



Combating child labour: A global challenge

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Abstract

Child labour is a critical global issue that affects millions of children, depriving them of their childhood, potential, and dignity. This practice, most prevalent in developing countries, forces children into the workforce due to economic pressures and lack of access to education. Child labour often occurs in sectors such as agriculture, mining, manufacturing, and domestic services, exposing young individuals to hazardous conditions that harm their physical and mental development. Despite significant efforts by international organizations and governments to combat child labour, the root causes—poverty, cultural factors, and inadequate enforcement of labour laws—continue to drive this pervasive problem. Addressing child labour is essential for promoting social development, equality, and the overall well-being of future generations. The consequences of child labour are profound and long-lasting. Children involved in labour are often exposed to hazardous conditions, leading to severe health problems and injuries. Moreover, the lack of education perpetuates the cycle of poverty, as these children are unable to acquire the skills needed for better-paying jobs in the future. Child labour also has significant social implications, contributing to the perpetuation of inequality and undermining social development.

Keywords: Child labour, poverty, education, organisation. Constitutional provision

Introduction

Child labour is a pervasive issue affecting millions of children worldwide. It refers to the employment of children in any work that deprives them of their childhood, potential, and dignity, and that is harmful to their physical and mental development. This practice is most prevalent in developing countries, where economic pressures and lack of access to education force children into the workforce. The sectors most commonly associated with child labour include agriculture, mining, manufacturing, and domestic services. Several international organizations, including the International Labour Organization (ILO) and UNICEF, have been at the forefront of efforts to eradicate child labour. They define child labour as work that is mentally, physically, socially, or morally dangerous and harmful to children, and interferes with their schooling. According to ILO estimates, there are approximately 160 million child labourers worldwide, with the highest prevalence in Sub-Saharan Africa. The primary drivers of child labour include poverty, lack of access to quality education, cultural factors, and inadequate enforcement of labour laws. Families in impoverished communities often rely on the additional income generated by their children to survive. Additionally, in many regions, educational facilities are either inaccessible or insufficient, pushing children into the workforce at a young age.

Child labor is a critical global issue that affects millions of children, depriving them of their childhood, potential, and dignity. This practice, most prevalent in developing countries, forces children into the workforce due to economic pressures and lack of access to education. Child labor often occurs in sectors such as agriculture, mining, manufacturing, and domestic services, exposing young individuals to hazardous conditions that harm their physical and mental development. Despite significant efforts by international organizations and governments to combat child labor, the root causes—poverty, cultural factors, and

inadequate enforcement of labor laws—continue to drive this pervasive problem. Addressing child labor is essential for promoting social development, equality, and the overall well-being of future generations. Efforts to eradicate child labor must be multi-faceted, involving not only stricter legislation and law enforcement but also community engagement, educational initiatives, and economic support for impoverished families. By understanding the complexities and drivers behind child labor, society can develop effective strategies to ensure that every child has the opportunity to grow up in a safe and nurturing environment, free from exploitation and able to pursue their full potential.

According to the International Labour Organization (ILO), approximately 160 million children worldwide are engaged in child labor, with 79 million of these children working in hazardous conditions. Child labor often occurs in sectors such as agriculture, mining, manufacturing, and domestic services, exposing young individuals to hazardous conditions that harm their physical and mental development. The highest prevalence of child labor is found in Sub-Saharan Africa, where more than one in five children are involved in labor activities. In South Asia and Southeast Asia, the numbers are also alarmingly high, driven by poverty, cultural norms, and insufficient educational infrastructure. For instance, in India alone, there are an estimated 10.1 million child laborers. In Latin America and the Caribbean, around 10.5 million children are engaged in this kind of activity.

Despite significant efforts by international organizations and governments to combat child labor, the root causes—poverty, cultural factors, and inadequate enforcement of labor laws—continue to drive this pervasive problem. Families in impoverished communities often depend on the additional income generated by their children to meet basic needs. Additionally, educational systems in these regions may be underfunded or inaccessible, leaving children with

no alternative but to work. In some cultures, child labor is normalized or even expected, further complicating eradication efforts.

