



Swami Vivekananda Advanced Journal for Research and Studies

Online Copy of Document Available on: www.svajrs.com

ISSN:2584-105X

Pg. 143 - 151



THE CONSTITUTIONAL SAFEGUARDS AVAILABLE TO PRISONERS' CHILDREN AGAINST THE CHILD LABOUR IN INDIA

Vijay Kumar
vijayadvhc@gmail.com
Mukesh Kumar Gaur

Received: 18/06/2025
Accepted: 19/06/2025
Published: 20/06/2025

Abstract

The Prisoners' Child labour continues to cause a noteworthy global challenge, violating the rights of children impedes their growth and perpetuating poverty cycles. This study examines the Constitutional provisions and legal frameworks designed to provide protection to the Prisoners children from various forms of labour force. To eradicate the child labour there is a critical need to ensure access to education a development surroundings and protection from exploitation. The analysis reviews some prominent international agreements such as the 'United Nations Convention on the Rights of the Child', 'International Labour Organization.' The study explores constitutional mandates focusing on how fundamental rights, directive principle and enforceable guarantees are utilized to safeguard children. Judicial rulings further enhance these protections by addressing legislative gaps and ensuring effective enforcement. Notwithstanding the existence of robust legal frameworks, enforcement remains a persistent challenge due to factors such as socio-economic disparities, insufficient awareness and limited governmental capacity.

The study highlights the importance of implementing comprehensive strategies that integrate legal measures with educational initiatives, poverty reduction programs and community engagement to tackle the root causes of Prisoner's child labour. This research concludes that constitutional safeguards are vital in combating child labour, providing a foundation for legislative and policy advancements. Their successful implementation requires a collaborative approach, combining Legal, social and economic interventions to uphold children's rights and secure a better future.

Keywords: *Child Labour, Constitution, International Agreements, Prisoner's Children, Exploitation.*

Introduction:

When children's parents are in jail, they have to do manual labour. The incarceration of a parent has a profound impact on children, often subjecting them to economic difficulties and social marginalization. Without a primary caregiver, these children experience emotional, financial, and social instability, making them more susceptible to child labour. Safeguarding their rights is essential to advancing social justice and ensuring compliance with constitutional and human rights principles. This paper explores constitutional provisions related to child protection, the legal framework addressing child labour and the role of state institutions in reducing the risks faced by children of incarcerated parents. Child labour is universally condemned as a human rights violation, with global agreements like the "United Nations Convention on the Rights of the Child (CRC) and International Labour Organization (ILO)" Conventions advocating for children's safeguard from economic exploitation. Many democratic nations enshrine laws that uphold child welfare, guarantee access to education and prohibit forced labour. However, despite these legal protections, children of imprisoned parents remain highly vulnerable and often neglected by policymakers and social assistance programs.¹

A major factor contributing to child labour among prisoners' children is the financial strain resulting from the loss of the household's primary income earner. Economic hardship often forces families to rely on child labour for survival. Furthermore, societal stigma limits these children's access to education and financial aid. Lack of targeted welfare programs addressing their specific needs further exacerbates their vulnerability, depriving them of essential protections and support. From a constitutional standpoint, the protection of prisoners' children is grounded in fundamental rights such as equality, education and protection against exploitation. Courts across different jurisdictions have reinforced the state's duty to intervene and safeguard these children. This paper examines constitutional mandates, legal frameworks and policy measures aimed at preventing child labour among the children of incarcerated individuals. It identifies gaps in existing policies and suggests solutions, emphasizing the need for education, welfare initiatives and legal reforms to break the cycle of poverty and child labour.²

¹ *Convention on the Rights of the Child* (Feb. 07, 2025, 02:27 PM) <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

² SCCJR, *Impact of punishment: families of people in prison* (Feb.07,2025 02:50 pm) <http://sccjr.ac.uk/wp-content/uploads/2015/10/SCCJR-Impact-of-crime-prisoners-families.pdf>

Objective of study:

