

# JUDICIAL INTERPRETATION OF ARTICLE 24: SAFEGAURDING CHILDHOOD IN INDIA

**NAME OF THE AUTHOR: - Alen Mani**

DESIGNATION: STUDENT

INSTITUTE NAME: CHRIST UNIVERISTY, BANGALORE

DEPARTMENT: LAW

CITY: KANNUR

COUNTRY: INDIA

## **ABSTRACT**

Article 24 of the Indian Constitution plays a pivotal role in protecting children under 14 years from being employed in factories, mines, and other dangerous jobs. This clause is essential in defending the rights of children, preventing their exploitation, and facilitating their access to both education and a nurturing environment during their formative years. The interpretation of Article 24 by the judiciary has been crucial in applying its principles, highlighting its significance in preserving the rights enshrined in the Constitution. Indian courts have been steadfast in emphasizing the necessity to shield children from labor exploitation, as evidenced by landmark rulings. For example, the Supreme Court's judgment in *M.C. Mehta v. State of Tamil Nadu* (1996) broadened the understanding of children's rights, linking the right to a labour-free childhood directly with the right to education. Furthermore, the judiciary has pointed out the state's duty to foster an environment conducive to the well-being and development of children. These judicial interpretations often consider the socio-economic reasons behind child labour, pushing for the government to enact effective policy measures and social welfare programs. The courts have called for rigorous enforcement of child labor laws and highlighted the importance of public awareness campaigns to dismantle the societal normalization of child labor. Despite these judicial endeavours, obstacles in the full realization of Article 24 remain, with poverty, insufficient educational infrastructure, and societal norms still driving child labor in many forms. This summary underscores the vital influence of judicial interpretations in shaping the application and enforcement of Article 24, stressing the continuous need for vigilance and action to protect the essence of childhood in India. A strong judicial stance, coupled with cooperative efforts, can truly secure the fundamental rights of children, paving the way for a brighter future for the country's young population.

**KEYWORDS:** (CHILD LABOUR, EXPLOITATION, CHILDREN, ARTICLE 24)

## INTRODUCTION

Article 23 and Article 24 of the Indian Constitution provide citizens with the Right against exploitation as a Fundamental Right. These articles prohibit all forms of human exploitation, including human trafficking, forced labor, and employment of children in factories, construction, and hazardous industries. Despite these legal protections, human trafficking still occurs, with people being trafficked for sexual exploitation, forced labor, and other purposes. The Indian Constitution plays a significant role in preventing exploitation and punishing traffickers under the Indian Penal Code 1860. Additionally, the Parliament has passed various Acts to protect citizens and punish those who engage in such immoral acts.

Furthermore, the judiciary has tackled systemic problems leading to child labor, pushing the state to adopt effective strategies that give precedence to education and welfare over exploitation. Courts have demanded strict law enforcement, urging officials to act decisively against child labor. These rulings go beyond mere legal compliance, advocating for a shift in approach that acknowledges the socioeconomic conditions driving families towards child labor as a means of survival. Judicial actions have also stressed the role of public awareness and community involvement in combating child labor. Recognizing that legal bans alone cannot eliminate the deep-rooted social norms condoning child labor, court orders have often included directives for government-led awareness campaigns and community mobilization to foster an environment conducive to children's education and growth.

Despite these advanced judicial interpretations of Article 24, hurdles remain. Inconsistent enforcement and ongoing exploitation of children in marginalized communities are significant issues. Obstacles like poverty, insufficient educational facilities, and societal acceptance of child labor represent major challenges to achieving the rights outlined in Article 24. Additionally, the dilemma of economic need versus educational access further complicates the situation, requiring a comprehensive strategy for effective resolution.

The judiciary's active role in interpreting Article 24 has significantly shaped India's child rights landscape. The courts' forward-thinking stance not only upholds the constitutional directive but also underscores the necessity for joint efforts from the government, civil society, and communities. As India progresses, maintaining judicial vigilance to protect children's rights and ensuring they have the chances they need for comprehensive development is crucial. The fight against child labor and the promotion of children's rights is an ongoing process that demands continued dedication and action from all involved parties.

