Child Labour in India: Causes, Legal Prohibition, and the Effectiveness of Rehabilitation Schemes

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Abstract

Child labour in India has been the subject of intense scholarly, legislative, and policy attention for over three decades. Despite substantial legal reforms, including the Child and Adolescent Labour (Prohibition and Regulation) Act as amended in 2016 (hereafter, CLPR Act 2016), the Right of Children to Free and Compulsory Education Act, 2009 (RTE), and ancillary criminal and labour frameworks, millions of children remain engaged in economic activity, a portion under conditions that meet national or international thresholds for "child labour." This paper synthesises the current evidence on (i) the structural and proximate causes of child labour in India; (ii) the legal architecture that prohibits it and interacts with education and social protection; and (iii) the design and effectiveness of rehabilitation and reintegration mechanisms, with particular focus on the National Child Labour Project (NCLP), its recent subsuming into Samagra Shiksha's Special Training Centres (STCs), the PENCiL portal, Operation Muskaan/Smile, Childline 1098 (now undergoing integration with ERSS 112), and the Central Sector Scheme for Rehabilitation of Bonded Labourer (revised 2016 and updated 2021/2022). While official data sources (Census 2011; administrative reporting; selective surveys) suggest a long term decline in child labour, recent analyses (PLFS 2018/19; UNICEF/ILO global estimates) indicate persistent risks concentrated among older children, rural households, migrants, scheduled castes/tribes, and informal sector supply chains. A key finding of this review is that India's legal prohibition has sharpened, but programmatic rehabilitation has entered a transition phase after 2021, raising coordination, measurement, and delivery challenges. The paper proposes a set of evidence informed reforms: comprehensive data architecture beyond decadal census; targeted cash plus approaches that combine income support with school remediation; stronger subnational convergence between labour enforcement and education; supply chain due diligence; and outcome based financing for state STCs.

1. Introduction

India's struggle against child labour reflects a broader developmental arc: demographic scale, entrenched informality, regionally uneven social protection, and the pursuit of universal schooling. The Indian Constitution promises both protection *from* hazardous child labour (Article 24) and a right *to* elementary education (Article 21-A), creating mutually reinforcing mandates that position education as the primary alternative to child work.[1] These constitutional guarantees are operationalised through the CLPR Act 1986 as amended in 2016 (categorically prohibiting employment of children under 14 in any occupation and restricting adolescents aged 14–18 from hazardous work), together with RTE 2009, the Juvenile Justice (Care and Protection of Children) Act 2015/2021, and the Bonded Labour System (Abolition) Act 1976 ,. India's ratification in 2017 of ILO Conventions 138 (Minimum Age) and 182 (Worst Forms) further aligned domestic law with global norms.[2]

This legal edifice exists alongside a set of rehabilitation and enforcement interventions that have evolved over time: the NCLP Scheme (1988–2021) with its special training centres, now subsumed under Samagra Shiksha's outcome-based STC framework; the PENCiL platform for complaints and coordination; periodic police-led rescue drives under Operation Muskaan/Smile; the 24×7 child helpline 1098 (currently integrating with ERSS-112); and the revised Central Sector Scheme for Rehabilitation of Bonded Labourer. However, recent parliamentary scrutiny has emphasised persistent data gaps, coordination bottlenecks, and the need for clearer inter-ministerial action plans post-NCLP subsuming.

2. Defining Child Labour and Understanding the Measurement Landscape

2.1. Legal and statistical definitions

Under the CLPR Act 2016, a *child* is a person under 14; an *adolescent* is 14–18. Employment of children is prohibited in all occupations and processes; employment of adolescents is prohibited in "hazardous occupations and processes" per the Schedule (as amended in 2017/2023), with regulatory rules issued in 2017 to operationalise prevention, rescue, and rehabilitation. Two controversial exceptions exist for children under 14: limited "help" in a family enterprise outside school hours and during vacations, and participation as an artist in the audio-visual entertainment industry under specified safeguards.

