



India's Hidden Workforce: Rethinking Child Labour And Children's Rights

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Abstract:

Child labour continues to remain one of the most pressing socio-economic challenges in contemporary India. Despite significant legal frameworks and welfare initiatives, a large number of children are still engaged in various forms of labour across sectors such as agriculture, construction, brick kilns, hospitality, stone quarries, animal husbandry, manufacturing, and domestic work often in self-employed or informal settings. This persistent issue adversely affects children's physical, social, moral, and cognitive development, depriving them of education and fundamental rights. The problem is further intensified by poverty, unemployment, lack of access to quality education, and rural-to-urban migration. Migrant child labourers, in particular, are forced to abandon schooling and work under vulnerable and exploitative conditions. This study aims to examine the current scenario of child labour in India, the socio-economic determinants contributing to it, and the gaps in policy implementation. It also explores constitutional provisions, legislative measures, and government and non-government child welfare programs that seek to safeguard children's rights. As a welfare state, India has made considerable progress in framing policies and legal instruments to eliminate child labour. However, effective enforcement, public awareness, and social responsibility remain crucial for ensuring equitable implementation and building a child-centric future for sustainable human development.

Keywords: Child Labour; Socio-Economic Factors; Children's Rights; Constitutional Safeguards; Labour Legislation; Policy Implementation; Welfare Programs; Sustainable Human Development.

Introduction :

Children are the foundation of a nation's future and represent the most valuable resource for human progress. Childhood is a formative stage in which emotional, physical, and intellectual development takes place, shaping the quality of a society's tomorrow. As Mahatma Gandhi emphasized, "*Real peace must begin with the children.*" Yet, despite this vision, the rise of child labour in India continues to cast a shadow over the nation's prospects.

In the present context, child labour is widely recognized as a critical human rights issue rather than merely an economic or social concern. It directly undermines a child's entitlement to education, health, protection, and development. The practice involves children being engaged in work that is harmful, exploitative, or obstructs their right to schooling. Any child below the age of 14 compelled either by force, poverty, or circumstance to work regularly is considered a victim of child labour.

Globally, child labour remains one of the most severe violations of human rights, depriving millions of children of their dignity and their chance to dream. The United Nations Convention on the Rights of the Child (1989) affirms that every child is born with fundamental rights, including the right to survival, development, protection, and participation. Similarly, the Factories Act of 1948 clearly identifies individuals below 14 years as children and prohibits their involvement in hazardous occupations.

Nobel laureate Kailash Satyarthi has consistently highlighted that denying a child their childhood is one of the gravest injustices. He asserts that safeguarding the dreams and innocence of children is essential for building a better future. Sadly, in many parts of India, children who should be attending school, learning, and playing are instead forced into labour often in unsafe and exploitative conditions.

Therefore, addressing child labour is not only a moral obligation but also an urgent national priority. Protecting children's rights is vital to ensuring an equitable, educated, and progressive society.

History of Child Labour:

Child labour has deep historical roots and is not a phenomenon limited to any single culture or region. From ancient civilizations to medieval societies, children were often engaged in agriculture, household work, and artisanal trades. However, the issue became more visible and widespread during the Industrial Revolution, particularly between 1750 and 1850, when rapid mechanization created a high demand for cheap and manageable labour. Britain witnessed the earliest expansion of the factory system, where children were routinely employed in textile mills, mining operations, and manufacturing industries. Historical reports, including the British House of Commons (1922), documented the harsh realities faced by these children long working hours, unsafe machinery, and frequent accidents highlighting the urgent need for reform.

The global campaign against child labour gained momentum with the establishment of the International Labour Organization (ILO) in 1919, which introduced international standards aimed at protecting children from exploitation. Despite these efforts, child labour persists as a global challenge. According to recent ILO–UNICEF reports, approximately 160 million children are currently engaged in labour, with the number increasing due to economic pressures intensified by the COVID-19 pandemic. While the Asia–Pacific region accounts for the highest number of child labourers, Sub-Saharan Africa records the largest proportion of affected children relative to its population. These statistics reflect the continuing need for strong policies, effective enforcement, and coordinated international action to eliminate child labour.

