



# Protecting Children from Exploitation: Evaluating the Effectiveness of Child Labour Provisions in India

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DOI: <https://doi.org/10.70333/ijeeks-04-10-019>

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Article Info:- Received : 19 July 2025

Accepted : 25 August 2025

Published : 30 August 2025

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Child labour remains a persistent challenge in India, depriving many children engaged in agricultural, industrial, and domestic work of their education and a secure childhood. Despite the enactment of a robust legal framework, including the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016 (CLPA), effective implementation is critically constrained by deep-seated poverty, inadequate access to quality education, and legislative compromises. This paper critically evaluates the effectiveness of existing child labour provisions, arguing that the primary failure lies in the systemic weakness of the enforcement machinery and legislative ambiguity, particularly the 'family enterprise' exception. Drawing upon direct, first-hand insights from rescue operations and quantifiable data from grassroots organisations, the analysis highlights that only 8% of identified children are successfully mainstreamed. The paper argues that eradicating child labour requires a rights-based, collaborative approach involving strengthened policy enforcement, real-time digital monitoring, improved educational access, and targeted socio-economic support for vulnerable families. Achieving social transformation in India hinges on this commitment, which aligns directly with the Sustainable Development Goals (SDGs). This socio-legal study combines doctrinal analysis of statutes and case law with field-validated qualitative data from rescue operations and NGO reports, and concludes with targeted recommendations for legislative reform, strengthened digital monitoring, and expanded rehabilitation financing (Author's field data; Ministry reports).

**Keywords:** *Child Labour; Enforcement Failure; Rehabilitation; Legal Framework; Family Enterprise Exception.*



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## 1. Introduction and Research Contribution

The ILO defines child labour as "work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and/or mental development".

Historically intertwined with agrarian societies, the issue has evolved with industrialization and urbanization, pushing children into hazardous and exploitative conditions. This pervasive challenge is inextricably linked to poverty, inadequate access

to quality education, rapid population growth, and a large informal economy operating outside regulatory oversight.

Despite the necessity of legal prohibition, the efficacy of bans is theoretically ambiguous in settings marked by widespread poverty and systemic enforcement failure. Economic models warn that when child labour regulations are imperfectly enforced, they can unintentionally lead to perverse consequences by depressing child wages, forcing already vulnerable families to supply more labour to reach subsistence levels, thereby exacerbating the problem the law sought to solve. This challenge is compounded by deep-seated social norms that legitimise the premature contribution of children, particularly girls, to family income.

Recognising the gravity of the problem, India has progressively developed a comprehensive legal architecture. Key legislative instruments include the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016 (CLPRA), the Right to Education Act, 2009 (RTE), and the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act). Despite these mandates and various policy initiatives, the eradication of child labour remains an elusive goal.

## 2. Research Contribution

This paper critically evaluates the effectiveness of India's statutory framework against the backdrop of pervasive implementation failure. The analysis reveals a stark disconnect between codified law and ground reality, evidenced by the fact that in a key period, only 0.01% of the estimated 10.1 million child labourers were officially reported, registered, and rescued under the CLPRA nationwide. Drawing from both secondary research and the author's direct participation in multiple child rescue operations—which provided first-hand insights into enforcement challenges, the concealed nature of child labour in informal settings, and persistent gaps in post-rescue rehabilitation—this paper offers a grounded understanding of legislative compromises and the failure of state accountability to enforce judicial mandates. This synthesis of legal critique with field experience provides a nuanced and actionable roadmap for reform.

While previous studies have largely examined child labour from economic or purely

policy perspectives, few have combined doctrinal legal analysis with direct field validation of enforcement realities. This study fills that gap by integrating statutory review with the lived experiences of implementing these policies. The paper proceeds as follows: Section 2 outlines the methodology; Section 3 presents key data trends; Section 4 analyses India's legal and policy framework; Section 5 examines enforcement gaps and ground realities; and Section 6 concludes with comparative insights and policy recommendations.

