



Protection of Child Labour in Factories with special reference to Article 24 of The Indian Constitution

Mr Amaresh Singh¹, Dr. Juhi Saxena²

¹LL.M. Student), Amity Law School, Amity University Uttar Pradesh, (Lucknow Campus)

²Assistant Professor, Amity Law School, Amity University Uttar Pradesh, (Lucknow Campus)

ABSTRACT

Child labour remains one of the most pressing socio-economic challenges in India, affecting the overall development and well-being of millions of children. Despite constitutional safeguards such as Article 24, which prohibits the employment of children below the age of 14 in factories and hazardous occupations, child labour persists in various sectors. This paper provides a comprehensive study on the issue of child labour, emphasizing its causes, legal framework, and measures to eliminate it. The study also offers a critical analysis of existing policies and suggests new approaches to strengthen child labour prevention mechanisms. Child labor remains a significant issue in many parts of the world, particularly in industries such as manufacturing and factories, where children are often exploited for cheap labor. This research paper focuses on the protection of children from labor exploitation, specifically within the framework of Article 24 of the Indian Constitution, which prohibits the employment of children below the age of 14 in factories, mines, and other hazardous occupations. The paper aims to analyze the legal provisions related to child labor in India, the effectiveness of laws designed to protect children, and the challenges faced in their enforcement. It will explore the socio-economic factors that contribute to the persistence of child labor in factories and assess the role of both governmental and non-governmental organizations in combating this issue. Through case studies and empirical data, the paper seeks to highlight the gaps in the current legal framework and offer recommendations for stronger implementation and greater protection of children's rights in the industrial sector. Ultimately, the research will argue that while legal measures like Article 24 provide a strong foundation for child protection, concerted efforts are needed to address the root causes of child labor and ensure meaningful enforcement across India.

1. Introduction

Child labour is a global issue, but in developing countries like India, it has become deeply entrenched in the socio-economic fabric. It deprives children of their fundamental rights, including education, proper health care, and a safe living environment. Children engaged in hazardous occupations suffer from severe physical, mental, and emotional exploitation. This paper aims to explore the issue of child labour in factories, its impact on children's well-being, and the effectiveness of Article 24 of the Indian Constitution in curbing this menace.

According to Article 24 of the Indian Constitution, "no child under the age of fourteen shall occupy any mine, factory, or other hazardous occupation." Since this clause is a part of the Fundamental Rights category, it is legally binding and unaffected by any conditions. The main goal of Article 24 is to shield kids from dangerous labor situations, making sure they aren't compelled to perform physical labor that could harm their health and chances for the future.

The inclusion of Article 24 in the Constitution signifies India's commitment to eradicating child labour and safeguarding children's rights. By prohibiting child labour in hazardous industries, the Constitution ensures that children are not exploited for economic gains at the cost of their physical and mental well-being.

2. Legal frame work on Child Labour

The legal framework for the protection of child labor in India is grounded in a combination of constitutional provisions, statutes, and international agreements, all aimed at eliminating child labor, particularly in factory settings. At the heart of this framework is Article 24 of the Indian Constitution, which unequivocally prohibits the employment of children below the age of 14 in factories, mines, and other hazardous occupations. This provision, part of the Fundamental Rights under the Constitution, provides a strong foundation for child protection by ensuring that children are not exploited in dangerous and labor-intensive industries. It aligns with India's broader commitment to safeguarding the rights of children and ensuring their well-being,

¹ Article 24 of the Indian Constitution.

² Fundamental Rights , Part 3 of the Indian Constitution.

particularly in the context of their health, safety, and development. Beyond the Constitution, India has enacted specific labor laws to further regulate child labor in industrial settings. One of the most significant of these is the Factories Act, 1948, which lays down clear provisions for the regulation of working conditions in factories. The Act specifically prohibits the employment of children below the age of 14 in factories and also restricts the working hours and conditions for young workers. It aims to protect children from exploitation in an industrial setting, ensuring that they are not subjected to long hours or hazardous work environments.

