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Q5(e)

Do you think that law has been able to abolish child labour in India? Comment.

UPSC Civil Services Mains 2025 · Sociology GS 2 · 10 marks · Industrialization and Urbanisation in India

Industrialization and Urbanisation in India: Evolution of modern industry in India; Growth of urban settlements in India; Working class: structure, growth, class mobilization; Informal sector, child labour; Slums and deprivation in urban areas.

Core demand of the question

- State the legal framework (**Child Labour Act, 1986** as amended 2016, RTE, Juvenile Justice, ILO)
- Argue that law has not abolished child labour
- **Give sociological reasons:** poverty, informal sector, caste, agriculture, family enterprise loophole
- Be critical, not cynical

Revision summary

The 1986 Act as amended in 2016 bans most child work under 14 but allows family-enterprise help.

RTE adds a schooling right that is unevenly realised.

Child labour persists in agriculture, kilns, domestic and home-based informal work.

Poverty, caste occupations and weak inspection explain the gap between statute and practice.

Law delegitimised the practice more than it abolished it.

Introduction

Indian law **restricts** child labour; it has not **abolished** it. The **Child Labour (Prohibition and Regulation) Act, 1986**, amended in **2016**, bans work for children under 14 in most occupations, allows help in family enterprises outside school hours, and treats 14-18 as adolescents barred from hazardous work. **RTE 2009** promises schooling. The street, the kiln, and the farm still employ children.

Body

Why law is not enough

Child labour lives in the **informal and agricultural majority**, where labour inspectors barely go. The **family enterprise clause is a sociological barn door: a loom, a dhaba, or a farm can hide a working child as "help."** **Poverty and indebtedness** make households treat children as earners. **Caste** assigns leather, sanitation, and brick-kiln work to the young of particular jatis. Girls do **unpaid care and home-based piecework** that statistics miss. Migration splits enrolment. COVID schooling loss pushed many back to work.

Law without a living wage, universal childcare, and inspection of contractors produces **paper abolition**. **ILO** conventions and National Policy on Child Labour set the right norm. **Census** and NSS/PLFS still find working children, especially as unpaid family workers. Rescue raids without scholarships and midday meals send the child back to the same kiln. **NCPCR** and childline matter; they cannot replace household income.

- **The honest comment:** law **delegitimised** factory child labour in the organised sector and created rescue-and-school pathways; it did not end the social demand for cheap, docile labour in the informal economy. Abolition would require treating child labour as a **class and caste relation**, not only as a missing FIR. NEP 2020's schooling push helps only if attendance is cheaper than work.

Flow diagram

CLPR Act and RTE -> Organised sector decline

Family enterprise loophole -> Informal persistence

Poverty and caste -> Informal persistence

Conclusion

Law has reduced visible child labour in organised industry and named it a wrong. It has not abolished the practice, because family loopholes, informality, and household poverty keep children at work.

Facts & figures

CLPR Amendment 2016

Complete ban on child labour under 14 except family enterprises outside school hours; hazardous work ban for adolescents.

RTE 2009

Right to free and compulsory education for 6-14; the schooling counterpart to labour bans.

Family enterprise clause

The legal opening through which much agricultural and artisanal child work is recoded as help.