutions were established under its aegis, including the "Manipal Institute of Technology." The trust aimed to promote the Konkani language and support students speaking this language. Ownership of the engineering college was later transferred to the T.M.A. Pai Trust, established in memory of Dr. T.M.A. Pai.

#### Issues:

- Whether the right of minorities to "establish and administer educational institutions of their choice" under Article 30(1) is absolute or subject to regulatory measures by the state.
- The extent to which the state can impose regulations on private educational institutions, particularly those established by minority communities.
- Clarification on the interpretation of Articles 29 and 30 concerning the rights of minorities in the context of education.

#### Judgment:

The Supreme Court, in its judgment, made several significant observations:

- Right to Establish and Administer:** The Court held that the right of minorities to establish and administer educational institutions is not absolute. While they have the freedom to set up institutions, this right is

<sup>1132</sup> The case of *T.M.A. Pai Foundation & Others v. State of Karnataka & Others* (2002) <sup>1132</sup>

subject to reasonable regulations to ensure educational standards and maintain excellence.

- **Scope of Regulations:** The state can impose regulations concerning the academic standards, qualifications of teachers, and infrastructure requirements to ensure uniformity and excellence in education. However, such regulations should not interfere with the minority's right to manage and administer their institutions

- **Admissions and Fee Structure:** Minority institutions have the right to admit students of their choice, but they cannot discriminate solely on religious or linguistic grounds. The Court also allowed these institutions to set their fee structures, provided they do not lead to profiteering or capitation fees.

- **Applicability of Articles 29 and 30:** The Court clarified that Article 30(1) (right of minorities to establish and administer educational institutions) is a special right, whereas Article 29(2) (prohibition of discrimination in admission) applies to all citizens.

- This judgment has had a profound impact on the autonomy of private and minority educational institutions in India, balancing their rights with the state's interest in maintaining educational standards.

## 2) **M.C. Mehta v. State of Tamil Nadu, (1996) 6 SCC 75<sup>1133</sup>**

### **Facts:**

- **The case was initiated through a public interest litigation (PIL) filed by environmental lawyer M.C. Mehta.**
- **The petition highlighted the large-scale employment of children in hazardous industries, specifically in matchstick factories in Sivakasi, Tamil Nadu.**

- **Children were found working in unsafe and unhealthy conditions, which violated their fundamental rights**

### **Issues:**

- Whether employment of children in hazardous industries violates their fundamental rights under the Constitution?
- What should be the liability of the employer and the responsibility of the government in protecting child rights?

### **Judgment:**

- The Supreme Court held that:
- Employing children below 14 years in hazardous industries is unconstitutional.
- Directed the government to ensure that children are not employed in such industries.
- Ordered a compensation of Rs. 20,000 per child to be paid by the offending employers.
- Recommended setting up a *Child Labour Rehabilitation Welfare Fund*.
- Directed the state to provide education and employment to an adult member of the child's family, as an incentive to keep children away from hazardous work

## 3) **Bachpan Bachao Andolan v. Union of India (2011) AIR 2011 SC 3361<sup>1134</sup>**

### **Facts:**

This PIL was filed by an NGO against child trafficking and bonded labour, especially in Delhi's zari and embroidery industries.

### **Issue:**

**Whether the state had taken adequate steps to prevent trafficking and forced labour of children.**

### **Judgment:**

- The Supreme Court directed stricter enforcement of child labour laws.

<sup>1133</sup> M.C. Mehta v. State of Tamil Nadu, (1996) 6 SCC 75<sup>1133</sup>

<sup>1134</sup> Bachpan Bachao Andolan v. Union of India (2011) AIR 2011 SC 3361

- Ordered mandatory registration of all domestic and commercial workers.
- Asked state governments to conduct regular raids and rescue children from bonded labour.
- Mandated rehabilitation and education for rescued children.

#### 4. Bandhua Mukti Morcha v. Union of India (1984) AIR 1984 SC 802<sup>1135</sup>

##### Facts:

A PIL was filed regarding bonded labourers (including children) working in stone quarries in Haryana under inhuman conditions.

##### Issue:

Whether forced and bonded labour violates Articles 21 and 23 of the Constitution.

##### Judgment:

- Supreme Court held that bonded labour is a violation of human dignity and fundamental rights.
- Ordered identification, release, and rehabilitation of all bonded labourers.
- Emphasized the state's obligation to ensure the right to live with dignity and access to education.

##### 9. Conclusion:

Eradicating child labour in India requires a multifaceted, collaborative approach involving legal reforms, improved access to education, social safety nets, vocational training, public awareness campaigns, and cross-sector policies backed by robust monitoring systems. By addressing the root causes through research, corporate responsibility initiatives, technological solutions, and international cooperation, India can pave the way for an environment where all children can access education, nurture their development, and build a brighter future.

As an NGO dedicated to combating child labour in India, CRY India takes a grassroots approach by working closely with local communities. Our primary mission is to rescue children from labour exploitation and re-enrol them in schools, helping restore their rightful childhood and prospects for a dignified future. By collaborating with stakeholders at all levels, CRY India strives to eliminate unsafe environments that impede the physical, emotional, mental, and social development of children exposed to child labour.

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<sup>1135</sup> Bandhua Mukti Morcha v. Union of India (1984) AIR 1984 SC 802