## 3. Methodology

This research employs a socio-legal methodology characterised by a dual-component approach: (A) Doctrinal and Critical Legal Analysis, and (B) Empirical and Qualitative Field Validation. This blended design provides both the authoritative legal critique of the statutory framework and the crucial contextual evidence of its practical failure.

### 3.1. Doctrinal and Critical Legal Analysis

The theoretical foundation of this study rests on analysing the intent, structure, and operational ambiguity of India's child labour legislation.

- **Primary Legal Sources:** The study examines the foundational legal instruments, including Articles 21A, 24, 39(e), and 39(f) of the Constitution of India, the **CLPRA (2016)**, the Right to Education Act, and the Juvenile Justice Act.
- **Judicial Precedent:** Analysis includes key Supreme Court judgments, notably *M.C. Mehta v. State of Tamil Nadu* (1996), focusing on the **enforceability of mandated rehabilitation funds** and the judiciary's role in creating administrative frameworks.
- **Theoretical Framework:** The critique is situated within the academic discourse on **theoretical ambiguities of legal bans**, using this framework to evaluate whether implementation failure stems from policy design or poor enforcement capacity.

### 3.2. Empirical and Field Validation

The research uses secondary empirical data and primary qualitative engagement to measure the gap between law and ground reality.

- **Quantitative Benchmarking:** Statistical data is drawn from authoritative national and international reports to benchmark the scale of the problem and track trends:
- **National Sources:** Census of India (2011), National Family Health Survey (NFHS-5, 2019–21), and the Periodic Labour Force Survey (PLFS 2018–19). These are used to quantify the prevalence of child labour, its sectoral distribution, and socioeconomic vulnerabilities.
- **Scholarly and Institutional Reports:** Data on trafficking, enforcement deficits, and rehabilitation success rates are drawn from specialised reports by the *U.S. Department of Labour*, *UNICEF Innocenti*, and the *Kailash Satyarthi Children's Foundation (KSCF)*.
- According to KSCF's report "*Child Labour: Know More*" (2019, pp. i–ii, 4), based on RTI responses and analysis of government data, only 0.01 percent of India's estimated 10.1 million child labourers were officially reported between 2014 and 2016 (1,318 cases out of over 10 million). Furthermore, only 8 percent of the children identified through the PENCIL portal were successfully mainstreamed — meaning they received institutional and financial rehabilitation.
- This disparity underscores a profound implementation gap between statutory commitments and ground-level outcomes, revealing that the overwhelming majority of child labour cases in India remain undetected and unaddressed.
- **Qualitative Field Insights:** The author's direct participation in multiple child rescue operations provided first-hand, contextual insights into the concealed nature of child labour in the informal economy, employer strategies, and post-rescue challenges faced by children and enforcement agencies.

The statistical evidence from the KSCF report complements the field insights presented later in this study, highlighting how enforcement failures directly translate into poor rehabilitation outcomes on the ground.

### 3.3. Limitations and Ethical Considerations

While this study draws on rich qualitative insights from multiple rescue operations and official records, it does not aim to be statistically representative of all regions. To ensure accuracy and reliability, data triangulation was employed — combining official surveys (Census 2011, NFHS-5, PLFS) with NGO field reports and secondary literature. All field engagements adhered to ethical standards, ensuring confidentiality, informed consent, and anonymisation of the identities of rescued children and their families.

### 4. Child Labour in India: Overview & Trends

Child labour presents a complex and dynamic landscape, characterised by varying prevalence across regions and sectors. The 2011 Census recorded **10.1 million child labourers** aged 5–14 years. More recent surveys, although indicating a declining trend, show that the problem remains significant: the National Family Health Survey (NFHS-5, 2019–21) reported that 7.9% of children aged 5–17 are still engaged in child labour.