Addressing child labor is essential for promoting social development, equality, and the overall well-being of future generations. Efforts to eradicate child labor must be multi-faceted, involving not only stricter legislation and law enforcement but also community engagement, educational initiatives, and economic support for impoverished families. For example, initiatives such as conditional cash transfer programs have shown success in reducing child labor by providing financial incentives for families to keep their children in school.

International conventions, such as the ILO's Minimum Age Convention and the Worst Forms of Child Labour Convention, aim to set global standards and promote the elimination of child labor. Additionally, partnerships between governments, non-governmental organizations (NGOs), and the private sector are crucial in addressing the root causes of child labor and providing sustainable solutions. Programs that focus on improving access to quality education, vocational training, and social services are vital in breaking the cycle of poverty and child labor.

By understanding the complexities and drivers behind child labor, society can develop effective strategies to ensure that every child has the opportunity to grow up in a safe and nurturing environment, free from exploitation and able to pursue their full potential. Addressing child labor not only protects the rights and futures of children but also contributes to the economic and social progress of communities and nations as a whole.

India is home to an estimated 10.1 million child laborers, with children as young as five years old being engaged in various forms of labor. This widespread problem is driven by economic pressures, cultural factors, and inadequate access to education.

Child labor in India is most prevalent in sectors such as agriculture, textiles, mining, and domestic work. In rural areas, children are often employed in agricultural activities, including working in fields, harvesting crops, and tending to livestock. In urban settings, many children work in factories, workshops, and as domestic helpers. The informal sector, which includes street vending, rag-picking, and small-scale industries, also employs a large number of child laborers. These children are frequently exposed to hazardous conditions that harm their physical and mental development. Poverty is the primary driver of child labor in India. Many families rely on the additional income generated by their children to meet basic needs. According to the World Bank, about 22% of India's population lives below the poverty line, which exacerbates the reliance on child labor. Furthermore, access to quality education remains a challenge in many parts of the country. While the Indian government has made significant strides in improving school enrollment rates, issues such as inadequate infrastructure, poor quality of education, and high dropout rates persist. In some regions, particularly in rural and marginalized communities, cultural norms and traditions also play a role in perpetuating child labor, as children are often expected to contribute to the family income from a young age.

The Indian government has implemented several measures to combat child labor, including the enactment of laws such as the Child Labour (Prohibition and Regulation) Act, 1986,

and the Right of Children to Free and Compulsory Education Act, 2009. These laws aim to prohibit the employment of children in hazardous occupations and ensure that all children have access to free and compulsory education. In 2016, the government amended the Child Labour Act to include a complete ban on the employment of children below 14 years in any form of work, except for helping in family enterprises outside school hours and during vacations.

Despite these efforts, enforcement remains a significant challenge. Many child laborers work in the informal sector, which is difficult to regulate. Additionally, corruption and lack of resources often hinder the effective implementation of child labor laws. NGOs and international organizations play a crucial role in addressing this issue by raising awareness, providing education and vocational training, and advocating for stronger enforcement of child labor laws.

Efforts to eradicate child labor in India must be multi-faceted, involving not only stricter legislation and law enforcement but also community engagement, educational initiatives, and economic support for impoverished families. Programs such as conditional cash transfers, which provide financial incentives for families to keep their children in school, have shown promise in reducing child labor. Furthermore, initiatives that focus on improving the quality of education and making it more accessible to all children are essential in breaking the cycle of poverty and child labor.

By understanding the complexities and drivers behind child labor in India, society can develop effective strategies to ensure that every child has the opportunity to grow up in a safe and nurturing environment, free from exploitation and able to pursue their full potential. Addressing child labor not only protects the rights and futures of children but also contributes to the economic and social progress of the country as a whole.

Types of child labour

It is necessary to define "child labour" because it might relate to a variety of circumstances in which children are working; it cannot be used in all circumstances. The following jobs are performed by child labourers:

- **Child Labour:** Children who work in factories, workshops, establishments, mines, or the service industry as domestic helpers are considered child labourers, whether their job is paid or not. The Government of India's Ministry of Labour has exclusively used the phrase "child labour" in reference to youngsters engaged in "hazardous" jobs. It follows that children who are performing "hazardous" labour are not regarded as child labourers; rather, they are referred to as performing kid work.
- **Street Children:** Street children are kids who live on and off the streets, including ragpickers, beggars, shoeshine boys or newspaper vendors. Most children have some sort of evening or nighttime home to return to, but street children are completely alone and at the mercy of their employers. They reside in bus and stations, on the pavements.
- **Bonded Children:** Child labourers who are trying to settle their fathers' inherited debts, or children who have been pledged by their parents for meagre amounts of

money. Being unreachable makes bonded children, in many respects, the hardest to help. They are stuck there if the carpet owner bought them. It is impossible for them to flee if the middle-class housewife paid for them. They will live in servitude until they get married and are able to sell their offspring if the village landlord owns them.