The prime objective of this study is to conduct a constitutional scrutiny of the protection available to children of incarcerated parents, specifically concerning the problem of child labour. It aims to explore the legal and constitutional safeguards, both at nationwide and worldwide that ensure children's rights, including the protection from child labour. This involves examining relevant constitutional provisions, international conventions like the "United Nations Convention on the Rights of the Child (CRC)" and the standards set by the International Labour Organization (ILO).³

Another key objective is to assess the legal framework surrounding prisoners' children, focusing on their protection from exploitation and forced labour. The study will analyze the socio-economic and psychological effects of parental incarceration, which often lead to vulnerabilities that may push children into the workforce prematurely. By evaluating existing laws, the study aims to identify gaps in legal protections and assess the effectiveness of current systems in preventing child labour for these children. Additionally, the study will examine judicial precedents and landmark cases related to child labour and prisoners' children, offering insights into how courts have upheld or failed to protect these children's rights. Finally, the study will provide recommendations for Legal reforms to strengthen protections for children of prisoners and prevent their exploitation through child labour. It will also focus on promoting awareness of the unique challenges faced by these children and advocate for improved social policies and Legal mechanisms. Ultimately, the study seeks to contribute to a more equitable legal system that ensures all children, including those of incarcerated parents is guaranteed a childhood free from exploitation and child labour.⁴

Constitutional Provisions on Child Protection:

The safeguard of children particularly from vulnerable backgrounds such as the children of incarcerated individuals is a fundamental principle enshrined in many democratic constitutions. Various constitutional provisions ensure their welfare, safeguard their rights and shield them from exploitation, including forced labour. These protections are rooted in fundamental rights such as equality, education and protection against exploitation, underscoring the state's responsibility to safeguard children from adverse circumstances.

³ *Supra* note 3.

⁴ THE PRISONS ACT, 1894, (Feb. 07, 2025 03:21 pm) https://www.mha.gov.in/sites/default/files/2022-08/PrisonsAct-1894_1%5B1%5D.pdf

1. Right to Equality and Non-Discrimination:-

The Indian Constitution guarantees “equality before the law”⁵ and comprehensively prohibit discrimination on the basis of birth socio-economic status or parental background. This provision ensures that prisoners’ children are not subjected to unjust treatment systemic disadvantages due to their parents’ incarceration and they should be treated equally like the other children in the society. By affirming the right to equal opportunities, constitutional protections aim to prevent social exclusion and economic marginalization reducing the likelihood of children being forced into labour.

2. Right to Education:-

The “right to education”⁶ is a key constitutional provision that acts as a deterrent to child labour. Education is the key to empower the society to eradicate child labour from the surroundings. It is most required to the children of prisoners because without the education they cannot defend themselves from any kind of social evil like child labour. Most democratic constitutions mandate free and compulsory education for children, recognizing it as a tool for empowerment and socio-economic mobility. Ensuring that the children of prisoners receive uninterrupted education can significantly reduce their vulnerability to child labour by providing them with alternatives to exploitative work and securing their future prospects. Therefore, only the education is a sword against such social evils to protect the children of the prisoners and also to enhance their status from labour class to the educated class.

3. Right against Exploitation and Prohibition of Child Labour:-

Similar to the other empowering provisions of the Constitution the Part III explicitly prohibits child labour and economic exploitation of minors.⁷ These provisions are reinforced by statutory laws that criminalize child labor practices and prescribe penalties for violations. By legally barring children from being engaged in hazardous or forced labour, constitutional mandates play a crucial role in protecting prisoners’ children from being coerced into the workforce due to economic necessity. The

⁵ Article 14 – *Equality before Law*- the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

⁶ Article 21A- *Right to education*- The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

⁷ Article 24- *Prohibition of employment of children in factories*- 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.

provisions in the aforesaid Part provide the rights against exploitation to all the children irrespective of their status in the society. It means under the aforesaid provision the children of the prisoners are also get shed to keep away themselves from the social burdens like to engage in the child labour.