Objectives of the Study:

- To examine the current landscape of child labour in India and identify the socio-economic, cultural, and structural factors contributing to the continued violation of children's rights.
- To analyze the effectiveness of constitutional safeguards, judicial interventions, legislative frameworks, and policy initiatives aimed at preventing child labour and strengthening child protection mechanisms.
- To recommend practical, evidence-based measures and strategic approaches that can help eliminate child labour and promote a safe, dignified, and inclusive environment for all children.

Review of Literature:

The issue of child labour continues to be a critical area of academic and policy discussion in contemporary India. Recent studies emphasize that child labour is not merely an economic problem but a complex socio-cultural and developmental challenge. Most of the recent literature highlights the evolving patterns of child labour, the changing nature of work in the informal sector, and the persistent gaps in ensuring children's rights despite progressive legislation. The following review presents updated scholarly perspectives relevant to the present study.

Borah (2022) provides an ethnographic and sociological understanding of children living in char areas of Assam. The study reveals that these regions continue to suffer from inadequate educational and healthcare facilities, poor transport connectivity, and fragile living conditions. As a result, children are compelled to take part in domestic chores, assist family businesses, and engage in informal labour. While the study recognizes that some children show agency in supporting their families, it also highlights their dissatisfaction, vulnerability, and exposure to early marriage, domestic labour, and migration. Borah's work underscores the need to prioritize children's rights and strengthen rural development policies to reduce the socio-economic pressures that push children into labour.

Tikhute (2020) examines regional variations in crimes against children and links them to increasing child labour incidents across Indian states. The study reiterates that weak enforcement of child protection laws, limited awareness in rural communities, and persistent poverty are key contributors to rising child exploitation. The paper suggests renewed state-level monitoring systems to address these disparities.

Singh and Parihar (2015) highlight that the growing prevalence of child labour continues to cast a shadow on children's education, health, and safety. Their research in Bihar shows how children's futures are compromised due to early entry into hazardous and non-hazardous forms of work. They emphasize that the long-term consequences include limited skill development, poor academic outcomes, and intergenerational cycles of poverty.

Bhuyan (2017) interprets child labour from a sociological and economic perspective, arguing that the structure of India's production system significantly shapes the labour experiences of children. Industrialization and the expansion of informal employment have increased children's participation in both household-based and commercial work. According to the study, this shift reflects broader economic changes that redefine children's roles within low-income families.

The **UNICEF (2020–2023)** mapping of child workers in India reports that children engage in a wide range of activities including paid, unpaid, wage-based, self-employed, and domestic work. Many of these tasks are physically hazardous or emotionally stressful, while others appear less harmful but still hinder educational progress. In several rural regions, child labour continues to force children out of school, restrict their ability to complete basic education, and expose them to long working hours with little protection.

Overall, although the reviewed studies differ in scope and methodology, they collectively provide valuable insights into the present dynamics of child labour in India. They highlight the socio-economic drivers of child labour, such as family poverty, limited schooling opportunities, low literacy levels, and weak enforcement of child rights. The findings also affirm that child labour remains a multidimensional issue requiring continuous research, stronger policy implementation, and community-based preventive strategies.

Methodology :

This study uses a descriptive, analytical approach based on secondary data to examine child labour in India and its impact on children's rights. Information was gathered from Census reports, government websites, scholarly books, journal articles, research papers, and relevant legislation. Data from the Constitution of India portal, the Ministry of Labour and Employment, and international agency reports were reviewed and systematically analyzed to identify trends, challenges, and policy implications.

Child Labour in India :

Child labour remains one of the most persistent social challenges in India, directly affecting the physical, emotional, and educational development of millions of children. Although children are considered the nation's future, many continue to face exploitation in the form of early and hazardous work, which deprives them of a healthy childhood. Historically, children have participated in various economic activities, but in modern times child labour has emerged as a serious human rights concern. Scholars note that child labour represents a conflict between economic necessity and the fundamental right of a child to grow, learn, and thrive.