- **Children used for sexual exploitation:** Men from different social and economic backgrounds use thousands of young girls and boys to fulfil their sexual cravings. The commercial sexual exploitation of kids and various forms of exploitative child work are closely related in multiple ways. In industries, businesses, street corners, bus stops, train stations, and homes where juveniles are employed, sexual exploitation is a common occurrence. Children are basically helpless to stop abuse by employers whether they are the victims or the middlemen. Commercial sexual exploitation of children is one of the riskiest forms of child employment due to the physical and psychological harm it causes.
- **Migrant Children:** India's "distress seasonal migration" is a major problem. Every year, millions of families are compelled to flee their towns and homes for many months in pursuit of employment. Due to these migrations, families are compelled to drop out of school, which eliminates the one chance left to break the cycle of poverty generation after generation. It is inevitable that migrant youngsters work in worksites. Migrant labour is essential to several industrial and agro-industrial sectors, including building, stone quarrying, sugar cane harvesting, brick-making, plantations, rice mills, and fisheries.
- **Children engaged in household activities:** In addition to children who work as domestic helpers for pay (whether bonded or not), many children, particularly females, work in their homes performing tasks that are not typically classified as "economic activity." These kids help out with cooking, cleaning, watching after younger siblings, and other home chores. These kinds of activities must be acknowledged as "work," as evidenced by the literature on women's employment. Furthermore, employment, these kids will eventually fall into one of the aforementioned types of child labour if they are not sent to school.

Child labour and exploitation

Approximately 16 out of every 100 children worldwide are involved in exploitative child employment, which violates international labour standards and the Convention on the Rights of the Child. Almost seventy-five percent of them operate in harmful locations like factories or mines and with toxic things like chemicals. Most child labourers are not visible to the public. These children are not only exploited, but also denied school, health care, nourishment, leisure time, and safety in their houses or societies. Generally, Girls domestic employment is not easily visible and some data suggests that these girls may make up the vast majority of child labour. UNICEF considers education as a significant tool for combating child labour. Children who attend school are at a lower danger of exploitation. In contrast, kids who work and have the good chance to learn are better

positioned to uphold their status. Since 1986, UNICEF has supported an inter-regional campaign called "Education as a Preventive Strategy," aims to address three major challenges:

- **Access.** Bringing employed youngsters into the classrooms. Early childhood programming, distance learning, multilingual education and flexible class scheduling are examples of strategies for achieving this goal, allowing working children to present at school.
- **Second – chance opportunities.** Transitioning employed children into school sometimes need informal education or accelerated sessions.
- **Retention.** Keeping youngsters from dropping out of school for economic, cultural, or societal reasons. Interventions include providing financial incentives to families as well as enhancing educational quality by including life skills and livelihood components.

India is one of the 35 nations where the initiative is currently in operation. For example, in Firozabad, Uttar Pradesh, young people are often working in the glass bangle sector to help support their family. However child employment is clearly illegal by constitution, enforcement is rarely carried out in the homes or small non-formal businesses where the majority of these kids of these children are located.

A bangle is made in thirty-two processes mostly of them are dangerous to children including heating and connecting the ends of the bracelets over a kerosene flame, cutting patterns into the bracelets with quickly moving blades, and embellishing with silver and gold polish made of chemicals.

Initiatives by various organs of government Constitution

The Indian Constitution was crafted by highly organised individuals known as the framers. The Indian Constitution's founders felt it was important to include specific provisions in the document to safeguard the rights of working children. The Indian Constitution has safeguards and protections against child labour in several parts.