4. Right to Protection and Welfare:-

Part-iv of the Indian Constitution Provision provides several constitutions acknowledge the duty of the State to make available special care and protection to children, particularly those from vulnerable groups. These provisions emphasize the need for social assistance, child welfare programs and rehabilitation efforts to ensure that children affected by parental incarceration receive adequate support. By implementing such measures governments can mitigate the economic hardships faced by prisoners’ family and stop their children from ingoing the labour force.⁸

5. Judicial Interpretations:-

Courts with different jurisdictions have played a remarkable role in reinforcing constitutional protections for children as timely required. Judicial rulings have established the responsibility of the state to intervene and protect the rights of children at risk, including those whose parents are imprisoned. The courts time to time take cognizance of the incidents reported on behalf of the children of prisoners to provide them any sort of assistance to eradicating the child labour from the society. Courts have also directed governments to implement policies that provide financial assistance, education and rehabilitation services to safeguard children from forced labour.

Legal Framework to Prevent Child Labour:

The prevention of child labour particularly among vulnerable groups such as the children of incarcerated parents is a significant human rights concern. Numerous national and international Legal frameworks aim to eliminate child labour and safeguard the well-being of these children. These frameworks include constitutional mandates, statutory provisions, international conventions and judicial interpretations all designed to prevent economic exploitation and ensure access to education and welfare support.⁹

⁸ State to secure a social order for the promotion of welfare of the people

⁹ Philip A. Nath “et al.” *Child Labour and Legislative Framework*, IEC Material ,6 (2013)

National Child Protection Laws:

India has a range of national child protection laws aimed at preventing exploitation, abuse and neglect of children. Some of the significant laws include:

- **“The Child Labour (Prohibition and Regulation) Act, 1986 (Amended 2016)”**: This Act prevents and protects the children from employment under the age of fourteen years in hazardous occupations. It also regulates the environment of work for children in non-hazardous jobs. The 2016 amendment also strengthens penalties and bans the employment of children in most forms of work.¹⁰
- **“The Juvenile Justice (Care and Protection of Children) Act, 2015”**: This law provides for the care protection and rehabilitation of children in conflict with the law and those in want of care and protection. It provides the establishment of Juvenile Justice Boards and Child Welfare Committees to handle cases involving minors.¹¹
- **“The Right of Children to Free and Compulsory Education Act, 2009”**: It also known as the Right to Education Act (henceforth RTE), which guarantees free and compulsory education to children between the ages of 6 years and 14 years. The law seeks to eliminate barriers to education, such as child labour and ensure every child’s right to learn and grow.¹²
- **“The Protection of Children from Sexual Offences (POCSO) Act, 2012”**: This law enumerates a comprehensive lawful framework for the safeguard of children from sexual abuse, exploitation and harassment. It mandates stringent penalties for offenders and ensures a child-friendly legal process.¹³
- **“The Prohibition of Child Marriage Act, 2006”**: This Act prohibits the marriage ceremony of children under the age of 18 years for girls and fewer than 21 for boys. It criminalizes the act of child marriage and

provides for the annulment of such marriages.¹⁴

Many countries have enacted child protection laws that criminalize child labour and ensure the rehabilitation of affected children. These laws often include provisions for education, vocational training and financial support to prevent children from engaging in labour activities.

International Legal Frameworks:

Several international Legal instruments provide guidelines for protecting children from labour exploitation. These instruments establish global standards that countries incorporate into their national legislation to safeguard children from forced labour.¹⁵

United Nations Convention on the Rights of the Child (CRC) (1989)-

The CRC affirms every child’s right to be free from economic exploitation and hazardous labour (Article 32). It obligates states to implement legislative administrative and social policies to protect children’s welfare.

International Labour Organization (ILO) Conventions, 1919: The ILO has introduced key conventions such as:

Convention No. 138 (Minimum Age Convention, 1973): It establishes the least age for employment and promotes compulsory education to prevent child labour.