### Overview of Article 24 and its significance in the Indian Constitution

Article 24 of the Indian Constitution forbids the employment of children under 14 years of age in factories or in any dangerous jobs. This clause, a fundamental right, demonstrates the commitment of India to the welfare and growth of its children. The importance of Article 24 is its pivotal role in protecting children's rights and enhancing their well-being, acknowledging the essential phase of childhood for physical and mental growth. By prohibiting child labor in factories and hazardous environments, Article 24 strives to shield children from exploitation and the harmful impacts of industrial settings that could threaten their health and development. This article plays a key role in upholding the principle of the right to education, corresponding with the 86th Constitutional Amendment that requires free and compulsory education for children between the ages of 6 to

14. By preventing children from being pushed into labor, Article 24 promotes the notion that every child should have the chance to learn and develop in a secure setting, away from work-related burdens that could rob them of their childhood. Additionally, this provision is crucial in the wider scope of social justice and equality, tackling the vulnerabilities of marginalized groups often forced into child labor due to financial hardships. In essence, Article 24 stands as a fundamental pillar of child rights in India, marking a forward-thinking stance against child labor and establishing a foundation for additional laws aimed at child protection. Its effective implementation is key to achieving the vision of a fair and equitable society, where each child could flourish and make a positive impact on the nation's future. Therefore, Article 24 not only preserves the dignity of children but also cultivates a culture that respects their rights and possibilities. According to Article 23(1), trafficking on human, beggar, and other similar forms of forced labour is prohibited and any act that is made against the law of this provision shall be an offence punishable in accordance with law.<sup>1</sup>

### Historical Background of Child Labour

The background of child labor in India is deeply interwoven with socio-economic and cultural elements that have been prevalent for centuries. In agricultural societies, it was common for children to join the workforce, aiding their families by working in fields and engaging in various crafts. However, the advent of the British colonial era and the industrial revolution dramatically changed the scenario, leading to the founding of numerous factories. This change exacerbated the issue of child labor, as poverty-stricken families were compelled to send their offspring to work under severe conditions for minimal pay. Late 19th and early 20th-century reports highlighted the extensive exploitation faced by these children, who were often subjected to long working hours in perilous settings, without access to fundamental rights and safety measures. This led to several legislative attempts to curb child labor, including the Factories Act of 1881 and the Children (Pledging of Labour) Act of 1933, although these laws lacked strong enforcement, allowing child labor to persist, fuelled by economic inequality and the lack of a robust educational system. After gaining independence, the Indian government acknowledged the severity of child labor as a critical societal issue and started to enforce policies to mitigate it, ultimately enshrining protections in the constitution, such as Article 24 which bans child labor in factories. Nevertheless, due to ongoing challenges like poverty, illiteracy, and entrenched social norms, child labor continues, especially in the unregulated informal sector. The economic liberalization in the 1990s introduced further complexities, with an increased demand for inexpensive labor across various sectors. Although there have been significant efforts to fight child labor through legislation and advocacy, the historical background underscores the persistent obstacles that impede advancements. Tackling these problems demands a comprehensive strategy that includes education, economic assistance, and a shift in societal attitudes to safeguard the rights and well-being of India's children.

<sup>1</sup> 1 M P JAIN, Indian Constitutional Law 1286 ( 8 th ed. 2021).

## **CONSTITUTIONAL FRAMEWORK**

### Detailed analysis of Article 24 and related provisions

Article 24 of the Indian Constitution plays a pivotal role in prohibiting the employment of children under the age of 14 in factories and in roles deemed hazardous. This critical provision underscores the government's dedication to the welfare and rights of children, acknowledging their susceptibility and the imperative to shield them from exploitation. It is a key part of a wider set of child rights, stressing the necessity for children to grow up in environments that are both safe and conducive to their development. Beyond Article 24, there is a range of constitutional and legal measures that further the cause of child protection in India. For instance, the introduction of Article 21A through the 86th Amendment, which mandates free and compulsory education for children between the ages of 6 and 14, illustrates the link between preventing child labor and ensuring educational access. The Right of Children to Free and Compulsory Education Act of 2009 enforces this mandate, establishing education as a fundamental right and thereby diminishing the financial reasons for child labor. Additionally, the Child Labour (Prohibition and Regulation) Amendment Act of 2016 enhances Article 24 by forbidding the employment of children under 14 in all forms of work, yet it permits their participation in non-hazardous family business activities under specific conditions. This act aims to eliminate the informal sector loopholes that previously allowed child labor to continue and provides a more precise definition of what constitutes hazardous labor. Furthermore, Articles 39(e) and 39(f) from the Directive Principles of State Policy call for the shielding of children from exploitation and the assurance that they are not engaged in work detrimental to their health or education. These regulations collectively represent a holistic strategy towards child protection, underscoring the necessity for governmental action, community accountability, and the fostering of children's rights, all directed towards achieving a society where every child has the opportunity for comprehensive growth and development. The synergy among these legal provisions demonstrates a firm commitment to fostering a protective and nurturing environment for children, which is vital for their overall growth and well-being.