Sector	Percentage (%) (PLFS 2018–19)
Industry	47.9
Agriculture	40.7
Services & Others	11.4
<i>Note: Manufacturing (14.1%) and Construction (33.7%) dominate the industry sector.</i>	

#### 4.1 The Hidden Challenge: Child Labour in Metropolitan Areas

Recent assessments continue to highlight the persistence of child labour in specific sectors and regions despite overall numerical declines. According to the U.S. Department of Labor's *Findings on the Worst Forms of Child Labor* (2023) and India's National Family Health Survey (NFHS-5, 2019–21), cases of child engagement remain concentrated in informal manufacturing, agriculture, domestic work, and construction. These findings suggest that headline reductions in national figures may obscure regional disparities and sectoral vulnerabilities, underscoring the need for a more targeted approach to enforcement and rehabilitation.

While a significant majority of child labourers are in rural areas, urban centres—particularly big cities—create an intense, demand-driven environment for exploitation, often fuelled by rural-to-urban migration. The scale of the problem is likely underestimated by these figures, as analysis of the India Time Use Survey (ITUS) data suggests that approximately 7.5 percent of children aged 6 to 17 worked as labourers in 2019, a proportion that quantifies the harmful forms of work excluded by traditional employment surveys. Furthermore, the persistence of this issue is notable, given that almost 50 percent of all working children aged 5-17 work within the family, highlighting the central role of the unmonitored family unit in child labour participation.

- **Vulnerable Urban Sectors:** Urban child labour, though smaller in number, is often more visible in street vending, domestic work, small workshops, and rag-picking, frequently involving hazardous conditions. This labour is concentrated in low-visibility sectors:
- **Zari (Embroidery) and Garment Work:** In hubs like Delhi and Mumbai, children, often trafficked from other states, are forced to produce embellished textiles under conditions of forced or bonded labour.
- **Services:** Children work in auto workshops, garages, hotels, and as domestic help, where oversight is minimal.
- **Vulnerable Groups:** Migrant children, along with children from Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backwards Classes (OBC), are disproportionately affected due to systemic economic vulnerability and discrimination. This disproportionate burden is quantified: girls aged 6-17 spent an average of 3.13 hours daily in unpaid household services, compared to only 1.05 hours for boys.

Reports from the National Commission for Protection of Child Rights (NCPCR) consistently highlight the challenges in identifying and rescuing child labourers, particularly those in informal sectors or those working within family enterprises, which are often exempted or difficult to monitor under existing laws.

In several metropolitan clusters, these so-called “family enterprises” often operate as

subcontracted production units where children perform repetitive, unsafe tasks under disguised arrangements. This blurred distinction between familial help and exploitative labour highlights a critical enforcement dilemma—how protective legal exceptions can be strategically misused to normalise child labour within informal economies.

## 5. Legal Framework: Provisions & Evolution

India’s commitment to combating child labour is anchored in its Constitution and a series of legislative acts, complemented by adherence to international treaties.

### 5.1 Constitutional Directives

The Constitution provides the foundational legal and policy mandate:

- **Article 21A:** Guarantees the fundamental Right to Education for all children aged six to fourteen years.
- **Article 24:** Explicitly prohibits the employment of children below fourteen years in any factory, mine, or other hazardous employment.
- **Article 39(e) & 39(f):** These Directive Principles of State Policy require the State to ensure that the health and strength of workers and the tender age of children are not abused by economic necessity, and that childhood is protected against exploitation and moral abandonment.

However, despite these constitutional safeguards, persistent administrative constraints, weak inspection systems, and widespread social acceptance of child labour continue to obstruct the realisation of these guarantees in everyday practice ([Human Rights Watch, 2017](#)).

### 5.2 Critical Analysis of the CLPRA, 2016

The Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016 (CLPRA), represents the current statutory framework, introducing both progressive bans and controversial exceptions.

