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Article 24 of the Constitution

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Article 24 of the Constitution

Picture a ten-year-old rolling matchsticks in a factory. Article 24 was written to stop exactly that. It is one sentence long. It sits in the **Right against Exploitation**, so a child can seek a court's help. This article shows what it covers, what it leaves out, and how the Supreme Court gave it teeth.

> **Text** No child below 14 shall be employed in any factory or mine or in any other hazardous employment.
> **Part** Part III, Right against Exploitation (Articles 23 and 24).
> **Binds** The State and private employers alike.
> **Key case** M.C. Mehta v. State of Tamil Nadu (1996).

Hazardous employment: work that can harm a child's health or safety.

Child (Article 24): a person below 14 years.

Rehabilitation: bringing a rescued child back into school and normal life.

1 What does Article 24 say?

1.1 What are the exact words?

Article 24 says that no child below the age of fourteen years shall be employed to work in any factory or mine. Nor shall the child be engaged in any other **hazardous employment**. The text is short. It names two places and then adds a wide catch-all.



A holiday school for child workers in Kolkata. Photo: Derek Blackadder, Wikimedia Commons, CC BY-SA 2.0.

1.2 Is it a total ban on child work?

No. Article 24 bans work in factories, mines and hazardous jobs. It does not ban every kind of work. A child helping at home is not covered by the article itself. Ordinary laws fill that gap, as you will see below.

- Covers children **below 14**.
- Names factories and mines, then adds any hazardous work.
- It is a Fundamental Right, so courts can enforce it.
- It works against private employers too, not only the State.

Remember This: Article 24 is about danger, not about all work. Below 14, and in factories, mines or hazardous jobs.

2 Why is the line drawn at 14 and at hazard?

2.1 Why 14?

Fourteen was chosen because it matches the age of free schooling. The Constitution later promised free and compulsory education to children aged 6 to 14. A child in school cannot also be at a loom. The two ideas support each other.

2.2 Who decides what is hazardous?

Article 24 does not list hazardous jobs. The Court has stepped in here. In *People's Union for Democratic Rights v. Union of India* (the Asiad case, 1982), it held that **construction work is hazardous** employment. So children cannot be put on building sites. Laws later added lists of banned processes.

- The article gives the principle. Laws and courts fill in the list.
- Construction work was held hazardous in the Asiad case.
- Fireworks and match-making were the focus in the Sivakasi case.

> **Quick check 1.** Article 24 bans every kind of work by a child below 14. *(True or False?)* See answer ↓

3 How did the laws catch up?

3.1 What did the 1986 Act do?

Parliament passed the **Child Labour (Prohibition and Regulation) Act, 1986**. It banned children from certain hazardous jobs. It also set working conditions for children in other jobs. So it prohibited some work and regulated the rest.

3.2 What changed in 2016?

The **2016 amendment** renamed the law the Child and Adolescent Labour (Prohibition and Regulation) Act. It went much further than 1986. It now bans work by **children below 14 in any occupation**, with two narrow exceptions explained below. It also bars adolescents aged 14 to 18 from hazardous work.

There are two separate exceptions under Section 3(2). They have different conditions.

Family help, Section 3(2)(a). A child may help the family or a family enterprise. The work must be outside the hazardous occupations and processes listed in the Schedule. It is allowed only after school hours or in vacations. Critics say this exception can be misused. That debate is still alive.

Child artist, Section 3(2)(b). A child may work as an artist in audio-visual entertainment or sports, except circus. The work must follow the prescribed safety conditions. It must not affect the child's schooling.

- 1986: some jobs banned, others regulated.
- 2016: work banned below 14, with two exceptions (family help, child artist).
- 2016: hazardous work barred up to age 18.
- 2017: India ratified ILO Conventions 138 (minimum age) and 182 (worst forms of child labour).

Point	Article 24	2016 Act
Age	Below 14	Below 14 (work banned, with two exceptions); 14 to 18 (hazardous work)
Work covered	Factories, mines, hazardous jobs	All occupations
Source	Constitution, Part III	Ordinary law

Explain It Back: In your own words, say what Article 24 bans. Then say how the 2016 Act goes beyond it.

4 What happened in the Sivakasi case?

4.1 What was the problem in Sivakasi?

Sivakasi in Tamil Nadu is known for fireworks and matchsticks. Many children worked there. **M.C. Mehta**, a lawyer, brought the matter to the Supreme Court. In 1996, in *M.C. Mehta v. State of Tamil Nadu*, the Court gave a landmark judgment.

4.2 What did the Court order?

The Court said children must not work in hazardous industries such as fireworks. It made the guilty employer pay **₹20,000 for each child** into a welfare fund. That money was to be used for the child. The Court also wanted a job for an adult from the child's family. That way the family would not need the child's wages.

- Employers who broke Article 24 paid ₹20,000 per child.
- The money went into a Child Labour Rehabilitation-cum-Welfare Fund.
- The aim was schooling for the child and a job for an adult.
- The National Child Labour Project (from 1988) ran special training centres for rescued children.
- It was subsumed under Samagra Shiksha from 1 April 2021. A February 2024 reply said rescued children are mainstreamed through such centres under Samagra Shiksha, and no NCLP centres were functioning then.