These exceptions, while circumscribed by the 2017 Rules (e.g., prohibitions on remunerative participation in any stage of supply chains), have drawn concern from scholars and advocates who fear normalisation of exploitative "family" work in informal home-based production.[3]

On the statistical side, international agencies delineate *child labour* as economic activity that is age-inappropriate, hazardous by nature or conditions, or excessive in hours, while distinguishing "child work" that is not harmful. The definitional threshold varies between national law and international metrics, complicating comparability across sources and time. Recent UNICEF/ILO estimates point to 160 million children globally in 2020, easing to ~138 million by 2024 but still far from SDG 8.7 targets.

2.2. India's prevalence: levels and trends

India lacks a post-2011 census headcount of child workers, and a 2023 Parliamentary Standing Committee underscored that annual administrative data are sparse and fragmented across agencies. The 2011 Census reported 10.1 million workers aged 5–14 (3.9% of this cohort), a figure often cited in policy discourse. More recent analytics using PLFS 2018/19 and other sources suggest that around 5 million children aged 5–17 engaged in economic activity, with estimates of "child labour" varying from 1.8 to 3.3 million depending on definitional thresholds; risk concentrates among older adolescents and in hazardous contexts. Researchers employing 2019 Time Use data also document harmful forms of labour, including long hours of domestic chores disproportionately borne by girls.[4]

3. Causes: Structural Drivers and Household-Level Determinants

The literature and Indian administrative experience point to a layered etiology.

Poverty and income shocks. Poverty, especially when coupled with uninsured shocks (illness, crop failures, job loss), remains the central push factor. Families deploy child labour as a short-term coping device in the absence of robust social protection or accessible credit. Empirical work using PLFS and related surveys confirms that low household consumption, parental illiteracy, and informal work status correlate with a higher likelihood of child work.

Educational access and quality. Where schooling is costly (direct or opportunity costs), distant, or perceived as low-quality, parents substitute toward

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[1] Government of India. *The Constitution of India* (Articles 21-A, 24). India Code.

[2] Press Information Bureau (PIB). *Ratification of ILO Conventions 138 & 182 on Child Labour* (13 June 2017).

[3] Ministry of Labour & Employment (MoLE). *Child Labour (Prohibition & Regulation) Amendment Rules, 2017* (notification/compilations).

[4] MoLE. *PENCiL Portal – overview and functions.*

work, particularly for older children. The RTE framework reduces financial barriers but uneven quality and transition rates (especially at upper primary/lower secondary) can blunt the "pull" of schooling. STC/bridge interventions aim to remediate learning gaps for out-of-school children, yet coverage and consistency vary by state ,.

Caste, gender, and social norms. Studies detect higher incidence among historically disadvantaged groups (SC/ST) and migrant families, with gendered patterns: boys more visible in paid work; girls disproportionately engaged in unpaid domestic labour and family enterprises, often invisible to conventional labour surveys.

Migration and informality. Seasonal migration to agriculture, construction, and home-based manufacturing (textiles, zari, beedi, footwear, recycling) exposes adolescents to hazardous environments. The informal character of these sectors, fragmented subcontracting, and piece-rate remuneration impede inspection and enforcement.[5]

Debt bondage and trafficking. Child labour intersects with bonded labour and trafficking in certain pockets, particularly where advances bind entire families to employers. The Bonded Labour (Abolition) Act 1976 criminalises such practices and a revised rehabilitation scheme (2016; reaffirmed 2022/2021) provides graded assistance, but implementation is uneven ,.[6]

4. Legal Prohibition: Constitutional and Statutory Frameworks

4.1. Constitutional guarantees

Article 24 prohibits employment of children below 14 in factories, mines, or hazardous employment; Article 21-A guarantees free and compulsory education for ages 6–14; Directive Principle Article 39 directs the State to protect childhood, among other goals ,. Together, these create a normative bar on child labour and a positive obligation to furnish schooling.

4.2. CLPR Act 2016 and the 2017 Rules

The CLPR Act (amended 2016) prohibits employment of children in all occupations and processes, introduces the "adolescent" category, and bans adolescents from hazardous work. Penalties were enhanced and certain offences made cognizable; the Centre can amend the hazardous Schedule (updated in 2017 with further notification contexts in 2023) ,. The 2017 Rules codify

prevention-rescue-rehabilitation steps, specify time-bound protocols (e.g., role of District Magistrate and District Nodal Officer), and limit "family enterprise" participation to non-remunerative help outside school hours.