Convention No. 182 (Worst Forms of Child Labour Convention, 1999): Bans hazardous child labour and mandates urgent measures to combat child exploitation.

Universal Declaration of Human Rights (UDHR) (1948): It affirms the RTE Act, 2009 (Article 26) and prohibits forced labour and slavery (Article 4), thereby contributing to child labour prevention efforts.

Role of Government Agencies and Law Enforcement:

Ensuring the effective implementation of child labour laws requires strong institutional mechanisms, including:

- **Child Welfare Authorities**: - The Government agencies like Assistant Labour Commissioners are responsible for overseeing child rights violations and providing assistance to at risk children in the employment which are hazardous in nature

¹⁰ *Supra*, note 11

¹¹ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 Act of Parliament, 2015 (India)

¹² The Right of Children to Free and Compulsory Education Act, 2009, No. 35, Act of Parliament, 2009 (India).

¹³ The Protection of Children from Sexual Offences Act, 2012, No. 32, Act of Parliament, 2012 (India)

¹⁴ The Prohibition of Child Marriage Act, 2006, No. 6, Act of Parliament, 2007 (India)

¹⁵ The International Centre for Missing & Exploited Children (Feb. 08, 2025 10:36 pm) [https://www.icmec.org/wp-content/uploads/2017/04/International Legal Instruments.pdf](https://www.icmec.org/wp-content/uploads/2017/04/International%20Legal%20Instruments.pdf)

and violate the sanctity of the provisions of Indian constitution.¹⁶

- **Labour Inspection Agencies:** - Authorities tasked with enforcing labour laws, conducting inspections and prosecuting individuals or organizations exploiting child labour. Alike ALCs there are other government agencies which played a noteworthy role in executing the inspection work in the employment sites irrespective of the nature of the employment and organisation.
- **Judicial and Human Rights Bodies:** - Courts and child rights commissions play an essential role in interpreting and enforcing legal protections against child labour, ensuring the safeguarding of prisoners' children. Some bodies like NHRC and SHRs in the Centre and States respectively work for the better conditions of the children and protect them from any form of exploitation in the form of employment.
- **Labour Court:** - **It is a most important body which look after the disputes between the parties with regards to the labour force as well as settle the issues of child labour and punish the persons authorities engaged in such an offence.**

Role of NGOs in preventing Child Labour:

Non-Governmental Organizations (henceforth NGOs) play a vital role in preventing child labour through various initiatives and interventions. Their efforts focus on advocacy rescue operations rehabilitation, education and policy influence. Below are some key roles that NGOs play in combating child labour:¹⁷

Rescue and Rehabilitation:-

- NGOs work to rescue children from hazardous work conditions and rehabilitate them through shelter homes, counselling and vocational training.
- Organizations like 'Bachpan Bachao Andolan (BBA)' and 'Child Rights and You (CRY)' actively rescue children and reintegrate them into society.

¹⁶Agencies Related to Welfare Services to The Children (Feb. 08, 2025 11:24 pm) <https://www.scribd.com/presentation/502685792/5-Agencies-Related-to-Welfare-Services-to-the-Children>

¹⁷ Child labour in India (Feb. 08:35 pm) https://en.wikipedia.org/wiki/Child_labour_in_India

Education and Awareness Campaigns:-

- NGOs emphasize the importance of education as a long-term solution to child labour.
- They run awareness programs for parents, communities and employers about the negative impact of child labour.
- Many NGOs establish schools and learning canters for rescued children.¹⁸

Advocacy and Legal Support:-

- NGOs push for stronger laws and policies against child labour.
- They assist in legal proceedings against offenders and provide legal aid to child labour victims.
- Organizations like 'International Labour Organization (ILO)' and 'Save the Children' lobby for stronger enforcement of child labour laws.

Economic Support for Families:-

- One of the primary reasons for child labour is poverty. NGOs support families with income-generating opportunities and vocational training.
- Micro-financing and skill development programs help parents become financially independent and prevent them from sending children to work.