Among South Asian countries, India records one of the highest incidences of child labour, with children as young as five entering the workforce. The magnitude of the problem varies widely across states and regions due to differences in socio-economic conditions, livelihood patterns, and enforcement of labour laws. Estimates of child labourers also differ depending on the criteria used to define work and employment. Studies indicate that child labour is widespread in agriculture, brick kilns, construction, stone breaking, hotels, roadside eateries, domestic work, small-scale manufacturing, and animal husbandry. While official government statistics suggest around 20 million child labourers in the country, independent agencies estimate the number to be closer to 50 million, highlighting the significant gap in formal reporting and the hidden nature of child labour in informal sectors.

Table: Working Children in the Age Group 5–14 Years (Census 2001 vs. Census 2011)

Sl. No.	State / Union Territory	Census 2001	Census 2011
1	Andaman & Nicobar Islands	1,960	999
2	Andhra Pradesh	13,63,339	4,04,851
3	Arunachal Pradesh	18,482	5,766
4	Assam	5,51,416	99,512
5	Bihar	11,17,500	4,51,590
6	Chandigarh (UT)	3,779	3,135
7	Chhattisgarh	3,64,572	63,884
8	Dadra & Nagar Haveli	4,274	1,054
9	Daman & Diu (UT)	729	774
10	Delhi (UT)	41,899	26,473
11	Goa	4,138	6,920
12	Gujarat	4,85,530	2,50,318
13	Haryana	2,53,491	53,492
14	Himachal Pradesh	1,07,774	15,001
15	Jammu & Kashmir	1,75,630	25,528
16	Jharkhand	4,07,200	90,996

17	Karnataka	8,22,615	2,49,432
18	Kerala	26,156	21,757
19	Lakshadweep (UT)	27	28
20	Madhya Pradesh	10,65,29	2,86,310
21	Maharashtra	7,64,075	4,96,916
22	Manipur	28,836	11,805
23	Meghalaya	53,940	18,839
24	Mizoram	26,265	2,793
25	Nagaland	45,874	11,062
26	Odisha	3,77,594	92,087
27	Puducherry (UT)	1,904	1,421
28	Punjab	1,77,268	90,353
29	Rajasthan	12,62,570	2,52,338
30	Sikkim	16,457	2,704
31	Tamil Nadu	4,18,801	1,51,437
32	Tripura	21,756	4,998
33	Uttar Pradesh	19,27,997	8,96,301
34	Uttarakhand	70,183	28,098
35	West Bengal	8,57,087	2,34,275
—	Total	1,26,66,377	43,53,247

Source: Census of India 2001 and Census of India 2011.

Table: Child Labour (Age 5–14 Years) in Rural and Urban India – Census 2001 & 2011

Census Year	Percentage of Working Children (5–14 Years)	Total Working Children (5–14 Years) in Millions
	Rural	Urban
2001	5.9%	2.1%
2011	4.3%	2.9%

Source- Census 2001 & 2011

Table: Statistical Analysis of Major States Contributing to Child Labour in India**Original Values + Added Statistical Indicators**

State	% Share	Child Labour (Millions)	Rank	% Contribution to Total (54.7%)	Z-Score (Standardized %)
Uttar Pradesh	21.5	2.18	1	39.30%	+1.83
Bihar	10.7	1.09	2	19.56%	−0.08
Rajasthan	8.4	0.85	3	15.35%	−0.55
Maharashtra	7.2	0.73	4	13.15%	−0.79
Madhya Pradesh	6.9	0.70	5	12.62%	−0.85

Source: Census 2001 & 2011

As of the 2011 Census, India had approximately 259.6 million children aged 5–14 years, of whom 10.1 million (about 3.9%) were engaged in labour either as major or marginal workers. This marks a modest but significant decline of 2.6 million child labourers compared to 2001, suggesting some progress in curbing the problem. Nonetheless, approximately 42.7 million children remain out of school, pointing to systemic challenges beyond mere employment. Geographically, the burden of child labour is disproportionately concentrated: Uttar Pradesh, Bihar, Rajasthan, Maharashtra and Madhya Pradesh together account for roughly 55% of the country's working children, with Uttar Pradesh alone contributing more than a fifth (21.5%) of the total. Within the rural-urban divide, rural areas saw a sharper drop in child labour (from 5.9% in 2001 to 4.3% in 2011), while urban areas lagged behind rising from only 2.1% to 2.9%. Statistically, among the top five states, Uttar Pradesh not only registers the highest share but also stands out with a standardized z-score of +1.83, signalling its far above-average contribution relative to its peers. Taken together, these figures highlight that despite reductions, child labour remains a persistent and regionally concentrated social challenge, particularly in India's heartland states.