4.3. Education and child protection statutes

The RTE Act 2009 operationalises Article 21-A with mandates on neighbourhood schooling, non-discrimination, and age-appropriate admission with special training for out-of-school children. The Juvenile Justice Act (2015; amended 2021) defines and structures child protection services (CWCs, DCPUs), intersects with child labour rescues, and undergirds Mission Vatsalya's service ecosystem.[7]

4.4. Bonded labour and Supreme Court jurisprudence

The Bonded Labour System (Abolition) Act 1976 outlaws bonded labour and provides for prosecution and rehabilitation. Landmark Supreme Court directions in **M.C. Mehta v. State of Tamil Nadu** (1996) required employer deposits of ₹20,000 per illegally employed child into a district Child Labour Rehabilitation-cum-Welfare Fund and envisaged state support for family livelihoods, principles later echoed in SOPs and administrative practice. **Bandhua Mukti Morcha** cases further constitutionalised the State's duty to identify, release, and rehabilitate bonded workers ,.[8]

4.5. International commitments

By ratifying ILO Conventions 138 and 182 in 2017, India affirmed minimum age standards and elimination of worst forms; these commitments complement SDG 8.7 and inform domestic enforcement priorities.

5. Enforcement Architecture and Programme Instruments

5.1. The National Child Labour Project (NCLP): design and transition

NCLP (1988) represented India's flagship rehabilitative scheme, focusing first on children withdrawn from hazardous work. Project societies ran special training centres offering bridge education, stipends, nutrition, health checks, and mainstreaming into formal schools. After multiple expansions, NCLP covered hundreds of districts, and by 31 March 2023 the government reports ~1.43 million children rescued/withdrawn and mainstreamed since inception. However, effective **1 April 2021**, NCLP's special

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[5] Lok Sabha, *Standing Committee on Labour, Textiles and Skill Development*, *National Policy on Child Labour, An Assessment* (52nd Report, Dec 20, 2023).

[6] IndiaSpend. *India's fight against bonded labour: delayed rehabilitation and low utilisation* (June 6, 2025).

[7] Government of India. *Juvenile Justice (Care and Protection of Children) Act, 2015*; *JJ Amendment Act, 2021.*

[8] **Bandhua Mukti Morcha v. Union of India** – jurisprudence on bonded labour (case summaries/resources).

training function was **subsumed under Samagra Shiksha Abhiyan**, with no new NCLP STCs permitted thereafter; mainstreaming is now to be achieved through state-run STCs under education departments.

The PENCiL portal (Platform for Effective Enforcement for No Child Labour) was launched in 2017 to connect central/state/district stakeholders, register complaints, and track action. It also hosted NCLP guidelines and reporting before the transition; it remains the government's principal complaint corner for child labour. Early parliamentary answers indicated hundreds of resolved complaints soon after launch, with continued use as a routing mechanism to District Nodal Officers.[9]

5.2. Samagra Shiksha Special Training Centres (STCs)

Samagra Shiksha, India's integrated school-education scheme (extended to 2025-26), funds **Special Training** to enable age-appropriate admission of out-of-school children. STC support is outcome-based (e.g., proportion mainstreamed), with per-child norms and both residential (up to ₹20,000) and non-residential options (up to ₹6,000), and explicit expectations on periodic assessment and zero-rejection policies. Multiple states (Delhi, Assam, others) have issued detailed STC circulars and handbooks. In effect, STCs now absorb the "bridge education" role once exercised by NCLP centres for rescued child labourers.

5.3. Rescue and complaint systems: Childline 1098, ERSS-112, and police drives

Childline 1098 has long served as a national 24×7 helpline for children in distress. Under **Mission Vatsalya** reforms, the government has moved to integrate the child helpline with the Emergency Response Support System **112**, shifting call management toward state/district administration, with NGOs continuing as partners in many places. The integration seeks faster, interoperable responses across police/health/fire and better routing for child protection services. Official clarifications in 2023 and state-level notices confirm phased transition to 112-linked operations while retaining 1098 as the dial-in number in many jurisdictions.