> **Quick check 2.** In the Sivakasi case the Supreme Court made employers pay into a welfare fund for each child. *(True or False?)* See answer ↓

5 How does Article 24 fit with Articles 21A and 39?

5.1 How does Article 21A help?

The 86th Amendment (2002) added **Article 21A**. It makes free and compulsory education a Fundamental Right for children aged 6 to 14. The same amendment added a Fundamental Duty. Parents must give their children chances for education. The Right to Education Act of 2009 puts Article 21A into practice.

5.2 What do Articles 39(e) and 39(f) add?

These are **Directive Principles**. Article 39(e) asks the State to protect children from being forced by need into work unsuited to their age. Article 39(f) asks that children grow up in healthy conditions. But directives cannot be enforced in court. Article 24 can.

- Article 24: Fundamental Right, enforceable.
- Article 21A: Fundamental Right to education, ages 6 to 14.
- Article 39(e) and (f): Directive Principles, not enforceable.

> **Quick check 3.** Article 39(f), on healthy childhood, can be enforced directly in court like Article 24. *(True or False?)* See answer ↓

6 How has this topic been asked in exams?

6.1 What did the exams ask?

> **Asked before**
> **PYQ 1 · UPSC CSP 2017, Q97**
> Which of the following are envisaged by the Right against Exploitation in the Constitution of India?
>
> (a) 1, 2 and 4 only
> (b) 2, 3 and 4 only
> (c) 1 and 4 only
> (d) 1, 2, 3 and 4
>
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Asked before

PYQ 2 · UPSC CDS (II) 2019, Q63

Which one among the following is not a part of the Fundamental Rights (Part III) of the Constitution of India?

(a) Prohibition of traffic in human beings and forced labour
(b) Prohibition of employment of children in factories
(c) Participation of workers in management of industries
(d) Practice any profession, or to carry on any occupation, trade or business

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Asked before

PYQ 3 · UPSC CSP 2018, Q30

International Labour Organization's Conventions 138 and 182 are related to

(a) Child labour
(b) Adaptation of agricultural practices to global climate change
(c) Regulation of food prices and food security
(d) Gender parity at the workplace

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6.2 What is the exam angle?

- **Trap:** Article 24 bans all child work. It bans factory, mine and hazardous work below 14.
- **Trap:** Article 24 is a Directive Principle. It is a Fundamental Right.
- **Fact:** Article 24 is in the Right against Exploitation, with Article 23.
- **Fact:** Sivakasi case 1996, Rs 20,000 per child.
- **Fact:** 2016 Act bans work below 14, except family help after school hours or in vacations and child artists. Hazardous work is barred up to 18.
- **Method:** If an option says “Article 39”, ask whether it is enforceable. It is not.

Practice MCQs

1. Which Constitutional Amendment inserted Article 21A, making the Right to Education a Fundamental Right?

A. 86th Amendment

B. 87th Amendment

C. 88th Amendment

D. 89th Amendment

See answer ↓

2. The RTE Act operationalises which Article of the Constitution, added by the 86th Amendment?

A. Article 45

B. Article 19

C. Article 21A

D. Article 32

See answer ↓

3. Article 39(f) of the Constitution, as it stands today, directs the State to ensure children are given opportunities to develop in a healthy manner and are protected against?

A. Exploitation, and moral and material abandonment

B. Direct taxation

C. Foreign investment

D. Judicial review

See answer ↓

4. Who founded the 'Bachpan Bachao Andolan', an organisation fighting child labour?

A. Anil Agarwal

B. Shantha Sinha

C. Aruna Roy

D. Kailash Satyarthi

See answer ↓

5. Sivakasi, a town in Tamil Nadu, is particularly well known for its?

A. Fireworks and matchstick industry

B. Diamond cutting industry

C. Iron and steel production

D. Automobile manufacturing

See answer ↓

6. India's first Factories Act, passed in 1881, banned employing children under seven and limited working hours for children in which age group?

A. Sixteen to eighteen

B. Twelve to sixteen

C. Seven to twelve

D. Five to seven

See answer ↓

Answer Key

1. **A.** The 86th Amendment Act, 2002, inserted Article 21A, making free and compulsory education a Fundamental Right for children aged 6 to 14. ↑ Q1
2. **C.** The RTE Act operationalises Article 21A, added by the 86th Constitutional Amendment in 2002. ↑ Q2
3. **A.** Article 39(f) directs the State to ensure children's healthy development and protect them from exploitation and moral or material abandonment. ↑ Q3
4. **D.** Satyarthi shared the 2014 Nobel Peace Prize for his work protecting children's rights. ↑ Q4
5. **A.** Sivakasi produces a substantial majority of India's total fireworks and safety matches. This concentrated industrial specialisation has earned the town significant national economic importance, especially heading into major festivals like Diwali. It also plays a significant role in India's printing industry. ↑ Q5
6. **C.** The Factories Act of 1881 banned employing children under seven and limited working hours for children aged seven to twelve. ↑ Q6

Quick-check answers

1. **False.** ↑ 1
2. **True.** ↑ 2
3. **False.** ↑ 3

Previous year answers

1. **(c) 1 and 4 only** Trafficking/forced labour and child labour in factories/mines fall under the Right against Exploitation (Arts. 23-24). Untouchability is abolished under the Right to Equality (Art. 17), and minority protection sits under Cultural and Educational Rights (Arts. 29-30) — neither belongs to the Right against Exploitation.
2. **(c) Participation of workers in management of industries** Worker participation in management is a Directive Principle under Article 43A, in Part IV, not a Fundamental Right.
3. **(a) Child labour** Convention 138 sets a minimum working age; Convention 182 targets the worst forms of child labour.

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