Factors Leading to Child Labour in Contemporary India

Child labour in India is shaped by a combination of multidimensional socio-economic factors, rather than a single cause. The persistent prevalence of child labour reflects structural gaps such as poverty, limited educational opportunities, social backwardness, weak enforcement of laws, and repeated exposure to disasters. These factors, individually and collectively, push children into the labour market at an early age.

1. Poverty

Poverty remains the most decisive driver of child labour in India. Families with low income, little or no property, and unstable employment often struggle to meet basic needs such as food, clothing, and shelter. Under such circumstances, children are compelled to contribute financially, often ending up in informal sectors or migrating to big cities such as Delhi, Mumbai, and Chennai. Surveys indicate that in some metropolitan regions, up to 80% of child labourers are migrants, highlighting the direct link between economic distress and child vulnerability. According to Child Rights and You (CRY), poverty reduction is essential to eliminating the root causes of child labour.

2. Lack of Education

Despite constitutional guarantees, access to quality education remains uneven across India. Thousands of villages still lack adequate schooling facilities, and where schools exist, they are often distant or poorly equipped. Such administrative gaps, coupled with the limited awareness of parents, force many children to abandon schooling. When education becomes inaccessible or undervalued, children have no alternative but to enter the workforce to support the family.

3. Illiteracy

CRY reports that one in every three child labourers in India is illiterate, underscoring the cycle between lack of education and forced labour. Although the Right to Education (RTE) ensures free and compulsory schooling, numerous children never enroll or drop out early due to economic pressure, migration, or weak learning environments. Ensuring universal literacy remains critical for breaking this cycle and reducing child labour.

4. Large Family Size

High fertility rates and large family sizes place additional strain on already limited household resources. Families with multiple dependents face challenges in providing healthcare, nutrition, and education. As resources shrink, children especially the older siblings are compelled to work to supplement family income, limiting their opportunities for healthy growth and development.

5. Backwardness and Disasters

Social and regional backwardness significantly influences the intensity of child labour. According to global development indicators, nearly one-third of India's population continues to face poverty or vulnerability. Communities affected by economic backwardness, limited infrastructure, and frequent natural disasters such as floods in Assam often experience displacement. During these crises, families migrate for survival and income, and children are drawn into work to support household earnings, frequently dropping out of school.

6. Slow and Ineffective Legislation

Although India has enacted several laws and policies to prohibit child labour, inadequate implementation and weak monitoring mechanisms limit their effectiveness. CRY and other child rights organizations continue to advocate for stronger legislation and more proactive enforcement to ensure that no child is exploited due to administrative loopholes.

Circumstances Faced by Child Labourers

- Disruption or complete loss of education
- Life and work in unsafe street environments
- Nutritional deficiencies
- Severe negative impacts on physical and mental health
- Risk of premature death or long-term disabilities
- Extremely low or no wages
- Vulnerability to physical, emotional, and sexual abuse
- Excessive working hours from an early age

Children's Rights and Constitutional Provisions in India

The United Nations Convention on the Rights of the Child (UNCRC) recognizes that every child defined as any person below the age of eighteen is entitled to a set of universal rights and freedoms, irrespective of race, colour, gender, language, religion, socioeconomic status, birthplace, or any other identity. These rights ensure that children across the world live with dignity, protection, and equal opportunity. In line with these global principles, the Constitution of India provides a comprehensive framework of rights and safeguards to protect children and promote their holistic development.

Article 14 – Right to Equality

Article 14 guarantees equality before the law and equal protection of the laws for every individual. This provision ensures that children are treated equally, irrespective of caste, religion, gender, race, or place of birth.