Further, periodic national and state **Operation Muskaan/Smile** drives, initiated by the Ministry of Home Affairs, coordinate police, labour, education, and child protection to trace missing children and rescue those in labour or forced begging. Press releases document thousands of rescues during campaign months, with recent state operations continuing this model.[10]

5.4. Bonded Labour Rehabilitation Scheme (2016; revised 2021/2022)

Recognising intersections between child labour and bondage/trafficking, the **Central Sector Scheme for Rehabilitation of Bonded Labourer** (2016; revised 2021/2022) provides graded assistance: ₹1,00,000 for adult males; ₹2,00,000 for **children and women**; and ₹3,00,000 for extreme cases (e.g., trafficking/sexual exploitation, persons with disabilities, transgender persons), plus **immediate assistance** of ₹30,000 post-rescue. Funds are partly annuitised to protect long-term benefits; districts receive support for surveys, evaluative studies, and awareness. Utilisation, however, has been uneven, with recent reporting flagging low budget absorption in some periods, a challenge for timely rehabilitation.

5.5. Standard operating procedures (SOPs) and hazardous lists

The Government's **2017 SOP** prescribes roles for DMs, labour inspectors, police, and CWCs: 48-hour verification of PENCiL complaints, rescue protocols, age verification, rehabilitation linkage, and prosecution. The **hazardous list** (Schedule) was overhauled in 2017 (and notifications issued in 2023 contexts), clarifying bans for adolescents and where children cannot "help" even in family enterprises ,.[11]

6. Effectiveness of Rehabilitation and Reintegration

6.1. NCLP performance and the post-2021 transition

Historically, NCLP mainstreamed substantial numbers: government reporting cites ~1.43 million children withdrawn and mainstreamed since inception. Independent and administrative studies in selected states (e.g., Odisha, Rajasthan, Uttar Pradesh) reported meaningful remediation of learning gaps and transitions to formal schools, though with variability in quality, attendance, and stipend flows. NCLP's **strengths**, dedicated centres attuned to the needs of rescued child workers, stipends to offset opportunity costs, and local NGO partnerships, were offset by **challenges**: irregular funding, teacher/volunteer capacity, limited coverage beyond "NCLP districts," and thin linkage to upper primary or secondary retention .

The **subsuming** of NCLP into Samagra Shiksha's **STCs** promises scale and education-system ownership, but it also risks losing specialised focus on

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[9] PIB (2019). *PENCiL early complaint resolution numbers* (Lok Sabha answer).
[10] PIB (MHA) *Operation Smile/Muskaan* releases; recent state-level reports on rescue drives.

[11] MoLE. *Notification to amend the Schedule (hazardous list) to the CLPR Act* (30 Aug 2017; subsequent references, 2023).

rescued child labourers unless states actively prioritise this subgroup within OoSC. Parliamentary oversight has emphasised the need for a clear action plan and better inter-ministerial convergence, along with periodic urban surveys to locate working children (since Census 2021 was postponed), and stronger child-friendly policing and legal aid. Early media and academic case studies from certain industrial clusters note that closure of NCLP centres without an equally nimble STC substitute created temporary voids in vocational exposure and hand-holding of rescued children. These observations point to a transition risk: the *form* of rehabilitation exists (STCs), but the *function*, motivational outreach to families dependent on child income, regular stipends, and continuous counselling, must be safeguarded.

6.2. PENCiL and complaint-to-rescue pathways

PENCiL has institutionalised a digital **complaint corner** and routing to District Nodal Officers, with early parliamentary answers describing hundreds of resolved cases and an expanding footprint across districts. Its effectiveness hinges on (i) rapid verification and rescue; (ii) clear responsibility between labour, police, and CWCs; and (iii) **post-rescue** follow-through into STCs or Mission Vatsalya services. Where District Magistrates chair functional task forces and data loops exist between PENCiL and state education portals, complaint-to-rehabilitation cycles shorten. However, transparent and **regular public dashboards** on outcomes remain limited, complicating independent assessment of speed and quality after 2021.