- **Article 15(3):** The state has the authority to enact specific laws pertaining to children that do not violate their right to equality.
- **Article 21:** Nobody may be deprived of their life or personal freedom unless it is done in accordance with a legally prescribed process. According to the Supreme Court, living a life devoid of exploitation and with dignity is part of life.
- **Article 21A (Right to Education):** All children between the ages of six and fourteen must receive free and compulsory education from the state, in accordance with any legal requirements that may be set down. When children are permitted to work in such an organisation, it is the employer's responsibility to provide for their education.
- **Article 23:** Trafficking in persons, beggaring and other comparable kinds of forced labour are forbidden and violating this restriction will result in legal repercussions.
- **Article 24 (Prohibition of Employment of children in factories etc):** It is prohibited for any youngster under the age of 14 to work in a mine, factory or other

hazardous Workplace. The Supreme Court ruled that job involving construction, matchboxes and pyrotechnics qualifies as "hazardous employment" meaning that no kid under the age of 14 may engage in any of these fields. Both the welfare and the quality of life of these youngsters should be enhanced by positive action.

- **Article 38(1):** Stipulates that the state must work to further the welfare of the populace by preserving and defending a social order that guarantees social, economic and political fairness.
- **Article 39(e):** The state will specifically focus its policy on ensuring that citizens are not compelled to pursue occupations that are inappropriate for their age or strength out of economic necessity and that children in their delicate years are not abused.
- **Article 39(f):** The goal of state policy should be to ensure that children have the means and chances to grow up in a healthy, free and dignified manner and that their early years are shielded from abuse and material and moral abandonment.
- **Article 42 and 43:** It promises that the state will make every effort to ensure that all workers have access to a living wage and specific working conditions that ensure a respectable standard of living, as well as full employment of leisure and social and cultural opportunities. It also provides for the security of just and humane working conditions. In the broadest sense, this unquestionably includes child labourers.
- **Article 45:** The Constitution Assist all youngsters with free and obligatory education until they reach the age of 14. While not directly addressing child welfare the general provisions under Articles 38, 42, 43, 45 and 47 of the Directive Principles of State Policy offer strategies for subtly advancing child welfare.
- **Article 46:** It includes provisions for advancement that give special consideration to the economic and educational interests of SCs, STs and other marginalised groups in society.
- **Article 47:** Places focus on the state's efforts to raise people's standards of living. Children are included in their sphere of influence. When evaluating the execution and progress of these regulations it is important to acknowledge the growing trend of child labour.
- **Article 51A (e):** Every Indian citizen who is a parent or guardian has an obligation to give their kid or ward as the case may be the opportunity to get an education between the ages of six and fourteen.

Legislature

With the passing of the Indian Factory Act in 1881, the legalisation of child labour in India began. The regulation contained restrictions on hiring children under the age of seven. The act also stipulates that there must be at least four holidays per month and that working hours cannot exceed

nine hours per day. Nonetheless, the colonial authorities gave little thought to safeguarding children's rights. The Indian Constitution's founders took note of this issue and included sufficient provisions for protecting the children's rights and welfare. The International Labour Organization's conventions had a significant impact on the country's labour laws, especially the rights of children employed in the labour force. In addition to the constitutional clause, a number of legislative measures offer legal protection to minors employed in a variety of occupations.

- The Employment of Children Act 1938
- The Merchant Shipping Act 1958
- The Motor Transport Workers Act 1961
- The Mines Act 1952
- The Children (Pledging of Labour) Act 1993
- The Minimum wages Act 1948
- The Shops and Establishment Act in various states
- The Bidi and Cigar Workers (Conditions of Employment) Act 1966
- The Atomic Energy Act 1962
- Child Labour (Prohibition and regulation) Act 1986

The Child Labour (Prohibition and Regulation) Act of 1986 was the result of the recommendations or proposals put forth by several committees regarding child labour. Three committees were established: The Sanat Mehta Committee (1984), The Gurupada Swamy Committee on Child Labour (1979), and the National Commission on Labour (1965–1969). These committee's primary goals were to outright forbid child labour in dangerous industries and to control kid activity in non-hazardous occupation. It specifically aims to outlaw the employment of minors under the age of 14 in 18 specific employments and 65 processes operate the working conditions of minors in those occupations where their employment is unrestricted impose penalties for the working of minors in violation of this act that forbid the working of minors and create constancy between the definition of child in related laws.