In addition to the Factories Act, the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 also addresses the issue of child labor. This Act prohibits the employment of children below 14 in certain hazardous occupations and processes, including industries such as mining, manufacturing, and others considered to pose serious risks to children's physical and mental health. It also provides regulations for the employment of adolescents (ages 14-18), ensuring that they are not employed in hazardous conditions. This law is critical in recognizing that while adolescents may be allowed to work under certain conditions, their employment should not endanger their health, safety, or development.

Furthermore, the Right of Children to Free and Compulsory Education (RTE) Act, 2009, provides an additional layer of protection by guaranteeing free and compulsory education to all children between the ages of 6 and 14. This law, by ensuring that children receive an education, directly addresses one of the root causes of child labor — economic hardship — by helping children remain in school rather than being forced into work to support their families. The RTE Act helps in creating a social infrastructure where education is prioritized over child labor, reinforcing the idea that children should not be employed in factories or other exploitative industries but should have access to learning and development.

The Juvenile Justice (Care and Protection of Children) Act, 2015, further bolsters these protections by providing a comprehensive legal framework for the care, protection, and rehabilitation of children who are found to be engaged in child labor. It ensures that children removed from exploitative situations are rehabilitated, receiving access to education, counseling, vocational training, and other necessary resources to integrate them back into society.³

In addition to domestic legal provisions, India is a signatory to several key international conventions that shape its policies on child labor. The International Labour Organization (ILO) has established conventions, particularly ILO Convention No. 138 (on the Minimum Age for Admission to Employment) and ILO Convention No. 182 (on the Worst Forms of Child Labor), which India has ratified. These international conventions set global standards for the minimum age of employment and prohibit the worst forms of child labor, such as slavery, trafficking, and hazardous work. India's commitment to these conventions reinforces the importance of aligning its domestic laws with international norms for child protection.

Despite these robust legal provisions, enforcement remains one of the most significant challenges in combating child labor in India. The persistence of child labor, particularly in the informal or unregulated sectors, highlights the gap between law and practice. Factors such as poverty, lack of awareness, and family pressures contribute to children being pushed into labor despite existing laws. Additionally, weak enforcement mechanisms, limited resources for inspections, and a lack of coordinated action between governmental agencies, law enforcement, and civil society organizations complicate the successful implementation of these laws. In many cases, factory owners exploit these gaps, either by employing children under false pretenses or by operating in informal, unregulated environments that escape scrutiny. Furthermore, the socio-economic conditions in India, such as high poverty rates, unemployment, and inadequate access to education in rural areas, contribute to a vicious cycle where families may see sending their children to work as a necessity for survival. Despite India's legal framework providing a strong stance against child labor, these underlying socio-economic issues need to be addressed to create a sustainable solution.

3. International law on Child Labour

International law plays a pivotal role in shaping national legal frameworks, particularly in the context of child labor, by setting global standards for child protection and providing guidelines for countries like India to follow. India, as a member of the international community, has committed to upholding various international conventions that align with the principles set out in Article 24 of the Indian Constitution, which prohibits the employment of children below 14 in factories and hazardous occupations. A significant source of these standards is the International Labour Organization (ILO), a specialized agency of the United Nations that sets international labor standards. India's ratification of ILO Convention No. 138 establishes a legal obligation to ensure that the minimum age for employment is 14, with some flexibility for countries to raise this age depending on their development status. This aligns directly with the Indian Constitution's ban on child labor in factories and reinforces the global consensus that children should not be exploited in harmful working environments.