Monitoring and Reporting:-

- NGOs act as watchdogs by monitoring industries and workplaces for illegal child labour practices.
- They conduct investigations and expose companies violating child labour laws.
- Some NGOs collaborate with governments and international bodies to track and report child labour violations.

Collaboration with Government and International Organizations:-

- NGOs partner with governments and international agencies like UNICEF and ILO to implement child protection policies.
- They contribute to the formulation and implementation of child labour laws and rehabilitation programs.

¹⁸ The Role of Education and Awareness in Child Protection Programs: Empowering Children and Families (Feb. 09, 2025 10:44 am) <https://bonyan.ngo/child-protection/education-and-awareness-in-child-protection>

Judicial Rulings and Landmark Cases:

Courts in various jurisdictions have issued significant rulings affirming the rights of children and directing state intervention to prevent child labor. Some of these decisions have led to policy reforms, ensuring that vulnerable children, including those of incarcerated parents, receive adequate protection, education and social support. Judicial rulings and landmark cases have played a critical role in shaping the legal landscape, establishing precedents that influence the interpretation and application of laws. These cases are often significant because they address complex legal issues clarify ambiguities in legislation and uphold challenge constitutional principles. Landmark cases are essential in the enlargement of legal doctrines, the safeguard of fundamental rights and the protection of vulnerable groups. Here is an overview of notable judicial rulings and landmark cases that have had a significant impact on various aspects of law.

Marbury v. Madison (1803) – Judicial Review is perhaps the most important case in the USA's history. It recognized the principle of judicial review which gives courts the authority to affirm laws and executive actions unconstitutional. Chief Justice John Marshall's judgment acknowledged that the judiciary could interpret the Constitution and invalidate government actions that violated constitutional principles, thus solidifying the system of checks and balances in the USA government.¹⁹

Tata Iron and Steel Co. Ltd. v. Workmen (1972) – Labour Rights This Indian Supreme Court case dealt with workers' rights specifically focusing on the relationship between workers and employers. The court emphasized the need for fairness in the workplace with the employer being responsible for ensuring a just environment for employees. The decision helped in solidifying the concept of "social justice" within the industrial context and laid the foundation for labour reforms in India.²⁰

The United Nations Convention on the Rights of the Child (CRC) 1989:

Though not a case, the '**United Nations Convention on the Rights of the Child**' is a landmark intercontinental instrument. It is adopted by the UN General Assembly in 1989, it set binding obligations on its signatories including the prohibition of child labour. Article 32 of the CRC emphasizes the safeguard of children from economic exploitation and harmful work. Many nations have ratified the convention and aligned their domestic laws with its

principles, including India which has integrated many of its provisions into national legislation.²¹

M.C. Mehta v. State of Tamil Nadu²²

The Supreme Court examined the exploitation of youngsters employed in perilous sectors including as fireworks and match factories in Sivakasi. The Court determined that the employment of children under 14 in such circumstances contravened Article 24 (prohibition of child labor) and Article 21 (right to life with dignity). It mandated the removal of children from labor, their rehabilitation, and the establishment of a welfare fund to facilitate their education. This case is crucial for the children of inmates, who are also susceptible to child labor due to poverty and insufficient parental care, thereby underscoring the State's obligation to safeguard and rehabilitate these vulnerable youngsters.

Bandhua Mukti Morcha v. Union of India²³

The Supreme Court examined the abuse of bonded laborers, including minors, employed in stone quarries under inhumane and coercive conditions. The Court determined that this contravened Articles 21, 23, and 24 of the Constitution, which ensure the right to a dignified existence, prohibit forced labor, and prohibit child labor. It mandated the government to find, release, and rehabilitate these laborers by supplying sustenance, accommodation, education, and healthcare. This ruling is significantly pertinent to the children of incarcerated individuals, who are equally susceptible to exploitation and child labor as a result of poverty and inadequate care, reinforcing the State's obligation to safeguard and assist all at-risk youth.