Judiciary

The Judicial System have proved themselves and consistently adopts a positive stance regarding child labour.

People Union for Democratic Rights V/S Union of India 1982

The Supreme Court was informed in this case, also known as the Asian worker case, that minors under the age of 14 are employed in the construction industry. Since construction is a risky industry, it's critical that employment of minors under the age of 14 be prohibited in all construction related activities. According to Justices PN Bhagwati and Bahrul, construction is an occupation that is clearly and completely dangerous and under the Article 24 no kid under the age of 14 is permitted to work in construction.

Labourers working on salal V/S State of Jammu and Kashmir 1984

According to a bench made up of Justices P Bhagwati and R Mishra no factory subcontractor, or contractor should hire any child under the age of 14 through any scheme. If a youngster works for a contractor or subcontractor, they must be given a prompt order for their break and submit an outline report to the sanction immediately.

Sheela Barse V/S Union of India, JT 1986

The court rendered a ruling holding that children are a state's greatest asset and that it is the state's duty to support them in order to ensure the healthy development of their personalities. In addition to being crucial in resolving disputes, the judiciary has consistently worked to advance the law and fulfil the hopes and aspirations of those who depend on it to uphold and fulfil the law.

A. Srirama Babu V/S the Chief Secretary, 1997-1998

On June 6, 1997, a bench of Justice V M Kumar said that this needed to be reconsidered and that doing away with the distinction will undoubtedly help adults find work and discourage employers from using child labour. The state should establish an autonomous department dedicated to child welfare, take action to prevent child labour and abuse, and keep a record of all child births and their developmental milestones. The state should keep track of their growth in terms of health, education, and other areas and keep these records up to the age of 14.

M.C Mehta V/S State of Tamil Nadu and others, 1996

On December 10, 1996, a bench of Justice Kuldeep Singh, B.L. Hansaria and S.B. Majumdar ruled that each youngster employed under the Act will receive compensation of Rs. 20,000/- from the violating employer provide alternative employment to any adult member of the employer's family, and pay the government Rs. 5,000. The collected funds will be placed into the Child Labour Rehabilitation and Welfare Fund.

Bandhua Mukti Morcha etc V/S Union of India and others 1984

On May 7, 1997, the Supreme Court issued many directives regarding the rehabilitation of child labour. The Court instructed the Indian government to hold a meeting with state governments to develop principles and strategies for the progressive elimination of employment of children under the age of 14 in all employment sectors. The Court issued these Directives in relation to the working of children in the carpet industry in the state of Uttar Pradesh the majority of the children are from the SC and ST communities and were brought from Bihar.

A Conference of State Labour Ministers was held on 7-8 July 1997. Following were the major conclusions derived from the conference-

1. Most States and UTs had finished their surveys. The remaining States and UTs were required to finish the survey within the allotted time limit, without additional postponement.
2. As a matter of fundamental human rights all children between the ages of 6 and 14 shall get an education up to the primary level. To make this feasible, the Union Government, State Governments and UTs must collaborate in their planning.
3. Employers of defaulting establishments that had not deposited the funds and had not replied to the show cause notice for recovery shall have their names given to the Supreme Court by the State Government.
4. In accordance with the Ministry of Labor's instructions, the establishment of Child Labour Rehabilitation-cum Welfare Funds was underway. According to the conference, child labour rehabilitation/welfare societies

should be founded under the collector's leadership, and funds should be established with state government funding for the initial capital.

5. The observation was made with satisfaction that numerous State-level units and district-level committees had been established to oversee, monitor and coordinate all aspects of carrying out the Supreme Court's directives.

Efforts to Overcome Child Labour at National Level

A. National Policy for children 1974: To reduce child labour, departments should work together to address poverty and illiteracy, which are major causes. The National Policy on Child Labour emphasises the importance of focusing on general development activities that help child labour households. Providing economic opportunities for parents of child labourers would allow them to send their children to school instead of working.

B. The National Human Rights Commission (NHRC): The National Human Rights Commission (NHRC) is profoundly concerned about child labour in the country, which denies children's basic human rights protected by the Constitution and the International Covenants. The Commission monitors child labour in the country through Special Reporters, member visits, sensitization programmes, projects, industry associations, and coordination with state governments and non-governmental organisations (NGOs).