6.3. Bonded labour rehabilitation: promise and practice

The revised scheme's higher assistance (with annuity elements) reflects good practice for preventing re-victimisation. The addition of **immediate assistance** (₹30,000) is critical where families have no buffer. That said, investigative and civil-society reporting note **low budget utilisation** and processing delays in some states, often tied to evidentiary thresholds for "proof of bondage", slow trials, and administrative inertia. International evaluations also highlight that bonded-labour cases involving children are especially under-detected due to family-level coercion and migration.[12]

6.4. Operation Muskaan and police-led rescues

Muskaan/Smile drives demonstrate that **surge operations** can identify large numbers of children in street work, hospitality, petty workshops, and forced begging. The challenge is less the rescue than the **sustained reintegration**, ensuring that children do not re-enter work due to household economic distress or school discontinuation. Best-practice districts use on-the-spot enrollment, immediate Mission Vatsalya shelter or sponsorship where needed, and linkage of parents to livelihoods (NRLM, urban employment schemes). Integration with the 112 platform can further reduce response times.

7. Evidence on Determinants and What Works

Recent scholarship using PLFS and spatial methods underscores the **heterogeneity** of determinants: caste, rurality, parental education, and regional labour market structures matter; older adolescents face higher risk of hazardous, often male-dominated work, while girls' unpaid care labour is persistently under-measured.[13] These findings suggest that **one-size-fits-all** programming struggles. Interventions with positive signals include:

- **Cash-plus models**: combining cash (or in-kind) transfers with remedial education and case-management reduces the need for child income and improves attendance. While India's child-labour-specific cash transfers remain limited, the logic is embedded in NCLP stipends of yesteryear and could be rethought for the STC era (e.g., conditional top-ups for rescued children).

- **Quality remediation**: STCs need trained educators and competency-based materials; states that integrate STC tracking into student information systems (e.g., app-based monitoring) show higher mainstreaming and retention.

- **Supply-chain due diligence**: sectoral codes and state-level compliance drives (beedi, fireworks, garments, recycling) can lower demand for under-age labour when combined with proactive inspections and vendor audits.

- **Adolescent skilling pathways**: for 15–18-year-olds, non-hazardous vocational exposure within formal schooling (NSQF-aligned) reduces the temptation of informal work; Standing Committee recommendations explicitly call for coordination with skill departments for rescued adolescents.

8. Policy Gaps and Implementation Challenges

Data fragility. Without a 2021 Census and with limited annual surveys capturing under-age work comprehensively (including domestic chores and hidden family work), policy is forced to rely on

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[12] MoLE. *Central Sector Scheme for Rehabilitation of Bonded Labourer* (2016; revised guidelines 2022/2021; assistance slabs and immediate support).

[13] Santhya, K.G., et al. *Child Labour and Schooling in India* (UNICEF Innocenti, 2024); uses PLFS 2018/19 and other datasets.

model-based estimates and administrative counts. The Standing Committee urges periodic **urban surveys** and inter-operable data across labour, education, and police.

Post-NCLP coordination. The move to **education-anchored STCs** is sensible for scale but requires formal MoUs and SOPs at the district level aligning **labour rescues** (PENCiL/inspections), **police** (FIRs, trafficking), and **CWCs** with **school admission and remediation**. Absent this, children may be rescued but not stably mainstreamed .

Family-enterprise exception. While bounded by rules, the exception risks legitimising de-facto production roles for children in home-based supply chains; watchdogs recommend tighter **inspection guidance** and clearer standards around "help" vs. "work" in remunerative contexts.

Bonded labour identification. High evidentiary thresholds and minimal incentives for employers to regularise deter detection; **immediate assistance** must be disbursed reliably, and linkages to livelihood schemes for families should be rapid to prevent relapse.

Adolescent hazard exposure. Adolescents (14–18) remain vulnerable in agriculture, construction, and services; hazardous lists and inspections must be **periodically updated** to reflect evolving processes (e-waste, chemical handling, logistics). The Centre retains power to amend the Schedule; technical committees should leverage injury and OSH data to refresh risk categories.