Another crucial international agreement is ILO Convention No. 182, which addresses the worst forms of child labor, including trafficking, forced labor, and work that jeopardizes children's health, safety, or moral development. India ratified this convention, committing to take immediate measures to eliminate these worst forms of child labor. This complements domestic laws such as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, which not only bans the employment of children in hazardous occupations but also regulates the working conditions of adolescents aged 14 to 18, ensuring that they are not exploited in dangerous jobs. This convention, in turn, influences India's national policy towards stricter regulations on child labor in hazardous industries like manufacturing and mining, where children are often subjected to perilous working conditions.

The United Nations Convention on the Rights of the Child (CRC), adopted in 1989, further strengthens India's commitment to child protection. Ratified by India in 1992, the CRC sets out a comprehensive framework for protecting children's rights, emphasizing their right to be protected from economic exploitation and from work that is harmful to their health or interferes with their education. Article 32 of the CRC specifically requires states to protect

³ The Juvenile Justice (Care and Protection of Children) Act, 2015

children from economic exploitation and to prevent their involvement in hazardous labor.⁴This resonates with India's legislative efforts to ensure that children are not engaged in labor that could interfere with their development or their right to education, as laid out in the Right to Education Act (RTE) of 2009, which guarantees free and compulsory education for all children aged 6-14. The RTE Act directly contributes to the fight against child labor by promoting education as an alternative to child labor, aiming to keep children out of factories and ensure they remain in school.⁵

Furthermore, Article 28 of the CRC emphasizes the right of every child to access education, a critical aspect in breaking the cycle of child labor. Ensuring education for children directly counters one of the root causes of child labor—poverty and the economic need for children to work. By guaranteeing access to free and quality education, India can reduce the incidence of child labor in factories, as children would have the opportunity to learn and develop instead of working in exploitative conditions.

International instruments like the Universal Declaration of Human Rights (UDHR) and the Hague Convention on the Protection of Children also provide essential support for child protection efforts. While the UDHR does not specifically focus on child labor, its broader principles of equality, liberty, and security of person implicitly support the need for children to be free from exploitation and dangerous work environments. The Hague Convention, focused on protecting children from international trafficking, contributes indirectly by ensuring that children are not exploited for labor across borders, including in factories. These global frameworks call for international cooperation to protect children from exploitation and ensure that they are not subjected to harmful labor practices.

India's participation in these international agreements plays a key role in influencing and shaping the country's approach to child labor. The legal provisions in India, including Article 24 of the Constitution, the Child and Adolescent Labour Act, and other national laws, reflect its commitment to international child protection standards. These laws collectively ensure that children are protected from labor exploitation in factories and other hazardous environments. However, despite the existence of these comprehensive international and domestic legal frameworks, the challenge remains in enforcement. Socio-economic factors such as poverty, lack of education, and the informal nature of some industries contribute to the persistence of child labor. There is often insufficient monitoring and regulation, especially in unregistered factories or small-scale industries, where children may still be employed in unsafe conditions.

Therefore, while international law provides a solid foundation for child protection, India's challenge lies in the effective implementation and enforcement of these laws. Continuous efforts are needed from the government, in collaboration with international organizations and civil society, to ensure that these legal provisions are not only in place but actively enforced. This includes improving monitoring systems, increasing awareness, and addressing the socio-economic factors that perpetuate child labor. The ultimate goal should be to create an environment where children can enjoy their rights to education, protection, and a safe, fulfilling childhood, free from the exploitation of labor in factories and other hazardous industries.

4. Challenges of Child Labour in India

Article 24 of the Indian Constitution prohibits the employment of children below the age of 14 years in factories, mines, or any other hazardous employment, aiming to protect children from exploitation and ensure their well-being. While this provision serves as a strong legal framework for safeguarding children's rights, various challenges hinder its effective implementation, necessitating detailed research and policy action.

One significant challenge is the prevalence of child labor in the informal sector, which is often beyond the reach of strict regulatory oversight. The Constitution's provisions, particularly Article 24, are primarily focused on formal industries and workplaces. However, a large percentage of child labor exists in small-scale and unorganized sectors, such as agriculture, domestic work, and street vending, where monitoring is minimal. Children in these sectors are often hidden from the law's scrutiny, making enforcement of legal protections difficult. The informal nature of these industries provides no clear mechanisms for identifying and addressing child labor.