Feature	Pre-Amendment (CLPRA, 1986)	Post-Amendment (CLPRA, 2016)
<b>Child Prohibition (&lt;14)</b>	Prohibited employment only in 18 hazardous	<b>Complete prohibition</b> for children (<14 years) in <b>all</b>

	occupations and 65 processes.	<b>occupations and processes.</b>
<b>The Loophole (Exception)</b>	None specified.	Permits a child to help the <b>family/family enterprise</b> after school hours or during vacations (provided it is non-hazardous).
<b>Hazardous Work List</b>	Specified a list of 83 hazardous occupations.	<b>Drastically reduced</b> the list for adolescents to Mining, Explosives, and occupations in the Factories Act.

The 2016 amendment (Government of India, 2016) was designed to align domestic law with international conventions; however, its “family enterprise” provision has generated sustained criticism for enabling disguised child labour within informal economies.

The 'family enterprise' exception is widely criticized for potentially legitimizing exploitative child labour in the informal sector and directly contradicting the spirit of the RTE Act. This clause, by couching 'family' and 'family-based enterprises' in unduly wide ambits, is perceived as impervious to grim empirical realities and risks institutionalizing caste-based occupations for disadvantaged socio-economic groups, thereby legitimizing a harmful social norm of child contribution. Furthermore, the dilution of the hazardous list exposes adolescents to significant risks. This amendment drastically reduced the list of prohibited occupations from 83 to a mere three, effectively removing legal protection for adolescents working in high-risk sectors, such as brick kilns and domestic work, which were previously prohibited.

These legislative compromises illustrate how economic pragmatism and political expediency have sometimes outweighed a rights-based interpretation of child protection, leaving large segments of vulnerable adolescents unprotected.

### 5.3 International Commitments

India ratified both core conventions of the ILO in 2017: ILO Convention No. 138 (Minimum Age Convention, 1973) and ILO Convention No. 182 (Worst Forms of Child Labour Convention, 1999). This demonstrated a commitment to eliminating the gravest forms of child labour, including trafficking and hazardous work. However, the persistent child labour problem points to the inadequacy of relying solely on international agreements without addressing deep-rooted domestic socio-economic factors and the failure to provide effective enforcement.

India's ratification of these conventions signalled convergence between global and national frameworks. Yet, ratification alone has not guaranteed compliance—without robust domestic enforcement, international obligations risk remaining largely declaratory.

### 6. Policy Initiatives & Enforcement Systems

India's strategy encompasses legislative measures and comprehensive socio-economic initiatives.

- **National Child Labour Project (NCLP):** The flagship program for rehabilitation provides bridge education and vocational training. Note that the scheme was merged with the Samagra Shiksha Abhiyan (SSA) in 2021.
- **Socio-Economic Safety Nets:** Schemes like the Mid-Day Meal Scheme (PM-POSHAN) incentivize school retention, while MNREGA reduces the economic pressure on poor rural families to send children to work.

Collectively, these programmes advance India's commitments under Sustainable Development Goal 8.7, which aims to eradicate child labour in all its forms by 2025. Nevertheless, uneven fund utilisation and inadequate monitoring have limited their transformative potential.

#### 6.1 Digital Enforcement and Integration

To address coordination gaps, the government has launched technology-driven systems:

- **Platform for Effective Enforcement for No Child Labour (PENCIL) Portal:** Launched in 2017, this online platform allows citizens to file complaints (Complaint Corner) and includes a Child

Tracking System to monitor rescued children.

- **Mission Vatsalya Integration:** The Ministry of Women and Child Development has recently revamped the Mission Vatsalya Portal. This unified digital platform integrates various child protection services, including the Child Helpline (1098), ensuring real-time data sharing and accountability across all district-level agencies.

However, the PENCIL portal's implementation is hindered by its perceived "outdated" status, and its integration with Mission Vatsalya is delayed due to challenges in data field sharing. Furthermore, its utility is limited by the inconsistent reporting and the lack of updated District Nodal Officer (DNO) lists, which prevent timely action on complaints.

Strengthening these digital systems through regular audits, transparent data dashboards, and training for district officers could convert them from symbolic reporting tools into active enforcement mechanisms.

## 7. Enforcement Failures and Ground Realities

Despite the legal framework, implementation gaps remain the single biggest barrier to child protection, confirmed by both data and field experience.