9. Reform Directions: A Roadmap

(1) Build a national child-labour data architecture.

Create an **annual** integrated dataset combining PLFS child modules, time-use insights, and PENCiL/Childline administrative records, with **public dashboards** on rescues, prosecutions, and mainstreaming outcomes. Commission **biennial** urban surveys targeting high-risk sectors and migrant corridors, as urged by Parliament.

(2) Codify district-level convergence after rescues.

Issue a joint MoLE–MoE–MWCD circular requiring every district to adopt a **Rescue-to-School Protocol**: within 72 hours of rescue, a child receives (i) CWC orders and a **named case-worker**; (ii) immediate assistance where eligible; (iii) admission to a nearby STC with transport and nutrition support; (iv) **parental counselling** plus linkage to livelihood programs (NRLM, urban skill missions).

(3) Finance STCs on outcomes for rescued children.

Within Samagra Shiksha, ring-fence an **outcome-based window** for rescued child labourers, with top-ups for on-time mainstreaming and one-year retention. States could leverage CSR or impact-bond pilots for difficult clusters (e.g., urban scrap-recycling belts). ,.[14]

(4) Tighten and clarify the family-enterprise exception.

Publish **inspection advisories** clarifying that "help" excludes any role in **remunerative** supply chains (e.g., packaging, finishing, online order fulfilment) and requires documented school attendance. Mandate **random home-based audits** in sectors with known risks (beedi, zari, fireworks)..

(5) Modernise the hazardous list and OSH for adolescents.

Convene expert panels every two years to assess new hazards (solvents, e-waste, battery recycling), update the Schedule, and issue **sector-specific** adolescent safety standards; expand inspector training and digital inspection checklists.

(6) Deliver bonded-labour assistance predictably.

Operationalise **automatic triggers** for immediate assistance (₹30,000) at rescue, reduce delays in annuity set-up, and publish monthly utilisation reports. Integrate bonded-labour portals with PENCiL for tracking cases involving children.[15]

(7) Strengthen adolescent-tailored education-to-work pathways.

Scale NSQF-aligned vocational streams within schools; pair with **apprenticeship-like** exposure in strictly non-hazardous settings for 16–18-year-olds; ensure that any work-based learning is compliant with adolescent protections. Parliamentary recommendations regarding adolescent skilling post-rescue should be mainstreamed.

(8) Deepen community engagement and social norms work.

Leverage Mission Vatsalya, Panchayats, and state education departments to run **behaviour change** campaigns on the costs of child labour and the benefits of schooling, particularly targeted at migrants and SC/ST hamlets.

(9) Supply-chain accountability.

Adopt voluntary **due-diligence** frameworks for high-risk MSME clusters, promote buyer audits, and

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[14] Ministry of Education. *Samagra Shiksha – Implementation Framework* (2020; extended to 2025-26) and *Special Training* guidelines.

[15] Vikaspedia/official explainers on bonded-labour assistance slabs and survey funding norms (cross-checked with MoLE orders).

incentivise child-labour-free certification. Tie state procurement preferences to verifiable compliance.

10. Conclusion

India's legal stance on child labour is clear and stringent; its constitutional and statutory commitments align with global standards. The most significant programmatic change of the past decade has been the pivot from NCLP special centres to an education-anchored rehabilitation model under Samagra Shiksha's STCs, supported by digital complaint and rescue infrastructures (PENCiL, 1098→112, Muskaan). This shift can yield durable mainstreaming if districts close the loop from rescue to school retention and if measurement is modernised beyond decadal census counts. The persistent core problem is not the absence of laws but the friction in execution, data invisibility, household precarity, and the diffuse nature of informal supply chains. Addressing these requires cash-plus supports for families, high-quality remediation for older children, predictable rehabilitation financing for bonded labour, and relentless convergence across labour, education, and child protection. With these adjustments, and with regular, transparent reporting, India can accelerate toward the constitutional promise of childhood free from labour and full of learning.

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