C. Elementary Education as a right to every Child: An investment in education benefits the entire country. Education is the most crucial investment a developing country can make for its future. Education is the most effective way to reduce child labour. As a result of a continuous and persistent advocacy movement, the Parliament passed the 93rd Constitution Amendment Bill 2001, making education a fundamental right in India.

D. Ensuring right to food even for street children: Lack of Nutrition among people is one of the most serious health issues confronting the nation. It has a negative impact on children's growth and development, including their ability to study and cope with daily life problems. Female children are more malnourished than male children.

E. National Child Labour Project (NCLP): The National Child Labour Project started with only twelve districts has gradually expanded to other regions of the nation now covering 271 districts in 21 states and playing an essential role in the elimination of child labour.

Recommendations

To solve the issue of child labour, it is vital to focus on the factors that cause parents to employ their children in various sectors rather than sending them to school for education. Poverty is the primary cause of child labour in India. To prevent child labour, strict restrictions should be implemented. The education system should be reinforced so that youngsters can attend school instead of working. Below are some measures.

- There is an urgent need for a reform to child labour law that would prohibit the employment of minors in all activities and impose heavy penalties on employers of child labour. This law should be modified so that there are no loopholes and children receive proper justice. Speed track courts will be established at the district, state, and national levels to serve impoverished and innocent children. A heavy fine should be levied on the employer, which will be collected by the government. This should mostly benefit youngsters.
- An examination of India's child labour problem reveals that kids are employed in a variety of industries all throughout the nation. Strategies for ending child labour must be comprehensive and uncompromising due to the variety of circumstances in which children find themselves employed. Eliminating the fictitious distinction between "child Labour" and "child work" is one of the most significant changes that must occur.
- Ensuring that workers receive the minimum wage. If parents' earnings improve, they will be less likely to let their children work. If minimum wages are provided to workers in accordance with the law, their financial situations will improve and most of them will take better care of their children's future.
- There is an urgent need to enforce the compulsory schooling system. The state is that each kid receives responsible for ensuring that each free education until the age of fourteen. Children rescued from various forms of child labour should be given the opportunity to complete their primary education. The dissemination of knowledge would make youngsters informed and help them to take the different benefits that are given to them through various workers welfare initiatives.

Child labour should be prohibited in all industries, whether hazardous or not. Trained and skilled officers should be appointed, and they must be knowledgeable of the state's rights, duties, and obligations to children.

- Family planning should be the focus of effective initiatives. Large family sizes are common in India, particularly among the impoverished, who are unable to bear the weight of a large number of dependents and hence push their children to begin working at an early age. This significantly increases the number of working children.
- The central government, with the assistance of the state government, should carry out a variety of public awareness campaigns in the state's backward districts. Awareness programmes can include drama, nukkad natak, posters, slogans on walls, and so forth. The whole population should be aware of basic child labour rules.
- More and more youngsters should attend school. The school will be equipped with new training methods, and modern and unique Teachers will be assigned to these students who will be able to grasp their problems. Learning in school should not be limited to education instead, it should encourage children to participate in any field in which they are interested such as sports, painting, singing, and so on.

Conclusion

To end child labour, a district-level vigilance group should be established. Weekly reports from each block in the district must be gathered and submitted by all of the block's panchayats. The final report must be turned in to the district collector and then to the state's designated child officer. Appropriate and prompt action must be taken to address any areas that are falling behind, and severe consequences will follow anyone who fails to turn in their weekly report on time or commits any fraud. The government has placed a high priority towards the care of these children and alleviating the economic conditions of their families. Deprivation is a root factor of this problem and only administration cannot solve it. As a result, the government has taken direct action to address this issue, including the strict execution of legislative provisions and immediate rehabilitative events. Citizens must be aware of their duties and take corrective measures to prevent child labour. The public can learn about a variety of subjects from the media. Additionally, it can educate people about child labour. It may bring the nation's policymakers' attention to the abuses of children's rights. The media has the power to represent children's voices, point out flaws in the system, and celebrate their accomplishments.

By implementing these recommendations, governments, organizations, and communities can work together to create an environment where children are protected from labour exploitation and can fully enjoy their rights to education, health, and development.

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