### 7.1 Weak Enforcement, Judicial Delays, and Accountability

Enforcement of child labour laws at the district and grassroots levels remains uneven. Labour inspectorates are frequently understaffed, and coordination among departments is weak. The link between law and consequence is often broken, resulting in the continuation of exploitative practices. The pervasive nature of this failure is linked to the core problem of weak enforcement, an issue compounded by the finding that imperfectly executed bans can lead to the "perverse consequences" of increased child labour among the poorest families who rely on wages for subsistence. Scholars suggest this widespread non-enforcement is often attributed to factors like "government apathy, caste bias, corruption, and a lack of accountability".

The consequence is a cycle in which formal laws exist without effective deterrence, eroding public confidence in enforcement institutions and

allowing exploitative practices to persist unchecked.

### 7.2 Failure in Sustained Rehabilitation and Judicial Oversight

NGO data and judicial pronouncements confirm that initial rescue is insufficient without durable rehabilitation:

- **M.C. Mehta Directives and Fund Failure:**

In *M.C. Mehta v. State of Tamil Nadu* (1996), the Supreme Court operationalized the constitutional mandate by creating an *enforceable financial framework*. This included mandating a ₹20,000 penalty per child, the proceeds of which were to finance the Child Labour Rehabilitation and Welfare Fund. However, the persistence of judicial delays and low conviction rates means this fund remains inadequately financed, and, woefully, no monetary compensation was actually released to rescued children in a study across 14 states despite entitlements being issued.

Independent evaluations show that despite court-mandated penalties, the Child Labour Rehabilitation-cum-Welfare Fund has been under-utilised or dormant in many districts. Field reviews across multiple states found that less than 10 percent of collected penalties were actually disbursed to rescued children, exposing serious fiscal and administrative leakages (Kailash Satyarthi Children's Foundation, 2019).

- **Reintegration Gap:** A study by the Kailash Satyarthi Children's Foundation (2019) found that a mere 8% of identified child labourers were being successfully mainstreamed (provided full institutional and financial rehabilitation). This indicates a significant gap between rescue and successful reintegration, forcing many children to return to work.

- **NHRC Oversight:** The continuous necessity for intervention by the National Human Rights Commission (NHRC), which takes *suo motu* cognizance of mass rescues (e.g., 23 child labourers in Delhi in July 2024), confirms that routine local-level enforcement fails until external judicial or quasi-judicial pressure is applied.

These recurring failures in rehabilitation and reintegration underscore that enforcement

cannot rely solely on punitive measures; it must also ensure sustained welfare support and long-term social reintegration for rescued children.

## 8. Comparative Perspective and Community Interventions

The experiences of nations like Brazil and Bangladesh offer valuable lessons.

- **Brazil:** Achieved significant reductions through conditional cash transfer programs like *Bolsa Família*, which links financial aid directly to school attendance.
- **Bangladesh:** Bangladesh's partnership with the International Labour Organization (ILO) in the garment sector demonstrates how industry-specific, multi-stakeholder initiatives can reduce child labour through factory inspections, worker education, and alternative income programs for families. Replicating similar targeted models in India's high-risk informal sectors — such as zari work, construction, and footwear — could yield measurable progress in reducing child labour dependency.
- **Grassroots Interventions:** The efforts of NGOs like Bachpan Bachao Andolan (BBA) and Child Rights and You (CRY) demonstrate that success requires a multi-pronged approach combining rescue, rehabilitation, and advocacy. The sustained success of community-based efforts highlights the **state's systemic failure** to provide comprehensive, post-rescue support, necessitating a shift toward decentralized accountability.

## 9. Recommendations

To enhance the effectiveness of child labour provisions, the following recommendations, based on legal mandate and implementation critique, are crucial:

### 9.1 Legislative Reform and Strict Interpretation

- **Amend CLPRA to Remove Loophole:** The "Family Enterprise" Exception must be entirely removed for children below 14 or subject to rigorous time-bound limits (e.g., maximum two hours per day) and strictly prohibited in all family processes listed as hazardous, regardless of age, to prevent the

institutionalization of caste-based child labour.