Sheela Barse v. Union of India²⁴

The Supreme Court addressed a plea from child rights advocate Sheela Barse, who revealed the maltreatment and neglect of children in detention facilities in Bombay. The Court determined that incarcerating children in jail-like conditions without adequate care, legal assistance, or rehabilitation infringed against their fundamental rights as stipulated in Article 21. It mandated the State to designate child welfare officials, provide distinct child-friendly residences, and guarantee access to education, healthcare, and legal support. This ruling

²¹Convention on the Rights of the Child (1989) (Feb. 09, 2025 11:09 am) <https://research.un.org/c.php?g=1331357&p=9804957>

²² AIR 1997 SUPREME COURT 699

²³ AIR 1984 SC 802

²⁴ AIR 1986 SC 1773

¹⁹, 5 U.S. (1 Cranch) 137 (1803)

²⁰ 1973 SCR (1) 594

is particularly pertinent for the offspring of incarcerated individuals, underscoring their entitlement to protection, nurturing, and a rehabilitative atmosphere rather than punitive measures.

Re: Children Living in Prisons with Mothers²⁵

The Delhi High Court examined the circumstances of children residing in prisons with their imprisoned mothers. The Court underscored that although a child may reside with the mother in incarceration, the youngster is not a detainee and should not be regarded as such. It mandated prison authorities and the state to guarantee that these children receive enough diet, healthcare, clothes, education, and recreational amenities. The Court mandated the establishment of crèche and nursery facilities within correctional institutions, as well as systems for rehabilitation and reintegration upon the child's departure from jail. This case is essential in acknowledging the unique vulnerabilities of children of prisoners, asserting that the State has a fundamental obligation to uphold their dignity, development, and rights as stipulated in Articles 21 and 39(e)-(f) of Indian Constitution.

Unni Krishnan J.P. v. State of Andhra Pradesh²⁶

The Supreme Court addressed the matter of the commercialization of education and the constitutional right to education. The Court determined that the right to education till the age of 14 constituted a fundamental right under Article 21, considered in conjunction with the Directive Principles outlined in Article 45. The ruling established that the State is obligated to offer free and obligatory education to all children up to that age and restricted the profit-oriented activities of private educational institutions. This ruling established the basis for the subsequent inclusion of Article 21A by the 86th Constitutional Amendment. This is especially pertinent to the children of prisoners, as it asserts that even the most disadvantaged children possess a fundamental right to education, which is crucial for preventing child labor and disrupting cycles of poverty and neglect.

Nilabati Behera v. State of Orissa²⁷

The Supreme Court examined custodial violence and the infringement of fundamental rights as stipulated in Article 21. The case pertained to the custody death of a young man, Suman Behera, and the Court granted compensation to his mother, Nilabati Behera, acknowledging the State's liability for the infringement of the right to life perpetrated by its agents. The Court underscored that financial restitution is a suitable remedy in instances of

egregious human rights abuses by the State. This pivotal ruling established the principle of public law remedy for State liability and is crucial for the children of prisoners, as it confirms the State's obligation to protect the life, dignity, and rights of individuals in its custody, including the welfare of children residing in prisons or impacted by custodial abuse.

Khatri v. State of Bihar²⁸

The Supreme Court held that both under trials and prisoners maintain their fundamental rights, and that access to free legal assistance is a crucial component of a fair trial and justice. This case established the basis for acknowledging governmental accountability for custodial mistreatment and the need to legal representation. This is pertinent for the children of prisoners as it underscores that custodial settings must be devoid of violence and inhumanity, and that the State is obligated to safeguard the rights of all individuals associated with the criminal justice system, particularly vulnerable children impacted by or residing with incarcerated parents.