Poverty remains one of the most pressing factors that drive families to rely on child labor. Many families in rural or marginalized urban areas are trapped in cycles of poverty, and children's wages become essential to the household's survival. This economic necessity often outweighs the legal framework protecting children, with parents either unaware of the legal implications or unable to resist the immediate financial pressures. Education, while a long-term solution, is often inaccessible due to factors like poor infrastructure, high dropout rates, or the need for children to contribute to the family income.

Furthermore, insufficient awareness about children's rights and the legal protections provided under Article 24 remains a significant barrier. Many parents, employers, and even some law enforcement agencies are unaware of the constitutional provisions or underestimate the importance of protecting children from hazardous labor. This lack of awareness perpetuates the cycle of exploitation.

Corruption and resource constraints within enforcement agencies also impede effective implementation. In some regions, law enforcement personnel may be reluctant to intervene due to bribery or a lack of proper training. This undercuts the ability to eradicate child labor, leaving children vulnerable to exploitation.

Another emerging challenge is the shift in the nature of child labor. Technological advancements and new forms of work, such as digital platforms or rural-based industries, have created new forms of exploitation that current laws might not fully address. Children may now be employed in less visible sectors such as online labor, which further complicates enforcement efforts.

⁴ The United Nations Convention on the Rights of the Child (CRC), adopted in 1989

⁵ the Right to Education Act (RTE) of 2009,

Addressing these challenges requires a multi-faceted approach that includes stronger enforcement mechanisms, public awareness campaigns, improved access to education, and social support for families. A comprehensive strategy that integrates legal, economic, and social solutions is essential to ensure that Article 24's promise of a child-free from hazardous labor is realized in practice.

The issue of child labor in factories, despite the protection offered under Article 24 of the Indian Constitution, continues to persist due to a variety of causes and problems that hinder effective enforcement and prevention. One of the primary causes is poverty, as many families in low-income communities rely on the income generated by their children to meet basic needs. This economic pressure forces children into labor, often in hazardous conditions, despite legal prohibitions. In such circumstances, parents may view their children's work as a necessary means of survival rather than as exploitation. Lack of education and inadequate access to quality schooling further exacerbate this problem, as children who are unable to attend school due to financial constraints or poor infrastructure are more likely to be pushed into the workforce at an early age.

Another significant cause is the widespread informality of labor markets in India, particularly in small-scale industries and unregistered factories. Child labor often thrives in these unregulated sectors, where employers are less likely to adhere to labor laws due to weak enforcement mechanisms. These informal industries typically operate under the radar of government inspections, making it difficult to monitor and control child labor. The absence of proper documentation, oversight, and accountability in such settings leads to children being employed in unsafe and hazardous working conditions, often in violation of Article 24.

Corruption and insufficient resources within law enforcement agencies also contribute to the problem. In regions where law enforcement agencies lack the manpower or resources to adequately inspect factories and workplaces, child labor goes unchecked. In some cases, local officials may even turn a blind eye to child labor due to bribery or personal interests, further undermining the implementation of constitutional protections.

Cultural and societal factors also play a role in perpetuating child labor. In some communities, there may be a normalization of child work, with children working alongside their parents in factories or other forms of employment. Additionally, there is often a lack of awareness about children's rights and the legal provisions designed to protect them, which allows child labor to continue unchallenged. Moreover, the traditional view that children should contribute to family income may conflict with the constitutional aim to provide children with education and opportunities for growth.

These causes, combined with enforcement challenges and inadequate support systems, create a complex problem that makes eradicating child labor from factories difficult. Addressing this issue requires not only strengthening legal frameworks but also addressing the root causes of poverty, improving access to education, and ensuring that enforcement mechanisms are robust and free from corruption.