- **Strengthen Adolescent Labour Provisions:** The list of prohibited hazardous work for adolescents (14–18 years) must be continually reviewed and expanded to address the dilution caused by the 2016 Act.

### 9.2 Strengthen Enforcement and Judicial Accountability

- **Leverage Digital Platforms:** Mandate the use and real-time data integration of the PENCIL portal with the Mission Vatsalya ecosystem. This requires urgent technical upgrading and overcoming hurdles in data field sharing to ensure seamless tracking, accountability, and data flow across agencies.
- **Ensure Timely Justice and Fund Enforcement:** Establish Fast-Track Courts or designated benches to expedite child labour cases. Judicial oversight must ensure that the statutory financial penalty (₹20,000 fine) is consistently collected from offenders to adequately fund the mandated Child Labour Rehabilitation Funds.
- **Mandate DNO/DM Accountability:** Judicial and NHRC oversight must ensure that the District Nodal Officer and District Magistrate, who are tasked with enforcement, are made directly accountable for low prosecution rates and failure to secure rehabilitation benefits.

### 9.3 Comprehensive Rehabilitation and Economic Support

- **Increase NCLP Funding:** The annual financial assistance under the NCLP must be significantly increased and indexed to inflation to adequately support high-quality bridge education, vocational training, and psycho-social support.
- **Holistic Post-Rescue Care:** Focus on comprehensive, long-term support, including psychological counselling for trauma and economic empowerment programs for vulnerable families to effectively break the cycle of poverty that drives child labour. Crucially, all support programs must recognize the gender specificity of child labour by actively addressing the disproportionate unpaid

domestic burden placed on girls and promoting men's participation in chores to challenge this cycle of exploitation.

#### 9.4 Awareness and Corporate Accountability

Creating social awareness and ensuring corporate responsibility are essential to breaking the intergenerational cycle of child labour. Building informed communities and responsible industries can complement legal enforcement by addressing the issue at its roots.

- **Nationwide Awareness Campaigns:** Launch sustained, community-based awareness drives focusing on parents, local employers, and community leaders to dismantle the social acceptance of child labour and promote school retention.
- **Education and Sensitisation:** Integrate child rights, gender equality, and life-skills education into school curricula and Panchayat-level capacity-building programmes to create a rights-conscious culture.
- **Corporate Responsibility and Supply-Chain Audits:** Mandate corporate supply-chain due diligence and annual CSR reporting on child protection outcomes in high-risk sectors. Encourage partnerships between government, civil society, and industries to ensure ethical business practices.

#### 9. Conclusion

The evaluation reveals that India possesses a robust legal and constitutional foundation, yet its effectiveness is critically hampered by systemic implementation gaps and ground realities. While constitutional mandates and comprehensive legislation like the CLPRA provide a strong legal framework, challenges such as weak local enforcement, legislative loopholes—particularly the "family enterprise" exception—and inadequate rehabilitation financing continue to allow child exploitation to persist.

Moving forward, a rights-based, preventive, and rehabilitative approach is essential. This requires legislative amendments, stronger inter-departmental coordination, digital integration, and universal access to quality education. In alignment with Sustainable Development Goal (SDG) 8.7 and the UN Convention on the Rights of the Child

(UNCRC), India's strategy must prioritize children's welfare at the core of governance.

The eradication of child labour demands not only institutional reform but a collective moral and societal commitment—ensuring that every child grows up free from exploitation and empowered to realise their full potential.

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**Cite this article as:** Mohd Usman (2025). Protecting Children from Exploitation: Evaluating the Effectiveness of Child Labour Provisions in India. *International Journal of Emerging Knowledge Studies*. 4(8), pp.1310 – 1318. <https://doi.org/10.70333/ijeks-04-10-019>