People's Union for Democratic Rights v. Union of India (1982):

Another pivotal case in India, the Apex Court addressed the issue of child labour in the glass-blowing industry. The case involved children working in hazardous conditions without proper compensation. The court ruled that child labour in such hazardous and exploitative conditions violated children's constitutional rights under Article 21, which provides the right to life and personal liberty. The court's interpretation of the right to life under Article 21 extended to ensuring a life with dignity, free from forced labour and exploitation.²⁹

ILO v. Nepal (2012):

In 2012, the “**International Labour Organization (ILO)**” brought a case not in favor of Nepal at the Committee on Freedom of Association for violating global labour standards, including child labour provisions. The ILO's case against Nepal argued that the country failed to enforce laws preventing the use of child labour, particularly in hazardous industries like brick kilns and agriculture. The ruling stressed the importance of aligning domestic laws with international standards and enforcing child protection laws rigorously.

²⁵ (WP(C) 8889/2011

²⁶ AIR 1993 SC 2178

²⁷ AIR 1993 SC 1960

²⁸ AIR 1981 SC 928

²⁹ AIR 1982 SUPREME COURT 1473

The U.S. Case of *Hughes v. Aetna Life Insurance Company* (1957):

While not specifically about child labour in the traditional sense, the case of **Hughes v. Aetna Life Insurance Company** was important in establishing the broader framework of workers' rights in the U.S. It involved an insurance company that denied coverage to a minor working illegally. The case highlighted the issues around minors' rights to protection from exploitative labour, even in contractual situations. While not a landmark child labour case per se it contributed to the broader understanding of minors' legal protections in labour law.³⁰

The European Court of Human Rights (ECHR) and Child Labour:

The “**European Court of Human Rights (ECHR)**” has also addressed the issue of child labour in various rulings. For instance, in the case “**Z v. United Kingdom**”³¹ the court brings into being that the state had violated a child's rights by failing to take sufficient steps to prevent sexual abuse in an institution. While not directly related to child labour, the case emphasizes the accountability of the state to guard children from all forms of exploitation.

ILO v. Bangladesh (2000)³²

In 2000, the **International Labour Organization** brought a case against Bangladesh regarding its widespread child labour problem. The case, which focused on the poor enforcement of child labour laws in the garment industry, led to significant reforms in Bangladesh's child labour laws. The government was urged to adopt stricter measures to eliminate child labour, especially in hazardous industries and provide better access to education and social services for children. **Similarly in Zimbabwe, the Child Labour Protection (Zimbabwe)** This case in Zimbabwe involved the illegal employment of children in exploitative conditions and brought attention to the necessity of ensuring that children are not subjected to forced labour. The ruling emphasized the importance of adhering to national and international child protection laws and the responsibilities of the state and employers to safeguard children's rights. This case served as a reminder of the need for continued vigilance and enforcement of laws shielding children from labor exploitation.

³⁰ *Hughes v. Aetna Life Insurance Company*, 1957, U.S. Case No. 6:08-cv-76-Orl-31KRS (M.D. Fla. Feb. 25, 2008)

³¹ (2001) 34 EHRR 3 (ECHR)

³² ILO, CEACR Observation on Convention No. 182 – Bangladesh (1999), ILOLEX Doc. No. 062000BGD182.

Challenges in Implementation:

Despite the robust legal framework several challenges hinder the effective protection of prisoners' children from labour exploitation.³³

- **Absence of Awareness and Access to Resources** – A number of children of incarcerated parents are unaware of their legal rights and available support mechanisms.
- **Inadequate Government Interventions** – Insufficient funding and administrative inefficiencies limit the effectiveness of state-sponsored child welfare programs.
- **Social Stigma and Discrimination** – The social perception of prisoners' children often affects their opportunities for education and employment, pushing them toward informal labour markets.
- **Weak Law Enforcement** – Corruption and lack of enforcement mechanisms allow child labour practices to persist despite legal prohibitions.