Article 15 & Article 15(1) – Protection Against Discrimination

These provisions prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth. They also empower the State to make special provisions for women, children, and socially disadvantaged groups, recognizing their need for additional protection and support.

Article 21A – Right to Education

Article 21A guarantees free and compulsory education for all children between the ages of 6 and 14 years. This provision underscores the State's responsibility to ensure that every child has access to quality schooling, as defined by legislation.

Article 24 – Prohibition of Child Labour in Hazardous Occupations

Article 24 explicitly prohibits employing children below the age of fourteen years in factories, mines, or any other hazardous work, thereby safeguarding them from exploitation and dangerous environments.

Article 39(e) – Protection of Health and Strength of Children

This directive principle mandates the State to ensure that children's health, strength, and well-being are not abused or exploited, emphasizing their right to safety and protection from forced labour.

Article 39(f) – Ensuring Healthy Development of Children

This clause highlights the importance of providing children with opportunities for healthy growth, freedom, dignity, and security. It emphasizes protection from both moral and material exploitation.

Article 45 – Early Childhood Care and Education

Article 45 directs the State to provide early childhood care and pre-primary education for all children below six years of age, reflecting the importance of early development.

Article 46 – Promotion of Educational and Economic Interests of Weaker Sections

This article requires the State to promote the educational and economic advancement of socially and economically weaker sections, ensuring that vulnerable children receive equitable support.

Article 47 – Duty of the State to Improve Public Health and Nutrition

Article 47 obligates the State to enhance nutrition, public health, and overall living standards. For children, this underscores the State's responsibility to create a nurturing environment essential for physical and mental development.

Important Case Laws Related to Child Rights and Child Labour in India

India's judiciary has played a crucial role in strengthening child rights through landmark judgments that emphasize the State's duty to improve nutrition, public health, education, and overall quality of life for children. The following case laws have significantly shaped the legal and policy framework surrounding child labour and child protection in the country.

1. M.C. Mehta vs. State of Tamil Nadu

This landmark judgment remains one of the most widely cited cases on child labour in India. The Supreme Court examined the deep-rooted link between poverty and child labour and highlighted the State's inability to fully eliminate the practice. The Court issued policy directions aimed at rehabilitation and prevention, underscoring that meaningful eradication of child labour requires both economic support for families and strict enforcement of labour laws.

2. People's Union for Democratic Rights vs. Union of India

This judgment reinforced constitutional protections against forced labour and emphasized the necessity of ensuring minimum wages. The Court noted that children under fourteen were being employed in hazardous mining activities, violating both statutory and constitutional safeguards. It held the Union of India, Delhi Development Authority, and Delhi Administration responsible for ensuring that contractors comply with labour regulations. The Court also directed amendments to the Employment of Children Act, 1938, strengthening legal prohibitions on child labour.

3. Bandhua Mukti Morcha vs. Union of India

Filed as a public interest litigation, this case focused on the widespread exploitation of children, particularly in the carpet-weaving industry of Uttar Pradesh. The Supreme Court ordered the State to prohibit child labour below the age of fourteen, provide welfare measures, and ensure access to healthcare and education for rescued children. The judgment emphasized that protecting children's rights is essential for safeguarding democratic progress and national development.

4. Unni Krishnan vs. State of Andhra Pradesh

In this crucial verdict, the Supreme Court held that children have a fundamental right to free education up to the age of fourteen. The Court interpreted Articles 41, 45, and 46 to reinforce the constitutional mandate for universal education, which later contributed to the inclusion of Article 21A, guaranteeing free and compulsory education as a fundamental right.

5. Neeraja Chaudhary vs. State of Madhya Pradesh

The Court emphasized that rescuing child labourers and bonded labourers is not sufficient; the State must also provide rehabilitation, reintegration, and long-term support. This judgment expanded the scope of State responsibility from mere rescue operations to holistic child welfare.

6. Sheela Barse vs. Secretary, Children's Aid Society and Others

In this case, the Supreme Court stressed that the future of the nation depends on the proper upbringing, protection, and education of children. The Court highlighted that neglecting children's development compromises the country's future, reaffirming the State's duty to ensure that every child grows in a safe, nurturing environment.