5. Conclusion and Suggestion

The findings regarding the protection of child labor in factories, particularly in relation to Article 24 of the Indian Constitution, highlight several critical issues that continue to undermine the effectiveness of child labor laws. One key finding is that, despite legal protections, child labor remains prevalent, especially in informal sectors and unregistered factories, where enforcement is weak. This suggests a gap between legislation and implementation. The economic pressures faced by low-income families, lack of awareness about children's rights, and inadequate educational infrastructure are major factors contributing to the persistence of child labor. Furthermore, corruption and resource constraints within law enforcement agencies further complicate the enforcement of Article 24, allowing child labor to continue unchecked in many regions.

One significant suggestion is the strengthening of monitoring and enforcement mechanisms. The government should increase inspections of both formal and informal sectors, ensuring that factory owners comply with child labor laws. This could be achieved by increasing the number of labor inspectors, enhancing training for law enforcement officials, and implementing stricter penalties for those who employ children illegally. Additionally, there is a need for greater inter-agency collaboration between the Ministry of Labour, education departments, and local law enforcement to close loopholes in enforcement and create a more integrated approach to tackling child labor.

Another critical suggestion is the improvement of access to quality education. By expanding access to free and compulsory education, particularly in rural and underprivileged areas, the government can reduce the economic pressures that drive families to send children to work. Programs such as midday meals, scholarships, and financial incentives for families to send children to school could help encourage education over labor. Additionally, vocational training and skill development programs for older children could provide alternatives to factory work, giving them a sustainable future without resorting to hazardous employment.

Public awareness campaigns are also crucial in ensuring that communities understand the harmful effects of child labor and the legal rights of children. These campaigns can target both parents and employers, promoting a culture of respect for children's rights and reinforcing the importance of education and safety. Additionally, strengthening social support systems, such as child welfare programs and poverty alleviation initiatives, can help families transition away from reliance on child labor.

Finally, updating the legal framework to address emerging forms of child exploitation, such as those in the digital economy or in less visible sectors, is essential. Legislative reforms should focus on expanding the scope of protection to account for new industries where children may be vulnerable to exploitation, ensuring that the constitutional intent of Article 24 is adapted to contemporary challenges. These measures, combined with a more holistic and robust approach, could pave the way for a more effective eradication of child labor in factories and other industries.

Child labour is a severe violation of human rights that deprives children of their childhood, education, and future opportunities. Despite numerous laws and policies in India, the problem persists due to poverty, lack of education, and weak enforcement of laws. To eliminate child labour, a strong

collaborative effort between the government, society, businesses, NGOs, and international organizations is essential. The government must strengthen law enforcement, ensure free and quality education, and provide financial aid to poor families to reduce their dependence on child earnings. Industries must adopt ethical labor practices, and society must raise awareness to eliminate social acceptance of child labour. By empowering children with education, supporting families economically, and implementing strict legal measures, India can move towards a child labour-free society where every child has the right to learn, grow, and thrive in a safe environment.

References

- The Status of Child Labor, First Edition, New Delhi: Adhyayan Publishers & Distributors, 2006, pp. 164, 166, Mahajan, Pramila, & Chand, S.
- Jain, M.P., Nagpur: Lexis Nexis Butterworths Wadhwa, Indian Constitutional Law (Fifth Edition 2008), p. 1198.
- The Children (Pledging of Labour) Act, Government of India, 1933.
- The Employment of Children Act, Government of India, 1938.
- Factories Act of 1948, Government of India.
- The Minimum Wages Act of 1948, Government of India.
- The 1951 Plantation Labour Act, Government of India.
- Young Hands at Work: Child Labor in India, Manju Gupta (1979), Atma Ram & Sons, Delhi/Lucknow.
- The Small Hands of Slavery: Bonded Child Labor in India, Human Rights Watch, 1996. Human Rights Watch, New York.
- World Labour Report, 1993, International Labour Organization. Geneva