### Overview of child rights in the Constitution of India

The Indian Constitution lays a solid foundation for the safeguarding of children's rights, illustrating a profound dedication to their safety, welfare, and overall growth. The cornerstone of these provisions is found in Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy). The broad interpretation of Article 21, which secures the right to life and personal freedom, by the judiciary includes the right to a life of dignity. This encompasses children's rights to education and healthcare. Moreover, Article 24 explicitly forbids the employment of children under 14 years in dangerous occupations, emphasizing the government's obligation to shield minors from abuse. The introduction of the 86th Amendment in 2002, which brought in Article 21A, further amplifies the focus on children's rights by ensuring free and mandatory education for children between 6 to 14 years of age. This pivotal amendment makes education a basic right, with the aim of providing every child the chance to engage in quality educational experiences. This, in turn, is a strategic move to alleviate the financial burdens that often lead families to depend on child labor. Additionally, the Directive Principles

in Articles 39(e) and 39(f) underline the government's duty to prevent child exploitation and guarantee their right to a secure and healthy upbringing. These segments call for the creation of policies that put children's welfare and their freedom from mistreatment and neglect at the forefront. Augmenting these constitutional provisions are various legal measures, including the Juvenile Justice (Care and Protection of Children) Act and the Right of Children to Free and Compulsory Education Act, which fortify child rights through detailed protections and services. The National Policy for Children, put into effect in 2013, further embodies the government's pledge to protect children's rights and foster their comprehensive development. Collectively, these constitutional and legal structures form an extensive system aimed at safeguarding and enhancing children's rights, ensuring they are nurtured in an environment that is safe, supportive, and conducive to their well-being.

### Suggestions for improving enforcement of Article 24

To bolster the enforcement of Article 24 of the Indian Constitution, which bans the hiring of children under 14 years in factories and risky jobs, a comprehensive strategy that tackles the root causes and ensures accountability is necessary. Initially, it's vital to raise awareness about the rights of children among all parties involved, including parents, business owners, and community chiefs. Through educational initiatives, communities can be enlightened about the laws against child labor, which can help change the societal norms that accept child work. Additionally, it is critical to enhance the capabilities and roles of local governing bodies and law enforcement. This could involve better training and resources for inspectors tasked with ensuring adherence to child labor regulations. Conducting frequent and surprise checks in industries, particularly within the informal sector where child labor is more common, can act as a deterrent for employers from breaking the law. Moreover, adopting technology, like mobile applications for reporting breaches, can allow citizens to easily report cases of child labor. Improving cooperation among different government bodies—such as those responsible for labor, education, and child welfare—is another crucial step, involving setting up specialized teams at both district and state levels for a more unified approach to combating child labor. Furthermore, incorporating strategies to prevent child labor into wider social welfare schemes could offer financial assistance and educational chances to families, minimizing the economic reasons behind child labor. Enforcing tougher penalties on businesses that infringe on Article 24 and making these sanctions public can help in discouraging violations. Finally, working alongside non-governmental organizations (NGOs) and community groups can strengthen advocacy efforts, helping grassroots actions to eliminate child labor and assist impacted families. Through a blend of education, law enforcement, community involvement, and support networks, India can significantly improve the enforcement of Article 24, safeguarding the rights and futures of its young citizens.

### Conclusion

In summary, the interpretation of Article 24 by the Indian judiciary is crucial in ensuring the protection and upholding of children's fundamental rights. This article's ban on employing children under 14 years in factories and hazardous jobs demonstrates a commitment to the welfare of society's most vulnerable. Indian



courts have gone beyond viewing this as merely a legal requirement, seeing it as a moral duty to allow children to spend their early years free from labor. Key court cases, such as *M.C. Mehta v. State of Tamil Nadu*, highlight the essential connection between the right to a secure childhood and the right to education, influencing public policy towards eradicating child labor and enhancing child welfare. The judiciary has also acknowledged the role of socio-economic factors in child labor, suggesting a comprehensive strategy that tackles poverty and educational barriers. However, the effective implementation of Article 24 faces challenges, including poor monitoring, economic pressures, and societal norms that accept child labor. Thus, the judiciary's role extends beyond legal interpretation to inspiring change, advocating for improved enforcement and accountability. As India progresses, it is vital to maintain and strengthen the interpretations of Article 24, with a concerted effort from the judiciary, government, civil organizations, and communities to prioritize children's rights. By bolstering these judicial interpretations and adopting holistic policies, India can create a future where children can flourish, learn, and enjoy their youth, setting the stage for a more prosperous nation.