Legislation and Policies on Child Labour in India

The Government of India has introduced a wide range of proactive laws, policies, and institutional mechanisms aimed at preventing, regulating, and ultimately eliminating child labour. These efforts span both the central and state levels, reflecting the country's commitment to safeguarding children's rights and promoting their welfare.

Factories Act, 1948

The Factories Act includes important safeguards for children working in industrial establishments. It mandates the formation of a Child Labour Committee in every factory, comprising representatives of employers, workers, and authorities. The Act strictly prohibits the employment of children below 14 years and regulates working conditions to ensure safety and dignity for adolescent workers.

Child Labour (Prohibition and Regulation) Act, 1986

This landmark legislation defines a child as any person below 14 years of age. It prohibits children from being employed in hazardous occupations and regulates their working hours, conditions, and permissible work environments in non-hazardous sectors. The Act serves as a foundational legal tool for protecting children from economic exploitation.

Juvenile Justice (Care and Protection of Children) Act, 2000

Built on the principles of restorative justice, this Act aims to ensure the rehabilitation and protection of children in vulnerable situations. The 2006 amendment expanded the definition of vulnerable children by recognizing any working child under 18 years as a "*child in need of care and protection*." It also empowers Child Welfare Committees (CWCs) to take action against employers who illegally engage children in labour, ensuring an institutional mechanism for legal accountability.

Child Labour (Prohibition and Regulation) Amendment Act, 2016

The 2016 amendment strengthened the earlier Act by:

- Completely prohibiting child labour under 14 years, except in family-based occupations after school hours.

- Banning adolescents (14–18 years) from engaging in hazardous occupations and processes.
- Introducing stricter penalties for employers violating the law.

Right of Children to Free and Compulsory Education (RTE) Act, 2009

The RTE Act guarantees free, compulsory, and quality education for all children between 6 and 14 years, reinforcing the constitutional promise under Article 21A. Access to education is recognized as a key strategy to prevent child labour and break cycles of poverty.

ILO Conventions and International Commitments

India's legislative reforms paved the way for the ratification of two core International Labour Organization conventions:

- ILO Convention No. 138: Establishes the minimum age for employment, ensuring that no child starts work before completing compulsory schooling (generally 15 years).
- ILO Convention No. 182: Prohibits the worst forms of child labour, including hazardous work, exploitation, trafficking, and activities harmful to physical, mental, or moral health.

Recommendations for Eliminating Child Labour

Addressing child labour requires a comprehensive and sustained approach that tackles both its root causes and its consequences. First, poverty remains the most significant driver of child labour; therefore, strengthening poverty-reduction programmes and ensuring effective implementation at the community level is essential. Equally important is the provision of free, compulsory, and high-quality education, as global experience particularly during Europe's industrial transition shows that compulsory schooling plays a decisive role in reducing child labour. Rehabilitation of affected children must also receive priority; although laws such as the POCSO Act offer provisions for support and compensation, gaps in implementation often hinder access to justice and long-term recovery. India has a well-developed legal and policy framework for child protection, but its impact depends heavily on strong grassroots-level enforcement and proper adherence to procedures. Additionally, awareness initiatives led by government agencies, NGOs, and the media can significantly influence social behaviour, helping communities discourage exploitative practices by promoting social accountability and collective responsibility.

CONCLUSION:

Children form the foundation of a nation's progress, and the vision of a truly developed society cannot be achieved without safeguarding their rights and well-being. The persistence of child labour across India reflects not only a socio-economic challenge but also a serious violation of human rights. As the future human capital of the country, children must be guaranteed their fundamental and Directive Principles-based rights social, economic, political, and civil to ensure their holistic physical, moral, social, and

mental development. Meaningful progress requires collective responsibility: governmental initiatives must be supported by active community participation. A coordinated, multi-tier framework involving government bodies, civil society organisations, NGOs, and trained social workers at national, state, and grassroots levels is essential for designing, implementing, and monitoring effective strategies to eliminate child labour. Only through such an integrated approach can India move towards a child-centred, equitable, and sustainable future.

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