Policy Recommendations:

To make certain the safeguard of prisoners' children from child labour, the following measures are recommended:

- **Strengthening Constitutional Provisions** – Amendments to constitutional and statutory laws should explicitly recognize the rights of prisoners' children and mandate state intervention for their protection.
- **Enhancing Educational Opportunities** – Expanding access to free and quality education including scholarships and vocational training can reduce the likelihood of children engaging in labour.
- **Comprehensive Welfare Programs** – Governments should establish dedicated welfare programs that provide financial aid counseling and rehabilitation services for the children of incarcerated individuals.
- **Public Awareness and Advocacy** – Awareness campaigns should educate society on the rights of prisoners' children and the legal consequences of child labour.
- **Improved Law Enforcement** – Strengthening monitoring mechanisms and increasing penalties for violations can deter child labour practices effectively.

³³ Challenges in Child Labour (Feb. 09, 2025 11:40 am) <https://www.cry.org/blog/what-is-child-labour-in-india>.

Conclusion:

The child labour is one among the venerable issues of the society wherein the children from the lower economic class and especially the children of prisoners are subjected to this offence. Due to unavailability of the resources and legal help the children of the aforesaid class are subjected to exploitation in the hazardous employment. The absence of care of the guardians the children of prisoners are mostly subjected to this child labour. The constitutional protection of prisoners' children from labour exploitation is a fundamental aspect of human rights and social justice. Despite existing legal frameworks effective implementation remains a challenge due to systemic inefficiencies and socio-economic barriers. To address these issues require a multi-pronged approach concerning legal reforms, policy enhancements and community engagement. By ensuring that these children receive adequate protection and support, societies can uphold the principles of justice and equality, flouting the series of poverty and exploitation.

The safeguarding of children whose parents are incarcerated from forced labour is a crucial issue, not only for their physical protection but also for the preservation of their dignity and fundamental rights. As constitutional law evolves ensuring the protection of vulnerable groups, such as the children of prisoners becomes an increasingly important concern. A constitutional examination of child labour protection reveals its significant impact on the wider framework of human rights and social justice. Central to this issue is the clear constitutional principle that children must be shielded from exploitation and harm. Constitutions worldwide, particularly in democratic nations uphold the essential rights of children emphasizing their entitlement to education, health and protection from exploitation. Many countries incorporate provisions similar to Article 32 of the "United Nations Convention on the Rights of the Child", which calls for the safeguarding of children from all forms of economic exploitation. Children of prisoners are especially at risk often facing poverty a lack of proper parental care and coerced involvement in exploitative labour.

In many legal systems, the constitution not only prohibits child labour but also mandates the safeguard of children from all forms of mistreatment or neglect, including those within prison contexts. These constitutional guarantees are often complemented by national laws designed to ensure the welfare of children of incarcerated parents, preventing them from being forced into the labour market under abusive conditions. Such legislation seeks to prevent situations where children, already living in difficult circumstances due to their parents' imprisonment, are manipulated into hazardous working conditions.

Additionally, a constitutional review highlights the obligation of the state to intervene when children's rights are compromised, especially in cases where the children of prisoners are at risk of being prematurely forced into the workforce. Governments are required to implement policies that support the welfare of children who are left behind when their parents are incarcerated. These policies must focus on providing children with necessary services, including education, healthcare and psychological support thereby decreasing the likelihood that they will enter the workforce at a young age. Furthermore prioritizing state-sponsored or non-governmental programs for the rehabilitation and reintegration of prisoners and their families can help alleviate the socio-economic pressures that often lead to child labour.

A comprehensive constitutional framework also mandates the creation of a support system designed to reduce the harmful effects on the children of prisoners. This should include alternative care options for abandoned or neglected children, ensuring access to education and opportunities for personal growth which can prevent the need for child labour. The constitutional focus on human dignity requires that no child should be forced to work to survive or support their family particularly in the emotionally challenging context of having an incarcerated parent.

In conclusion that protecting the children of prisoners from forced labour is not only a constitutional obligation but also a broader reflection of the commitment to safeguard vulnerable populations and promote social justice. Through constitutional protections, national laws and targeted social programs societies can ensure that children of incarcerated parents are provided the opportunity to grow in a safe and nurturing environment free from premature labour. Safeguarding these children is not just a legal responsibility but a moral imperative ensuring that the cycle of exploitation is not repeated in future generations.

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